

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

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

Councilors Excused: Nemlowill

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

PROCLAMATIONS

Item 3(a): Domestic Violence Awareness Month

Mayor LaMear read the proclamation declaring October 2018 as Domestic Violence Awareness Month.

Pastor Bill accepted the proclamation and announced that The Harbor was closing Déjà Vu because the costs exceeded revenue.

REPORTS OF COUNCILORS

Item 4(a): Councilor Jones reported he attended the League of Oregon Cities (LOC) conference. The sessions on housing, homelessness, and property taxes were very valuable.

Item 4(b): Councilor Price reported that it was difficult for motivated elected officials to get things done these days. She hoped City Council could get as much done as possible over the next few months because they were very close to completing their work on some very important issues.

Item 4(c): Councilor Brownson reported he also attended the LOC conference and it was a lot to take in. The conferences have always been informative, and it is always good to touch base with other city officials. Many cities have issues in common and Astoria is not alone in the things it deals with. He had focused on urban renewal because Astoria has an urban renewal project coming up on the west end of town. He also attended economic development and homelessness seminars. He thanked the Lower Columbia Diversity Coalition for hosting the first candidates' forum on Sunday. The next candidates' forum, sponsored by the American Association of University Women (AAUW), would be Wednesday night at the high school.

Item 4(d): Mayor LaMear reported the LOC conference was very useful. She and Councilor Jones attended the full day seminar on housing because they understood how critical the issue was to homelessness. They plan to compile their notes from the seminar and speak with City Manager Estes about what Astoria can do. She went on the Grand Princess cruise ship for a plaque exchange. It was fun to meet the captain and crew.

CHANGES TO AGENDA

There were none.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 6(a) City Council Minutes of 9/4/18
- 6(b) Planning Commission Meeting of 8/28/18

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

REGULAR AGENDA ITEMS

Item 7(a): Consideration of Findings: Appeal 18-02 by Barbara Bower, Cheryl Storey, and John Ryan on Design Review Request 17-03 at 2350 Marine Drive

On May 3, 2018 the Design Review Committee (DRC) opened a public hearing and reviewed a request to construct a commercial facility for the Astoria Co-Op Grocery at 2350 Marine Drive. The application was approved on June 7, 2018. The location is within both the Civic Greenway and Gateway overlay zones, requiring review by DRC.

An appeal of the Design Review Committee's decision was subsequently filed. A public hearing on the DRC Appeal was advertised and held at the July 30, 2018, City Council meeting. Oregon's "120-Day Rule" require that this land use decisions be completed by August 31, 2018. The appeal was tentatively denied at the July 30, 2018 meeting (upholding the DRC's decision). The City Council was scheduled to review and consider updated findings of fact at subsequent meetings through continuances of deliberation. The applicant has since submitted waivers to extend the 120 Day Rule to October 15, 2018.

Since the Council meeting on July 30th, the applicant and appellants have engaged in discussions to review an alternative vehicular access point to the site. Both the applicant and appellants requested the City Council reopen the public record to accept additional public testimony related to the site layout and northern building elevation. At the September 4, 2018 City Council meeting, the Council determined to re-open the hearing at a Special Meeting that was held September 24, 2018. Testimony was limited to the revised site design elements and the revised northern building elevation. The alternative layout and revised design was tentatively approved by the Council and a motion was made to tentatively deny the appeal to adopt findings of fact at the Council meeting scheduled October 1, 2018. The updated findings address the applicable criteria raised in the appeal and the changes to the proposal design.

The attached Findings of Fact are supplemental to the Findings adopted by the DRC on June 7, 2018 and address the applicable criteria raised in the appeal, and changes in design submitted by the applicant at the public hearing on September 24, 2018.

It is recommended that the City Council review the revised findings of fact, and if in concurrence, deny the appeal and approve the revised design.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Price, to adopt the Findings and Conclusions contained in the revised Staff report and deny Appeal 18-02 by Barbara Bower, Cheryl Storey, and John Ryan, Motion carried unanimously. Ayes: Councilors Price, Jones, Brownson, and Mayor LaMear; Nays: None.

Mayor LaMear read the rules of appeal into the record.

