

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, Assistant City Engineer Moore, Library Director Pearson, and City Attorney Henningsgaard. The meeting was live streamed and recorded, and will be transcribed by ABC Transcription Services, LLC.

PRESENTATIONS

Item 3(a): Astoria Warrenton Chamber of Commerce Association Annual Presentation

David Reid, Executive Director, Astoria Warrenton Chamber of Commerce, 4924 Cedar St., Astoria, presented the annual reports for the Chamber of Commerce, the Astoria Warrenton Visitor Center, and the Lower Columbia Tourism Committee (LCTC). The presentation included an overview of each entity's funding sources and operations, updates on each entity's programs, services, events and budgets, and data on impacts of the tourism industry on the local economy.

Mayor Jones thanked the Chamber for focusing on protecting the community when the pandemic began during spring break and hotels closed. He also thanked the Chamber for helping to distribute personal protective equipment (PPE) during the pandemic.

Item 3(b): Clatsop Economic Development Resources Annual Presentation

Kevin Leahy, Executive Director, Clatsop Economic Development Resources (CEDR), 1759 5th Street, Astoria gave annual updates for CEDR, the Clatsop Community College Small Business Development Center (SBDC), and the Clatsop Works Internship Program. The presentation included information on each entity's priorities and initiatives, programs, services, finances and future plans.

Mayor Jones thanked SBDC and CEDR for doing so much to help businesses during the pandemic.

Item 3(c): Astoria Downtown Historic District Association Annual Presentation

Jessamyn West, Executive Director, Astoria Downtown Historic District Association (ADHDA), presented the annual report for ADHDA. The presentation included a brief overview of the association and information on their programs, services, operations, events, finances, and future priorities.

Councilor Brownson said he appreciated what the Chamber, CEDR, and ADHDA do for Astoria. All of the organizations worked together through the pandemic to support the community and make Astoria a great place to live.

REPORTS OF COUNCILORS

Item 4(a): Mayor Jones reported that he attended Senator Merkley's conference call with local elected officials to discuss housing, homelessness, and childcare. Those three issues have been the priority issues discussed on those calls for the five years he has been on the City Council. He had emphasized during the call that housing at 80 to 100 percent of area median income (AMI) is impossible to build and the affordable housing project that Astoria is currently considering would offer housing at 60 to 80 percent AMI in order to be eligible for grants and tax credits. This community desperately needs housing for people making the AMI and more, but the private sector cannot build housing that is affordable to people at those income levels. Therefore,

the federal government must change the rules. He encouraged everyone to tell elected officials that financial assistance is necessary to get housing built for people at higher income levels. The housing at Tongue Point has been stalled. The housing project that Mr. Postlewait had started working on next to Safeway must be 50 percent short term rentals in order to make the project affordable. He would be working on a variety of housing initiatives over the upcoming year. He reported that the federal infrastructure bill included over \$100 million for the Coast Guard to build brand new childcare facilities, including one in the Astoria/Warrenton area.

He announced that the community forum on livability was scheduled for March 23rd at the Liberty Theatre at 6:00 pm to take public input answer questions about the impact of homelessness on the community. Representatives from Clatsop Community Action, the Chamber of Commerce, Lifeboat Services, the Astoria Police Department, and Clatsop Behavioral Health would be present to answer questions. He planned on attending as well. All comments and questions must be submitted in writing prior to or during the meeting. Representatives from CEDR, ADHDA, and the Astoria Warming Center would be gathering the questions and comments. Every question and comment submitted will be available to the public. This format would ensure that all questions get answered and start a community conversation about a topic that most people have strong emotions about but do not have an awareness of all of the aspects of it. He and the panelists would stay after the forum for one-on-one conversations.

Lastly, he reported that the second open house for the Heritage Square housing proposal would be on March 24th at the Astoria Armory from 4:30 pm to 7:30 pm. Edlen and Company are modifying the project design in response to the community input. A new design option that includes a significantly reduced building footprint with open space would be presented at the open house. Ultimately, the City Council will have to decide whether the open space should be a plaza or a multi-use parking area. Representatives from Edlen, Clatsop Behavioral Health (CBH), ADHDA, City Staff, and elected officials would be present.

Item 4(b): **Councilor Hilton** reported that he attended the City Council work session to discuss the laws that govern camping and the towing of recreational vehicles. The Police Department's presentation was enlightening and he was glad to see they were taking steps towards addressing the issues. He congratulated Hyak Maritime on receiving a \$7 million grant from the American Rescue Plan for a travel lift. He thanked Congresswoman Bonamici for helping Astoria get funds for dewatering the landslide areas. He had heard a lot from citizens about Heritage Square, crime, and fights that had been occurring downtown. He liked how active the community had become.

Item 4(c): **Councilor Herman** reported that she attended the open house for Heritage Square, which was crowded. A lot of citizens were able to speak with her about their concerns and desires. She planned to attend the second open house as well.

Item 4(d): **Councilor Brownson** reported that he attended the LCTC meeting, where he learned how the organization used transient room tax revenue to bring people to Astoria. He met with the Budget Committee to discuss grants for arts organizations in the community. There was more grant money available than requested, so next year, the City needed to make sure more organizations were aware of the grants. He attended the League of Oregon Cities Water and Wastewater Committee meeting to discuss priorities for the next legislative session. He also attended the Port of Astoria meeting, the City Council work session, and the Heritage Square open house. There has been a lot citizen engagement in the Heritage Square project and he appreciated every opportunity he had to talk to people about it. He would not be able to attend the meeting on homelessness, but he planned to listen to the recording on KMUN.

City Manager Estes clarified that the meeting would be recorded by KMUN but not broadcast on the radio. The recording would be published on the City's website after the meeting.

