

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

Councilors Present: Mayor Jones, Brownson, Rocka, Herman, and West attended via Zoom.

Councilors Excused:

Staff Present: City Manager Estes, Finance Director Brooks, Director Dart-McLean, Public Works Director Harrington, and City Attorney Henningsgaard attended via Zoom. The meeting was live streamed and recorded, and will be transcribed by ABC Transcription Services, Inc.

REPORTS OF COUNCILORS

Item 4(a): Councilor Rocka reported that he attended online meetings on the Hanford nuclear cleanup, Representative Bonamici's Climate Action Plan, forest habitat conservation, dealing with community trauma, Senator Merkley's town hall, and the City Council Work Session. He had also been going around town to see how the community was doing with masks.

Item 4(b): Councilor West reported she attended Town Halls with Senator Merkley and Representative Bonamici. Friends of the Unsheltered gave a presentation at Senator Merkley's Town Hall. She commended the Clatsop Economic Development Resources (CEDR) and the Small Business Development Center (SBDC) for moving through the small business grant process quickly. She helped a couple of businesses successfully apply for those grants. The business owners were in tears when they found out about the award. These businesses did not receive any support from the CARES Act funding, so the grants were a lifeline for them. A list of grant recipients would be released this week.

Item 4(c): Councilor Brownson reported that the City Council had a work session to discuss geohazards and the City's process for implementing new Codes based on new information about slide areas in the city. He spent time out on the river with his wife, social distancing for about eight days for a nice break.

Item 4(d): Mayor Jones reported that he spent much of the last week checking on the week-long gospel tent revival because there were concerns that hundreds of people would be hugging, kissing, and singing in close proximity. He found that on each evening, there were only about 25 people under an open canopy and about 20 people on the lawn all sitting six feet between family groups and wearing masks. It was good to see everyone take the Governor's guidelines seriously. He went into town several times over the weekend to find the sidewalks packed with people, most of whom were wearing masks. It was nice to see visitors taking the guidelines seriously as well.

Item 4(e): Councilor Herman had no reports.

CHANGES TO AGENDA

Mayor Jones requested the addition of Item 7(a): Community Development Block Grants to the agenda. The agenda was approved with changes.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 5(a) City Council Minutes of June 15, 2020
- 5(b) City Council Minutes of June 22, 2020
- 5(c) City Council Minutes of July 5, 2020
- 5(d) Planning Commission Minutes of June 23, 2020
- 5(e) Astoria Police Department Status Update

5(f) Liquor License Application from Capricorn Pub and Fine Dining, LLC doing business as Capricorn Pub and Fine Dining located at 1375 Commercial Street for a Full On-Premises, Commercial, and Off-Premises Sales licenses.

Councilor Rocka requested Item 5(f) be removed for further discussion.

City Council Action: Motion made by Councilor Herman, seconded by Councilor Brownson, to approve Items 5(a) through (e) on the Consent Calendar. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Item 5(f): Liquor License Application from Capricorn Pub and Fine Dining, LLC doing business as Capricorn Pub and Fine Dining located at 1375 Commercial Street for a Full On-Premises, Commercial, and Off-Premises Sales licenses

Councilor Rocka stated the Applicant had proposed to do music on Wednesdays until 1:00 am, and on Fridays and Saturdays until 1:30 am. The business is located across the street from the Astor Hotel Apartments and the Commodore Hotel. He wanted to make sure the Council was not creating a noise nuisance in the middle of the night. He asked if the Applicant was present to assure the Council that the sound could be contained or would be sensitive to the neighbors' needs.

Tom Schern, Owner, Capricorn Pub, said he appreciated the concern about the noise. He included that information on the application to show what more the business could do. On Wednesdays, the music would actually go until about 9:30 pm. He currently had live music on Wednesdays in Seaside that goes from 7:00 pm to 9:30 pm. He always adjusts to the community if there is a complaint. He did not want to be a bad neighbor. He would adjust accordingly and make sure the music is not a problem. He had no desire to ruffle feathers.

Mayor Jones called for public comments. There were none.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Herman, to approve Item 5(f) on the Consent Calendar. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

REGULAR AGENDA ITEMS

Item 6(a): Public Hearing and First Reading to Revise Astoria Code Index Relating to Repealed References Cleanup

Over the past few months, APD staff reviewed the City Code index to ensure that the index referenced sections were cross referencing text sections correctly. Errors were found in the index and the attached ordinance makes the appropriate corrections. It is recommended that Council hold a public hearing and consider holding a first reading of the ordinance amending the Astoria City Code Index.

Mayor Jones opened the public hearing at 7:15 pm and called for public comments. There were none.

Councilor Brownson stated he did not have the change to proofread all of the changes, but he trusted Staff.

Mayor Jones closed the public hearing at 7:16 pm.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor West, to conduct a first reading of the ordinance amending the Astoria City Code Index. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Director Brooks conducted the first reading of the ordinance.

Item 6(b): Addition of Job Title for Management and Confidential Employees – Schedule E

There is a need to create a regular, full time position for Human Resources in order to organize and respond to human resource activity for the City of Astoria.

The proposed job title of Human Resources Manager would fall under Management and Confidential Employees - Schedule E, Range 38. The proposed job description is attached. The approval of the job position would allow for reclassification of the current part time Human Resources Administrative Assistant position to the full time Human Resources Manager. It is recommended that City Council approve the new job tile for Human Resources Manager.

Mayor Jones thanked Director Brooks for doing such a great job at two full-time jobs for so long. Even though she would still have some human resources responsibilities, he was glad the management position was added.

Councilors West, Herman, Brownson, and Rocka said they also supported the full-time position, as the City needed a dedicated human resources professional.

City Council Action: Motion made by Councilor Rocka, seconded by Councilor West, to approve the new job title for Human Resources Manager. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Item 6(c): Consideration of Salary Resolution Establishing Basic Compensation Plan – Wage Adjustments

Staff positions and associated compensation are detailed in the "Resolution Establishing a Basic Compensation Plan for the Employees of the City of Astoria and Establishing Regulations for the Placement of Present Employees within the Wage and Salary Schedules Provided". Whenever there are changes in positions, whether a position is being deleted, added or redefined; or whether a change in compensation is proposed; such changes are adopted by resolution. The proposed resolution implements collective bargaining agreement adjustments effective July 1, 2020, a new job title, and State of Oregon minimum wage adjustments.

It is recommended that Council adopt the Salary Resolution as presented.

Mayor Jones thanked City Manger Estes, Director Brooks, Chief Crutchfield, and Chief Spalding. The public safety contracts required months of collective bargaining, which is challenging and difficult work.

Councilor Herman said she appreciated that Chief Crutchfield and Chief Spalding agreed to hold off on an increase until the City has a better idea of what revenues will look like.

Councilor Brownson noted that the Deputy Chiefs were also holding off on an increase.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Herman to adopt the resolution establishing a Basic Compensation Plan Wage Adjustment. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Item 6(d): Consider License Agreement for Astoria Regatta Association 125 Year Monument

In June of 2019 the City was approached by Kevin Leahy on behalf of the Astoria Regatta Association about the need for a location for a 125th anniversary regatta monument. It was determined that the 17th Street Dock Finger Pier, originally built in 1995 to serve as a riverboat terminal, was a good location. The timber finger pier is located adjacent to the Columbia River Maritime Museum and is currently underutilized. The finger pier dock is south of the main dock and extends westward. The dock is owned by the City but is located within property owned by the Columbia River Maritime Museum.

A license agreement between the Columbia River Maritime Museum and City of Astoria with the Astoria Regatta Association is necessary to allow the proposed use of the timber finger pier. The license agreement has already been approved by the Columbia River Maritime Museum.

