

A work session of the Astoria Common Council was held at the above place at the hour of 9:00 am.

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

Councilors Excused: None

Staff Present: City Manager Estes, Police Chief Spalding, Public Works Director Harrington, Engineer Crater, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

### **DOWNTOWN ON-STREET PARKING (PUBLIC WORKS)**

City Manager Estes and Director Harrington gave background information on a citizen who was concerned about the legality of parking near intersections downtown. Staff has discovered that the State does not enforce the law prohibiting parking within 20 feet of a crosswalk. They shared details about State and local laws that applied to this situation, pedestrian safety downtown, and Staff's efforts to coordinate with all available resources to gather information and address safety concerns. The Astoria Downtown Historic District Association (ADHDA) and downtown merchants are interested in this topic. City Manager Estes asked City Council to direct Staff on how to move forward.

City Council discussed the parking issue in downtown and Staff responded to their questions and concerns with the following key comments:

- None of the intersections downtown have had repetitive problems. The few incidents that have occurred over the last six years were an almost even split between signaled and non-signalized intersections. Many of the incidents involved a violation.
- If the City enforced State law, about 10 percent of the parking, 142 parking spaces, in the downtown business district would be impacted. Additionally, traffic violations would continue to occur.
- Staff did not have the exact number, but believed about a handful of pedestrians had been struck by vehicles in downtown in the last five years.
  - Data from ODOT indicates that from 2005 to 2015, the lowest recorded number of pedestrians struck by vehicles in Astoria in a year was two in 2008. The highest number was 12 in 2015.
- City Manager Estes updated Council on plans to initiate the Downtown Parking Plan, with particular focus on this issue. The ADHDA plans to ask for a change to Promote Astoria Funds to help fund a parking study instead of funding the parking officer.
- Councilors and Staff discussed the issue of noncompliance with State law and shared ideas about how to move forward.
  - City Attorney Henningsgaard noted that it would be the driver, not the City, who would be in violation of the law if they parked a car within 20 feet of an intersection, regardless of how the City marks the parking spot. The City is not responsible for the criminal acts of others.
  - The State law applies to State highways as well as City streets, but the violations are just infractions, so there is not a lot of litigation over the issue. The City could attempt to make the Home Rule argument, but City Codes state Astoria will comply with State law and City Attorney Henningsgaard did not believe the argument would be successful.
  - The City's Municipal Code regulates parking in the downtown. Many cities have local ordinances that conflict with State laws that are not being enforced. If Astoria's Code was found to be non-compliant with State law and the City did not take corrective action, Councilor would be in violation of their oath to uphold State law. City Council will have to make a policy decision about how to move forward. The City could either remove all 142 parking spots or consider each intersection individually.
- Councilor Price suggested the scope of the parking study include compliance with state law, pedestrian safety, and parking.

Mayor LaMear opened the work session to public comments.

Dulcye Taylor said she did not want 142 parking spots removed from downtown. She did her own research on the State statute, which she believed was ambiguous for a town like Astoria where the speed limit is 25 miles per hour. The statute does not take into account one-way streets or signaled intersections. There are many intersections she believed were dangerous to pedestrians. Pedestrians have to be very careful at Commercial and 10<sup>th</sup> because drivers are paying more attention to traffic. Section 6.100.6 of the City's Code discusses parking in the central business district and the height of vehicles at intersections being restricted to 20 feet from the intersection. However, the Code also says "unless the intersection is controlled by a traffic signal or the parking stall is located on a departing one-way street." She recommended the City look at each individual intersection that is un-signalized and take one-way streets into account. It is ridiculous to put a 20-foot parking restriction on a street where vehicles are only going one direction.

Unidentified Speaker 1 agreed with Ms. Taylor. It would be detrimental to the downtown businesses to take out parking places. The battle with the store owners and employees is now hopefully on the right road. The only way to remove parking spots at intersections would be to build a four-story parking structure on half of the Safeway parking lot. After much of the paving was done downtown, a lot of the signs that restricted vans and sport utility vehicles did not go up. She does a lot of walking downtown and always sees a pick-up truck parked at the end of a block, which makes it difficult for pedestrians to cross Duane. There are high danger intersections and there are intersections, particularly on the one-way streets, that do not need to have a 20-foot setback.