Item 7(b): Second Reading and Adoption: Ordinance Modifying City Codes 5.900 – 5.925 Relating to Camping in Public Places

The first reading of this ordinance was held at the September 17, 2018 City Council Meeting. The City of Astoria is experiencing a dramatic increase in subjects using public locations to erect camping sites. Current city code does not address individuals building camp sites in forested areas within the city limits. These campsites present certain public safety concerns which include fire hazards from cooking and campfires; unsanitary conditions including improper disposal of needles; human feces and significant garbage accumulation.

Additional language to mirror Oregon Revised Statues to provide for the humane treatment in removing illegal campsites is proposed in Astoria City Code § 5920.

It is recommended that Council conduct a second reading and adopt the ordinance amending City Code 5.900 – 5.925.

Chief Spalding said if the ordinance is amended as proposed, the intent and processes would remain the same. Staff would take this discussion to the Homelessness Solutions Task Force on Monday to assemble a group of people from various sectors of the community to assist the Police Department in providing assistance to individuals who may be displaced as a result of removing encampments in the urban forested areas. This humane approach complies with State laws and Police Department policies. Next steps would be to post 24-hour notices, which are bilingual. The notices include contact information for Clatsop Community Action so that people can seek assistance if the notices have to be posted while no one is at the camps. The law requires the City to give people a minimum of 24 hours, but the Police would not be watching the clock to return at exactly 24 hours and begin removing people. They would return with members of the homelessness task force to help people transition out of the encampments. They would allow individuals the opportunity to remove their personal property and clean up the area. He hoped people would move out on their own rather than using City resources. However, if people are not willing to move on their own, the Police would use resources provided by the taskforce. The City would remove any trash left behind and any abandoned personal property would be kept for 30 days so that individuals could come back to claim it. Some of the encampments are beyond the capabilities of the Public Works Department, so the City will have to consider using a third party to remove rubbish. The City has requested a waiver from the 30-day notice period because of public health and safety concerns like needles, condoms, and human feces. The Fire Department also has concerns about camp and cooking fires in the forested areas. There is a fair amount of crime between homeless individuals and it is difficult for Police to respond to call to the encampments because they are difficult to find, they are unimproved, and there are minimal communications in these areas. As the weather gets worse, it will become more difficult to remove the encampments.

Mayor LaMear reopened the public hearing at 7:18 pm and explained that she wanted a continuance to give the public and the homelessness taskforce more time to respond.

City Council Action: Motion made by Councilor Jones, seconded by Councilor Price, to continue the hearing on the ordinance amending City Codes 5.900 – 5.925 to October 15, 2018. Motion carried unanimously. Ayes: Councilors Price, Jones, Brownson, and Mayor LaMear; Nays: None.

Mayor LaMear called for public comments on the ordinance amendments.

Nell Moffitt 357 Commercial, Astoria, read the following letter into the record:

"My husband Rick and I were surprised and disappointed by the article in the September 5th edition of the *Daily Astorian* by Katie Frankowitz. The article was about the meeting of the City Council to adopt an emergency ordinance to ban camping in the wooded areas outside of the central city area especially targeting homeless people. We have been attending the meetings of the City's taskforce on homelessness and do not recall hearing any discussion or recommendation supporting this action. While we acknowledge that many well intended people are trying to solve this problem, what we have come to realize is that the problem of homelessness can be seen from two entirely different perspectives. The homelessness problem is actually two high level problems seen from two different perspectives. Number one, the problem of being homeless and trying to survive. This includes the lack of affordable housing, limited access to social services, receiving tickets when trying to find shelter in the downtown area, locked public bathrooms, finding shelter to survive rain and cold weather, and more. Number two, the problem that others have about the presence of homeless people in Astoria. This includes the health and sanitation issues related to sleeping in doorways, on sidewalks, camping, unsightly people, a bad image for tourists, garbage, panhandling, and more.

Members of the homelessness solutions task force were appointed by the Mayor and the Police Chief was appointed to chair the meetings. We have attended several of the Mayor's homelessness solutions task force meetings starting in 2017. Finding ways to meet the needs of homeless people is a long-term problem with no easy solutions. There appear to be no homeless people serving on the task force. Occasionally, we have seen one or two homeless or formerly homeless people present at the meeting. This is the region's second taskforce on homelessness as far as we're aware.