It is recommended that City Council consider the license agreement with the Astoria Regatta Association.

Councilor Brownson said he believed the monument was a nice idea and the design was interesting. He asked if putting the monument on the pier would create any problems for potential future uses as boat mooring or a dock site.

Director Harrington responded that the site was intended for river boat moorage, but was not used for very long after being built in the late 1990s. The area is very shallow and the dock is currently being used by pedestrians and for taking photographs. The City had considered getting rid of the dock when they received the grant for the new 17th Street Dock. However, it was included in the new dock design since it was in good shape. He believed the monument was a great opportunity to enhance the dock's use.

Mayor Jones added that contract would give the Maritime Museum and the City the right to evict the Regatta and the statue with 60 days' notice.

City Council Action: Motion made by Councilor Rocka, seconded by Councilor Brownson to approve the license agreement with the Astoria Regatta Association. Motion carried unanimously. Ayes: Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Item 6(e): Consideration of Arts & Cultural Program Grant Agreements – Promote Astoria Fund

City Code Section 8.045.18 states "Organizations receiving funds from the Promote Astoria Fund shall enter into a contract with the City that will include a scope of work and budget to be approved annually by the Astoria City Council. The contract will designate how the funds will be expended by contracting organizations." Each year the Arts and Cultural sub-committee recommends distributions of Promote Astoria Funds to the Budget Committee, based on applications to the City and available funds.

Applications were reviewed by a subcommittee of the Budget Committee to recommend distribution to the Budget Committee; distributions were approved by the Budget Committee and adopted as part of the FY 2020-21 Budget by Council at on June 22, 2020.

It is recommended Council consider disbursement of the Arts and Cultural Programs funds as recommended and approved in the adopted Fiscal Year 2020-2021 budget, utilizing the disbursement letter attached.

Councilor West declared that she was executive director of one of the organizations that had received the grant since 2014. She recused herself.

Councilor Brownson noted that the recipients included the Astoria Arts and Movement Center, the Astoria Regatta Association, the Astoria Scandinavian Heritage Association, the Astor Street Opry, the Astoria Tenor Guitar Foundation, Astoria Visual Arts, the Little Ballet Theatre, the Lower Columbia Q Center, North Coast Corral, and the Fisher Poet's Gathering.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Herman, to approve disbursement of the Arts and Cultural Programs funds as recommended and approved in the adopted Fiscal Year 2020-2021 budget. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, and Mayor Jones; Nays: None.

Item 6(f): Consideration of Community Organization Grant Agreements – General Fund

Community Organizations apply for City Grant funds through an application process which was due for Budget Committee consideration by February 29, 2020. Applications were reviewed by a subcommittee of the Budget Committee to recommend distribution to the Budget Committee; distributions were approved by the Budget Committee and adopted as part of the FY 2020-21 Budget by Council at on June 22, 2020. A letter format approved by Council for Fiscal Year 2020-21 for award distribution is attached for consideration. This letter incorporates the accounting and reporting requirements, deadlines and the adopted City non-discrimination policy.

It is recommended that City Council consider disbursements of the Community Organization and Social Services Grant funds as recommended and approved in the Adopted Fiscal Year 2020 - 2021 budget, utilizing the disbursement letter attached.

Mayor Jones said the organizations that receive these grants are particularly able to help people affected by the pandemic. The recipients include the Astoria Warming Center, Court Appointed Special Advocates (CASA), Clatsop Community Action's food program, The Harbor, Helping Hands, Senior Citizen Services of Astoria, and the Astoria Senior Center.

City Council Action: Motion made by Councilor Rocka, seconded by Councilor West, to approve disbursements of the Community Organization and Social Services Grant funds as recommended and approved in the Adopted Fiscal Year 2020 - 2021 budget. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Item 6(g): Consideration of Agreement for Professional Services with Astoria Downtown Historic District Association (ADHDA) – Promote Astoria Fund

City Code Section 8.045.18 states "Organizations receiving funds from the Promote Astoria Fund shall enter into a contract with the City that will include a scope of work and budget to be approved annually by the Astoria City Council. The contract will designate how the funds will be expended by contracting organizations."

Agreements in the budgeted amount of \$40,000 and \$22,000 for Astoria Downtown Historic District Association (ADHDA) have been reviewed by the City Attorney and are attached for Council consideration. The agreements are for tourism, marketing and promotional efforts and for downtown parking enforcement and tourist information services.

It is recommended that City Council consider execution of the Agreements for Professional Services with Astoria Downtown Historic District Association (ADHDA).

Councilor Herman said she appreciated the ADHDA and it's executive director for enriching the community.

Councilor Brownson asked how the \$40,000 would be spent.

Sarah Lu Heath, Executive Director, ADHDA, said the scope of work on that agreement included maintaining status with the Nation Main Street organization. The ADHDA is a performing main street, which is the highest designation. The ADHDA must maintain good communication with local and regional media and a website. Since the pandemic started, the ADHDA has gone from a monthly email to about eight emails a month to the public and to business owners. The ADHDA also works on historic preservation projects as a means of economic development. The business development committee is responsible for business retention, expansion, and recruitment, which has been an intense topic among business owners over the last few months. The work is done by one full-time staff person. One 10-hour per week administrative assistant helps with the weekly art walk meant to increase foot traffic downtown. There are seven working groups with 35 volunteers that help get the work done on a small budget.

Mayor Jones called for public comments. There were none.

City Council Action: Motion made by Councilor Rocka, seconded by Councilor Brownson, to execute the Agreement for Professional Services with Astoria Downtown Historic District Association. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Rocka, to execute the Agreement for Parking Enforcement and Tourist Information Services with Astoria Downtown Historic District Association. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Item 6(h): Consideration of Agreement for Professional Services with Clatsop Economic Development Resources (CEDR) – General Fund and Transfer from Astoria Development Commission

City Code Section 8.045.18 states organizations receiving funds from the Promote Astoria Fund shall enter into a contract with the City that will include a scope of work and budget to be approved annually by the Astoria City Council. In prior years the Council has wished to continue in a similar pattern using a contract with CEDR even though Promote Astoria Funds are not used for this purpose. The contract will designate how the funds will be expended by contracting organizations. Funding sources for the CEDR agreement are included in the budget and will be paid out accordingly from the following funds:

General Fund (Non-Interdepartmental)	\$ 3,334
Astoria East Urban Renewal District Fund	\$ 3,333
<u>Astoria West Urban Renewal District Fund</u>	<u>\$ 3,333</u>
Total	\$10,000

While the agreement is with the City of Astoria, there will be funds distributed from the Astoria Development Commission (ADC) which are within the City Manager’s spending authority. All amounts are included in the City and ADC adopted budgets for Fiscal Year 2020-21.

It is recommended that City Council consider execution of the Agreement for Professional Services with Clatsop Economic Development Resources (CEDR).

Mayor Jones called for public comments.

Zach Keslar, 342 14th Street, Astoria, asked what the restoration fund was and why it was in two parts.

City Manager Estes explained that Astoria had two urban renewal districts, one at the west end of town and one at the east end of town. The urban renewal funds for each district come from property taxes on investments made to properties in the districts. The funds can only be used for projects within the districts.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor West, to execute the Agreement for Professional Services with Clatsop Economic Development Resources. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Item 6(i): Consideration of Agreement for Professional Services with Astoria-Warrenton Chamber of Commerce – Promote Astoria Fund

City Code Section 8.045.18 states “Organizations receiving funds from the Promote Astoria Fund shall enter into a contract with the City that will include a scope of work and budget to be approved annually by the Astoria City Council. The contract will designate how the funds will be expended by contracting organizations.”

