

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

Councilors Present: Brownson, Rocka, Herman, Hilton, and Mayor Jones.

Councilors Excused: None

Staff Present: City Manager Estes, Parks and Recreation Director Dart-Mclean, Community Development Director Leatherman, Finance Director Brooks, Fire Chief Crutchfield, Police Chief Spalding, Public Works Director Harrington, Library Director Pearson, and City Attorney Henningsgaard. The meeting was live streamed and recorded, and will be transcribed by ABC Transcription Services, Inc.

## PROCLAMATION

### **Item 3(a): Career and Technical Education Month**

Mayor Jones read the proclamation declaring February 2021 as Career and Technical Education Month in Astoria.

Chris Breitmeyer, President, Clatsop Community College, said he appreciated the City's support. The support of mayors in the County was important as the college worked to provide quality career and technical education, which the community needs.

## REPORTS OF COUNCILORS

**Item 4(a): Councilor Rocka** reported that he attended the quarterly meeting of the Columbia River Estuary Study Taskforce (CREST), which repairs and mitigates the loss of habitats in the lower Columbia region. He interviewed Port Director Will Isom about the Port's efforts to fix their degraded infrastructure. That interview would be aired on KMUN on Monday at 9:30 am. He hosted the Uniontown Association meeting to discuss reorganization and planning. Their next meeting would be on March 21<sup>st</sup> at 3:00 pm and is open to the public.

**Item 4(b): Councilor Brownson** reported that he attended the League of Oregon Cities Capital Day event. He noted February was Black History Month.

**Item 4(c): Councilor Hilton** reported that he spoke with a few of constituents about the streetlights on 39<sup>th</sup> Street that had been out since the power outage and the House bill to eliminate gill netting in Oregon.

**Item 4(d): Councilor Herman** reported that she also attended the League of Oregon Cities Capital Day event. Their priorities included increasing funding for mental health services and affordable housing. She also attended Astoria Downtown Historic District Association's (ADHDA) awards ceremony. The award recipients included Fire Chief Crutchfield and the Fire Department for assisting with the holiday decorations.

**Item 4(e): Mayor Jones** reported that he attended the Astoria Warrenton Chamber of Commerce's annual banquet to present the George Award for outstanding volunteer service to Ms. Corleen Mathews for her work with the Scandinavian Festival, the Crab, Seafood, and Wine Festival, the Columbia Crossing, and many other things. He appreciated the Fire and Police Department's response to an incident near the Alderbrook Lagoon.

## CHANGES TO AGENDA

No changes.

## CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 6(a) City Council Minutes of December 29, 2020
- 6(b) City Council Minutes of January 4, 2021
- 6(c) Liquor License Application from Rumors Speakeasy LLC doing business as Rumors Speakeasy located at 1313 Marine Drive for a Full On-Premises Commercial Sales License
- 6(d) Sanitary Sewer Lift Station #3 Repair Work

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

## REGULAR AGENDA ITEMS

### **Item 7(a): Community Impact of Behavior In and Around 9<sup>th</sup> Street Park**

Chief Spalding will provide information to Council on the declining quality of life conditions occurring in and around 9th St. Park (910 Astor Street). The Chief will preview an upcoming report providing data to note citizens' and officers' observations and offer possible strategies to address the growing concerns.

City Manager Estes noted this item was added to the Agenda by the Mayor in response to some communications between Staff and the public about quality of life issues near the 9<sup>th</sup> Street Park.

Chief Spalding gave a PowerPoint presentation on declining conditions that had been ongoing for about the last year, but recently began to increase. His presentation included a description of the conditions in the area, data and feedback collected from police officers, business owners, and community members, Staff's efforts to assess the situation and develop recommendations, potential remedies, and enforcement challenges.

