

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

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

Councilors Excused: None

Staff Present: City Manager Estes, Interim Parks and Recreation Director Dart-McLean, Finance Director Brooks, Police Chief Spalding, Public Works Director Harrington, Library Director Pearson, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

PROCLAMATIONS

Item 3(a): National Assisted Living Week

Mayor LaMear read the proclamation declaring September 10 – 15, 2018 as National Assisted Living Week. She presented the proclamation to a representative of Astor House.

Item 3(b): Kiwanis Children's Cancer Cure Month

Mayor LaMear read the proclamation declaring September 2018 as Kiwanis Children's Cancer Cure Month.

Frank Spence explained that Kiwanis fundraises for the Doernbecher Children's Cancer Program through an annual raffle to win a Ford Mustang. Last year, they raised \$200,000 that they donated to Doernbecher's program. Since the program began in 2010, Kiwanis has contributed \$4 million. He briefly described the program and explained how the money was used to research cancer cures for children.

REPORTS OF COUNCILORS

Item 4(a): Councilor Nemlowill had no reports.

Item 4(b): Councilor Brownson reported that his mother was at Astor House and was having a great time. He thanked Kiwanis for their work to support cancer research. Cancer deaths were down due to research that has led to better treatments and earlier detection. He asked for an update on the Merwyn Hotel. City Manager Estes said the developer's representative Julie Garver told him their application to the State for funding assistance had been denied. The developers would reapply for the next round of funding by the January 2019 deadline. The State had indicated the original application scored low because there was no need for the type of housing they had proposed. Therefore, Staff would work with Ms. Garver and government officials on the next application. He had already spoken to Astoria's representative at the Governor's Office about this issue and Astoria's concerns about housing needs. He did not know the State's methods for comparing the housing needs of Astoria to other communities, but Ms. Garver was getting more details from the housing office. The housing study being done by the County could be beneficial and timely with respect to the application deadline.

Councilor Brownson said it was disheartening that the State denied the application. He hoped the City could put enough pressure on and clarify the needs to the State. He asked for an update on the State's efforts to help communities collect and distribute transient lodging taxes, specifically with respect to companies like Airbnb. Director Brooks explained that during the last legislative session the State enacted some changes which require third party vendors to collect, report, and distribute funds to municipalities on behalf of their hosts. Staff was making changes to deal with those requirements. Staff does not know what the reports and distributions would look like. One issue with the third-party vendors has been that they would send one check with no details. At a meeting in August, there were discussions about vendors providing at least a summary of information and what the State would be doing over the next year. The State intends to implement a program that will allow municipalities to enter into an agreement with the State, similar to the agreement for the collection of local marijuana taxes. Through the agreement, all of the individual hosts and third-party vendors would report directly

to the State and send their tax collections to the State. Then, the State would forward those reports and funds to the City. The Finance Department was working with the Planning Department to look at the City's ordinances to prepare for 2019 and beyond.

City Manager Estes added that the transient and homestay lodging permitting process would be discussed at City Council's October work session.

Councilor Brownson noted that more details were included in the department status updates in the agenda packet.

Item 4(c): Councilor Price had no reports.

Item 4(d): Councilor Jones reported that the Astoria School District would be expanding their free breakfast program to all students. Studies have shown that when students are set aside as lower income, many of those students will not take the free meal. However, when the meal is offered to all students, the lower income students will take advantage of it. He also reported that the Clatsop County Master Gardeners harvested their garden in Alderbrook Park over the weekend. They gave 262 pounds of fresh produce to the food bank through Clatsop Community Action. This was possible because the City signed a memorandum of agreement (MOA) with the Master Gardeners for the care and maintenance of the park.

Item 4(e): Mayor LaMear thanked the department heads for the quarterly reports included in the Consent Calendar. It is always interesting to see what is going on in the city, and there is a lot going on. She asked where the marijuana tax revenue went. Director Brooks replied that the marijuana tax revenues are deposited into the General Fund.

