

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, Interim Fire Chief Curtis, 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.

REPORTS OF COUNCILORS

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

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

Item 4(c): Councilor Brownson reported that he and the City Manager participated in the gratification run for the parks, despite the weather. He also attended the mayoral debate and encouraged everyone to attend the next one. The debates offer the opportunity to get a good idea of who the candidates are, their personalities, and what they stand for.

Item 4(d): Councilor Nemlowill reported that Interim Fire Chief Curtis and his crew did a great job presenting to the school children. Her daughter came home from school with a bag filled with a lot of fun and educational items. The items start conversations with families about checking smoke detectors, escape routes and where to meet. The Astoria Fire Department goes into schools every year and it makes a big difference.

Item 4(e): Mayor LaMear reported that she walked across the bridge yesterday for the Instant Gratification run and the weather was beautiful. She had done several of those walks in horizontal rain, so she appreciated this year's event. Over 3,000 people participated.

CHANGES TO AGENDA

There were none.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 5(a) City Council Minutes of 9/17/18
- 5(b) Special City Council Minutes of 9/24/18
- 5(c) Boards and Commission Minutes
 - (1) Historic Landmarks Commission Meeting of 9/18/18
- 5(d) Old Highway 30 and Marine Drive Road Ownership and Access Rights – Grant Application
- 5(e) Approval of Easement – 1945 SE Second Street

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 6(a): Second Reading Ordinance Modifying City Code 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. At the October 1, 2018 meeting, Councilor Tom Brownson clarified that he had found a typo and the attached Ordinance reflects the appropriate ORS provisions. Additionally, City Council decided to hold off on conducting the second reading as the next homelessness task force meeting was scheduled for October 8th. Council wanted that meeting to happen before final consideration.

A Homelessness Solutions Task Force (HOST) meeting was held on October 8th where the ordinance was discussed. Subsequently a HOST subcommittee was established which would assist in developing a plan to connect displaced homeless individuals with community resources. Minutes for the October 10 subcommittee meeting are attached. Raven Russell will be present at the City Council meeting to present.

It is recommended that Council consider conducting a second reading and adopting the ordinance amending City Code 5.900 – 5.925. Camping within the City, as described above, presents issues related to the health and safety of its citizens; therefore, it is proposed that this ordinance take effect immediately following the second reading, as contained in Section 2 of this ordinance.

Police Chief Spalding said HOST discussed the proposed ordinance amendments at their last meeting. Three people who self-identified as homeless, residents near the homeless camps, and many guests addressed the task force during the meeting. He had given a presentation showing the camps, sharing statistics, and identifying the scope of the problem. There was good discussion amongst the group and a subcommittee was formed to assist the City with the camps. The subcommittee held its first meeting on Wednesday, October 10th and developed a set of recommendations. Chief Spalding agreed with their recommendations for moving forward. If this ordinance is adopted, it would not be the Police Department's intent to immediately serve notices and begin evicting individuals from the urban forest areas. Their intention is, always has been, and always will be to place as many individuals as possible using the recommendations of the most recently formed subcommittee. It is also their intent to make sure that every individual living in the woods is contacted and given appropriate resources. This process would take a long time and he was comfortable waiting as long as needed to make sure people get the help they need.

Raven Russell, Helping Hands Development Director, said Helping Hands houses 190 homeless people per night in four counties, including Clatsop County, where they have been serving homeless for over 17 years. The HOST subcommittee met on Wednesday to discuss what would happen if the Council approved the ordinance change and what would they do with people coming out of the woods. The subcommittee was told by Chief Spalding that they observed roughly 10 people in the woods, but there were residents from the area who said there were more. They are operating on the assumption that there would be 30 people they might have to accommodate as an influx and they would assume any referrals to the system would trickle in after that. The plan they developed was not introducing any new programs or new aspects of programming from any of the agencies referenced. It just documents some procedures that are already in place. The subcommittee put together a plan. Minutes were taken and unanimously approved via email. The Astoria Police Department will prepare a Ziplock bag including the 24-hour notice and the resource guide available from Clatsop Community Action (CCA). That is a resource guide they are already developing and updating. It contains resources for social service agencies across the county. If somebody were not comfortable accessing CCA in their office, they would have the resource guide to access which ever resources they thought were appropriate to their circumstances. The notice will also have a contact phone number and business hours for CCA's office. As part of their normal function, they already triage people's circumstances and make recommendations for resources which are already available in our community. This would fall into their normal operating structure. CCA has resources at their disposal, including Helping Hands, to which CCA often refers people, but they have other resources as well. Helping Hands is not the right answer for every person who is experiencing homelessness. Some have illnesses or conditions that make living in a more populated environment difficult, including post traumatic stress disorder (PTSD) and others, which were referenced at the most recent HOST meeting. They wanted the plan to include options for people who fit into that category to make sure they were being inclusive in this response plan. So, CCA is prepared to offer these individuals other opportunities if Helping Hands is not the appropriate resource. They are able to place people in hotels or at KOA in Warrenton. They have resources that are not all the same so that they are able to figure out what is most appropriate for that individual and help connect them to those resources. The subcommittee came up with stipulations they believed were most appropriate for how and when to post the 24-hour notices. They would like it posted in English and Spanish. The subcommittee discussed the literacy barrier for some people who may be living out there. They believe that with the connections of the group, people would be able to overcome that. If one person was not able to read and understand the content of the 24-