Amy Baker, Clatsop Behavioral Healthcare (CBH), said her organization had increased the number of people doing outreach in the community. One challenge is that people get to choose whether or not they want to work with CBH. It is the organization's job to make their services as accessible as possible. However, many people choose not to make use of their services. Additionally, Oregon has restrictive laws regarding getting someone into treatment who does not volunteer to do so. That has been frustrating because she has seen many people in the community deteriorate. CBH cannot do anything until a person hits a level of eminence. Additionally, the housing crisis makes it extremely difficult to provide mental health and substance abuse disorder services. People cannot focus on treatment if they are focused every day on survival. Creativity, new ideas, and new strategies will be necessary to tackle the problems.

Viviana Mathews added that housing had been an issue for at least five years. The community needs permanent supportive housing, housing that comes with case management and services that people need.

Mayor Jones stated many business owners and community members had contacted the Council and Staff about the issues at the 9<sup>th</sup> Street Park. The federal and state governments have failed to provide adequate funds for mental healthcare. Additionally, State laws grossly favor a lack of action and prevent mental health providers from providing care to people who are not willing to accept care. He wanted to discuss what the City could do in the short term to address the issues of safety in Astoria.

Kathleen Sullivan, Astoria Warming Center, said the warming center was doing what it could to help. The First Presbyterian Church had purchased the mall alternative building with the intention of turning into an SRO [36:10] Some housing needs to be supported housing. There were some projects in the pipeline, but the community needed housing. She appreciated the City's work and support.

Councilor Brownson stated this issue had existed since he had been on the Council. The conduct was becoming worse and he believed COVID-19 had contributed. He wanted to hear from others and he hoped that healthcare professionals were lobbying for a more sensible system because the City's resources were so limited.

Councilor Rocka said he had volunteered at the warming center. Many of the people who used the warming center spoke about constantly being told where they could not be and they wished someone would tell them where they could be. He asked Chief Spalding to identify and focus on the troublemakers without treating the whole group as guilty.

Councilor Hilton believed this issue would be a challenge for the rest of his life. The City needed to provide people with a place to go to and feel safe.

Mayor Jones reminded that this discussion was not about solving the housing crisis or mental health resources and policy, nor was this about spending the day or camping in public spaces. This meeting was called to specifically address instances of harassing and intimidating residents and visitors. Law enforcement would like direction from Council about enforcement policies so that they can respond in a way that is supported by the Council.

Chief Spalding noted that his department would not suggest doing anything illegal or inappropriate. Once the department starts to take action, the City would begin hearing from others in the community. Therefore, the Police Department wanted to fully understand the direction that Council would like them to move in.

Dorothy Olson, homeless in Astoria, stated she apologized for some of her unwanted behaviors. She would be going to Wisconsin in the spring where she owned land. She thanked the City for not putting her in jail when she got mad at [inaudible] and spit on his camera. She said she would write him a formal letter of apology. She also planned to give information and ideas to Officer Hanson so that he could put it into a PowerPoint. She thanked the teachers at Clatsop Community College, noting that she had two college degrees. She also wanted to get a historic preservation and a seamanship degree. She listed family members who had served in the Navy. She thanked CREST for hiring her friends, who planted trees, and said she wished she had been in good enough shape to help out.

Sara Lu Heath, Director, ADHDA, said this topic had been of interest to several of ADHDA's members for several years. Her organization has worked with people who try to offer services. People are struggling and it is wonderful to live a community that wants to take care of everybody. However, there are some immediate problems where one behavior leads to another and ends up involving the police. One business owner had to deal with someone screaming while trying to talk on the phone. Another business owner was chased inside her business and had to lock the door and call police. The pandemic has already imposed limits on businesses, but when people further disrupt that business, the impacts are doubled. Immediate remediation is necessary and she was excited that the County would have a homeless liaison. The instigators are likely a handful of people, but leases are starting to go unfilled because of the situation on the sidewalks and vehicles around the businesses. People need to be held accountable.

