

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, West, and Mayor Jones.

Councilors Excused: None

Staff Present: City Manager Estes, Parks and Recreation Director Williams, Finance Director Brooks, Fire Chief Crutchfield, Police Chief Spalding, Public Works Director Harrington, Library Director Pearson, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

PROCLAMATIONS

Item 3(a): Week of the Young Child April 8 – 12, 2019

Mayor Jones read the proclamation declaring April 8 – 12, 2019 as the Week of the Young Child.

Erin Redding, Parks and Recreation Department Pre-school Recreation Coordinator, thanked City Council for supporting the Week of the Young Child. Lil' Sprouts will be spearheading a celebration next week, which will be a community event. She recognized Dan Gaffney and thanked her staff.

Item 3(b): Sexual Assault Awareness Month

Mayor Jones read the proclamation declaring April 2019 as Sexual Assault Awareness Month.

Felicity Green, The Harbor, thanked City Council for the proclamation. She noted that April 2nd is the National Day of Action and asked everyone to wear teal in support of Sexual Assault Awareness month.

Item 3(c): Child Abuse Prevention and Awareness Month

Mayor Jones read the proclamation declaring April 2019 as Child Abuse Prevention and Awareness Month.

Nakesha Womble, Clatsop Court Appointed Special Advocate (CASA) Executive Director, said the CASA program serves over 130 children a year in the county. CASA could not provide support to their volunteers without the help of their community. New volunteer training will begin April 10th. The training takes about five hours over six evenings.

PRESENTATIONS

Item 4(a): Clatsop Economic Development Resources Annual Report

Kevin Leahy, Clatsop Economic Development Resources Director, will present the CEDR Annual Report.

Kevin Leahy, Clatsop Economic Development Resources Director, presented City Council with the annual CEDR and Clatsop Community College Small Business Development Center (SBDC) report. His report included an overview of the vision and mission, goals, services and programs, business development statistics for 2018, the 2018 – 2019 budgets, and events for both organizations. He also noted his involvement in economic development organizations in the community.

Mayor Jones asked if forestry was measured as part of the economic base.

Mr. Leahy explained those metrics were based on the number of jobs generated and wages. The information came from the Oregon Forest Research Institute. Millions of dollars are allocated for roads and schools. The annual presentation he gives to the County Commission includes a break down of where the dollars go.

Mayor Jones asked Mr. Leahy to recommend ways to track the progress of the Advance Astoria Plan.

Mr. Leahy said City Council goals can target the entrepreneurial side. On the maritime side, WCT Marine, a trade sector employer, is growing and seeking part-time employees. CEDR and SBDC can help the City develop quantifiable bench marks that can be set objectively. The City can see how it is progressing in three, six, and nine months.

REPORTS OF COUNCILORS

Item 5(a): Councilor Rocka reported he attended the Lower Columbia Tourism Committee (LCTC) meeting, which included people from the Chamber of Commerce's marketing and public relations firms. He was pleased to see that they were sensitive to the idea of overcrowding and infrastructure limits.

Item 5(b): Councilor West reported that City Council's most recent work session was fantastic. She was surprised to learn that the Council had not always done work sessions as Council gets a lot of work done at the sessions. She planned to post the draft goals on her Facebook page. It was exciting to look at the priorities for the next couple of years and to develop a vision statement. She attended the benefit for the library at Fort George, which had a great turn out. She met with Chief Spalding to ask questions. She also met with Sarah Lu Heath of the Astoria Downtown Historic District Association (ADHDA) to discuss the pulse of downtown right now. This will be her fourth year participating in the Jane Barnes event on Saturday, April 6th.

Item 5(c): Councilor Brownson reported that he also attended the LCTC meeting. The LCTC is trying to promote Astoria in the wintertime and scale down tourism in the summer. He noted that the work session was productive.

Item 5(d): Councilor Herman shared about her past experiences with SBDC programs as a small business owner. Her business is still going 25 years later, which speaks to the quality of the programming.