Item 4(e): **Councilor Rocka** reported that the City met with Uniontown businesses to talk about disputes between businesses and future improvements to the west end of the Riverwalk. Staff from the Parks Department, Public Works, and the Community Development Department participated in the meeting. Representatives from the ADHDA were also present to share information about organizing businesses. He encouraged everyone to attend the Heritage Square open house because a lot of misinformation had been going around on social media. He wanted people to learn about what was actually happening rather than being upset about something that is not even part of the project. He listened in on the Port's work session to hear an update about the progress on their master plan for development.

CHANGES TO AGENDA

No changes.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

6(a) City Council Work Session Minutes of February 16, 2022

City Council Action: Motion made by Councilor Herman, seconded by Councilor Rocka, 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): Second Reading and Adoption of Zoning Map Amendment Request (A21-02) by Larry Bensel, Rose Tree LLC, to amend the zoning designation of 0.04 acres at 515 15th Street from High Density Residential (R-3) to General Commercial (C-3)

A Public Hearing and First of this amendment request reading was conducted at the March 7, 2022 City Council Meeting. On January 25, 2021, the Astoria Planning Commission held a public hearing regarding a request to rezone 0.04 acres of property at 515 15th St. from the High Density Residential (R-3) Zone to the General Commercial (C-3) Zone. The portion to be rezoned is located at the southern edge of the property's parking lot and has been in use as a parking lot for several decades.

The applicant, Larry Bensel representing Rose Tree LLC, would like to change the zoning to reflect the existing development pattern and allow the area to continue to be used as a parking lot for a new hotel use in development on the property. ADC §7.030(B) requires that parking lots be located in the same zone as the use they serve or in a zone that allows parking lots as a specifically permitted use. The R-3 Zone does not allow hotels or commercial parking lots, so a zone amendment is necessary to continue using the area as a parking lot. The Planning Commission recommends approval of the requested zone change. It is recommended that the Council conduct a second reading and adopt the ordinance. A final decision on this application is required by March 22, 2022 to comply with the 120-day rule in ORS 227.178.

Director Brooks conducted the second reading of the ordinance

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Hilton, to adopt the Zoning Map Amendment Request A21-02 by Larry Bensel. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

Mayor Jones read the rules of appeal into the record.

Item 7(b): Continued – Public Hearing and First Reading of Ordinance Adding City Code 5.640 Declaring that Abandoned Shopping Carts are a Public Nuisance in the City of Astoria and Providing Rules to Deal with Abandoned Shopping Carts

The City of Astoria has experienced an increasing number of shopping carts that are taken from businesses located in Astoria and then abandoned at random locations. These abandoned shopping carts can accumulate trash, block sidewalks, are sometimes thrown into the river, abandoned on private property, can roll into a roadway, and create other hazards and be an unattractive nuisance for the City. Currently there is no city ordinance that addresses this issue with enough specificity to address this problem.

Oregon laws, ORS 98.515 Unauthorized Appropriation of Shopping Carts and ORS 98.520 Notice of Crime of Unauthorized Appropriation of Shopping Carts, provide a foundation for a city ordinance related to shopping carts. These laws provide the authority for cities to enact ordinances to prohibit the unauthorized appropriation of a shopping cart and to provide for the salvage or reclamation of an abandoned shopping cart. Additionally, the law provides for the requirement of the business owners to post signs to give notice to members of the public entering onto or leaving the business premises that unauthorized appropriation of a shopping cart is

a crime and provide a local telephone number that members of the public may use to report an abandoned shopping cart to the business that is the owner of an abandoned shopping cart. This ordinance would also allow jurisdictions to impose a \$50 fee for non-compliance.

Police staff met with the management of the Astoria Co-Op and Safeway in an effort to craft an ordinance that will assist with the goal of reducing the number of abandoned shopping carts in the City and prevent businesses that use shopping carts from having their carts stolen.

Those who are found to have committed theft of shopping carts are subject to being charged with theft in the 2nd degree. Often, however, shopping carts are found unattended and it is difficult to determine who stole the cart. In the case of an attended cart, it can prove difficult to establish whether the person in attendance stole the cart.

The new city ordinance would declare the presence of abandoned shopping carts within the City of Astoria a public nuisance and will address the retrieval of shopping carts, require business owners that use shopping carts to post signs reminding the public that taking shopping carts from a business is considered theft and to have their shopping carts identified with their business name. Business owners would have 72 hours to retrieve any reported abandoned carts and if the business owner doesn't retrieve the shopping cart in the allotted timeframe, they may be subject to a \$50 assessment after the first courtesy notification. It is understood that it is not the intent to punish the store owners of theft crimes. The draft ordinance has been reviewed by City Attorney Henningsgaard. It is recommended that Council continue the public hearing and consider holding a first reading of the new ordinance of City Code 5.640.

Chief Spalding stated the City was not trying to penalize the grocery stores. This ordinance was a tool to remove grocery carts from sidewalks and roadways. The ordinance focuses on the individuals who steal the carts. State law provides the framework for this ordinance and was proposed by the grocery industry. Since the law was enacted, seven cities in Oregon have enacted this ordinance. The posted notice requirements are intended to deter grocery cart theft, not a means to increase prosecutions. He met with the management of Safeway and the Astoria Co-op, as well as the Safeway corporate office. Safeway is now considering a cart collection service at their Astoria location. Both stores understand the ordinance and are generally supportive. The ordinance requires placards with the store name to be installed on the carts and signage to be installed at the entrance and exits of the stores. If this ordinance is approved, the Police Department would pick up as many carts as possible, return them to the stores, and educate the public about the ordinance. After that initial cart collection, stores would be asked to pick up their own carts. The fine is simply an incentive to make sure that carts are picked up and not left out in the community.