A report from the prior taskforce titled Clatsop County 10-year Plan to End Homelessness 2012 to 2022 by the Clatsop Homeless Coalition cited statistics estimating 653 homeless individuals county-wide. The same data source documents an increase of the homeless population to 682 in 2017, which is a four percent increase.

From our perspective, the 2012 10-year plan made solid recommendations. The coalition identified action

items within the areas of discharge planning, systems of care, housing opportunities, keys to housing, performance measures, emergency response, and recommendations for State attention, employment, income, and coordinated entry. In the areas of keys to housing, an action item was to educate landlords and property management companies about housing homeless, special needs, and vulnerable people including peer dialogues among landlords who have housed riskier tenants with other landlords who may be interested. In the area of emergency response, an action item was to define warming stations as an emergency response that uses existing resources such as churches or schools and does not direct housing resources to temporary solutions. Existing buildings will not need to be financed and constructed. Sixty concrete action items were recommended. From our understanding, none of these were tackled except on a piecemeal fashion.

While the coalition discussed the need for code changes, Astoria's Development Code still does not include a warming center in any of the City's zones. The existing Astoria Warming Center, a non-profit, is required to apply yearly for a conditional use permit instead of focusing solely on their stated mission, which is to prevent unsheltered people from dying of exposure in Astoria. This only existing warming center in Astoria has the capacity to house up to 30 individuals per night or 35 in an emergency for a maximum of 90 nights per year. While the Planning Commission was making some progress on amending the Code, the effort is now on hold due to a redirection from City Council to higher priorities.

What has happened to the coalition's 10-year plan? Apparently, the group decided not to use it as a jumping off point when the Mayor's 2017 homelessness solutions taskforce first convened. Instead, they started from scratch. The general consensus of this group seems to be that the problem of homelessness is extremely complex and difficult to solve and will take time. Given the practice of writing tickets for sleeping in public and now making changes to the City ordinance prohibiting camping in the woods, there appears to be little political will to address the problem of being homeless and more concern about the existence of homeless people in Astoria. Perhaps another taskforce could come up with more solutions. While solving the problem of being homeless seems insurmountable in the short term, if we shift the perspective we can see some action. For this side of the overall problem, the City can call it an emergency and act quickly.

In a memorandum from Police Chief Spalding to the City Council dated September 11th, Chief Spalding recommended that the Council consider a first reading of an amendment to City Code 5.900 to 5.925 relating to camping in public places and that the ordinance take place immediately following the second reading. The first meeting of the proposed change to City Council occurred on September 17th at a City Council meeting. Here is the sequence of events as we know them. At some point, city leaders, Police Chief, and City Manager became aware of camps of homeless people in the wooded areas of the outskirts of Astoria. For the Tuesday, September 4th City Council meeting, we reviewed the agenda and could not find any mention of an item to discuss camping homeless. But, according to the *Daily Astorian*, the City Manager and Police informed the Council about the problem at this meeting. Then, the next day, Wednesday, September 5th, the *Daily Astorian* reported on this meeting and Katie Frankowitz wrote, 'They want to dismantle the camps and clean up trash before fall rains and winter storms hit but worry about displacing people who are already struggling.' The City Council wants the homelessness solutions taskforce to link people with services and housing. However, this group does not meet again until October 8th, which happens to be after the date of the second reading of the proposed change to the City ordinance on camping. Are these two actions even consistent?

The police tagged the sites they found with 24-hour notices. If the police already have a tool, clean up notices, why the rush to outlaw camping? What about providing trash cans and collection? The City already provides public trash cans in public areas and could extend the service where needed. The City Manager informed City Council of the situation at the meeting Tuesday night, although it is not listed as an agenda item. City Councilor Cindy Price asked that the City talk to County officials about possibly establishing a camping spot or tiny home type village near a bus line. Will kicking the problem to the County solve the problem and can they solve it by fall? Price brought up a point that has also troubled police. If you move people where do they go? Without an established site for people to stay, Price said the City will just move people around on the endless chess board. One homeless individual has said that he would just move deeper into the woods because he has no other place to go. Nobody wants to move these individuals out of this area, Spalding said of the Astoria camps. Police want to do the right thing and take a humane approach by moving slowly, involving social services, and looking for ways to transition people to different housing arrangements. While we appreciate the sentiment, the statement is not consistent with the goal to remove the camps by fall, nor with the apparent urgency for passing an emergency ordinance. Both of these actions are taking the approach of getting rid of the homeless people rather than finding solutions to the condition of their homelessness. Given the consensus at the host