Unidentified Speaker 2 stated cities are not following the State law. She owns a condominium in Portland and if parking spaces were taken away there, northwest Portland would be a mess. It sounds like this should be a State issue and the State needs to change what the law says so people would be in compliance.

Councilor Price said another reason to include compliance in the parking study is because while many people who work downtown are willing to park outside the business district, they must park in places that are unsafe.

Councilor Brownson noted there has been an overall increase in traffic in Astoria over the last five years, but there have not been any large spikes in the number of pedestrians struck by vehicles. He was reassured to learn the City has minimal liability, but wanted more details on what enforcement action the State might take against the City.

City Attorney Henningsgaard said he could not think of a mechanism by which the State could come against the City, but State Troopers could come to Astoria to issue traffic citations.

Sarah Lu Heath said the City of Portland is not complying with State law and it was more than half the population of Oregon. There is equal protection under the law when one is singled out of a group of violators who are not being prosecuted. It seems like there is no possibility for enforcement.

Councilor Nemlowill believed the aim of the Downtown Parking Plan was to increase the parking supply and improve pedestrian safety, but the Plan would not negate Astoria's non-compliance with State law. The State law does not seem reasonable. She proposed that City Council draft a letter to State lawmakers explaining how Astoria would like the law updated, and that the letter be sent to the League of Oregon Cities to be shared with other cities in Oregon that were likely to support an update to the law.

Councilor Price said the letter was a good idea, but wanted to wait until the study had been completed so Council could share what the City has learned. Councilor Brown believed the State would not be willing to change the law because traffic safety professionals would advise against it. He recommended Astoria leave the issue of non-compliance alone. Mayor LaMear and Councilor Price agreed, but Councilor Nemlowill disagreed.

Director Harrington noted the Department of Administrative Services verified ODOT's opinion on the law. Commercial and Marine are State highways and he recommended the City ask ODOT if they would remove parking spaces during a repaving or other project.

Ms. Heath said she asked her Oregon Main Street colleagues around the state, but received very few responses. She believed most of the people she contacted were horrified and shocked. One response was, "I'm going to pretend you did not tell me this." Tillamook will be in compliance because they currently have a

streetscape project going on with ODOT. However, they have had enormous public outcry over losing their parking. ODOT is funding Tillamook's realignment, so they will come into compliance.

Ms. Taylor said that speaks to Councilor Nemlowill's suggestion to send a letter asking the State to reevaluate the statute with guidelines about on-way streets, speeds, and signals. If Astoria gets to point where they have to be in compliance, it would be nice if the City had already raised its concerns.

Mayor LaMear agreed that a transportation planning group should work on finding answers to all of the questions that have been raised.

City Manager Estes believed City Council's goal was a smaller task, but the scope has grown so Staff would try to find funding. The ADHDA's request for a change in their funding could be a viable use, but the work would come with a price tag. Originally, the project was going to be completed by Staff and the ADHDA. He would meet with the ADHDA later that afternoon to discuss their capacity. He understood that City Council's goal was for Staff to identify potential additional daytime parking in vacant parking lots, address problems at intersections, and consider ways to make parking spaces smaller. Preparation for this discussion has exhausted the research that could be done on the 20-foot law. He understood Council wanted a technical recommendation from a traffic engineer.

Councilor Brownson believed the Council wanted legal, not technical recommendations. Councilor Nemlowill believed Staff had already provided the information that Council needs. Councilor Price agreed that the compliance issue had been addressed. The parking study will allow the City to demonstrate that compliance with State law will have an adverse impact on the city.

Ms. Heath clarified that the ADHDA's goal was use the parking study to better utilize existing parking on private lots and improve pedestrian safety. There is a transportation management group that can suggest what to track in order to collect the data necessary for decision making. She wanted to make sure the parking study was just about increasing parking and ensuring pedestrian safety, and did not include any unwritten goals. She confirmed the ADHDA did not have the capacity to do the analysis and would hire a contractor to take counts and do mapping. The ADHDA still has \$11,000 of the Promote Astoria Funds that were allocated for a parking officer.