Councilor Herman asked what would happen if a cart had stuff in it. Chief Spalding responded that if the items were trash, the trash would be disposed of. If the items were personal property, the items would be collected by the Police Department, stored for up to 30 days, and returned to the owner if the owner claimed the property. If an individual in possession of a cart claimed ownership of the items in it, the situation would be treated on a case-by-case basis.

Mayor Jones opened the public hearing at 8:10 pm [1:10:30] and called for public testimony.

Maxwell Robely Asset Protection Manager, Albertson Safeway, stated the Astoria Police Department had been great partner, working with the store and the company to solve the problems related to abandoned shopping carts in the community. He thanked Police Department Staff for reaching out to Safeway.

Lisa DeCicco 1135 Grand Ave., Astoria, said a shopping cart full of possessions had been on 12th Street for about four days. She asked who to notify.

Chief Spalding responded that a phone number would be posted on the signage at the store and the carts would have the name of the store on them. Stores should be notified directly of abandoned carts.

Nathan Pinkstaff 5094 SE 2nd St., Astoria, asked if he could return carts to the store with items still in them.

Chief Spalding responded that if the items had no value or utility, the items could be disposed of. If the value or utility of the items is subjective, he recommended the Police Department be notified.

Susan Ramsay, 8 Spruce Road stated she did not understand how the City came to the point where an ordinance was necessary. It was common sense that the carts belonged to the stores and should not be removed from store property. She worked at a place where carts were frequently being abandoned. She believed this ordinance was poor use of Police Officers time and talents.

Gretchen Allen 41109 Homestead Ln., Astoria, stated he usually saw the carts covered in plastic or a tarp. She asked if it would be okay to remove the coverings to see which store the cart belonged to.

City Attorney Henningsgaard responded that the ordinance contemplates that when a City employee is advised of the location of a cart, they would contact the store. Problems could occur when a citizen takes action. The ordinance defines abandoned carts as carts that were removed without written permission and there is no way that a citizen could make that determination themselves. He advised citizens to report carts to City Hall or the Police Department.

Mr. Robely added that Safeway would respond to calls as quickly as possible, regardless of whether the calls were from citizens or City employees. The company is considering a cart retrieval service.

Kasha Cavanaugh 1135 Grand Ave., Astoria, said she wanted the ordinance to distinguish between empty carts, carts with trash in them, and carts being used to store personal belongings. Getting into confrontations with people who trying to keep their belongings contained would create more problems.

City Manager Estes explained that the City Council discussed at their last work session the need to implement a state-wide law mandating that all jurisdictions keep personal property for 30 days. The City is evaluating the budget to find funds to pay for the storage of items in a dry location.

Chief Spalding said when police encounter an individual in possession of a cart and there are items in the cart, the police would do an investigation to determine whether the cart was stolen or there was a misunderstanding. That individual would be allowed to take their property out of the cart before the cart is returned to the store. Property would only be collected and stored if the cart was found unattended.

Celeste Olivares 1167 Grand Ave., Astoria, stated this ordinance was a step in the right direction towards addressing behavioral issues and it might send the right message to certain individuals in town. People cannot live in shopping carts because the community would eventually address that.

Lisa Morley 4908 Cedar St., Astoria, said carts had been brought over the bridge into Astoria from stores like TJ Max and Natural Grocers. She asked if that had been discussed.

Chief Spalding confirmed that the City had discussed carts from stores located outside of Astoria. Warrenton was dealing with shopping cart issues as well. The ordinance could only be enforced in Astoria, but the City would still notify stores outside of Astoria's jurisdiction and ask that their carts be picked up.

Mayor Jones closed the public hearing at 8:30 pm [1:30:47] and called for Council discussion.

Councilor Herman stated it would be much more efficient to install devices on the carts that prevent them from being taken from store property. He asked if Safeway could install those devices on their carts.

Mr. Robely responded that Safeway was considering the devices. The company already uses the technology at a few locations. An underground line must be installed along the perimeter of the property, which costs tens of thousands of dollars. Additionally, the technology can be circumvented by tilting the cart onto one of the wheels that does not have a locking mechanism and can be deactivated with magnets.

Ms. Moorley said she had used the anti-theft systems and they were more of a headache for the customers than they were effective. She also believed the cost would be passed on to the customer.

Mayor Jones stated that so many people have complained about seeing the carts all over town. In six months, Astoria would not have nearly as many carts on the streets. There would be a few growing pains as the ordinance is first implemented, but he believed the ordinance was a good idea.

Councilor Herman said she believed the ordinance was one small way to try to clean up the town.

Councilor Brownson agreed and said he appreciated that Chief Spalding took time to connect with the businesses. He believed the ordinance would work fine in the long run and result in fewer carts left behind.

Councilor Rocka stated that for some of the people, their whole lives are in the shopping cart. He wanted the abandoned carts to be picked up and was glad that the Police Department was very compassionate when dealing with issues like this. However, he did not want to be stepping on people who were already down. There are only a few homeless people who ruin things for everyone else and some people simply find empty carts on the street.

Councilor Brownson responded that the City was making a slow and deliberate process to educate people about the rules. Once people know the rules, they can choose to follow the rules or not. The carts are stolen property and once the City creates a baseline by cleaning them all up, it will be obvious that any new carts that are found were taken from the store.