An agreement for Astoria -Warrenton Chamber of Commerce for Visitor Center Services in the budgeted amount of \$ 161,930 and Lower Columbia Tourism Committee professional services in the budgeted amount of \$ 234,160 has been reviewed by the City Attorney and is attached for Council consideration. The amounts for this agreement are in the Fiscal Year 2020-21 budget, adopted by Council at their June 22, 2020 meeting.

It is recommended that City Council consider execution of the Agreements for Professional Services with Astoria-Warrenton Chamber of Commerce.

Councilor Rocka said he was concerned about extending the benefits of the Promote Astoria Fund more broadly. Besides downtown, there are two other business districts, Uniontown and Uppertown that do not get a lot of promotion and do not have an accomplished executive. However, Uniontown and Uppertown have the same needs as downtown. The Chamber brings people to see the big things. People walking by Uniontown on the Riverwalk have no idea of the history of Uniontown, so Uniontown would like to have signage on the Riverwalk telling people that freshly roasted coffee was available half a block away. Uniontown has been asking for this signage since before he was on the Council and he wanted the Council to figure out how to make that happen.

Councilor West agreed and she had brought up similar concerns for Uppertown. There is a lack of funding and promotion being directed towards Uppertown businesses. More attention should be given to the east and west ends. Both areas have a fair amount of hotels and these funds come from the transient lodging taxes. She also wanted the Council to figure out how to give those areas more attention.

Councilor Brownson said he agreed as well. There is growth and development on the east end and in Uniontown, but cruise ship visitors walk right by Uniontown because they are heading downtown. The Council needs to find way to help out the businesses at both ends of town.

Councilor Herman understood that Uniontown Reborn would involve investing millions of dollars into the neighborhood. She imagined that would involve a fair amount of signage and roadway reconfigurations to slow traffic down and encourage people to stop. The City is working on some things in Uniontown that the Council was not able to talk about yet and it is great to promote the whole town, but she was not sure of the best way to do that. The Lower Columbia Tourism Council promotes the north coast. The first step is to bring people to the coast because they come to the coast, they come to Astoria. The downtown also brings a lot of people through Astoria.

Councilor Brownson said all that Uniontown was asking for was some signage on the Riverwalk. The development funding for Uniontown Reborn will take some time. He believed the Council needed to discuss ways to give Uniontown a hand.

City Manager Estes noted that the City Council had already approved a grant application to provide the signage on the Riverwalk. The grant also provided funds for lighting along the waterfront. The State has put the grant review process on hold because the funding source is lottery funds, which have been significantly impacted by COVID-19. Uniontown also has the Astor West Urban Renewal District funds, which is providing the match requirement for that grant. Uppertown is not within an urban renewal district, so Uppertown has some limitations.

Councilor West understood that the lighting would only extend to the Maritime Museum. She still wanted to have a discussion about how to direct more funding into Uppertown.

Councilor Rocka clarified that he was talking about micro-promotion. The Chamber does great work bringing people to town, but those people go after the things they know about. However, there are also some great businesses that people do not know about. Businesses want to be known. A micro-promotion could help them a great deal without taking anything away from the ADHDA. The City did not always wait for grants to install signage and he has encouraged the Chamber to think about putting money towards signage.

Mayor Jones asked if David Reid had anything to share.

David Reid, Astoria-Warrenton Chamber of Commerce, said the Chamber would continue to work with anyone that needs help or has questions. The Chamber was involved in the riverfront visioning from beginning to end, Advance Astoria, Uniontown Reborn, and the State Park grant for signage. The best way to promote the entire city is through the visitor's center. Staff and volunteers do not only send people to the usual places. They drive visitors deeper into the community. The Lower Columbia Tourism Committee (LTCT) promotes Astoria and Warrenton by features areas beyond the usual tourist attractions. He encouraged Councilors to look at the marketing and advertising because it includes Uniontown and Uppertown properties, as well as other attractions that are not run of the mill. The Chamber is trying very hard to keep everyone in Astoria and Warrenton involved, but it comes down to what tourists want to see. He supported signage on the Riverwalk that tells people about other areas of town and that is what the Parks grant is all about. However, he wanted to make it clear that the Chamber, LCTC, and the visitor's center are already very involved in every aspect of Astoria and would continue to do so. The Chamber is working with a limited staff, but their work has been extraordinary over the last couple of years and they deserve credit.

Mayor Jones called for public comments.

Diana Kirk 151 W Franklin, Astoria, Owner of Worker's Tavern, said this conversation was about lobbying organizations, like the ADHDA and the Chamber. Since she purchased Worker's Tavern, she has spoken to Ms. Heath and Mr. Reid many times. She appreciated the work that they both do, but Worker's Tavern did not

receive any guidance from the ADHDA or the Chamber about what to do during the pandemic. She had reached out to Mr. Reid several times and did not receive any responses. Eight of the 14 hotels in town are in Uniontown. These organizations funded by transient lodging tax revenues are organizations that she must pay to get them to lobby for her business. She attended every Uniontown Reborn meeting. Mr. Reid was on the Uniontown Reborn board, but she never heard or saw him participate in that process. She watches the videos that the Chamber makes and reads all of the information packets they put out. Uniontown is not represented very much in those videos and packets. Also, Uniontown would like more than just signage. She did a 30-day sampling of her customers to find out where the tourists were coming from. All of them came from the hotels, not the Chamber or downtown. When tourists come to her bar and ask where they should go, her employees tell them about the organizations in town and the museums. Signage is a small step in the right direction for Uniontown. Most of the transient lodging tax revenue comes from Uniontown, where there are no lights or sidewalks. The area is ignored by many different organizations in town. She appreciated that Councilors Rocka and Brownson spoke up for Uniontown because the area has been trying to get some attention for a long time. She did appreciate how hard the ADHDA and the Chamber worked, but she was part of a small group trying to get some safety issues resolved, lighting, and sidewalk repairs. The Uniontown Reborn project is a 10 to 15 year project and does include any projects that will happen in the next two years, but Uniontown needed signage yesterday.

City Manager Estes stated once Staff knows what will happen with the grant application, they can start making some decisions about improvements to the Uniontown neighborhood. He advised against tearing apart a grant application that was just submitted. Uppertown is a more difficult project. If the City Council wants to prioritize Promote Astoria funds for Uppertown improvements, the Council would need to reprioritize funding for the 14th Street Pier.

Councilor West said Riverwalk lighting through Alderbrook was a big priority for her. She had received a message from someone who wanted to know what Riverwalk lighting through Alderbrook had to do with promoting Astoria or tourism. She had also received feedback from visitors saying they do not feel safe experiencing Pier 39 and beyond, particularly in the winter when the community is working harder to get visitors. She was interested in keeping that conversation going.

Councilor Rocka noted that discussion does not cost anything and he was trying to start a discussion about how to accomplish this goal.

Mayor Jones responded he also wanted to see the lighting extend east to Alderbrook, but lighting through that short stretch around Mill Pond and the Barbey Center is extremely expensive. Interpretive signage on the river trail is slowly being replaced. If there were signs for Uppertown and Uniontown that advertised businesses, those signs would be very different from the interpretive signs.

City Manager Estes added that the City Council adopted a sign master plan. Staff would consider the type of sign and build accordingly. Informational signs are different from directional signs.

Mayor Jones said if it is going to be a long time before the grant application is process, he would support one or two wayfinding signs.

City Manager Estes asked the Council to go back to the budget and tell Staff what needed to be cut.

Mayor Jones clarified that he was not suggesting the Council vote tonight. He wanted the Council to identify sign designs and costs. Then, over the next year, the Council can figure out a funding source.