CHANGES TO AGENDA

City Manager Estes requested the addition of Regular Agenda Item 7(c): Camping on City Property. The agenda was approved with changes.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 6(a) City Council Minutes of 7/30/18
- 6(b) City Council Minutes of 8/6/18
- 6(c) Boards and Commission Minutes
 - (1) Design Review Committee Meeting of 7/10/18
 - (2) Historic Landmarks Commission Meeting of 7/10/18
 - (3) Historic Landmarks Commission Meeting 7/17/18
 - (4) Traffic Safety Advisory Committee Meeting of 7/27/18
 - (5) Planning Commission Meeting of 7/24/18
 - (6) Planning Commission Meeting of 8/7/18
- 6(d) Public Works Department Status Update
- 6(e) Parks and Recreation Department Status Update
- 6(f) Finance and Administrative Services Department Status Update
- 6(g) Library Department Status Update
- 6(h) Community Development Department Status Update

City Council Action: Motion made by Councilor Nemlowill, 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 7(a): Appeal 18-02 Consideration of Findings

There have been ongoing discussions between the applicant and appellants. Further communications from the parties is expected before the Council meeting.

City Manager Estes stated Council had at the dais a letter from Renee France, the attorney representing Don Vallaster, owner of the proposed Astoria Co-op site. He read the letter into the record, as well as a follow up email sent by Ms. France. The Appellant has requested that Council reopen the public hearing to review, take public comments, and deliberate on a revised site layout and building elevation. He had confirmed with the City Attorney that reopening the hearing was permitted. If the Council chooses to reopen the hearing, Staff requested the hearing be scheduled for Monday, September 24, 2018 at 6:00 pm.

Councilor Nemlowill recused herself from the deliberations and declared a conflict of interest as she served as marketing director for the Astoria Co-op.

Councilor Brownson stated he would support reopening the hearing if the two parties have had fruitful discussions that would ease tensions. Councilor Jones agreed.

City Council Action: Motion made by Councilor Jones, seconded by Councilor Brownson, to reopen the public record on Appeal 18-02 on September 24, 2018 at 6:00 pm for the limited purposes of considering an alternative site layout and revised northern elevation and accepting public testimony related to the site layout and northern elevation. Motion carried 4 to 0 to 1. Ayes: Councilors Price, Jones, Brownson, and Mayor LaMear; Nays: None. Abstentions: Councilor Nemlowill.

City Manager Estes noted that reopening the record did not require public notice, but Staff had time to get the word out about it.

Item 7(b): Authorization to Purchase Back Hoe

The Public Works Department has solicited a quote for a new 2018 Case 580 SN Backhoe to replace a 1989 Case 580 K Backhoe that has ended its productive service life. The new backhoe will be purchased through a Cooperative Procurement Contract. The contract price for the backhoe is \$118,669.29. The trade-in price for the 1989 Case 580 K Backhoe is \$13,500 making the total cost for the new 2018 Case 580 SN Backhoe will be \$105,169.29.

The Public Works Department has operated Case backhoes for over 30 years and the quality, reliability, and usability meets the department's needs in maintaining the City's infrastructure.

It is recommended Council approve the purchase of a 2018 Case 580 SN backhoe from Sonsray Machinery LLC for \$105,169.29. There are funds (\$120,000) identified in the 2018-2019 Public Works Improvement Fund for this purchase.

City Council Action: Motion made by Councilor Price, seconded by Councilor Nemlowill, to approve the purchase of a 2018 Case 580 SN backhoe from Sonsray Machinery LLC for \$105,169.29. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

Item 7(c): Camping on City Property

This item was added to the agenda during Item 5: Changes to the Agenda.

City Manager Estes explained that Staff had received complaints from citizens in east Astoria about camps in the forested hillside to the east of Franklin and near Columbia Memorial Hospital (CMH). Staff wanted direction from Council about how to respond to the citizen's complaints. The City will need to work with the people who live in the camps, which are on City-owned property. The City's Code prohibits camping in parks, along the waterfront, in street rights-of-ways, and on City-owned parking lots, but not on City-owned land.