Councilor Hilton said the stolen and abandoned carts are a public nuisance and private property. This ordinance would not take away a person's dignity or their belongings. The community should remain nice clean so that everyone can enjoy it.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Hilton, to hold a first reading of the ordinance adding City Code 5.640. 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): Consider Modifications to Parklet Policy

Several years ago, the Astoria City Council established a set of policies to allow parklets to be established in public rights of way downtown on north / south streets. This temporary policy supersedes City Code and allows them as a pilot program. The first parklet policy was developed when Jim Defeo wished to construct a parklet in the 11th Street right-of-way. The Astoria Downtown Historic District Association (ADHDA) concurred with the creation of a temporary parklet policy at that time. In winter of 2020, the City Council reviewed the policy and allowed its continuance with some modifications approved by Council. Through the COVID-19 pandemic, Council further modified the parklet policy to allow for coverings. There was some concern from ADHDA on coverings at the time due to aesthetics. However, it was agreed that coverings would be acceptable during the pandemic to allow some relief with indoor dining limited. The policy was crafted so that the covering provisions would be removed at the end of the City's COVID-19 emergency declaration. There is an associated agenda item on the same Council meeting to discontinue the emergency declaration so staff is bringing a revision of the policy to Council to remove the applicable sections dealing with coverings.

Recently, the owner of Street 14, Micha Lattek, inquired with City staff about creating a parklet on 14th Street adjacent to his business. Under the current Council policy, two parklets in one block would not be permitted. Coco and Curry on the same block of 14th Street already has an approved parklet. Mr. Lattek spoke to neighboring businesses about an additional parklet on that block and did not receive concerns. However, to construct an additional parklet the City Council would need to approve a modification to their parklet policy to allow a second. At the March 15, 2022 ADHDA Board Meeting, the Board voted that they do not support more than one parklet on north / south streets and in effect recommended keeping the policy the same for the time being. With the request from Street 14 to amend the policy, the Council is being asked if they want to amend the current parklet policy to allow two parklets per block in the downtown area.

Mr. Lattek's application for a parklet is not part of the consideration as a part of this item. It was felt the City Council should first determine whether to modify the policy to allow a second parklet per block application to come forward to City Council. It is recommended that Council consider the proposed amendment removing the canopy provisions allowed during the COVID 19 emergency and further consider whether to allow two parklets per block in the downtown area if they meet the approved requirements.

Mayor Jones recalled that when the first parklet was proposed, the community was split. Some people did not want to lose parking while others believed parklets were innovative and could attract more people to downtown. Allowing coverings was intended to help businesses during the pandemic by allowing parklet use during rainy weather. However, safety concerns were the reason that coverings were not initially allowed.

City Manager Estes added that businesses were also concerned that coverings would block the signage of adjacent stores.

Mayor Jones said he found it significant that the ADHDA had voted against two parklets per block.

Micha Lattek stated that Street 14's addition of a parklet would add to the downtown business community in ways that make the disappearance of a parking spot not a net loss but a net profit to the area. The majority of neighbors on the block had written letters of support to the ADHDA. He was not aware that the ADHDA had voted on this, so he did not have the opportunity to present his point of view to the ADHDA. In 2019, Street 14 had its best year since opening in 2012. They had 16 employees and 14 or 15 were full time. In 2020, the business had a 90 percent drop in revenue. They went from 16 employees to three employees, all part time. In 2021, the business had a 75 percent drop in revenue compared to 2019. They now have 12 employees and most are full time. They are open seven days a week, but do not break even on most days. They have taken two PPE loans, a grant from CEDR, and a grant from the Restaurant Revitalization Fund. However, the business is hemorrhaging money every day and needs to maximize seating during busy times. A parklet is key. The money made during the busiest hour of the busiest day is equal to the amount made during the entire slowest day of the week. In order to run a business in that kind of economy, he must be able to provide seating when there are people who want to sit down and eat. He has requested one parking spot to provide extra seating. He did not believe that people wanted a parking spot more than thriving businesses. The parking rules that are in place need to be enforced. The ADHDA has a parking study that concluded that there is no lack of parking in Astoria. Parking two blocks from a downtown store is no different from parking in a Costco parking lot and walking to the door. The pandemic has not ended. The only impact of the mask mandate being lifted has been that COVID-19 cases increased. People who frequent restaurants are no longer comfortable sitting as closely together and it will take a long time to get back to old comfort levels. Restaurants desperately need to maximize seating and outside seating is a great way to make sure COVID-19 contagion does not occur.

Mayor Jones asked what Staff's concerns were about having more than one parklet per block.

Assistant City Engineer Moore explained that the Public Works Department was concerned about safety. The parklets take up parking spaces and are located over underground utilities. If there are any emergencies or repairs are necessary, crews need a lot of space to access the area. Additionally, the parklets are an obstacle for emergency services. Currently, every parklet is failing to comply with the requirements in the parklet policy.

Chief Spalding added that the Police Department's concern was having public seating in a public roadway, especially without a physical barrier. Most parklets have people seated with their backs to the traffic, so people would not be able to get out of the way if a car were to drive into a parklet.

Councilor Brownson stated he did not want to allow two parklets per block because the Council still had not yet decided whether to allow parklets for the long term. He did not have any issues with requiring the coverings to be removed.

Councilor Herman said she did not believe the City should allow two parklets per block, but she did approve of requiring the coverings to be removed. She had spoken to one business owner who did not support the parklet policy at all because it interfered with her business by taking away a parking spot.

Councilor Rocka noted that a parklet only adds a few seats to a restaurant and Street 14 already had outdoor tables on the 14th Street side of the business. The pandemic is not over and he knew from personal experience that people are still afraid to eat indoors. However, once the pandemic is over, the City would take a long term look at the parklet policy and decide whether it would be reasonable to continue allowing parklets. Parklets allow businesses to have extra seating but they take away from other businesses by reducing parking. He believed restaurants and other businesses still needed all the help they could get and suggested the City wait until the pandemic was over to make any decisions.