Sarah Lu Heath, Executive Director, ADHDA, said the ADHDA did a study on signage needs 15 years ago that included the entrances at both ends of town. Interpretive and wayfinding signage is expensive. She has looked for workaround to that expense and in the grant application she proposed an unusual type of wayfinding signage that would put lit poster holders under trolley signs that could be updated. Wayfinding signage typically does not include businesses because they are so difficult to keep updated. There are a lot of creative solutions. Signage has been on the ADHDA's agenda for a long time, but it really challenging. She would be happy to lend her knowhow.

City Council Action: Motion made by Councilor Rocka, seconded by Councilor Herman, to execute the Agreement for Professional Services with Astoria-Warrenton Chamber of Commerce. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Mayor Jones called for a recess at 8:15 pm. The meeting reconvened at 8:25 pm.

Item 6(j): Discussion of Birch Field Adoption and Items Installed at Site

In 2018, Birch Field was considered as one of multiple Parks properties to be sold by the City to alleviate maintenance burdens on the Parks Department.

Neighbors of Birch Field, Lisa Morley and Randy Harris, notified the City that they would lead a group to adopt the site and maintain it in order to avoid the loss of public space in the Alderbrook Neighborhood.

It was brought to staff's attention in June of this year that several items had been placed at the site for free public use, including residential-grade equipment pieces that were found to be unintended for use in public settings, per their manufacturer.

After requesting their removal and receiving concerns from the adopters, staff consulted with the City's risk management representative and City Attorney and determined that allowing the items to remain could present potential liability issues for the City, as owner, if someone were injured while using the items. Mayor Jones added this item to the Council agenda to allow more discussion with the full Council.

Staff is seeking direction from City Council on how to proceed since there are differing neighborhood opinions on the value of the site with or without the added items and to also weigh in on the acceptance of these items from a risk management / liability standpoint.

Mayor Jones stated that over the past couple of weeks, the Council had received many communications from people on both sides and neighbors are about evenly split. Some of the letters were included in the Agenda Packet. The Friends of Birch Park feel that stuff just started appearing on the field and they were never part of a process or discussion. A conversation about plans at the park before implementing them could have avoided the issues. He called for public comments.

Lisa Morley 4908 Cedar Street, Astoria, said she felt like the Friends of Birch Park were the good guys. They took over a park that was up for sale and could not be maintained by the parks district. Since the park has been adopted, it has been meticulously maintained and usage has been staggering. Every day, there are families in the park. The Friends were tasked with increasing usage of the park. She made handouts available to the Mayor that showed examples of the Friends cleaning days and events. The Friends have not had any sponsors and have been led by two volunteers. There are numerous peer reviews and validated studies indicating that static play structures are not effective for child development. She read the following out loud:

"The results of field studies reveal that today's playgrounds have little value in terms of play. Limitations of fixed playground equipment directly effect children's developmental needs. Research findings indicate that traditional play structures support physical and social development of the child to a certain extent. However, this kind of equipment does not foster cognitive and emotional development of children. Today's playgrounds have little value in terms of play. When children are engaged with loose play materials and not structures that are secured in place with no additional activities, they are able to use their imagination, critical thinking skills, and creativity. They learn to problem solve, discover reasoning, symbolic thought, and the ability to cooperate. Play can be defined as freely chosen, personally directed, intrinsically motivated behavior that actively engages the child, which does not take place with static playground equipment after a very short time."

Look at any of the play structures that are used for a very short time and children become bored with them because they cannot do anything with them. It does not support their mental development. The Friends have put a toy box with items in the park and as the studies have proven, that was wrong. When kids cannot access toys in a toy box freely and easily and they think they have to ask permission, they do not use the toys. Now, items are put in the park and kids can take them anywhere inside the park. The items are used and kids have the freedom to figure out what they want to do with the toys. The usage has gone through the roof. Her home office overlooks the park and she saw the usage every day. The other day, a lady came to the park with seven children. She went to speak to the woman, who was afraid she would be asked to leave because she was not from the neighborhood. The children had heard about the park from their cousins and the woman had come

from out of town to visit her sister and bring the kids to the park. Lose toy parks in Newberg are examples of City-owned parks because they have learned about the usage. The parks are supported by the Cities and their liability insurance. The Friends have a petition with 98 signatures. She did not know how many emails had been sent even though she had requested copies of them. Her request went unanswered, but the emails should be public record and she should have been given access to them. She had received three responses in favor of keeping the toys in the park, three responses to remove the toys, and one question. She had no additional data. She reached out to the Mayor, her Councilor, City Manager Estes, and the Parks Director, yet she has not received any responses. She did not know how to prepare for this meeting because she did not get any information and she wanted to know why. The only thing the Friends have done is try to be good neighbors out of the goodness of their heart. The Halloween decorations bring hundreds of visitors and their Christmas decorations are in an effort to be a good neighbor. She felt like she was being attacked personally because the complaints were aimed at her and Randy Harris. She reached out to the Parks Department four or five times asking how the Friends and the City could work together so that the toys can remain. She had heard that the Parks Department had asked the Friends to remove the large toys but that was not true. The letter stated the City wanted all of the toys removed and if they were not removed, the City would take them. Nothing has changed since then regardless of what the Friends have said or done. The Friends adopted a park that the Parks Department could not take care of. She had a letter from the insurance company stating there was no increased liability to the City, so she was confused about how trying to be a good citizen to the neighborhood and the City had gotten to this point. Nobody had reached out to try to work with the Friends.

City Manager Estes responded for the record that neither Parks Director Dart-McLean nor he had received any correspondence from Ms. Morley over the past week. He had communicated with Mr. Bondurant who had emailed and he responded within hours of receiving the email. When Ms. Morley requested copies of the information Staff had received, those materials were submitted to her and have been included in the public record. Also included in the public record are the materials that were submitted from the citizens as of the date the Agenda packet was published.

Ms. Morley said she had not sent any communications over the last week because she had not received any response from the last message she sent to City Manager Estes, the Mayor, her Councilor, and Director Dart-McLean, which she sent last Thursday.

City Manager Estes responded that Mr. Bondurant had emailed him a couple times and he responded immediately. He did not know why Ms. Morley's email had not gotten through to him.

Mayor Jones stated for the record that he had not received any emails from Ms. Morley.

Ms. Morley said she sent the email from her business account. She sends emails all around the world and no one has ever said they did not receive an email from her.

Councilor West stated for the record that she had not received any emails from Ms. Morley or Mr. Harris. However, she had received all of the emails with Director Dart-McLean and from the residents. She would have responded to Ms. Morley's email.

Ms. Morley added that her neighbor had said they also had not received any response the email they sent to Councilor West.

City Manager Estes explained that Staff needs direction from the Council and he did not want to get into a disagreement with Ms. Morley about the issues. There is a difference of opinion between Staff and Ms. Morley on the large items. However, he wanted to clarify for the record the assertions made by Ms. Morley. The City prides itself on being responsive and he was sorry that Ms. Morley did not receive a response. He had not received anything from Ms. Morley but he did respond to Mr. Bondurant within hours of receiving his emails.

Unidentified Speaker said he had proof of the emails.

Ms. Morley added that she had taken Director Dart-McLean an entire packet of all the emails he said he did not receive. She did not want to digress into that issue. She felt like she had done everything she could to work with the City to figure out a way to keep the toys in the park. She did not want to argue. The Friends were the good

guys but she felt like they were being portrayed as the bad guys and she did not know why and why the attacks are personal.