City Manager Estes said they did not yet have a cost estimate on the contractor and reiterated that Staff would meet with the ADHDA later that afternoon.

Councilor Jones asked the ADHDA to figure the economic impact of a parking space in Astoria.

Councilor Price stated this issue was focused on downtown, but future developments in other parts of town could result in similar parking issues. She asked the ADHDA to consider how parking in downtown might impact other places.

City Manager Estes confirmed Staff and the ADHDA would move forward with the parking study as directed by City Council.

#### **UPDATE ON HOMELESSNESS SOLUTIONS TASK FORCE (POLICE)**

Chief Spalding provided City Council with an overview of the goals, discussions, and outcomes of the first two Homelessness Solutions Taskforce (HOST) meetings. HOST defines homelessness as individuals and families who are experiencing homelessness and those who do not have access to a fixed, regular and adequate residence, including those who are doubled up or sharing housing, living in motels, camping grounds, shelters, un-sheltered in settings such as cars, parks or abandoned buildings because they do not have access to or lack needed assistance in maintaining fixed, regular and adequate stable housing. The homeless population has doubled in the last three years and homelessness has become one of the biggest issues in the community. HOST's main goals are to identify the extent of the problem, the impact on the community, the scope of the problem compared to other communities, and identify appropriate solutions. Next steps will be to discuss applicable laws, collect demographics on homeless, review any work and/or studies already completed on homelessness, and survey the community. There is also a need for community education.

Mayor LaMear and Councilor Price shared details about two projects that would help this issue. Helping Hands plans to develop a property in Astoria that will house 60 beds, with separate floors for single women, families, and single men. The Astoria Senior Center has a new program that provides seniors with financial assistance for housing and food.

Councilor Price said two of the three issues identified by HOST, rental accessibility and mental illness, are not issues that the City of Astoria can do much about. She believed it was primarily the antisocial homeless population who were impacting businesses and residents because they are not willing to accept help. Public safety is the only tool the City has the most control over. She wanted to know what could be done now while HOST was conducting their study of the situation

City Council, Staff, and members of the audience discussed homelessness as follows:

- Most violations are low level misdemeanors, which creates a revolving door situation. Astoria needs creative solutions because the systems in place are not effective. Law enforcement cannot get more aggressive because Staff has limited capacity and there would be push back from the community.
- Citizens are concerned that the more services that are offered, the more homeless people would come to Astoria. Sean Fitzpatrick noted there was a difference between enabling and assisting. The community needs to recognize that Astoria has extremely limited resources and cannot assist everyone. He agreed that services brought homeless into town after observing warming center. However, there have been few problems in the last two months compared to last year.
- Mayor LaMear believed the City should be involved in providing affordable housing. City services are already under threat because costs are increasing at a higher rate than revenues. However, homelessness is increasing, putting an increased strain on City services. She believed the City's expenses would decrease if homeless people had shelter.
- Councilors Nemlowill and Brownson agreed the City did not have the means to provide affordable housing.
- HOST would address whether more Astorians were becoming homeless or more homeless were coming to Astoria. Services like providing shelter on a cold night is just a band aid, but a 60 bed facility helps people transition out of homelessness provides long term benefits. People could be coming to Astoria because there were driven out of another area. The City should support long term solutions and deal with public safety in the short term.
- As of the last count, there were about 700 homeless in the county and about 100 of those were in Astoria. A new count would be done soon. Chief Spalding agreed services were bringing homeless to Astoria but he did not have research to support that, only his experience. He recommended the City help those who want help, but also provide alternatives for dealing with those who do not want help. He often hears people do not feel safe around homeless, so he is looking for direction from HOST and City Council.
- Councilor Price suggested the Warming Center collect data the way Helping Hands does and share it with other agencies. Her basic online research indicated cities that provided a lot of services had high homeless populations. It would be impossible to provide enough services for everyone, but the City does have tools to address affordable housing.
- Sarah Lu Heath agreed that services were bringing in homeless. She recommended a foot patrol officer to walk from the post office to 14<sup>th</sup> Street and down Marine because people behave better when they know they are being seen. Downtown store employees must now park outside the central business district. Complaints are not about how far they must park, but are related to safety concerns caused by homeless.
  - Councilors and Staff shared details about the City's extremely limited budget and desperate need for more police officers. The Police Department is tracking more data on the impact of homelessness on public safety, but no additional officers can be hired right now. The budget situation is worse than the community realizes.
- Councilors, Staff, and audience members discussed the difference between services that enable and services that assist. They also discussed the City's limited control over issues like panhandling, laws that limit effective enforcement of existing laws, and possible solutions to prohibiting some of the services that enable homelessness.
  - Mayor LaMear gave background information on Helping Hands, which originally served drug addicts. They now help homeless people find jobs, health services, and other resources. The shelter that Helping Hands plans to build in Astoria would be in a commercial zone and would require a conditional use permit. She believed the shelter would be a benefit.
  - Antisocial homeless people are more likely to take advantage of the services that enable their situation and are much less likely to go to Helping Hands for assistance because they are just looking for