Councilor Hilton said he was not in favor of two parklets per block. The City needed to examine the availability parklets because the citizens pay for those parking spots. Most businesses have a hard time keeping customers, but it would not be a good idea to have two parklets on one block. The citizens should have the right to voice their options about two parklets per block. The businesses on Commercial, Duane, and Marine do not benefit from parklets and do not have the opportunity to have a parklet. This time of year, very few people are using the parklets.

Mayor Jones called for public comments.

Unidentified Male Speaker said he believed the requirements for parklets should be considered on an individual basis. He also believed that Street 14 should be allowed to have a parklet. Additionally, the City should enact an ordinance requiring permanent roofs, safety glass, and a design review. Parklets are an ideal opportunity, but they need to be built better and approved on an individual basis.

Diana Gulley stated she owned Gulley's Butcher Shop and said her biggest problem with parklets is that they are dangerous. People are confused when they turn on to side streets and see a parklet. Additionally, parking was so limited on that side of town and every space is needed for parking, especially during events. The businesses on Commercial do not get the opportunity to do what the businesses on the side streets get to do.

Lisa Morley 4908 Cedar Street, Astoria, said as a customer, she loved parklets but as a safety expert, she was terrified by the current parklet situation. In Paris, parklets have electronic steel bollards that go up and down and Times Square closes down streets for a pedestrian only area. The financial impact of doing something like that would be good. Astoria should consider how things will look in the future if pedestrian traffic is increased. This is an opportunity to help businesses with increased pedestrian traffic. She supported parklets, but not just putting them up and hoping that cars do not run into the people sitting in the parklets. A bigger effort is necessary to allow parklets that are safe.

Laura Jackson 730 Lexington Avenue, Astoria, stated she wanted to make it clear that the City was telling businesses they were not allowed to increase capacity because the City wanted to make the parking spots available to cars for free. She asked why the City was prioritizing cars over net increases in sales for local businesses. Parklets had been around for decades and there was plenty of precedent for designs and permitting processes. To alleviate the concerns about roofs blocking the views of businesses across the street, the City could develop design standards and guidelines establishing a minimum height of parklet coverings. If the City is afraid that roofs might blow off, an approval process could be created that calculates wind loads and ensure proper designs. This is within Staff's capacity to handle. There is no reason the City should be giving away prime real estate for free to one car and not to the restaurants. Parklets increase a restaurant's capacity by six or eight people, who are spending more money than the people in one car.

Cheryl Boss 408 40th Street, Astoria, said she believed the future was to get away from cars as much as possible in the city. Parking should not be a priority over making the city more pedestrian friendly and supporting business.

Mayor Jones asked how many chairs and tables Street 14 had outside.

Mr. Lattek responded that the restaurant had four tables on 14th Street and three tables on Commercial. He could create seating for 12 more people in one parklet.

Gretchen Allen 41109 Homestead Lane, Astoria said parking was an issue. The people who come to her business must have a place to park. It rains a lot in Astoria so parking should not be too far away. Parklets are important. The parklets in Italy and France are fabulous. It is important to consider whether Astoria wants a quaint town that encourages tourism that boosts the economy. That should not be discouraged. Additionally, what the community needs at Heritage Square is not what has been proposed.

Susan Ramsay, 8 Spruce Road, Astoria stated she did not want the Council to take it lightly that Mr. Lattek needs a parklet to continue his business. Mr. Lattek has been very transparent and COVID-19 has been very hard on local businesses. When she moved to Astoria five years ago, there was no reason to stop in Astoria and there was every reason for tourists to drive through to Cannon Beach or Seaside. There has been such a beautiful renovation of the downtown area and 40 new businesses have opened in the last year. Outdoor seating

areas are common and they can be beautiful. Tourism is a huge part of Astoria's economic structure and parklets add to quaint and inviting areas, especially in the summer.

Kasha Kavanaugh 1135 Grand Avenue, Astoria, said she wanted to know if it was possible to make that space available on the weekends and then allow parking in the space during the week. She believed the need was more intense on the weekends.

Ms. Allen stated she understood that the coffee house had two parklets. She agreed the coffee house should be given a parklet but the City should have clear policies. The current policies are not defined enough and there is no compliance with the current rules. The way the parklets have been approved is discriminatory. Some businesses have two parklets.

Callie Linder 90862 Youngs River Road, Astoria, said she owned a hair salon on Marine Drive. She believed it was important to remember that downtown had an elderly clientele. Her older clients needed to park close to her salon because they could not walk several blocks. Her salon was right around the corner from Lifeboat so her clients did not feel safe parking on Commercial. The parking in front of her business was already limited on Marine Drive.

Mayor Jones stated he was in favor of letting the emergency provision allowing coverings expire. He did not want to consider two parklets per block at this time. If the business community wanted to come together through the Chamber of Commerce or the ADHDA and present a consensus to the Council, then the Council would consider their request.

City Council Action: Motion made by Councilor Hilton, seconded by Councilor Brownson to approve the amendment to the Parklet Policy by removing the canopy provisions allowed during the COVID-19 emergency and allowing only one parklet per block in the downtown area. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

Councilor Brownson said it was great that people had a lot to say about parklets. The Council needed to have a final discussion about whether or not to allow parklets.

Item 7(d): Authorization to Solicit Bids for the 2022 Bear Creek Timber Harvest Project

A thinning project with group selection is proposed for approximately 66 acres of the Bear Creek Watershed during the summer of 2022. This project has been designed for long-term water quality, forest health, and resilience goals.

The net proceeds to the Capital Improvement Fund from these forest treatments are estimated to be \$170,000 after harvest, road, and reforestation costs. This estimate is based on a statistical sample with plus or minus 10 percent estimated accuracy and will be updated prior to a City Council request to authorize an award. This estimate is also subject to market fluctuations. The work is currently anticipated to start in June and will take place through the summer and early fall.