Mayor Jones stated that was not from the City. He thanked Ms. Morley and Mr. Harris for everything they had done over the last several years with establishing the Friends group. He also appreciated Jim for doing all of the mowing and keeping the park looking great. He was grateful for the holiday events the Friends put on and he had never heard a complaint about any of them. The community is very fortunate to have the Friends host those events. This is about the appearance of the toys in the park. Some neighbors feel the area should be a natural area with a ballfield and it looks to them like a cluttered day care center with a lot of toys. Other neighbors believe it is great that all of the toys are there because kids can freeform play with them. Director Dart-McLean's reaction was exactly as he had expected because he is charged with carrying out the City's policies. The City does not let people leave stuff in parks and playground equipment must meet standards. Director Dart-McLean did the right thing when he brought this issue to the Council's attention and recommended the Council should have the items removed. Some people have indicated they would be happy for the larger items to remain but the smaller cluttered items be removed. However, the larger toys pose safety concerns, particularly when older children play on equipment meant for younger children. He called for public comments.

Catherine Riding 240 53rd Street, Astoria, said she was grateful to Mr. Harris and Ms. Morley for everything they have done over the last few years. Birch Field is a neighborhood park and neighbors are those who look out for each other. In a neighborhood park, all different ages should be welcome. The Parks Department's mission statement says it is dedicated to open spaces and facilities that inspire and bring neighbors and Astoria's many visitors together. The toys at Birch Field are doing exactly that. She brings young friends to the park because it is a place where kids can play happily while she enjoys visiting with parents. She had met many people at the park who had brought their kids to visit grandparents. The kids needed to get out of the house to run, play, and have fun. Daily, she sees young parents enjoying the relaxing time sitting at the picnic table while their children have a great time playing nearby. Part of the mission statement also talks about the well-being through recreational opportunities. Clearly, the opportunities that children are receiving by playing with these toys brings a feeling of well-being. Older children do sometimes play on these toys inappropriately, but they also play inappropriately on the toys in other parks. This does not mean that all parks should remove all toys and climbing equipment in case older children play inappropriately. She has addressed this situation in a park by asking children politely to get off the equipment that they are too old for. The interests of people who live in Alderbrook will not be the same and people will not always agree. However, one age or interest should not be catered to. She remembered what it was like as a young mother to find opportunities like Birch Field for her children. She appreciated seeing children enjoying healthy outside activities. The demand for these toys is high and people use them over and over every day. This is not a park in a retirement community where children are discouraged. It is a neighborhood park maintained by neighbors who care about each other.

Larry Bondurant 5141 Birch Street, Astoria, said one of the last emails he received from City Manager Estes said there were three or four complaints and Mayor Jones has said there were up to 90 signatures.

Mayor Jones clarified that tonight was the first time he had heard how many signatures were on the petition.

Mr. Bondurant asked how many people were against the park.

Mayor Jones stated he had seen about six comments in favor and about six comments opposed to toys in the park. He had not seen the petition.

Mr. Bondurant said there 90 signatures in support of the toys in the park. Mayor Jones' comments made it sound like there was as many against as there was for. It sounded more democratic to go with numbers instead of just saying they were about the same.

Mayor Jones responded that until about eight minutes ago, he had an equal number of emails in favor and opposed. This is the first time anyone had mentioned to him that there were 90 signatures.

Mr. Bondurant noted that he had an email from City Manager Estes saying there were three or four complaints. The sad part is that this had been confrontational. Director Dart-McLean has studied forestry but has never worked in any other park department outside of Astoria, so he does not really know about these parks. Professionally, a Parks Director wants to reach out to their community so that the Parks Department and

community can work together. There is no reason to fight over fun and games. People can get together and work out a solution that everyone is happy with. However, right from the start, the City's approach to Ms. Morley was confrontational. Ms. Morley has all of the emails that have been sent to her from City Manager Estes and Director Dart-McLean and they are all confrontational. None of the emails invite Ms. Morley to sit down with Staff at the park to talk about this and work out a solution.

City Manager Estes noted that the items mentioned by Mr. Bondurant are included in the Agenda packet. He wanted to avoid personal affronts between citizens and Staff. Staff has questions and concerns about liabilities and Staff will take any direction provide by the Council. He asked the City Council to determine what is appropriate at the park. He had tried to remove the personalization from the very beginning so that the review of the issues at hand would allow Council to determine what is appropriate at the park from a risk management standpoint.

Mayor Jones added that this conversation is about whether it is appropriate to have a lot of kids toys in City parks and whether there are liability and risk issues.

City Manager Estes explained that the agreement between the City and the Friends of Birch Park creates a unique situation because the Friends are able to place items in the park with City approval. The City Council is now reviewing items that the Friends would like to place in the park because the Friends did not receive City approval as required in the agreement. Items placed in a park without a maintenance agreement would be removed.

Mayor Jones called for more public comments.

Jeff Graham 4877 Cedar Street, Astoria, asked City Manager Estes when he last visited Birch Park.

City Manager Estes stated he was at the park last week.

Mr. Graham said Ms. Morley and Mr. Harris have provided a place for kids to play. The park was a swampy overgrown mess about two years ago. A couple of people have complained because they do not like kids to play in the park. A park is a place for people to go to. He believed everyone was overreacting to what the park is. It is a neighborhood park where kids play. His wife wrote an email that had not been received. Director Dart-McLean received the email but did not pass it along. A lot of feedback given to Director Dart-McLean has not been given to the Council and Mayor.

Mayor Jones confirmed he had received many emails that were forwarded from Staff.

Mr. Graham stated that his wife's email was not included in the Agenda packet. His wife was Lindsey Graham.

Zach Kazler, 342 14th Street, Astoria, said the Friends of Alderbrook Park has a Memorandum of Agreement (MOA) with the City and it seems as though the Friends have kept up their end of the Agreement. The park is well-maintained and the Friends hosts events at the park at their own expense. An argument has been made that small toys and lose toys are more useful for play and that the large toys are the eyesores. He believed one or two toys made the park look welcoming. The park is properly supported and the largest most egregious toys are useful. He had heard about using the park as an open field but he was not sure what would constitute that because that does not amount to just playing in a park to begin with. There is a backstop for baseball and baseball is not really safe. Therefore, maybe the toys are not a bad thing and the Friends have been doing their duty. This is not a catastrophe waiting to happen, but just a discussion between neighbors.

Laura Crow 296 53rd Avenue, Astoria, said prior to the toys being added to the park, there was far less use of the park. Groups use the park all the time now because there are toys for children to play with. The park used to be a green space with a lot of lawn and an occasional baseball game. Everyone is responsible for providing a place for children to play. Not all children have yards they can play in. The toys are for little children who are always supervised because the children are small. She had never seen a small child in this area unsupervised. She drives by at least once a day and sometimes twice. The potential for older children to be irresponsible is possible. However, any park has that potential. She had never seen this and she drives by often. Children playing is what a park is all about.

Randy Harris, 4908 Cedar Street, Astoria, said City Manager Estes brought up liability. He did not take that as a personal attack. However, the toys are not park type structures that have been placed in various parks in town. The Friends have been experimenting with what toys would work in a park. They had badminton and a bean toss in a box, but that required parental supervision and help to set those games up. So, then they brought in a swing set and some small toys which could be moved around when mowing. The roller coaster has been in the park for two and a half years. The Friends had requested a meeting with the former Parks Director but nothing happened. Current Director Dart-McLean, in his first email to the Friends mentioned that it had been a long time since Staff talked with the Friends. There has not been any coordination from the City to walk the Friends through this process, so the Friends just did this on their own. Yet, here we are today.