Chief Spalding explained that calls about transient camps in the city had tripled in the last year. He displayed a map showing the exact location of each camp and said officers were surprised to discover how many camps there were in the city. Upon visiting these camps, officers found sophisticated tents with carpeting, cooking apparatus, and homemade portable toilets. Most camps had massive amounts of trash throughout the area. Officers did not go into the camps, but did observe them from the outside and contacted some of the individuals who lived in the camps. Occupants were given a notice to evacuate the areas within 24 hours, which the Police Department believed at the time was in accordance with the City's camping ordinance. On Friday, he personally

visited the camps with two other officers to take photos, which were included in a packet of information provided to the Councilors at the dais. He was surprised at how sophisticated some of the camps were. They had decorations, clothes lines, Porta-Potties, lots of trash, and crates fabricated into portable homes. Some of the camps had been in place for quite some time. Staff would like direction on the most humane path forward. He noted that the 24-hour notice referenced Section 5.900 of the City's Code, which covered camping on just about everything expect for the forested areas. When Staff discovered that particular ordinance was not applicable, they chose not to move forward with enforcing the notice. The other law referenced on the notice was an Oregon Revised Statute specific to the manner in which law enforcement was authorized to remove an encampment. The law requires a humane approach, which means involving members of the community and social service agencies to find an easy transition for those currently living in the camps. Law enforcement would only be removing encampment from City-owned properties to prevent fire hazards, public health, and safety issues. The City could add the phrase "areas that are open to the public" to their existing ordinance. This recommendation is in response to complaints from citizens. The Police Department did not proactively go looking for camps in the woods. Staff would like the Mayor's taskforce on homelessness to be involved.

Councilor Price asked if Staff had any information about who the people were, how many there were, or had some idea of what the issues were. Chief Spalding stated he only met two individuals when he visited the camps. One person was working in Astoria and their significant other was looking for work. Detective Hanson, the City's homeless liaison, knows almost all of the people who live in the camps. He had visited the camps on Friday between 10:00 am and 12:00 pm and only encountered two people because the rest of the people were out and about during that time.

Councilor Price asked if Detective Hanson had any suggestions as to where these people might go if their camping materials are removed. Chief Spalding said no and explained that was why Staff had recommended the homelessness taskforce be involved. Staff realized people would simply be displaced from one location to another.

Councilor Jones asked if Chief Spalding got a sense of what their travel corridors were. Chief Spalding replied he did not have that information.

Councilor Jones stated just before the meeting, he had seen a news headline of court ruling by the 9th U.S. Circuit Court of Appeals. A community in Idaho had attempted to enforce a law against camping on public sidewalks. The court held that if the homeless individuals have no other recourse, the State could not criminalize conduct that was an unavoidable consequence of being homeless. He agreed that the key issues were safety and hygiene. Chief Spalding added that Staff had received a fair amount of complaints from the residents in the area of Franklin Avenue and 40th Street who see people traveling to and from the camps on foot or on bicycle.

Councilor Jones said people walk their dogs and kids play near the area on the hill behind the hospital and in the 40th and Franklin area.

Councilor Nemlowill said she would support an amendment to the ordinance, which was meant to prohibit camping citywide.

Councilor Brownson asked why the complaints had tripled in the last year. He also wanted to know the nature of the complaints. Chief Spalding explained that Staff only started tracking calls, activity, and arrests related to homeless individuals on January 1st. Those incidents are underreported because officers sometimes forget to flag them since the tracking is still new. He was not sure why calls have increased, but the people who make the calls have indicated they believe the number of homeless people in Astoria has increased over the last two or three years. Most of the complaints are about harassment along the Riverwalk, alcohol consumption, theft, and mental illness. Some people are calling out of concern for the homeless individuals and some people do not feel comfortable having the camps near their backyard.