Theresa Barnes 875 Franklin Avenue, Astoria, stated had lived on 9<sup>th</sup> Street for almost 20 years. She volunteered at the 9<sup>th</sup> Street Park and worked at the Astoria Warming Center, so she knew a lot of the homeless population. When someone makes another feel unsafe, that needs to be addressed. However, this was a difficult year and a lot of people were coping by using alcohol and marijuana, which is only a crime if you are homeless. If you are drinking and smoking inside your home, you are just dealing with the pandemic. It is also not a crime to be messy unless you are homeless. She had never felt threatened at the park. It was important to think about business owners, but being homeless seemed like a higher level crisis than someone having a loud conversation outside of your business.

Jim Hallow 1 3<sup>rd</sup> Street, Unit 407, Astoria, said he lived on 3<sup>rd</sup> Street on the Riverwalk. He enjoyed walking his dogs, walking to the library, and walking to the bank. He had never been harassed, but he had seen violence among people who were not homeowners or property owners. He believed the reason that people gathered on 9<sup>th</sup> Street was because someone brought them food and clothing, and the City provided them with sanitary stations. When the new hotel opens east of Buoy Beer, real problems would occur as a result of having visitors and homeless people on the Riverwalk. He spoke to a patrolman about how hard it is to enforce certain laws. He recommended the City change the parking on the Riverwalk because there at least five or six cars at any one time with people living in them, as well as 20 feet of trash on either side of the vehicles. A parking limit would be helpful.

Councilor Herman said affordable housing could be several more years out. Meanwhile, small businesses are concerned about their livelihoods. Impacts of the pandemic have been compounded by serious behavior problems. When someone feels physically threatened and there is violence, the City should not tolerate that at all. The City should respect the right of people to earn a living downtown. When non-violent people congregate, others who are violent are drawn in, so the City really needs to get a handle on this issue. She was concerned about where the problems would shift to if the park is closed. She would support no tolerance if that slowed the problems down.

Councilor Rocka stated he supported a zero tolerance policy. Chief Spalding would not enforce such a policy based on whether or not someone was homeless, but on behaviors.

Councilor Brownson said bad behavior is bad behavior and people who break the law should be held accountable. The City needs to enforce good behavior.

George Hague 1 3<sup>rd</sup> Street, Astoria, stated the Councilors had already received an email from him. He walked the area and never felt threatened. He had worked at the park, cleaning it up, and sometimes the homeless help him. Former Parks Director Cosby had developed a plan to make the park more of a destination for residents and visitors, and by doing so, the homeless and others would move away. If a restroom were put in the area, the numbers on the heat map would change. A restroom is needed on 9<sup>th</sup> Street for the tourists. Comparing hot spots with and without restrooms is not appropriate. The City has cracked down on the 9<sup>th</sup> Street Park before and people moved to the downtown area. He had seen that twice over the last 10 years. Cracking down does not remove the problem, it shifts the problem. Some of the businesses around 9<sup>th</sup> Street Park will appreciate it, but business owners elsewhere will not. He hoped the City would work on solutions and that the Chief would reach out to him. The park is an asset to the City and he hoped it would not be closed.

Patsy Oser, Astoria, said if the only solution to bad behavior was to arrest someone, offenders should be arrested every day. Business owners cannot be punished because they are paying taxes while the homeless are not.

Councilor Hilton believed the laws needed to be enforced. He did not want to dislocate or offend people, but the City needed to protect its citizens. The people who have experienced the bad behaviors are fearful and the City needed to protect those people from those fears.

City Manager Estes noted that closing the park would be complex and Staff did not need direction on that tonight because Staff would need to consider the implications before developing a recommendation. However, closing the park temporarily could redirect some of the activities.