meetings that the affordable housing shortage will take a long time to solve, apparently there is now justification for more drastic police action to remove the homeless and somehow this will be slow, humane, and inspire social services and landlords to cooperate.

We believe this is the wrong tool to use in spite of good intentions. "We're not talking about arresting anybody. We're not talking about issuing citations, Spalding added. We're simply talking about removing the encampments from the City property for a variety of reasons. Some of them include fire hazards, public health, and safety issues in terms of needles and trash and human feces." How will the police remove the encampments if they are not issuing citations? Why do we need this ordinance when we know the police have acknowledged that the homeless have no other place to go? What do they expect will happen? What makes this a matter for the police? Making new ordinances does not provide any solution. What about the need for the homeless to have shelter for the coming winter as a matter of survival? We want to be sensitive to this and not just displace human beings, Spalding said. How does one sensitively remove a homeless camp when you know there are no adequate places for these people to go?

In August, law enforcement in Clatsop County went only two days without receiving a call or initiating a call about a homeless camp or someone camping in a car. Most days there were several calls. Hired security and neighbors of Columbia Memorial Hospital frequently report possible camps or suspicious comings and goings near hospital buildings. So, this issue is not new and the police have been aware of these camps for some time. Why is there an emergency now? Kenny Hanson, the Astoria Police Department's homeless liaison, estimates that he knows nine out of every ten people camping in the woods. When he went out to survey the camps with Spalding on Friday, he called out the names of the people who lived there as he approached their tents. 'Hello, it's Kenny,' he called each time. Kenny has established personal relationships with most of the homeless people. Has there been any effort to include them in addressing the problems with the camps?

The offenses they are guilty of are low level and the police are not interested in making arrests, but if camping continues, the messes left behind could go beyond the City's resources to clean up. This argument does not make any sense. Messes are left behind only when the homeless are forced to move. Why would the homeless leave the place clean when they are being kicked out? If the City is responsible for cleaning up the mess left behind, why did the City fail to provide dumpsters or cans close to site where the camps are inhabited? The Park service regularly solves this problem in isolated areas. If trash and sanitary conditions are the issue, let us address those issues instead of removing the homeless.

At the Tuesday, September 17th City Council meeting an agenda item was the first reading of the proposed camping change to City Codes. The minutes of the September 4th City Council meeting were not approved at this meeting. So, we did not have any public copy available. Therefore, the only information we have is from the *Daily Astorian*. As used in this ordinance, camping does not include sleeping outdoors by homeless individuals with no access to alternative shelter so long as any tent, shelter, and all other personal items such as sleeping bags, tarps, and mats are removed from the site without 24 hours of proper notice. So, the problem is solved if the homeless shuffle every 24 hours. Violation of this ordinance is a Class A infraction as defined by ORS 153.310. The only information we could find about ORS 153.310 is that it was repealed in 1999. The City Council finds that the unauthorized camping within the city presents issues related to the health and safety of its citizens and therefore adopts this ordinance to meet an emergency, pursuant to Section 8.3 of the Astoria City Charter. This ordinance shall become effective as soon as it is adopted. Why is this an emergency all of a sudden? What problem does this ordinance solve?

On Wednesday, September 18th, the *Daily Astorian* said, 'We're not just saying get out of here, City Councilor Tom Brownson said, we're trying to do it in a reasonable and humane way.' So, in effect, we are saying get out of here nicely. Police Chief Geoff Spalding agreed. The hope is to deal with camping issues but have a minimal impact on people camping. However, there are concerns with some of the camps where trash is piled up or where other health and human safety issues might exist. How is depriving people of shelter, security, and perhaps survival a minimal impact? This does not solve the problem. It just removes it.