hour notice, others around them would help them understand it. However, they recommended the language be kept simple because literacy can be a barrier for some people who will be out there. They would prefer the notice be posted on a Friday to give them over the weekend to figure out the best plan moving forward. They would like Monday to not be the day when the City removes people from the forest so they can access CCA during business hours on Monday. That would give people from Friday to Tuesday to plan which resources to refer them to. They would like the 24-hour notice to have a handwritten date and time when they need to be out by. If it is posted when someone is not at the campsite, they will not know when the 24-hour clock starts and they did not want to cause undue anxiety. The last piece they thought was really important was for there to be a City Councilor appointed to make phone calls or other one-on-one connections with the people who are displaced out of the forest so they can make sure they received the resource guide, that they know how to contact CCA, and so they know they are part of the community and we want them to be safe. Right now, Councilor Price has been willing to step up and make all of the phone calls for this influx if the ordinance amendment is adopted. They asked that a new person be appointed to fill that role when Councilor Price is no longer on the City Council.

Mayor LaMear called for public comments.

Michael Martin, said he lived in a tent and was an advocate and activist for the homeless. People who have no place to go could be given all the 24-hour notices in the world, but they have no place to go. So, let's find a place for them to go. They have issues, they may have to have an ambulance called, they are human beings. The idea of feeding them like stray cats and treating them like dogs has to stop. This is not just about Astoria. People freeze to death because they had to be on a Section 8 waiting list and they had no place to go. This is not treating people like American citizens. People from Syria are given \$18,000 to relocate, but there are candlelight vigils in front of the Capital for the 7,000 American who are homeless every year. Some of them are beaten to death and there are hate groups and murders; www.nationalhomeless.org shows the statistics. The people in Astoria should count their blessings because they do not have a problem. They have people who cannot fend for themselves and are being walked upon and used for grant money. He asked that the City of Astoria take it out of the hands of the private sector. Helping Hands does the best they can, but this is an enormous problem and the solution will have to come from the federal level. But the City must take control, identify, evaluate, and find a place for people to go until the federal government or somebody can make housing fall from the sky. He could be on a list for low-income housing. He had \$2,000 in his pocket but no place to spend it. He planned to buy a boat in Florida because it would be the only legal address he could have. Somebody ran over his new jeans with a backhoe and destroyed the environment behind Best Western thinking they were going to do something to prevent homeless people from camping there. He was not here to complain about his pants, he wanted to help other people. He suggested the Councilors be a nurse's aid and do a bed bath so they would have a better appreciation for what each human being represents. Homeless people are just like everybody else, and they deserve to be treated just like everybody else. He wanted all of the Councilors to contact him and ask him any questions.

Cindy Price introduced Mr. Martin to Elaine Bruce, CCA Executive Director. She explained that CCA is the hub organization in the county that helps find housing and services for people. She suggested Mr. Martin speak with Ms. Bruce about resources for transitional housing.

Mr. Martin said Councilor Price misunderstood. He explained that he did not believe he could survive a winter in Astoria, so he planned to help people who went through Hurricane Maria. He would not be in Astoria much longer and had a legal residence under maritime law. He wrote a program called The Agricultural Housing and Education Program, which he hoped to get crafted into a bill and put before Congress. He also hoped to testify before Congress. He was also writing a book and was getting some attention. People in Congress were starting to listen to him. This is a medial, ethics, and human rights issue. In 2014, the United Nations (UN) criticized the United States because homeless people were being criminalized. This nation is in violation of the UN treaty that the U.S. helped to pass, so we could criticize North Korea and China. Someday, hopefully, the Council will decide to open its eyes a little bit and treat this in a different manner. The private sector has not been working for years. There is a man who has dysentery so bad that he would spread it through the community and he should be in the hospital. No one is checking on him. People in Astoria who are making these health issues and messes do not have the mental capacity to function and they need care. That care comes through guardianship or a relative, but the City cannot just let them run around and then persecute them because they do not have any place to go. He was trying to be a steward and help the City clean up the mess.