Item 5(e): Mayor Jones reported that at the work session, the City Council agreed on goals and a vision statement. His second Meet the Mayor event included good conversations with people at the library. He met with new Executive Director of The Harbor and discussed her ideas for the program. He attended the Lower Columbia Hispanic Council's La Voz de la Comunidad event. He also noted that the following comment was made on the City's website earlier that day, "I served aboard the USS Guitaro in 1976 when we visited your city for a port call. I just want to thank all of you for your hospitality during a time when many treated those of us serving in the military very poorly. We were overwhelmed to have been so welcomed by your community in such a time. I will always have fond memories of my visit to your city and cannot thank you enough. I just stumbled across your website and thought I would share this with you." He thanked those who were in Astoria in 1976 for treating the sailors so well. He noted he is always willing to take phone calls and emails from constituents on any topic.

CHANGES TO AGENDA

There were none.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 7(a) City Council Work Session Minutes of 2/20/19
- 7(b) Boards and Commission Minutes
 - (1) Library Board Meeting of 2/26/19
 - (2) Parks Board Meeting of 2/27/19
- 7(c) Liquor License Application from Michael Angiletta and Seth Howard for a New Business as Blaylock's Whiskey Bar located at 433 13th Street for a New Outlet for Full On-Premises Commercial Sales License

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

REGULAR AGENDA ITEMS

Item 8(a): Second Reading and Adoption: Unlawful Transfer Ordinance

The first reading of this ordinance was held at the March 18, 2019 City Council meeting. The City of Astoria is experiencing an increase in people making transfers of goods or monies between pedestrians and motor vehicles on the vehicular portion of the roadway, creating a traffic safety concern. Motor vehicle drivers who are focused on non-traffic distractions are not attentive to other drivers, pedestrians, changing traffic, signage and lights. Drivers who are looking for property inside their vehicle and are handing items to pedestrians are not attentive to traffic. Offering items from a vehicle to a pedestrian encourages the pedestrian to enter the roadway outside of a crosswalk or sidewalk putting the pedestrian at unreasonable risk. Inattentive drivers cause can traffic obstructions and traffic delays. A prohibition on the transfer of items from a motor vehicle to a pedestrian will address these concerns.

It is recommended that Council hold a second reading and consider adoption of the ordinance adding City Code 6.390 relating to unlawful transfer on vehicular portion of the right-of-way.

Mayor Jones said the public hearing on this ordinance was held at the last City Council meeting in March. However, he has been asked to allow public comments at this meeting.

Chief Spalding explained that the Police Department received several complaints from business owners, primarily from Safeway and McDonalds, regarding individuals seeking goods from passing motorists. The owner of McDonalds has told the Police Department that he received several complaints from many of his customers who say they no longer want to go through the drive through or visit his business because of the problems they have had. He also described issues occurring late at night. Several individuals have knocked on the windows of motorists in the drive through seeking money. People feel intimidated by that. The Police Department's concern is public safety and traffic issues that result from this activity. Anytime a pedestrian leaves a safe area and steps on to a road way or right-of-way, the pedestrian will lose when confronted by a motor vehicle. The other concern is obstructed views. Making a turn out of the McDonalds drive through on to Marine Drive is always challenging. Customers have complained to the McDonalds owner that their view is obstructed by individuals standing or sitting on the sidewalk. Anytime someone is passing something from a moving vehicle to a pedestrian, the driver is no longer concentrating on their driving. He has driven down several streets when someone has stopped in the middle of the roadway to hand goods to an individual standing on the sidewalk. This creates the potential for road rage. Both locations have tried to address the problems. This is not about being anti-homelessness. The ordinance will apply to anybody who attempts to seek goods from someone in a motor vehicle, the occupant, passenger, driver, and the pedestrian. Additionally, this is not an anti-panhandling ordinance. The ordinance simply requires a vehicle to park legally and safely first. Eight other cities have passed this ordinance and it has been successful at curbing some of this activity and increased safety. The Police Department's enforcement strategy will be to do an education campaign, using media and social media, and post signage in areas where the problems are extreme. If officers observe activity, warnings will be given. If someone has been warned and are still not being compliant, a citation would be issued as a last resort. Staff has recommended a low fine of \$75.