If the problem is trash, then we need to address the trash problem. This involves a different City department, not the Police. Spalding is working with City Attorney Blair Henningsgaard to figure out exactly where the ruling touches on Astoria's ordinances. The court's ruling was nuanced, Spalding said. Much of it was specific to Boise and may not apply to Astoria. Illegal camping was considered a misdemeanor in Boise. In Astoria, it is only an infraction and not considered a criminal act. Actually, in a Los Angeles case in 2006, Jones versus the

City of Los Angeles, the 9th Circuit Court of Appeals judge wrote, 'The Eighth Amendment prohibits the city from punishing involuntary sitting, lying, or sleeping on public sidewalks that is an unavoidable consequence of being human and homeless without shelter in the City of Los Angeles.' Cities have been trying to wiggle away from this, no sleeping in recreational vehicles (RVs) in Gearhart for example. But to say it is only an infraction with presumably a fine and not a citation is irrelevant when the judge in the L.A. case clearly said the Eighth Amendment prohibits the city from punishing. An infraction and potential fine is punishment. In this case, the city reached a settlement among the parties and the opinion was vacated, but that does not change the judge's statement about his application of the Eighth Amendment.

In conclusion, I think we all recognize that this issue is complex with no simple solution. Many cities have struggled with this problem for years, including the kicking the can down the road. The current task force has many of the key people of Astoria who each have a piece of the solution and who are collectively able to look at the issue from both perspectives. While the process is slow it is a more collaborative one which will include multiple agencies, strategies, and services to meet the needs of the homeless as well as the city. The only emergency here is how the homeless will be situated to face the approaching winter. What we do not want is to declare a political emergency and rush through changes to City Code that do not really address the problem of being homeless but seems more to address the problem with homelessness. Our desire is for Astoria to support all the people involved while finding longer term solutions. Instead of telling people where they cannot live, tell them where they can live at least until there are better options. Mark off accessible location on City property for camping and provide trash service and portable sanitation facilities. Leave these campgrounds in place until longer solutions are implemented. We need workable solutions to the real problems that Chief Spalding identified as fire hazards, public health and safety issues in terms of needles and trash and human feces. We could also include the homeless in the conversation about possible solutions. Whatever the direction, we are requesting City leadership to do their part offering win-win solutions."

Mayor LaMear clarified that the Planning Commission does not amend the Code, City Council does. Additionally, limiting the warming center to 90 nights per year is a State directive and not something the City has any say over. Also, the reason the City needed to act on this ordinance was because the Code said nothing about public lands. It is not as though the City is trying to throw people out of the woods, but the City needed to get additional language into the Code so that it included all of the City-owned properties. The number of camps that have developed in the woods has led to issues about public safety. A lot of people hike in the woods and the issues have become an untenable situation. Many of the camps are far back in the woods and there is no way to collect garbage from those areas. When the Chief and Director Harrington visited a camp to clear it out, they found 500 pounds of garbage which had to be hauled out. The garbage is not a small amount and it is not left by people who are leaving. It is the people who live there who create the garbage.

Elaine Bruce, said she had served as executive director for Clatsop Community Action (CCA) since 2015. The 10-year plan to end homelessness was developed in a coordinated effort with the Corporation for Supportive Housing, which is a national best practice group that looks at homelessness nationwide. The plan still stands as a best practice. The City of Astoria and Clatsop County have made progress with the recommendations in that plan since it was finalized in 2011. She believed Chief Spalding, Mayor LaMear, and Councilor Price had reviewed the plan and Astoria is on the right track in a number of areas. Homelessness is incredibly complex. CCA has four case managers who work with people who drive up in their cars with whole families who live in the car. They come from all states. Some need temporary assistance and some need a tremendous amount of work to get them house. CCA has to be extremely creative. One of the recommendations in the 2011 plan was to cultivate private landlords to rent to homeless and low-income individuals and families while having them case managed. CCA has had tremendous success that was built over time with case managers responding to the needs of the landlords. They have done an incredible amount of work to achieve those types of relationships. This week, they housed a veteran who was single and sleeping in an outdoor Port-a-Potty. He had a lot of infections and they took care of his medical needs. They see the most complex cases of incredible amounts of barriers. They have established excellent landlord relationships with those who will bend the rules to help CCA house people. Another recommendation in the report is to work with cities and counties to change development codes to enable more affordable housing to be developed, update formal housing production plans using green technology, and change zoning requirements to enable more affordable housing to be developed. CCA was working on that, as is the City, every week. They work with governmental agencies and private developers to donate surplus land for affordable and special needs housing. They work with the County to take over a property in Alderbrook at 51st and Birch. Seven dumpsters full of garbage was removed from the house and they sold it. The revenue would be used for an affordable housing project in conjunction with the Community Action Team,