Chief Spalding confirmed that the Police Department was enforcing behaviors and not a person's housing status. He was sensitive to the fact that the homeless do not have the luxury of doing certain things in their own homes. However, the homeless should be part of the solution rather than part of the problem. It was as simple as cleaning up after oneself and working with the City. Enforcement was not always about punishment. For example, one person who had been called on several times was arrested yesterday, which resulted in her being ordered to the hospital by a judge. So, the arrest gave that person an opportunity to receive services. That is often the case. Very few people spend any meaningful amount of time in jail or pay a fine if they do not have the money to pay. Everybody in the community is expected to follow the rules. As Chief of Police, he is charged with keeping the public safe and the most frustrating thing is hearing that people do not feel safe in the community. He has an obligation and a moral imperative to ensure that the people who live in the community are safe regardless of housing status. He understood the Council supported moving forward with an enforcement strategy and he expected the Council would have more considerations to discuss once Staff completed their memorandum.

Councilor Brownson appreciated that the City had Chief Spalding to help navigate the situation.

Mayor Jones asked if there were any obstacles to having the Parks or Public Works Departments increase the policing of trash, rather than personal belongings, to keep the area looking more tidy. He also wanted to know if there was a way to distinguish between trash and personal belongings.

Chief Spalding explained that the courts do not always agree when the Police Department has designated something as trash when an individual states it was their personal property. As soon as the City removes what it thinks is trash, the City could be sued. In most cases, the personal property is of limited value, wet, damaged, or destroyed. The City does not have facilities to store the property, so if Staff takes possession of someone's property, there is no way to protect it. Many of the campsites are in areas that are difficult to access and put Staff in hazardous conditions. Property must be marked for 24 hours, but his Department has always allows 48 to 72 hours and notifies a social service partner before removing the property.

City Attorney Henningsgaard added that it took a lot of judgement and problems occur when people are displaced from an area they are living in. Transient people have not been associated with any of the recent cases.

City Manager Estes noted that Chief Spalding would complete his report and provide the Council with more details for further discussion.

Councilor Rocka asked if there were adequate disposal facilities for people who might want to clean up after themselves. City Manager Estes stated the Police Department had been providing garbage bags and gloves to the people who are in the area.

Chief Spalding confirmed that Officer Hanson had been instrumental in working with some of the homeless individuals. One woman has volunteered to provide trash bags and has helped with clean up.

**Item 7(b): Public Hearing and First Reading of Amendment (A19-03A) to Astoria Development Code**

In December of 2019, the Astoria Planning Commission held a work session to discuss a potential City-initiated amendment to the Astoria Development Code with regard to Accessory Dwelling Unit (ADU) regulations and other housing issues.

Planning Commission opened the public hearing for the proposed legislative amendment, A19-03, on July 28, 2020, reviewed the staff report, received testimony and continued the hearing to a date certain of August 25, 2020. The Planning Commission held the public hearing for A19-03 on August 25, 2020, reviewed the staff report, received testimony and continued the hearing to a date certain of September 22, 2020. At the September 22, 2020 public hearing, the Planning Commission continued the hearing to a date certain of October 6, 2020. The Planning Commission held the public hearing on October 6, 2020, reviewed the staff report, received testimony, considered options for moving forward and decided to bifurcate A19-03 into two amendments A19-03A – all of the proposed amendment EXCEPT the Group Living Facilities portion and A19-03B – only the Group Living Facilities portion of the amendment. The Commission continued A19-03A to a date certain of October 27, 2020. The Commission also continued A19-03B to a date certain of November 24, 2020. At the October 27, 2020 meeting, the Planning Commission considered the proposal and continued the item to a date certain of November 24, 2020. At the November 24, 2020, the Planning Commission recommended approval of the proposal as shown as highlighted text in Exhibit 20 to the staff report. The recommended text is shown in the proposed Ordinance exhibit. The City Council opened the public hearing on January 19, 2021 and continued the hearing to February 1. No testimony was taken due to a power outage.

It is recommended that the Council conduct a public hearing and determine whether to hold a first reading of the ordinance.

Mayor Jones called for a presentation of the Staff report.

Director Leatherman presented the written Staff report via PowerPoint and recommended adoption of the ordinance.

Mayor Jones thanked Staff and the Planning Commission for all of their work. The State has required these amendments be implemented, so the Council was not making any policy decisions.