Michelle Abrams 4880 Ash Street, Astoria, said she has lived in Alderbrook for more than 30 years. Her husband has lived in Alderbrook for 60 years. They raised two of their children in the neighborhood. They were not fortunate enough to use the park as it is being used today. The park has been greatly used since it was taken over by the neighborhood. Her renters use the park on at least a monthly basis for football or baseball. She drives by the park more often than anyone else because she has to drive right by it to leave or come home every day. It is sad that this has been brought to the City's attention instead of the Friends. If there was a problem with the toys, the Friends could try to handle the issues within the neighborhood, and then present a plan to the City, answer questions about whether the toys are appropriate, and allow the City to make suggestions. However, that was not an option for the Friends. That was not fair. She appreciated that the City took the time to add this to the agenda so that Council could hear from those who had no idea there was a problem until all of a sudden the toys were going to be taken away. She believed the toys were not just a benefit. It's been a group effort to keep the park looking like it does. The park looks ten times better than it has looked in 30 years. It is sad that people do not recognize the positiveness of the park and what has been done.

Mayor Jones said it would have been best if at some point, the Friends reached out to the City to ask if it was okay and in compliance with the MOA to put toys in the park. Then, the Friends could have relayed their vision to Staff. If the City Council were to agree to some number of small toys being left in the park, the Council would need to know specific details of the Friends' plan, including how many canopies, would the canopies be taken down in heavy winds, and how many toys. If these toys are a small step towards bigger plans for the future, who do the Friends' plan to tell before buying more toys?

Ms. Morley said the Friends absolutely did not envision anything bigger because the plan is working the way it is. However, they do envision swapping things out when toys get past their useful life, not getting bigger toys, but replacing them with safe toys. The toys are Fischer Price that are made for children's use. The Friends came to a meeting to talk to the new Parks Director, but never heard back because he was too caught up in other issues. So, they have been doing things that the neighborhood has been using. The Friends also bought a shed to store the toys in after being turned down by the City when they tried to purchase a piece of property. The toys will not be in the park during the winter because the park is flooded all winter long. No one complained to the Friends and then Staff attacked the Friends personally in emails. They have asked the Parks Department numerous times how they can work together to figure out a way keep the toys in the park. Staff has responded to the emails but never answered the question. The toys do not take up 1/50th of the size of the park. When toys are left out, people walking by will stop to put the toys back where they belong. She would love for the Friends to be able to afford to put up a nice awning, like the awnings that are in several of the other parks that do not get as much usage. However, everything she has asked the Parks Department for she has been turned down. She was even turned down for a garbage can. Staff was leery about putting a garbage can in the park because it could cause problems. Trying to work with the Parks Department has not been a fun journey. The vision is not to get bigger because the vision is working great. The canopies were set up again because it is hot in the middle of the day when kids are at the park. Kids play with the toys underneath the canopies. The Friends have been doing things to make the park usable and it's been working. She felt the Friends were the good guys, but now she felt like she was under attack.

Councilor Rocka said he goes by the park at least once a week because he walks his dogs at the Alderbrook Lagoon. He could not adjudicate whether the toys looked good or not. The look is in the eye of the beholder, so he did not want to get into that. He was concerned about potential hazards, who is liable, and who provides the insurance. As a boy, he would always test playground equipment to its utmost degree. The manufacturer of the toys in the park indicated that the toys were not made for public use. He was sure the Friends would not want to face the potential financial burden of that liability. He was also concerned about setting a precedent. There are

no standards for allowing individuals to put things in parks. If the Council allows that in this park, presumably it should be allowed in other parks.

Councilor West stated she read through the Agenda packet, which included the MOA, and she had been thinking about this topic nonstop for the past couple of weeks. She tried to promptly reply to all of the emails she received. She noticed the increase in park usage over the last couple of years. Her niece and nephew have benefited from the toys provided in the park. She appreciated all of the work the neighborhood and the Friends have done to maintain and enhance the park. However, she was concerned about safety and liability, which have legal consequences. The City Attorney, the City's risk management consultant, the City's insurance representative, and the toy manufacture also share these concerns, which were included in the Agenda packet. The City is the property owner and therefore would be liable for residential equipment not sanctioned by a Certified Playground Inspector. If any Staff member knows or should know of a dangerous condition in a park, like equipment for private and not public use, the City could face liability for failing to correct the dangerous condition. Alderbrook is and always has been her favorite neighborhood in Astoria because of its history, natural beauty, and especially because of the residents. All of the residents who submitted comments want what is best for the neighborhood. Integrity in the neighborhood is important, and that integrity cannot be achieved when decisions are made without consensus. Items were placed in the park unilaterally or without consensus. She encouraged Staff to determine what toys were a liability and have them removed, and leave the toys are not a liability. A standard should be set for what toys could be added, if any, and based on Section 4 of the MOA, which indicates that any amenities need to be submitted for review to the City in advance of installation. She encouraged the Friends to work on a set of bylaws or a comprehensive agreement regarding what the association and neighboring residents envision for the park. It was unfortunate that the Friends did not directly contact the neighborhood residents before complaints were submitted. Working together is in the best interest of the park and the neighborhood. She was willing to attend meetings and help with making bylaws.

Councilor Herman said there were no good guys or bad guys in this situation. Everyone loves Alderbrook and the park. She was sorry there were hurt feelings and hoped neighbors would get along again. The Council has been charged with ensuring that Astoria is a safe place and that the City's assets, which everyone owns, are not jeopardized. Her paramount concern was children's safety. Fisher Price was an excellent brand name for residential use, but not for a public park. Big kids rough house everywhere, but at least if they're doing so on commercial playground equipment, the equipment would probably not break. She hated that society was so litigious, which is another issue. If someone were injured, she hated to think what could happen from a pragmatic viewpoint of the City being sued. She did not like the idea of small toys being left in parks in general. Parents could bring small toys from home or a homeowner in Alderbrook could provide the toys for children to bring to and use in the park, but then take them home. She thanked Ms. Morley and Mr. Harris for donating so much of their time and money. The park has traditionally been a ballpark and she wanted to know if public use playground equipment could be installed in a way that it would not interfere with the ballpark.

City Manager Estes asked if Councilor Herman was suggesting the City fund that playground equipment.

Councilor Herman responded that she did not say but understood that now was not a good time for the City to be purchasing playground equipment.

City Manager Estes noted that the park was not currently a regulation ball field but permanent playground equipment would limit an already small ballfield area.

Councilor Herman said ballgames were going on all the time. She asked if the ballfield could be shared.

Mayor Jones stated that based on the layout, if the City were to have financial resources to install approved playground equipment, it would be better to install the equipment at Violet LaPlante Park where there are already swings. Putting playground equipment at Birch Field would eliminate it's ability to serve as a ballfield. The Parks Master Plan did not identify playground equipment at Birch Field as a priority.

Councilor Herman added that the small park at 14th and Grand has some space-efficient playground equipment, which may not work at Birch Field even if money were not an issue.

Councilor Brownson stated he did not know why the perceived or actual communication issues came into play. The City has recently changed Parks Directors and when Staff is shorthanded, things fall through the cracks

sometimes. However, the City is also suddenly in a new situation trying to communicate with one another and a person no longer has the ability to walk into City Hall to talk to Staff. However, the agreement required the Friends of Birch Park to have a conversation with Staff about any enhancements or changes they wanted to make to the park. The Friends of McClure Park also has an agreement with the City and got a big slide put into the park through conversations with Staff. The play structure at Tapiola Park was installed through a neighborhood effort to raise the money and work with the City. In both cases, safety was a priority. The process is important and he believed it was time to start this process over. The Friends of Birch Park should put together a concept and bring it to the City for discussion. Playgrounds may have evolved and changed and maybe permanent play structures are not longer the best. However, there is a process for the Friends to accomplish their goal. When the City changes the way it does business, it is usually a public process. The City has a long discussion and collects information from all directions. Doing what you want anyway just because Staff does not respond is the wrong attitude. The City needs to make sure that it moves forward on this issue in a responsible and thoughtful way. When individuals just go down their own path because they did not get the response they needed, the process needs to be restarted so that the City can get clarity about the issues. If the Council wanted to leave the small toys in the park for now, he would probably be okay with that as long as everyone starts working together to decide if the small toys are right. He did not believe anyone would be injured by the toys, but the toys are not very durable. However, if the City is sued, the City will pay but the insurance company might come after the Friends of Birch Park.