which is their partner in Saint Helens. Another recommendation was to apply for housing funding for returning veterans and people with disabilities. They currently have four Housing and Urban Development (HUD) supportive housing contracts, which are extremely competitive and difficult to achieve. The fourth contract will begin July 1, 2019. The third contract, which began July 1, 2018, works to house homeless youth ages 18 to 24. Since that grant was received, they have had house four people. They are steadfast at staying in conjunction with all of the State and Federal housing meetings as they come up. The milestones change and they have to work to be very flexible to follow best practice plans, but they also have to work with what they know and stay steadfast in learning what other communities can do to overcome incredible challenges with the homeless. The camps are a new challenge. The area did not have those camps five or six years ago, so now CCA has to change its plan. But they do have a plan and she believed they were doing an excellent job. Another recommendation was to support the expansion of existing drug court programs and encourage the creation of a similar behavioral treatment court program that includes the mental health court. We have that in place. CCA works very closely with the drug court program and the Oregon Department of Employment, who has a contractor named ResCare that works with people who are felons and have a criminal past. They are a great partner to CCA and they are looking for referrals all the time. Another recommendation is establish protocol to allow information sharing among service providers. They have a monthly meeting called The In Line Meeting that is facilitated by CCA because the community service providers and CCA's services change. There is an opportunity on a weekly basis to network with other service providers and share information, talk about what to do with difficult cases, and how to come to a solution. They also provide support services that stabilize people into permanent housing situations. If there is anyone Chief Spalding or Kenny Hanson would refer to CCA, they are open for business and work extremely well with the Police Department. They are very strong on protocols. Some of the other service providers may not be as succinct with their protocols as law enforcement uses and CCA is very depended on the police for their success. They address the stigma of people who have a criminal background and help with re-entry employment. They work with Helping Hands re-entry project at Uniontown and Seaside. They are part of CCA's continuum of care. They house people when CCA cannot immediately house people because it takes a lot of time to assess people's needs and put together a coordinated assessment on all the needs a particular homeless person or family may need. That could be education, medical or mental health care. They work to get people into permanent, supportive, and safe housing. There are a lot of challenges, but there are also a lot of good things happening right now in Astoria and Clatsop County with CCA. They are ready to help anyone who comes through their door.

Robin Kylie, Astoria said she was a 57-year-old disabled woman who was homeless in Astoria. She has tried to get on the task force for a long time and no one has returned her calls. She did not understand that. She has been beat up on the streets, attacked, and domestically abused. However, she is a survivor and she knows the people who camp in the woods. She triple majored at Lake Forest College and graduated with degrees. She almost earned her Master's in early childhood education, but she moved to Oregon in 1995 to save her daughter's education. She is training to be a constitutional attorney. Her only issue is that the public restroom was taken away on 6th Street. She is chronically disabled as a result of being homeless in Astoria for a little over a year. She has flex funding through OHP and is on a program. The portable restroom on 6th Street is the one she uses. She is in a truck and stays close to that restroom when she does not have a lot of gas. She wanted to know when that restroom would be returned. Homeless people have rights, the right to shelter, food, medicine, and bathroom facilities. As a federally disabled woman, she requires a bathroom in the middle of the night so that she does not have to defecate on Astoria's streets. The Police Chief has helped her and Senator Betsy Johnson speaks to her on the phone. She did not know that all this housing was available through Clatsop, who had been trying to help her with OHP and managed care. Yet she has been out looking for housing. She has funding for temporary housing. If she is on the streets again she would die this winter. She has had several bouts of pneumonia, bronchitis, and almost died. She had to go south in May because she got a second bout of pneumonia. In the warming center, she got so many diseases and she was attacked. She is just trying to survive. Homelessness is a crisis. She went into crisis when her sister's in Warrenton killed her dog, kicked her out without notice, and put a restraining order on her that she could not respond to because she was in the hospital in Portland. She has been connected with all of the services and was grateful this issue had come to the forefront. The federal judge in Idaho ruled on the Eighth Amendment in the Constitution that city ordinances were one thing, but sleep deprivation caused when someone knocks on the window and says move your truck is an international crime according to The Hague. She would like to be on the taskforce. She apologized for missing some of the meetings. She did not want people to think that homeless people do not work. She works all day long to get services and to stay well. She has post traumatic stress disorder (PTSD) and when she is attacked, it takes her a while to get over it. She goes to therapy, has been sober for 34 years, is in Narcotics Anonymous and Alcoholics Anonymous. Sometimes she goes to the respite center three times a day to avoid having to go to