Mayor LaMear said she believed everyone would agree this was a federal problem. It is a huge problem across the United States and Astoria was trying it's best to work on it. There are not a whole lot of resources or sites for places for people to go.

Mr. Martin said the City does not realize they have the resources to very simply address the problem on a human level. He had explained a brass tag program to Chief Spalding. People have a number after being vetted. They are not wanted for anything, not a registered sex offender, not a danger to the community. The program would not cost anything. If he were given 24 hours, he would just look at the officer and grin because he has a bad hip and is not supposed to be walking. The police can haul him off, even though he had not done anything wrong. People have to sleep. He has been outdoors for eight years and has not had any contact with law enforcement other than getting tickets for cardboard signs. He had also been given a camping ticket; the only constructive thing from all that is to help solve the problem. He hoped Councilors would call him with questions.

Rick Bowers, 357 Commercial, Astoria, said he was concerned about people who were afraid to call CCA. The classic cases are veterans with PTSD, but others are also too scared to call. He was concerned that they would move farther into the woods. He appreciated Chief Spalding's energy towards health and safety and the tough time getting into the woods. It would be even more difficult to respond deeper into the woods, which might be a consequence of this ordinance. He knew the social service agencies would help a lot of people, but he would love it if an organization like CCA tracked all of the phone calls that come in and the services given to those callers. Then the community would know if someone never called or if services were not available.

Elaine Bruce confirmed that tracking was being done. If people are hesitant about coming in, they will call those people repeatedly.

John Norquist, said he lived in a tent in the woods. It seemed like everyone was looking at the homeless as mentally ill, criminal, or hiding from something. He believed only 10 percent or less were mentally ill and 50 percent were working. Those who are working are working at jobs that are unsustainable. Three or four people must get together to get an apartment, but no one in Astoria will rent to three or four separate individuals. There are a lot of barriers that keep people out there. Most people do not want to be out there, but some people enjoy it. Those who do enjoy being out there will go deeper into the woods, and there are thousands of acres between Astoria and Beaverton. The problem will not go away just because an ordinance is amended. He wanted to know what the penalties would be when people do not leave. He had heard the fine would be \$1,000 and to a homeless person who already does not have anything, that would put them years behind. He hoped the City would come up with a more appropriate response than a \$1,000 fine. That does not give people the chance to get out. He suggested the City encourage people in other ways. He knows people who want out of the woods. He thanked Chief Spalding and Officer Hansen for keeping him aware of what has been going on and encouraging people to participate.

Mayor LaMear explained that this ordinance was not meant as a penalty or viewing the homeless as criminals. The City realized the ordinance was lacking some language about public lands. For safety reasons and because the City fears fires and other dangers in the woods, the City decided to work on the ordinance. It was not meant as a penalty to the homeless. She firmly believed in the inherent worth of every individual on the planet. She sympathized and empathized with the homeless. Currently, her son in San Luis Obispo was homeless, so she understood. But the City also has to protect the rights of those who live near the homeless encampments.

Burt Hall, homeless, asked if he understood correctly that people being removed from the camps would have one day to get help.

Chief Spalding explained that addressing camping in urban forests was separate from whether citations would be issued for illegal camping. The issue before Council tonight is camping in urban forests. It is not the Police Department's intent to issue citations, which would compound the economic issues people are already having. The maximum fine could be up to \$1,000 but he did not know the exact amount that would be imposed. He heard the other day that a woman who lives in the camp fell 30 feet down a cliff and hurt her ankle. In those situations, medical and police services cannot be provided. The biggest concern is the ability to attend to people who are not reachable because of the unimproved road conditions and other natural hazards in the forest. The subcommittee had recommended that the Police Department post notices on Friday to give people a couple of extra days. He believed it was a moot point because the Police would not rush out to the camp 24 hours later to clean up camps. However, a deadline does need to be set so that people know the Police are serious and would

move the camps. At the same time, social service agencies would ensure people are placed before any action is taken.