Mayor LaMear asked Chief Spalding to talk about how Corvallis is handling a similar problem. Chief Spalding said Corvallis was having a problem with people camping in their city parks and their ordinance prohibited camping in parks. They are giving people ample notice and then removing them from parks, coordinating with social service agencies, and trying to involve the individuals in cleaning up the parks as they are being relocated. Staff has reached out to Corvallis to get more details on the pros and cons of their program. He believed they had 40 encampments.

City Manager Estes noted that if City Council directed Staff to propose a Code amendment, there would be a public hearing on this item.

Councilor Price stated she was in favor of amending the Code, but also believed the City should have discussions with the County about identifying a camping spot. The City will not run all homeless people out of Astoria, and wherever they are removed from, they will go to another place. This is happening all over the country. Astoria does not have the land for a camp, so a camp should be located near Astoria, close to a bus line, and where a village can be set up with tents or tiny homes. She also suggested the photos be sent to the Governor along with comments about the need for housing in Astoria.

Councilor Brownson said a Code amendment and a public hearing would be good. He believed it was a good idea to send the photos to the Governor's office because Astoria needs workforce housing for people who are homeless and working.

Councilor Jones stated that he would agree with amending the Code. He would be interested to know if omitting City-owned property was a conscious effort at the time the existing code was adopted. Otherwise, it should just be considered an omission that needed to be corrected. He believed the encampment issues should be the highest priority of the homelessness taskforce. Unsafe campsites need to be cleaned up quickly.

City Council Action: Motion made by Councilor Nemlowill, seconded by Councilor Brownson, to direct Staff to propose a code amendment related to homeless camping in the City. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

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

City Manager Estes announced that Interim Fire Chief Richard Curtis would begin working for the City on September 5th. Staff would continue to look for a permanent full-time fire chief.

Monica Pearson, 155 Lexington Place, Astoria, said she understood the Council was nonpartisan and could not change what was on the ballot for the fall, but she believed Measure 105 was egregious. Measure 105 would rescind Oregon's 30-year old sanctuary law and divert resources from the local community to do the job of federal law enforcement, which would strain budgets that are already tight. It would also further isolate immigrant communities and compromise safety to all. In March 2017, this Council approved a resolution for inclusivity. She believed that resolution relied on the Oregon law in its current status. She was concerned that the resolution would be void and that the door to racial profiling would be opened. If Measure 105 passed, every person of color could be stopped and questioned on their immigration status simply for the way they look. She had friends and neighbors who were people of color and none of them should be weary of participating in the community. The north coast takes pride in its immigrant heritage and the community is a reflection of the many waves of immigrants that have arrived here over the years. She urged everyone to take a stand and pledge to vote no on Measure 105, adding hate should not be tolerated.

Carol Newman, 44331 Peterson Lane, Astoria, said she agreed with everything Ms. Pearson just said. She sees people of various colors in the room, including herself. There are also people with names that end in -ski and -itch, which indicate this is an immigrant community, as is the country. She is proud to have lived in Astoria for 44 years because the community has become more diverse. Many of the immigrants in Astoria stand up for everyone, including children. She wanted to see the community take a stance against this revolting Measure 105.

Michael Miller, 1990 SE Front Street, Astoria, said his friend Michael Cook sleeps on Commercial. He is not a drug addict or an alcoholic. He came from Alaska with debilitating pain issues that keep him in a wheelchair because Oregon has healthcare he cannot get in Alaska. He owns a house that his parents live in and he has too much money to qualify for the help he wants without kicking his parents out of the house. He spent the last few days in the hospital, which referred him to the cancer center. It is important to protect the minorities in the community. The park behind City Hall is a reminder of the last time the City failed to honor a minority and it is a symbol of the community's shame. He had argued with Councilor Price online about Tom Bergin and his tort for Measure 105 and says Mr. Bergin is a good guy. The idea that bad things are done by bad people is a mistake. Bad things are done all the time by good people with good intentions. He believed Mr. Bergin had good intentions, but the country following President Trump's hate speech and the demagoguery of the people who are

innocent of charges creates fear. People in this community are now afraid and this is harmful. Whether or not Mr. Bergin knows it, he signed on to the hate speech and that agenda. He urged City Council to say no to that.