City Manager Estes noted that the Council had directed the Planning Commission to determine whether or not park model manufactured homes could be used as ADUs. He asked if that was included in the amendment.

Director Leatherman replied yes and confirmed that the Planning Commission had recommended park models be allowed as ADUs. The Code stated no ADU is allowed that is mobile, attached to wheels, built to recreational vehicle (RV) standards, or as a park trailer or park model. But the Code does allow a micro-housing unit, a modular or prefabricated home, and a manufactured home that complies with design standards in the Development Code.

Mayor Jones asked how a park model home was different from a modular home. Director Leatherman stated a park model was movable, but a modular home would be installed on a slab or other type of foundation. City Manager Estes added that modular homes were built to State building code standards like any house. Manufactured homes were built to separate building code standards.

Mayor Jones called for any testimony in favor of or opposed to the request. There were none. He called for any testimony impartial to the request.

Kathleen Sullivan said she understood these amendments were required to comply with the new State laws.

City Manager Estes confirmed a few other minor changes were included. The City would have to comply with State laws regardless of what the Code said. A joint work session between the Planning Commission and City Council had been scheduled for later in the month to discuss other affordable housing recommendations contained in the County Wide Housing Study. He confirmed for Ms. Sullivan that short term rentals would not be discussed during that work session. He explained that several years ago, the City implemented a permit process and Code amendments. Astoria prohibits short term rentals of whole houses, but the permits do allow a homeowner to rent one or two rooms of their house as a short-term rental as long as those rooms do not have kitchens. In the County, Seaside, Gearhart, and Cannon Beach, residential homes in single family zones can be rented as whole house short term rentals. The City of Astoria has never allowed that.

Mayor Jones asked if the ADUs could be rented out as short-term rentals. Director Leatherman said an ADU could be a short-term rental if it complied with the City's standards. The primary resident or owner of the home must be present when rooms are rented out and neither bedroom can have a kitchen in it. She noted that the largest portion of homestay lodging regulations is in the City Code, not the Development Code.

Councilor Herman understood that the Code amendments stated owners did not need to be on premises.

City Manager Estes believed two separate issues were being confused. This agenda item pertains to ADUs that are for long-term residential purposes. The State has required Cities to allow ADUs on all single family lots in all zones. The City required owner occupancy, but that is now prohibited by State Statute. This amendment brings the City's Development Code into compliance with State laws. Homestay lodgings and short-term rentals are a completely separate use and do require owner or resident occupancy.

Councilor Herman asked if ADUs could be used for homestay lodgings. City Manager Estes explained that homestay lodgings in residential zones were not allowed to have a kitchen. ADUs will have kitchens.

Councilor Herman said that someone could build an ADU for themselves so that they could rent out the house as a homestay lodging. City Manager Estes reiterated that whole house rentals were not permitted in Astoria. Director Leatherman added that ADUs were typically one bedroom or studios. Additionally, because of the size of the lots in Astoria, ADUs would be minimal in size. ADUs were typically internal and not detached, or located above a garage.

Councilor Brownson said it was important to the Council that ADUs not be used for homestay lodgings, but that they be used for long-term housing. City Manager Estes noted the City had some grandfathered ADUs that existed prior to the homestay lodging Code amendments.

Councilor Rocka stated he was concerned that investment trusts would buy a bunch of houses in residential neighborhoods to use as vacation rentals. Astoria has sufficient safeguards to prevent that.

City Manager Estes said whole house rentals were permitted in commercial zones, like at Pier 39 and in the River Pilots building.

Councilor Rocka said the rentals in commercial zones were not reducing housing stock.

City Manager Estes clarified that several years ago, the Development Code was updated to say that existing residential units in commercial zones shall not be converted to homestay lodgings after several properties were converted.

Mayor Jones called for closing comments from Staff. There were none. He closed the public hearing at 8:46 pm and called for Council deliberation. There was none.