Dorothy Olson, 127 Washington Street, Astoria, said if it was not for her mom she would probably be in a tent. If the maximum fine is \$1,000, it should be a lot lower. She suggested \$25 or \$50 that could be worked off with community service helping to clean up some of the camps. She wanted information about the land gifted to CCA by Safeway. She heard CCA could not develop the land because of zoning. The property could be rezoned for a camp with a privacy fence. She had seen a tiny home park in Denver that worked well as a gated community to keep people safe. She asked that the City give people the option to move their camp to a safer place that is close to running water and the bus lines with a dumpster and portable toilet. Maybe the garbage company and sanitation company could donate or get a tax receipt from CCA.

City Manager Estes believed Ms. Olson was speaking about the Hauke slide property, which is unstable from a landslide. The City and CCA have spoken about the property. The City recommended that no structures be built on the property.

Ms. Olson clarified that she did not want to build anything, just have tent camping in the interim until the houses are built.

City Manager Estes confirmed the issue was not zoning, it was the instability of the area since the landslide. He confirmed that the property could not be flattened

Councilor Brownson explained that when dirt is moved in a slide zone, the situation becomes worse. Finding a property is a great idea and he would like to see someone pursue that. The City does not have the funding, Staff or resources to accomplish this, but it could be done with the help of the County. The City does not run health or social services, but the County is charged with ensuring health and safety. The County, State, and Federal government have resources. He believed part of the issues is that people who live at the foot of the hill become insecure when people they do not know start coming and going. It is important to protect the people who live there, own property there, and have children.

Councilor Price said she was interested in getting people into housing. HOST and the subcommittee discussed that the community had the capacity to house all of the campers and more. She was focused on getting people into transitional housing and in a situation where they would be safe. Some people may need a tent at the KOA or other regulated camp ground. People should be encouraged in every way possible to get the resources available in the community for mental health, physical health, transitional housing, and permanent housing so they can become responsible people with a sense of purpose and good citizens of Astoria. Most of the campers want to be good citizens. Everyone will have to accept a certain number of people who are not able or ready to come in from the cold. There will be people on the streets and in the forest who are not ready to be helped. People who have spent much of their lives on the streets say if the City just keeps providing services and giving without asking for any responsibility, it is not helping. The community needs a space in the county for a camp. Astoria has the ability to help the people who are ready to be helped right now. Detective Hansen talks to homeless people all the time and Clatsop Community Health does outreach. There is Helping Hands, CCA, and all sorts of caring, giving, individuals at the learning center, with River Folk, and numerous organizations who are working with people who are not ready to come in yet. She wanted the City's focus to be approving the ordinance and she hoped the Police Department was ready to go in to the camps at specific times. She believed the City was doing this with compassion. The community does not do the homeless a favor by acting as if they cannot do anything on their own.

Councilor Brownson asked if there was any value in giving people 48 or 72 hours to vacate. Chief Spalding explained that the 24-hour notice is based on State law. He would do some research to find out if the State only required a minimum of 24-hours. If so, he would not be opposed to giving people 48 hours or even longer.

Councilor Price did not believe the time limit should be extended because the City would already be giving people more than 72 hours on a 24-hour notice.

Councilor Jones thanked the subcommittee for quick work and their excellent brief. He thanked HOST for their work over the past year and Chief Spalding for his extremely proactive and empathetic outreach to the campers and the homeless community. Most of the properties adjacent to the camps are in Ward 4, so it is possible he

hears more comments than the other Councilors. One of his neighbors at the end of Franklin wrote that they were at the entrance to the homeless camp and people had deep concerns about what the camp had brought to the neighborhood. People come and go at all hours of the day and night. Last Saturday, between 11:45 and 12:15 there were three vehicles that dropped people off. People have lost their sense of safety while walking in the neighborhood. The City is trying to be sensitive to everybody's needs and find a balance.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Jones, to conduct the second reading of the ordinance amending City Code 5.900 – 5.925. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

Director Brooks conducted the second reading of the ordinance.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Jones, to adopt the ordinance amending City Code 5.900 – 5.925. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

Mayor LaMear said the City would do its best to follow the recommendations made by the HOST subcommittee to make sure people being moved out of the woods have a safe place to go.