Mayor Jones said before this item came on the agenda for the last meeting, he took quite a bit of time to do as much research as possible. The ordinances that have been found unlawful are ordinances that restrict free speech. This ordinance does not do that. If someone wants to give somebody something from a car, just pull off the road into a parking spot. He believed this was a reasonable requirement. He opened the public hearing at 7:43 pm and called for public comments.

Ted Thomas 398 Atlantic, Astoria, said that in August 2018, the American Civil Liberties Union (ACLU) sent notices to 61 cities in Oregon saying that prohibition of free speech, including ordinances similar to this one, were unconstitutional. The intent of this is obvious, to impede, discourage and stop people from appealing for help, which has been upheld in 51 cases by the Supreme Court as an exercise in free speech. He asked the Council to reconsider the ordinance, which was capricious, austere, and completely unnecessary. Laws are on the books for people who impede traffic, menace, or make others feel uncomfortable. This is merely an attempt to stop donations, including donations of food to people who are the weakest and most needy, people who need drug treatment, housing, and food. He noted he always gives people a dollar.

Bill Vannostran 92027 Glasgow Drive, Astoria, said he was speaking as a citizen, not as a minister. He participates in several service and civic organizations because he wants to participate in the place he chose to live. He is the volunteer treasurer on the board of The Harbor because he is heartbroken when humans damage each other in relationships. He wants to do everything he can to empower advocacy and provide rescue and shelter for people in need. He also volunteers on the Warming Center's board. Besides serving on the fundraising committee, the most significant contribution he makes is cleaning toilets nearly every Tuesday and Friday during the winter season. He also participates in an organization that has members spanning the entire breadth of Clatsop County and has unanimously approved the resolution written by him and Larry Taylor. He submitted the resolution for City Council's consideration, which he read into the record as follows:

"Regarding the treatment of those experiencing homelessness in Astoria, whereas, Astoria is in the midst of a homelessness crisis, and whereas, homelessness is not a crime, and whereas, those who are most vulnerable and cannot support themselves are forced to solicit money from passersby, and whereas, people without resources cannot physically pay fines, and whereas, the enforcement of regulations and the issuing of citations have not solved the downtown parking problem, and whereas, the City of Astoria is at present working on a forgiveness for those who are indigent and have amassed a large amount of fines, and whereas, there does not exist a worthy, alternative, daytime place for those who are at risk to be, or sufficient employment opportunities for them to earn money, and whereas, even for those who are employed the cost of living in America today has grown logarithmically while wages have stagnated or decreased, and whereas, it is estimated that 63 percent of Americans today could not weather a \$500 emergency, and whereas, it is incumbent upon all of us with resources to speak, advocate, fight for those who cannot speak, advocate, fight for themselves, the Golden Rule calls for us to treat others the way we wish to be treated. Therefore, be it resolved that the Clatsop County Central Committee requests the Astoria City Council discontinue pursuit of a plan to further penalize poverty and reconsider decisions to further punish those who do not have the resources to live and look for positive effective examples dealing with panhandling used elsewhere in Oregon rather than jumping only to enforcement."

Mayor Jones closed the public hearing at 7:51 pm.

Chief Spalding stated he agreed with those who spoke. The community is already working on the requests included in the resolution. The City's Homelessness Task Force is also looking for solutions for many other issues in the community. The ordinance is not targeted at homeless individuals and is meant to increase safety. If people want to give handouts, they need to do so from a position of safety.

Councilor Rocka said people can make donations and help out at the Warming Center, Helping Hands, and the drop-in center. Homelessness is made up of all kinds of people with all kinds of issues and needs, from people with mental illness to people who lost their job or missed a payment. The small percentage of people who are being very aggressive when begging are giving a bad name to homeless people in general. Officer Hansen cares about homeless people, who have affection for the Police Department. Homeless people have said those doing the panhandling are not from here. The City is not condemning and dismissing homeless people. He supported the ordinance based on the limits in the ordinance and the Chief's actions.