City Staff is requesting authorization from City Council to solicit bids (price offers) for the 2022 Bear Creek Timber Harvest Project.

Mayor Jones noted that the Council had a thorough discussion about watershed management at the last work session. He added that providing forestry jobs as part of keeping Astoria's drinking water clean was a win/win. He called for public comments.

Lisa DeCicco 1135 Grand Avenue, Astoria, asked if the trees would be harvested through selective harvesting or clear cutting.

Mayor Jones stated that was explained in detail during the presentation given at the work session.

Ben Hayes, City Forester, added that selective harvesting would be done. Individual trees would be selected as well as small group selections of one-quarter to one-half acre.

City Council Action: Motion made by Councilor Hilton, seconded by Councilor Herman to authorize Staff to solicit bids for the 2022 Bear Creek Timber Harvest Project. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

Item 7(e): Consideration to End COVID-19 Emergency Declaration

At the March 16, 2020 City Council Meeting, Council adopted a declaration of local emergency in the City of Astoria in response to the COVID-19 coronavirus outbreak. The declaration was extended in December 2021 and Governor Kate Brown later announced that she will be lifting Oregon's COVID-19 emergency declaration, effective April 1, 2022.

It is recommended that City Council consider lifting the state of emergency in the City of Astoria to coincide with the Governor's order on April 1, 2022.

Mayor Jones said he believed it had been wise to mirror the Governor's declarations to protect the City's ability to get financial restitution.

City Council Action: Motion made by Councilor Herman, seconded by Councilor Hilton, to end the COVID-19 Emergency Declaration on April 1, 2022. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

Mayor Jones called for a recess at 9:30 pm. The meeting reconvened at 9:40 pm.

Item 7(f): Consideration of Updating the Community Service Officer Position to a Police Officer Position

In June 2021, City Council approved the addition of a Community Service Officer position in the Astoria Police Department. This position was designated as a civilian, non-sworn position to add additional outreach and opportunities for the Astoria Police Department to be interactive with the community. This individual would not attend the DPSST Police Academy or be trained in hands on police tactics but could utilize a police radio to contact a sworn officer if backup or intervention was needed. Given updated Council goals on enhanced engagement with issues in the community associated with homelessness, staff recommend this position be redefined from the non-sworn, Community Service Officer position to a DPSST-sworn Police Officer position. This would bring the department to 18 sworn positions. An updated job description for Police Officer has been updated to include additional duties which further enhance community policing in line with Council goals and priorities. It is recommended that Council approve the addition of one sworn Police Officer position to replace the non-sworn Community Service Officer position.

Mayor Jones said he believed this position was critical to achieving the City's public safety goals. A program would have to be cut in order to fund this position, but it is a high priority for the Council.

Councilor Herman asked if there was any chance an officer would be able to patrol the Riverwalk on a bike sometimes. Many citizens have expressed fear about going to the Riverwalk.

Chief Spalding responded that patrolling the Riverwalk by bike was not a duty specified for the Community Service Officer position. However, nothing would prohibit the officer from doing so.

Mayor Jones called for public comments.

Kasha Kavanaugh 1135 Grand Avenue, Astoria, asked if it was possible to have a community mental health person pair up with the Community Service Officer. She used to work on a team that paired with the police to assess, deescalate, and offer service, which seemed to go well.

Mayor Jones responded that the City had a good relationship with mental health professionals. However, the City did not have a mental health agency. Clatsop Behavioral Health (CBH) has a crisis team that works closely with the Police Department. The State would have to provide resources in order for the City to have a mental health professional with an officer at all times.

Chief Spalding added that CBH had hired two crisis clinicians to work with the law enforcement. One would work with the Astoria Police Department, and one would serve the County. The City's Community Service Officer would work closely with the CBH crisis clinician. The crisis clinician was already doing ride-alongs with officers in Astoria to assess the community.

City Council Action: Motion made by Councilor Rocka, seconded by Councilor Brownson, to approve the addition of one sworn Police Officer position to replace the non-sworn Community Service Officer position. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

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

City Manager Estes followed up on the work session discussion about how other cities were handling quality of life issues. He explained that cities were creating "clean teams" made up of city staff or contractors to deal with illegal camping, trash, and shopping carts by partnering with police and other departments. Staff was exploring the possibility of adding a Parks Department position to be funded by the General Fund and the Promote Astoria Fund. A lot of the quality-of-life issues are occurring within the tourist areas and the new position could contribute to the City's partnership with the County and the ADHDA.

Mayor Jones said the City would need to have a difficult conversation about what to cut in order to fund the position.

Councilor Brownson stated he believed the position was a great idea but funding it would be challenging.

Councilor Herman said she believed the City needed to add the position.

City Manager Estes noted the position would be proposed and discussed as part of the budget process for the next fiscal year.

Mayor Jones called for public comments.

Charlie [no last name stated] P.O. Box 776, Astoria, said he had about 20 issues with Heritage Square and a couple of them were really important. Over the past 20 years, the City shot down projects twice and he hoped this project would be the third to get shot down. A parking lot serves the greater good, not an amphitheater. When the property was turned into a parking lot, it was full with cars until about 3:00 pm or 4:00 pm. After a while, it was full until about 7:00 pm. More than 100 spaces would be taken away because the 100 spaces are used at different intervals. The ADHDA was talking about trying to purchase lots for more parking and people are talking about how parking spots are needed instead of add-ons for restaurants. There should be some development in the area where the hole is, but that is it. Taking away the Garden of Surging Waves is not doing any justice to the Chinese ancestors. Chinese ancestors built Astoria and built the west. It is terrible to bring up the possibility of wiping them out once more. Construction will take two years. When the Liberty Theatre was remodeled, he lost \$30,000 in business between January and June. Therefore, he believed the construction would kill downtown. People do not think about the downtown businesses much, but downtown is the heart of the city. The Sunday Market would have to be moved just because the City wants to build buildings and give away money. The project could be done at the ponds, the empty City building on Commercial, or a City-owned parking lot. The idea is great, but not at Heritage Square.