Julie Snyder, 43851 South Hill Lane, Astoria, said she read an article in the *Daily Astorian* about Mr. Bergin's support for Measure 105, where he was quoted as saying that if an illegal immigrant came with a criminal grievance, his force would not judge them by their immigration status. If she was an illegal immigrant woman being battered by her boyfriend, she would hesitate to come forward with the current statutory situation because there would be a chance that her immigration status would be a problem. She would have to weigh what was more important, continuing on with the battering or being deported. If the State loses the sanctuary law, the odds against not being deported would be inflated.

Councilor Price stated she had quite a number of conversations with the District Attorney about this because Sheriff Bergin has been a good friend to District Attorney Marquis and her. She believed the Sheriff was a genuinely good guy, but was really wrong about this. She had no idea what his motives were because she had not spoken to him about it. The newspaper article that Ms. Snyder mentioned also stated, "The Clatsop County District Attorney's Office used to allow undocumented immigrants to sign forms called U Visas that temporarily set aside their immigration status during an ongoing case. Since Trump took office, prosecutors have not been issuing the forms out of concern that the federal government won't honor the agreements. District Attorney Josh Marquis said, 'Some who are victims may be worried to come forward. We want victims to come forward and feel like they're reasonably protected.'"

Councilor Brownson said he personally believed issues like Measure 105 should not be part of the conversation. When the Council adopted the resolution reaffirming Astoria's policy of inclusivity, the Council was sincere about protecting all people including immigrants. He also believed the resolution hinged on the sanctuary law. If Measure 105 passes, and he did not think it would, he would revisit this issue with Council.

Mayor LaMear asked if the Council was interested in taking a position. She would support the Council in opposing Measure 105.

Councilor Brownson believed that Council had already stated they opposed the measure by adopting the resolution of inclusivity. If Measure 105 passed, then the Council could discuss strengthening their resolution.

Mayor LaMear believed that once the measure had passed, City Council could not do anything about it.

Councilor Jones agreed that the inclusivity resolution was pretty clear. He was personally opposed to Measure 105, but on principle he had a lot of concerns about the Council making resolutions regarding State measures because that could lead to the City passing a lot of resolutions about how the Council feels about a lot of different measures. Then, the Council might start passing resolutions about federal laws.

Mayor LaMear stated she agreed that it would be a slippery slope to pass a resolution opposing a specific measure, and it was pretty clear that the Council was opposed to it.

Unidentified Speaker asked Council to reaffirm the resolution without indicating that it was in response to Measure 105. She did not believe the measure would pass, but things have happened in this country that people did not think would ever happen.

Councilor Brownson noted the resolution was just adopted in March 2017.

Councilor Jones added that the resolution remains in effect, so by definition, the Council still supports it. Council has not made a motion to revoke the resolution.

Councilor Brownson noted this Council passed the resolution unanimously.


Councilor Price stated the Chief had spoken on the record to the newspaper that he was following the policy.

Mayor LaMear said the Council appreciated those who spoke. The Councilors' votes would show their support for everyone's efforts; however, it did not seem appropriate to pass a resolution as a Council.

ADJOURNMENT

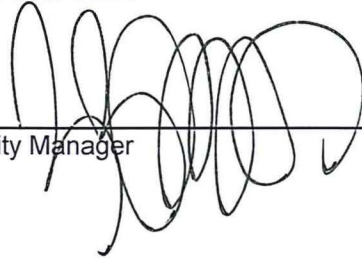
There being no further business, the meeting was adjourned at 8:08 pm to convene the Astoria Development Commission meeting.

ATTEST:



Finance Director

APPROVED:



City Manager