handouts. Therefore, it is unlikely that Helping Hands would bring more homeless people to Astoria the way the enabling services do.

- Staff confirmed that Safeway had rights to develop over the water and could trim back the bushes to increase safety for their employees and customers.
- George McCartin did not believe the warming center was bringing homeless people in to Astoria. Better data would help determine where warming center guests were coming from. Councilor Price noted that over the years, as the warming center has added services like showers, clothing, and food, the number of guests has grown. All of the warming center guests who have gone to Helping Hands were kicked out of the program for failure to follow the rules. Therefore, she believed the warming center appealed to the antisocial crowd. Mr. Fitzpatrick added that when the warming center is open during the winter, homeless people are all over downtown, unlike the summer months when the center is closed.
  - Services that help people transition out of homelessness have extremely limited capacity and resources.
- Staff explained that a more aggressive approach to law enforcement could incur overtime for police officers. However, Staff capacity is still limited. New officers will be fully trained by summer, which will help, but the Police Department still would not be at full capacity.
- Homeless people tend to congregate downtown in the winter and on the Riverwalk in the summer. Staff shared details about property ownership along the Riverwalk, noting that the City does not have jurisdiction over private property. With homeless people on the Riverwalk, keeping bushes trimmed is about public safety, not just aesthetics. Current landscaping laws apply to newly planted vegetation and the City's landscaping contractor is only tasked with mowing.
- The utility assistance program is not being utilized, which seems to indicate that Astoria residence are not becoming homeless due to rent increases. Some people may not be aware of the program or they may be too proud to take advantage of it. Education about the program is necessary.

Councilor Nemlowill excused herself from the work session at 11:15 am.

Staff confirmed that City Council would be given access to HOST's private website.

Councilor Price confirmed that Staff would find out if the budget and the Police Department had any capacity for police officer overtime, and ask Safeway to remove the bushes on their property. She was disheartened that the discussion did not result in any solutions.

Chief Spalding said more data would help the City come up with possible solutions. Additionally, there are some successful programs in other jurisdictions that Staff can consider. The task force has a lot of work to do and plans to bring back some recommendations.

Staff would gather information about the legality of non-profits use of public property for social service programs for City Council to consider.


Ms. Taylor suggested more portable toilets be added to downtown to prevent public urination and defecation. A good location would be between 6<sup>th</sup> and People's Park.

Unidentified Speaker recommended signage and a map of public restrooms. This would benefit cruise ship tourists as well. Staff confirmed the ADHDA's grant funds for the wayfinding project had not come through.

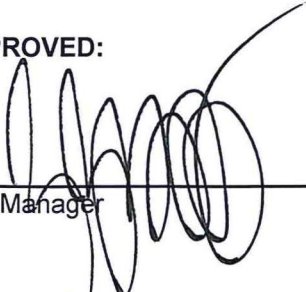
#### ADJOURNMENT

There being no further business, the meeting was adjourned at 11:22 am.

**ATTEST:**

  
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Finance Director

**APPROVED:**

  
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City Manager