William Rose 4495 Leif Erikson Drive, Astoria, said when Mayor Jones ran for office, he said he did not want to see people coming to Astoria seeing an Olive Garden restaurant. He voted for Mayor Jones. Later, when he attended a town hall to discuss issues facing downtown, Mayor Jones finished his conversation by saying he did not know why anyone would want to own a building downtown. He left the town hall puzzled. Now, the Mayor's decision to treat the most valuable lot in downtown the way the Mayor sees fit has made him regret his vote. The Mayor has quoted City Council meetings from the beginning of his term for this planned development and blamed the citizens for not knowing and for not keeping up with the City Council. He asked why the community was not notified at the beginning through the same radio program and social media posts being used now. He did not understand Councilor Rocka's refusal to listen to social media in his decision making, but then use media to broadcast his decision. He felt duped because of the way this has taken place. Now, the City has a Portland developer telling this small town what it needs. He asks questions and make suggestions on location. The answer is, "All is possible but there is no time and it is too costly." He felt it was too costly to give away the property for the sacrifices that need to be made by the hardworking downtown businesses and citizens. Because

of the tax sheltering finance that will take place, out of town investors will profit from these sacrifices. Hundreds voiced their concerns to the City Council and those concerns are dismissed by the Mayor, Councilor Rocka, and Councilor Herman. He thanked Councilor Hilton and Councilor Brownson for hearing his pleas. The Mayor said his decision had been made and there was little he could do about it.

Mayor Jones responded that he was sure he never said his decision had been made and that there was nothing Mr. Rose could do about it.

Mr. Rose stated the Mayor had told that to Noel Webber.

Mayor Jones said he had a long conversation with Mr. Webber and his tenants, but never made that comment. It was also stated by a community member that he had said if the City provides camping for homeless people, it could not be near his house or workplace. That was a rumor as well. He had actually proposed a campsite within 75 yards of his house.

Mr. Rose continued, saying he knew Mayor Jones was a good commander in the U.S. Coast Guard. He had listened to the Mayor's stories at Fisher Poets, but he was a citizen of the oldest town west of the Mississippi and wanted Astoria to be known as the best town west of the Mississippi. He asked why the Mayor was dividing the community. Friendships were beginning to fray. This was not the only way to get Heritage Square developed or get services built for others. There were no deadlines to getting this right. The community has many creative, smart, passionate people with the ability to get things done. The Garden of Surging Waves is proof. The community wanted to help the City Council have confidence in the community. He asked that the City tell the developer to remove themselves from the project team because Staff could do the work.

Lisa DeCicco 1135 Grand Avenue, Astoria, stated she appreciated the Council's drive to do something about the need for workforce housing, low income housing, homelessness, addiction and mental health issues. She could see that the Council was coming from good intentions and was making a sincere effort to accomplish goals. However, the Council was moving too quickly, was not informing the public, and was ignoring more than 400 signatures to demand that the Heritage Square development be paused to allow for additional public comment and study of the proposal. Heritage Square is public land, and the citizens are the stakeholders. Instead of inviting the community to a conversation, the City made a statement saying it was sorry people disagreed with the project, but the decision had been made and the City was moving forward with it. She was disappointed because if the process had included a well-informed public and other sites for consideration, the City would be shovel ready and be applying for the necessary grants and tax exemptions this year. Now, the City is suffering a one-year setback. The consultant has failed the City by not advising the City to look at an inventory of available public and private land for sale. When she was growing up, her father said repeatedly, "Keep your eye upon the doughnut and not upon the hole."

Susan Ramsay 8 Spruce Road, Astoria, said she was concerned about the homeless population. This area has a huge amount of people with developmental delays, which is not brought up very often. There was also a huge amount of mental health disorders and a huge addiction problem. She realized that ties into the homeless situation, but she believed the project had been rushed and was a slap in the face to the beautiful renovation that was done downtown to increase tourism. There were other places the development could go. The Merwyn should be seen as a case study. The Merwyn is the elephant in the room that no one was talking about. She would love to have the Merwyn's past manager speak at one of the public forums and address the problems that the Merwyn is having with drugs. Agencies have paid people's rent and now their addiction recover has not worked out. Astoria should hope for the best but plan for the worst and look at what is going wrong with the Merwyn to mitigate those issues ahead of time. CBH is part of the reason that all of the issues in society were not being dealt with effectively. A City Staff person said CBH was the only one to apply for the contract so the City was stuck with them. She suggested the City make the contract more lucrative so the City can bring in agencies that could more effectively deal with the problems. CBH has been put in charge of the project, but she had heard from doctors, psychologists, counseling offices, and social service agents that CBH was a hot mess. She knew CBH was working on improving but they are not there yet.