Mayor Jones said he had not seen the petition before the meeting and asked if the document he received was the original.

Unidentified Male Speaker stated that no one asked the Friends to submit anything and they had to invite themselves to this meeting. The Agenda packets were sent to the Councilors did not include all sides of the issue.

Mayor Jones responded that the Friends had signs up for weeks encouraging people to come to the meeting. So, Staff believed the Friends knew they would be attending. He noted the document he was given was just signatures and asked for a copy of the petition so he could read what it said. He also said that the Council could get all sides of the story tonight. He received a copy of the petition and confirmed that the petition included one sentence that requested the toys be allowed to remain in the park. It looked as if there were about 98 signatures and the Councilors received about six lengthy emails from people who were opposed to the toys.

Unidentified Female Speaker.

Mayor Jones stated that would be entered into the record. One issue was whether the toys were unsightly and he understood how some believed the park looked like a backyard after a party. However, 98 people have said they are okay with the toys, so the unsightly issue was not as much of a concern at this park. If the City were to allow any semblance of this situation to continue, the City would have to make the record clear that no precedent had been set for other parks. He proposed that the toys be allowed as an experiment and that City Council reserve the right to revoke their decision at any time. The other issue is the safety of the bigger toys, which needs a lot more discussion. He wished there was nothing in the field and that the Friends were coming to the City tonight with their vision. However, the toys are already in the park and now the City is trying to figure out whether the Friends should get permission to keep them there. He recommended the City give the Friends six weeks to submit a proposal to Staff, which would be reviewed by the Council at a future City Council meeting.

City Manager Estes referred to the June 30, 2020 email from Director Dart-McLean to Ms. Morley, which notified Ms. Morley that the swing set/climber, and car track at Birch Field needed to be removed. The swing set/climber and car track were the only two items that Staff had concerns about and Staff did not have any concerns with any of the other items.

Ms. Morley stated she had a message dated June 22, 2020 from City Attorney Henningsgaard saying, "I don't think the residential equipment is necessarily a source of liability." A message from Sean Devries says, "The City's insurance program should protect the City if someone is seriously injured." She was pretty sure that no one was more knowledgeable about safety in this city than she was. She works with Amtrak, Burlington Northern Santa Fe (BNSF) Railroad, YRCW (Yellow Roadway Corporation Worldwide) Freight, Tyson Foods, and mining to save people's lives every day from serious injuries or fatalities. There is not one piece of equipment in any of the City parks that do not pose the potential for a serious injury or a fatality. There is no such thing as something

that cannot cause serious injuries or fatalities. The risk associated with the toys is less than any piece of equipment she had seen in any of the City's parks. The City is allowed to put up signs in the skate park that says "do not be a jerk," and tells all the risks involved with the skate park. If anyone falls in the skate park at night they would not be able to get out because there are no steps. That is a serious injury and fatality potential. The toddler swing set is lower than any swing in any of the City maintained parks and does not pose more of a risk for serious injuries or fatalities than any piece of equipment in any of the City managed parks.

Mr. Bondurant said one of the problems was that there were no lose play toys in any park in Astoria. Lose play toys in parks is very common in the valley and they are not dangerous. The Friends should start the process over and work together.

Mayor Jones responded that as City Manager Estes just pointed out, the lose toys were never an issue for Staff. However, the lose toys were mentioned in many of the emails from neighbors.

Ms. Morley said the first message she received stated that everything needed to be removed from the park and that she needed to let Staff know who the toys belonged to.

Mayor Jones noted that the City's policy is to have all toys removed. However, the City wanted to discuss an exception for Birch Field. Ideally, the Friends would have discussed this with the City ahead of time. All of this tension is because this discussion is after the fact instead of before the toys were placed in the park.

Mayor Jones stated that from this point forward, no more lose toys or canopies could be placed in the park. If a toy is added, a toy must be removed. By August 31, 2020, the City and the Friends must come to an understanding about when the canopies are taken down, when the toys would be put away for the winter, and where the toys would be stored.

Mr. Morley said the Friends would agree to those things and that was always the plan. No one said they were concerned and the City went straight to "get rid of everything today."

Councilor West stated she had received a couple of questions via email and text. The statements in the Agenda packet from the City Attorney and the insurance company are part of a thread and the insurance agent ended up deferring to Adrian Ulrich at CIS. The City Attorney and the insurance company both concurred with Staff's concerns about the large equipment.

City Manager Estes noted that Councilor West had suggested the Friends develop by-laws and he did not believe Staff should be involved with that. The park was adopted because Staff did not have the time to maintain it. Staff could work with the Friends on a proposal for the City Council to consider because the decision about what is appropriate should be made by the Council. The Council could chose to accept the liability, but Staff should not be making that decision. Staff is concerned about the larger pieces of equipment, so Staff would make a recommendation to Council based on those concerns.

Mayor Jones said he did not want Staff to do a lot of work and he was not looking to create more bureaucracy with the Friends. He just wanted an email confirming that on a certain day, the two large toys and tents would be removed for winter. Staff was not concerned with the smaller toys.

Councilor Brownson noted he was not interested in discussing the smaller toys either. However, in a perfect world, the small toys would be collected at the end of each day and put back out in the morning instead of leaving them out overnight. He did not believe there was a serious safety issue with the large toys because they are low impact and soft. However, the City is required to make a soft landing underneath play equipment so they do not get injured.

Councilor Herman said she would defer to the Parks Director to make a decision about the safety of the toys. She was concerned that smaller children could be hurt by the small toys because children are not always supervised. She was also concerned that allowing the small toys would set a precedent for other parks.

Councilor West stated the original plan was to remove the two larger toys due to liability concerns, as noted by the City Attorney and insurance company. She was also concerned about the liability. She would defer to the Parks Director on the smaller toys.

Mayor Jones responded that Director Dart-McLean's recommendation was to remove the two large toys.

Director Dart-McLean added that he agreed that there were risks, which needed to be corrected quickly. The challenge is that the City is mandated by the manufacturer's recommendations or hazard warnings, and misuse means the City acknowledges the risks. The result of that could be benign or severe. The original complaint was submitted by a neighbor, and his typical response to complaints is to find the cause of the problem and address the problem in a professional way. In this case, he looked at the two larger toys' manufacturer recommendations for use. The smaller toys likely have a similar statement about the proper use.

Mayor Jones said he agreed that other playground equipment has just as high a risk. However, approved playground equipment is heavy duty and the backyard swing sets are not. The bolts loosen quickly and he questioned who would be checking the torque on the bolts every week.

Mr. Bondurant stated he checked the equipment regularly. A small child who uses the Friends' swing set had said he was unable to use the park up the street because those swings were too high. He visited other parks in the city and found that the playground equipment has divots that have not been refilled and swings that should be installed at 24 inches are at 30 inches. He has videos of kids enjoying the slide. The slide and swing set is an investment in the park that the City could not provide.

Mayor Jones said the Council needed to make a decision on the two large toys.