the psychic. She tries to be an example and is grateful for the opportunity to speak. She is also grateful for the police and the Chief because when she has problems, she calls him and he takes action.

Mayor LaMear stated the City has invited the homeless to speak to the taskforce on several occasions. The people who serve on the taskforce get to vote because of their backgrounds and experience, but everyone is welcome to attend and participate in the meetings.

Rick Bowers 357 Commercial, Astoria, said he appreciated slowing down and that is why he wrote a letter. He recognized there was a problem, but he would like a win win solution. One suggestion in his letter was setting up a place where the homeless can go and providing services so that there are no problems. He found it odd that he could not find the penalties that the Code points to. He had some he believed were right, but it was strange to rush through the Code.

Councilor Brownson responded that he noted the same thing when he looked at the ordinance and contacted the City Manager about it. Staff has done some research and found the statute had been shifted around. Astoria would incorporate the penalties in the new language.

Mr. Bowers continued, saying he appreciated hearing about all of the things being done. He attended the candidates' forum on Sunday, where Councilor Jones said there had been Code changes proposed to increase density at various levels and that the Council had rejected those. He did not want people kicked out until there is a place for them to go and it will be a long time before there is a place for people to go.

Mayor LaMear noted that Helping Hands is opening their facility within the month. It would house 69 homeless people.

Mr. Bowers said homeless people from Seaside were being moved into that facility.

Mayor LaMear added that the people from Seaside would not take up all 69 beds. The facility includes two family units and a commercial kitchen. Helping Hands is dedicated to providing wrap around services, including mental health services, behavioral health services, getting identification, getting housing, and job training. The City had hoped that the Waldorf Hotel would be available for affordable housing units. But that has been delayed because of a situation with the State. The City wants to do something, but in many cases the City's hands are tied.

Bruce Williams, 15 Ullakko Rd. Nasselle, WA, said he was on the board of the warming center. He appreciated the run down of all the services that are provided. He also appreciated Chief Spalding's humane interest, which spreads throughout the forest and makes a difference. However, he was concerned that instituting this ordinance without requiring that an alternate site is available would lead to removing people on a 24-hour basis. If something is not enforced, it will grow because people will naturally take advantage of the situation. The Police Chief had said the City would not rush in on the 24-hour notices. So, rather than giving people a 24-hour notice and then taking care of it sometime in the future, the City should provide the opportunity for keeping things clean and sanitary before issuing the 24-hour notices. The City should develop another camping place that could be self-regulated by the homeless people who live there. This is not a great solution but he wanted the City to consider it.

Mayor LaMear stated this discussion had been helpful and reminded that it had been continued to the October 15th meeting. In the meantime, the homelessness taskforce would meet on October 8th to discuss alternative ways to handle where people will live. She thanked those who were involved.

Item 7(c): Lease Renewal With Clatsop County for Access to Net Pens at the Old Yacht Club

In 2010, the City leased the city-owned Yacht Club dock to Clatsop County's Fisheries Management program to access and maintain their salmon rearing net pens for the Youngs Bay Terminal Fishery. The agreement was updated in 2013 to include a provision for cost sharing after a winter storm damaged the dock and walkway and the City and County worked together to obtain a grant to make required repairs for \$41,820.84 with a \$10,000 match, which was split between the two entities. The 2013 agreement was for five years and is now in need of renewal.