Item 6(b): Public Hearing and First Reading Ordinances Modifying City Code 1.010 Relating to Penalties and Addition of City Code 6.380 Relating to Enhanced Fine Zones

The City of Astoria continues to experience complaints of illegal parking in the area of 38th St and Duane St. This area draws a significant amount of traffic due to a well-known attraction in the area. The City has posted signage in certain locations in this area indicating "No Stopping" and "No Parking" with only a moderate level of compliance. Experience has shown from other jurisdictions that increasing the fine in certain areas has a better deterrent effect. It is proposed that Council consider raising fines in this area for which will minimize illegally parked cars, improve traffic flow and minimize potential traffic collisions.

Current signage for No Parking/No Stopping in the area appears to be adequate and there is no proposal to extend the No Parking/No Stopping signage beyond the existing locations. The only impact would be the increased fines in designated and posted existing areas. Additional signage would be added to existing No Parking/No Stopping signs that would indicate "Enhanced Fine Zone - \$100 Fine." This proposal is not intended to restrict visitors in this area, only to discourage parking in certain areas that present the greatest hazard.

Attached is a draft ordinance for consideration. Additional language is proposed to define an "Enhanced Fine Zone" in Astoria City Code § 6.380 to include identifying the specific location. Astoria City Code § 1.010 would be modified to specify an enhanced fine of \$100.00 for violations in this zone. The ordinance has been approved as to form by City Attorney Henningsgaard.

Additionally, a correction is proposed for a scrivener's error in City Code 1.010(4)(e) to delete an errant quotation mark.

It is recommended that Council hold a public hearing and consider holding a first reading of the ordinances amending City Code 1.010 and adding City Code 6.380.

Mayor LaMear opened the public hearing at 7:50 pm and called for public testimony on the proposed ordinance amendments on enhanced fine zones. Hearing none, she closed the public hearing at 7:50 pm. Councilor Jones thanked Chief Spalding and his Staff who worked with the neighbors. Chief Spalding and Director Harrington held a town hall meeting at Alderbrook Hall several weeks ago on this issue. Quite a few people attended and had a very good discussion. This recommendation is a really good first step. The Chamber has removed all references to the location and other websites no longer list the address. Unfortunately, the address has not been removed from some websites, but these fines might discourage people from parking on the street.

City Council Action: Motion made by Councilor Jones, seconded by Councilor Brownson, to hold a first reading of the ordinances modifying City Codes 1.010 and 6.380. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

Director Brooks conducted the first reading of the ordinance.

Item 6(c): Liquor License Application from Chris Holen for a new business, Pouriin LLC, dba Nekst Event, located at 175 14th Street, Suite 100, for a New Outlet for a Full On-Premises Other Public Location License

A liquor license application has been filed by Chris and Jennifer Holen for Pouriin LLC doing business as Nekst Event. This application is a New Outlet for a Full On-Premises Sales Other Public Location License. The appropriate Departments have reviewed the application and it is recommended that the City Council consider approval of the application.

City Manager Estes noted that the space was currently being used by Baked Alaska, but the owner has decided to give the space its own identity. Therefore, the space requires its own license.

Councilor Nemlowill declared a conflict of interest and recused herself from the vote. The Applicant is her husband's client.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Price to approve the liquor license application by Chris Holen of Pouriin LLC, doing business as Nekst Event. Motion carried unanimously. Ayes: Councilors Price, Jones, Brownson, and Mayor LaMear; Nays: None.

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

Kris Haefeker, 687 12th Street, Astoria, said he was impressed with how the Astoria Co-op situation worked out. Now, there is a lot of community discussion and opposition to the Hollander hotel case. He wanted to see an ordinance that states when large hotels or large companies come to Astoria, they must do something for their staff's housing. He believed it was possible for neighbors and the hotel to find some middle ground if the hotel provided a certain amount of rooms for employees. He worked in a hotel in a city that had a housing crisis and they provided rooms and beds, which was helpful for young people who had their first job to have a roof over their head.

The City Council recessed into Executive Session at 7:56 pm.

EXECUTIVE SESSION

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

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

ADJOURNMENT

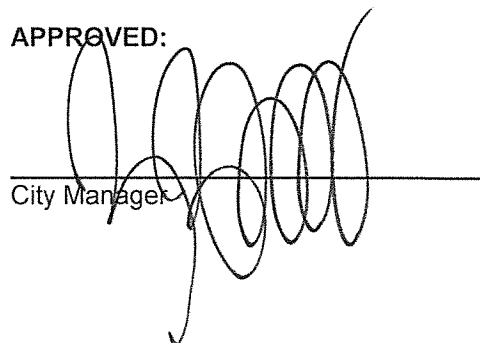
There being no further business, the meeting was adjourned.

ATTEST:



Finance Director

APPROVED:



City Manager