Councilor Brownson stated he was fine with leaving the toys in the park during the summer and putting them away in the winter. In the meantime, he also wanted the Friends to have a discussion with the Parks Department about what would be allowed. He was not comfortable with people making decisions without talking to the City. This is an experiment and the City needs to see how this will go. The only way for this situation to work is if there is good stewardship of the equipment. However, the Friends need to have a serious discussion with Staff about playground policy and standards.

Councilor Herman said the MOA specifically required the Friends get approval from the City before bringing any equipment to the site. The larger equipment should be removed due to safety and liability concerns.

Councilor Rocka noted that the equipment was probably not dangerous for little kids. He asked if there were provisions for cleaning the toys to pandemic cleaning standards and who did the cleaning.

Ms. Morley responded that her park is the only park that she knew of in Astoria that provides disinfectant and instructions for its use. All the other parks she had been to had a sign that said, "beware of COVID and we do not even clean our bathrooms twice a day."

Councilor Rocka said he assumed the equipment was being used primarily by little kids who were likely supervised. Older kids tend to push the envelope and the equipment is not that high. He was probably okay with leaving the two toys in the park for now, while the City worked to approve anything that goes into the park. He appreciated the mowing and trimming, but the City needs to be concerned about the safety issues. Making sure the toys are cleaned before use is important. Ideally, the Friends would remove the two large toys for now and talk to the City about them.

Councilor West clarified that the by-laws should not be created by Staff, but by the Friends. She was fine with leaving the toys in the park with the understanding that there would be a date set for all of them to go into storage and that the Friends come to an agreement with the neighborhood. Section 4 of the MOA indicates that anything placed in the park needed to be vetted by the City.

Mayor Jones confirmed for Staff that City Council's direction was to allow the two large items to remain through the end of September and this be done on a trial basis, to develop a plan for removing the tents and small toys for the winter, and that none of this direction be applied to any other park. City Council was not setting a precedent. He asked if City Attorney Henningsgaard had any concerns not expressed in his email.

City Attorney Henningsgaard stated his concern was injuries to children. The City is protected by its insurance policy and the Friends are responsible for injuries. However, the goal is to avoid injuries to children.

Mayor Jones understood that the equipment could remain in the park until the end of September, that the City Council was considering this an experiment, not a permanent decision, and that this would not be applied to other parks.

City Manager Estes recommended that the City Council wanted the Friends to submit a proposal for next year.

Mayor Jones added that the Friends should meet with Parks Staff and submit a proposal to the City Council prior to setting anything in the park next year.

City Manager Estes noted that correspondence was not being received by Staff, which has caused some of the consternation and confusion. Staff could work with the IT provider to see if emails had gotten stuck. If the email issue cannot get fixed, Staff would need to find another way to communicate.

The City Council proceeded to Item 7(a): Community Development Block Grants at this time.

Item 6(k): Legislative Priorities Discussion

On June 5, the League of Oregon Cities (LOC) sent legislative priority information and ballots to cities via regular mail and email. These legislative issues have been compiled by the seven LOC policy committees which met from March to May.

City participation in this process is critical in terms of focusing the LOC's messaging in the run-up to the session.

Cities were asked to identify their top four legislative issues. The survey results will be forwarded to the LOC Board of Directors for final determination as to which will become the LOC's top priorities in the 2021 session.

Astoria Councilors were asked to individually provide their top four priorities from the list and those have been narrowed down for Council discussion. It is recommended that City Council further discuss these priorities and narrow them down to the top four priorities for Astoria.

The City Council addressed this item immediately following Item 7(a): Community Development Block Grants.

Mayor Jones said property tax reform was an issue that was tied with three votes. He did not vote for property tax reform it is the biggest political issue in the state other than public employees retirement system (PERS) reform and the State will not make a decision based on what Astoria thinks. He voted for beer and cider tax, and marijuana tax because he wanted to City to get more revenue from those sources.

Councilor Rocka stated he was comfortable with the priorities that received the most votes. He also believed property taxes were an important issue.

Councilor Herman said property taxes were such a huge quagmire and she did not know if Astoria would ever get out of it. She voted for COVID relief because the north coast community was hit so hard with unemployment. Getting additional relief is crucial. She also prioritized mental health, housing, and a more flexible budgeting process. Revenue sources are up in the air and Staff had indicated that flexibility with how funds are used could be crucial.

Councilor West said she would support infrastructure financing and resilience and was okay with leaving property tax reform off.

Councilor Brownson stated he would always advocate for property tax reform. The legislature avoids property taxes like the plague and pressure must be put on them. The system is dysfunctional and the City needs the ability to raise revenues without being limited by the property tax laws. The marijuana tax and the beer and cider tax make a lot of sense. He voted for the building code energy efficiency local option, which would allow the City to develop stronger energy efficiency codes beyond what the State mandates. However, he could be comfortable with the four priorities that came out on top. Mental health services need to be reinforced and strengthened especially in rural areas.

Councilors West and Herman said they were fine with the top four priorities.

Mayor Jones clarified that he was looking at things that would bring money into the City instead of what would benefit the State. That is why he voted for the marijuana tax and the beer and cider tax. Mental health service delivery would give money to the County, not Astoria.

Councilor Brownson added that the beer and cider tax was minimal right now and an increase would be across the board. He and Councilor Rocka both stated they voted for the marijuana tax.

After some discussion among the Council, the consensus was to remove property tax reform and add marijuana taxes to the list of the top four priorities.

City Manager Estes confirmed with the Council that the City would tell the League of Oregon Cities that its top four priorities are mental health, housing, beer and cider tax, and marijuana tax.

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

Item 7(a): Community Development Block Grants

This item was added to the agenda during Item 5: Changes to the Agenda and was addressed immediately following Item 6(j): Discussion of Birch Field Adoption and Items Installed at Site.

City Manager Estes explained that several years ago, the City received a Community Development Block Grant (CDBG) for housing rehabilitation programs and partnered with the Community Action Team to manage the grant. An amendment must be filed to the contract with the State of Oregon and Staff has been working with the Community Action Team on the amendment. Today, the City received the amendment and was notified that it must be complete by July 31st. He had emailed the amendment to the Councilors prior to the meeting.

[3:26:58 - 3:28:56 contacting Ms. Wagner]

Susanne Wagner, [3:28:56] Community Action Team, said the City received this grant from the State Business Development Department as the lead applicant for the North West Oregon Regional Housing Rehabilitation Region, which includes Columbia, Clatsop, and Tillamook Counties. Contractors are building brand new at the height of the market, which made it difficult to get contractors. Additionally, COVID-19 led to clients being unwilling to allow contractors or staff to go to their homes. The deadline to complete the work was July 7th, but the Community Action Team was not able to get everyone served in time. The amendment will extend the program for one year, which will allow the work to get done. Five new projects have been approved by the City of Astoria's Loan Board and four others are almost ready to complete, so the program will have no problems getting the work done by April 2021.

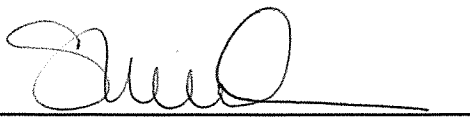
City Council Action: Motion made by Councilor Rocka, seconded by Councilor Brownson, to authorize Mayor Jones to sign Amendment #1 of the Community Development Block Grant. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

The City Council proceeded to Item 6(k): Legislative Priorities Discussion at this time.

ADJOURNMENT

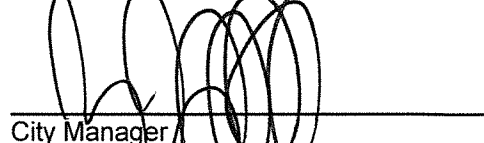
There being no further business, the meeting was adjourned at 10:45 pm.

ATTEST:



Finance Director

APPROVED:



City Manager