Lisa Morley 4908 Cedar Street, Astoria, said she attended as many City Council meetings as possible and has tried to participate. She felt like over the last five years, there had been more participation recently than she had ever seen. She believed the City should figure out how to keep participation high. The City has always struggled to get to the last vote and that is when everybody hears about it and wants to participate. There is a better way to

get more people involved on the front end, but it would take a lot of work to make that happen. She wanted more community involvement on a regular basis, not just on hot topics. She was still confused on the parklet issue. A lot of public input was given on both sides of the topic, but the entire Council voted in one direction. If everyone votes in the same direction, there are four people not needed in the meeting. There was a lot of public input about how business is done downtown, changing the way downtown looks, and traffic in downtown. She did not understand why there was no vote to deny someone from having a parklet. One of the Councilors said the topic was something the Council needed to discuss in more detail because there were options that had not been explored and guidelines should be put in place. However, the vote did not include any of that. She asked if the parklet issues were are done deal and if the City would not make any more movement forward to discuss what the community wanted downtown to look like. Even though she attends many meetings, she felt like her voice was not heard by the City Council. People get to speak for three minutes, and the Council's decision is a done deal. A lot of people were frustrated by that. She wished everyone could figure out a way to work together and maintain this level of input in a positive and helpful way.

Ree Johnson 1193 Harrison Avenue, Astoria, thanked the Councilors for their time and energy with all the situations that come before the Council. Being a Councilor requires a lot of reading and studying. She congratulated the Main Street Awards for Astoria, which says something about downtown. She felt like downtown businesses should be protected. Without the downtown, Astoria would wither out. The City should do whatever it takes to keep downtown thriving and alive. People who have talked about Heritage Square were not against workforce housing but were not in favor of the location for this development. An 80-year-old man was at this meeting, waiting to speak. He was a long time, tax paying resident of Astoria. His taxes pay for the public land that could potentially be given away. He has asked her to read the following statement:

"This town of approximately 10,000 residents and its downtown area is allowed to be overrun by a handful of hoodlums. It is costing taxpayers money to police these thugs. It is costing taxpayers money to clean up after these destructive transients. Heritage Square and Garden of Surging Waves is not a campground for squatters. It is not a dumping ground for their trash and litter. It is time this Council of elected officials stand up for its 10,000 residents and say enough is enough. This gang of lawbreakers is not going to remain here in our town to be fed, clothed, and sheltered, then allowed to take over and desecrate a public park dedicated to people who sacrificed and gave so much to make Astoria a better place. We have actual residents from Astoria who are homeless who have medical needs who desperately need our compassion. But we don't have to put up with criminals who come here for the freebies to create chaos and violence and put our citizens in harm's way. These are not bad actors with behavioral problems. They are psychopaths with absolutely no regard for others."

The man who wrote that letter was at the Garden of Surging Waves the other night and saw 15 people yelling and screaming profanities. The police came and took two people away in hand cuffs. She would like to enjoy the Garden of Surging Waves but would not go there alone. She hoped the City could continue with the original plan for Heritage Square.

Judith Huck 2885 Mill Pond Lane, Astoria, said activities on the Riverwalk had been mentioned. She asked when the first phase of the lighting bollards would be installed along the Riverwalk.

Director Dart-McLean responded that the City had a contract with Wadsworth Electric to install the bulkhead and bollard lights in the downtown area and just east of Maritime Museum near the Mill Pond trestle. That work was currently in plan review and permitting. Staff hoped the lights would be installed late spring or early summer. The next stretch of bollard lighting from Mill Pond to 39th Street was funded through a separate grant. That project would be done by Oregon Department of Transportation (ODOT) and Staff did not yet know what their construction schedule was.

Gretchen Allen 41109 Homestead Lane, Astoria said she had a business at 360 9th Street. She had a business in downtown for over 20 years. She was part of the revitalization of the Liberty Theatre and was the accountant that handled most of the grants. Concessions were given to businesses for rent. She asked what the City would do for the local businesses during construction. The businesses just went through COVID-19 and would suffer if there is construction downtown. She had asked Chief Spalding how many calls were made in the area near the Merwyn. The calls had increased 117 percent. She had heard that COVID-19 was to blame for people not being aware, but if COVID-19 had caused such communication issues, she questioned why the City was rushing this project. She was glad to hear the project included housing for households at 80 percent and under area median income (AMI) because that is not considered workforce housing. When she said that to a Councilor, the Councilor said it was workforce housing. This was not workforce housing at all. Workforce housing is 80 to 120


percent of AMI. This has been sold to the public as workforce housing, but those people would not qualify. A few elderly people and most of the children she does taxes for would qualify. This property is being transferred and she wanted to know how that worked. The County Counsel person she spoke with could not answer that. She also wanted to know why the cost would be \$400,000 per unit because it seemed extremely excessive for housing. A whole house could be purchased for \$400,000 or \$500,000. She asked if the City was rushing because the grant would not be available next year. Her questions had not yet been answered so she was asking the City to do more research, take additional public comment, and reconsider the Heritage Square project location. She wanted to see this issue open for public comment on the next meeting agenda.

Mayor Jones clarified that there would be more scheduled City Council meetings on Heritage Square. He explained that since this was the public comment period, no presentation would be given and questions would not be answered right now. He would send the link the frequently asked questions and answers to the questions would be available at the open house on March 24th. He also clarified that the City signed a negotiating agreement with a developer in response to the proposals received, which the City solicited from the entire northwest development community. The purpose of the negotiating agreement is to allow the City and the developer to find a project design that is acceptable, considering building size, footprint, parking, open space, income mix, design, and financing. The process of finding an acceptable design is ongoing and evolving. The open house will feature a completely new design. Then, there would be a special meeting on April 1st and a regular meeting on April 4th to discuss Heritage Square. Staff would make sure the City's website stays updated with all of the information.

ADJOURNMENT

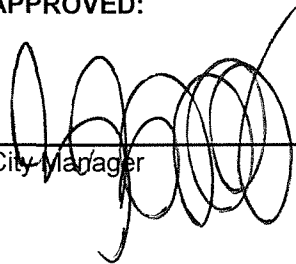
There being no further business, the meeting was adjourned at 10:26 pm.

ATTEST:



Finance Director

APPROVED:



City Manager