**City Council Action:** Motion made by Councilor Brownson, seconded by Councilor Herman, to hold a first reading of the Ordinance amending the Astoria Development Code sections concerning Accessory Dwelling Unit regulations and other housing issues. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

Director Brooks conducted the first reading of the ordinance.

**Item 7(c): Request to Submit Assistance to Firefighters Grant (AFG) Application – Communications Equipment**

The primary Goal of the Assistance to Firefighters Grant (AFG) is to enhance the safety of the public and firefighters with respect to fire-related hazards by providing direct financial assistance to eligible fire departments, nonaffiliated emergency medical services organizations, and state fire training academies. This funding is for critically needed resources to equip and train emergency personnel to recognized standards, enhance operations efficiencies, foster interoperability, and support community resilience.

This AFG application will be a regional grant request. Astoria Fire Department will be completing the application for multiple north county fire departments including Astoria, Knappa, John Day, Westport, Olney, and Lewis & Clark. The Cannon Beach Fire Department will be completing their own AFG for the other fire departments within the Clatsop County. The request through AFG will be to replace communications equipment throughout Clatsop County which is generally over ten years old.

Astoria Fire Department will be requesting nine mobile radios or one per vehicle, twenty-four portable radios or one per firefighter and two base station radios of which one will be located at each fire station. Our total cost will be \$157,000 and AFG will cover \$149,150 of the total cost leaving the City of Astoria's 5% match at approximately \$7,850. It is recommended that the City Council authorize Fire Department staff to apply to the Assistance to Firefighters Grant (AFG) program to purchase new communications equipment.

Mayor Jones asked if the grant was federal or state money. Chief Crutchfield confirmed this was a federal grant through the Department of Homeland Security. The Fire Department has a long history of writing these types of grants. Last year, Astoria received an AFG grant for self-contained breathing apparatus and two more grant applications had already been submitted for 2021.

**City Council Action:** Motion made by Councilor Brownson, seconded by Councilor Rocka to authorize Fire Department staff to apply to the Assistance to Firefighters Grant (AFG) program to purchase new communications equipment. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

**Item 7(d): Fenton Request to Trim Trees on City Property**

John Fenton, the owner of the property at 570 W Lexington, has submitted an application for permission to trim trees on City property. The applicant will be hiring a tree service to do the trimming. The trees are located within a known slide area. Since the trees are only being topped and no trees are proposed to be removed, a geologic report has not been required of the applicant. Mr. Fenton had trees in this location trimmed in 2016 after approval of a permit by City Council. It is recommended that City Council approve the request to trim trees on City property with the noted conditions.

Councilor Rocka stated that Mr. Fenton was a personal friend, but he could be objective about this request.

Councilor Herman asked what erosion control measures were required. Director Harrington responded that the requirements would depend on what tree trimming methods were used. No trees would be removed and if equipment is necessary, the City's inspector would make sure reseeding and erosion control measures were implemented.

Councilor Herman asked if the trimming would increase the instability of the land. Director Harrington said no, only the top 25 percent is being trimmed, which is a safe practice.

Mayor Jones called for public comments. There were none.

**City Council Action:** Motion made by Councilor Herman, seconded by Councilor Hilton to approve the request by John Fenton to trim trees on City property, with conditions. Motion carried unanimously. Ayes: Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

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

Mayor Jones said the next meeting was on Wednesday at 9:00 am to hear department updates as a prelude to goal setting on the following Wednesday.

**ADJOURNMENT**

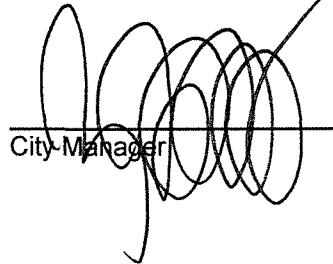
There being no further business, the meeting was adjourned at 8:56 pm.

**ATTEST:**



\_\_\_\_\_  
Finance Director

**APPROVED:**



\_\_\_\_\_  
City Manager