The 2013 updated agreement added a first right of refusal provision for Clatsop County to have consideration of acquisition, should the City decide to sell the property. The language states that if the City opts to sell during the lease period and receives an acceptable offer to purchase the property, the County will have 30 days to exercise their option to purchase the property at the same price and on the same terms and conditions as are contained in the offer.

Attached to this memorandum is a draft lease agreement for Council consideration. It contains the same first right of refusal language as noted above. This agreement would extend the lease for an additional five years, expiring September 30th, 2023. The lease may be renewed for two consecutive five year terms and may be terminated as spelled out in Section 7. This agreement does not grant exclusive access to the dock to the County, the site will remain open for public use at all times. In exchange for use of the dock and in lieu of payments, the Fisheries program will carry out, and be responsible for the costs, of all routine maintenance and repairs.

It is recommended that City Council authorize the renewal of the agreement with Clatsop County for dock access to the net pens at the Old Yacht Club.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Jones, to authorize the renewal of the lease agreement with Clatsop County for dock access to the net pens at the Old Yacht Club. Motion carried unanimously. Ayes: Councilors Price, Jones, Brownson, and Mayor LaMear; Nays: None.

Item 7(d): Proposed Lease with the Port of Astoria for a Portion of the Maritime Memorial

The City and Port staffs have been in discussion concerning a new lease for the portion of the Maritime Memorial that is on Port property. The previous 25-year lease expired in 2017. Exhibit A, attached to the proposed lease, shows the area on the west side of the Memorial.

The new 50-year lease for \$1 per year will secure the property and allow the City to expand the structure to accommodate future demand, for which funds have been budgeted. As part of the agreement, the City will erect a plaque that expresses gratitude and acknowledges the contribution of the Port in allowing the use of Port property for the Memorial. This lease does not include the lawn area west of the fountain and south of the trolley tracks, which is covered by a separate agreement.

The Port Commission approved the lease at its September 19, 2018 meeting. A signed copy of the lease agreement is attached.

It is recommended that City Council approve the lease agreement.

Councilor Brownson thanked the Port and said this was a good indication of how the City and the Port could work together. They have a lot in common and a lot of overlap. The need for a good working relationship is very important.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Price, to approve the lease agreement with the Port of Astoria for a portion of the Maritime Memorial. Motion carried unanimously. Ayes: Councilors Price, Jones, Brownson, and Mayor LaMear; Nays: None.

Item 7(e): Liquor License Application from Eunice Chiweshe Goldstein, dba Eunice Chiweshe Goldstein Winery, located at 1040 Commercial Street, Suite A, for a New Outlet for Winery License

A liquor license application has been filed by Eunice Chiweshe Goldstein doing business as Eunice Chiweshe Goldstein Winery LLC. This application is a New Outlet for a Winery License. The appropriate Departments have reviewed the application and it is recommended that the City Council consider approval of the application.

City Council Action: Motion made by Councilor Price, seconded by Councilor Jones, to approve the liquor license application by Eunice Chiweshe Goldstein for a New Outlet for Winery License. Motion carried unanimously. Ayes: Councilors Price, Jones, Brownson, and Mayor LaMear; Nays: None.

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

There was none.

The City Council recessed into Executive Session at 8:17 pm.

EXECUTIVE SESSION

Item 9(a): ORS192.660(2)(i) – Performance Evaluations of Public Officers and Employees

The City Council will meet in executive session to discuss performance evaluations.

The Regular Session reconvened after the Executive Session.

ADJOURNMENT

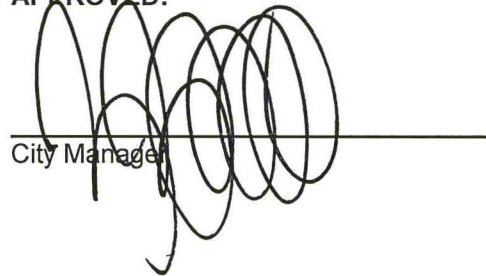
There being no further business, the meeting was adjourned.

ATTEST:



Finance Director

APPROVED:



City Manager