Councilor Herman said she had concerns after receiving an email that said the proposed panhandling ordinance was morally reprehensible and completely offensive. The Council received a resolution from the Clatsop County Democrats, of which she is a participant. She contacted Chief Spalding, City Manager Estes, and City Attorney Henningsgaard, the ACLU, and the League of Oregon Cities (LOC). She received a thorough report from City Attorney Henningsgaard about the history of the U.S. Supreme Court rulings on similar ordinances. The ordinances that were too broad were found to be in violation of the First Amendment. The community must look out for people by looking out for their safety. If one person was injured, which is a real possibility because some of these people asking for money are aggressive, the City and Council would be castigated. She believed it was her moral responsibility to pass the ordinance. All someone has to do is legally park and then give a donation, which is no big deal. It is a big deal to risk safety, especially for people who may not be able to watch out for themselves because of mental illness or addiction. She appreciated the passion of all those who spoke.

Councilor West said she met with Chief Spalding to get a better sense of what was behind the ordinance. She did not want to make it more difficult for someone to survive. If this ordinance was not passed, City Council would be ignoring the safety issue and the concerns of the business owners whose lives and well being are also being impacted. She would not support an overarching ban on panhandling or the ability to access things people

need to get by or survive, and that is not what the Police Department is trying to do. There are more effective ways of supporting that population without damaging local businesses or causing safety violations.

Councilor Brownson state he supported the ordinance, which is simple and would not create any extraordinary hardships. The City is not going after panhandlers. If a person wants to donate, the Warming Center, Helping Hands, and Riverfolk always need support. He was not an advocate of handing dollar bills out. He wants to hand dollars to people who can actually help these individuals. The City Attorney has assured City Council that panhandling is not being restricted.

Councilor Rocka added that Filling Empty Bellies also needs support.

Director Brooks conducted the second reading of the ordinance.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Herman, to adopt the ordinance adding City Code 6.390 relating to unlawful transfer on vehicular portion of the right-of-way. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Item 8(b): Contract Approval for the Aquatic Center Filter System

The Astoria Aquatic Center was built in 1997-98 and the original fiberglass sand filter vessels are still currently in use. The filtration system recirculates pool water through a glassine sand mix that is designed to remove particulate matter in order to keep water chemistry at safe, usable levels for the public. The fiberglass filter vessel for the Recreation pool is significantly worn after years of use due to the abrasive nature of the media inside being agitated by constant water movement. Staff recently noted signs of extreme stress on the exterior of the vessel in the form of hairline cracks and extrusions of fiberglass material. These are indicators that its integrity is compromised and failure may be imminent. The filtration system is essential to daily operations of the recreation pool at the Aquatic Center and the age of the infrastructure make repairs infeasible and replacement the sole option. It is recommended that the existing Astral Filter be replaced with two, smaller Pentair Filters that can be isolated for more efficient operation.

In addition to the instability of the sand filter vessel, staff has observed consistently high levels of combined chlorines in the recreation pool water chemistry, approaching readings that the State Health Department deems unsafe for use. The most effective and long-term method of reducing and controlling combined chlorine is to install an Aquionics Ultraviolet (UV) sterilization system to neutralize harmful bacteria and other organisms that may otherwise pose a threat to the health of users of the pool.

Since the Recreation pool's filtration and recirculation systems are so complex, replacing the filter vessel will require the pool to be shut down while work is completed and it is most advantageous to concurrently install the UV system during that interruption of service.

Staff has solicited vendors for the replacement of the filter vessel and installation of a UV system and received a bid from The Pool and Spa House for \$83,997.92. Apollo Pool Services and Interlocked Filtration Systems were contacted to provide bids, but both firms declined.

\$82,000 of the project's cost will be paid using Capital Improvement Funds allocated to the Parks and Recreation Department for FY18-19 and the remainder of the expenses will be provided from Parks Operations Funds budgeted to Aquatics and Maintenance activities. The contract has been reviewed and approved as to form by City Attorney Henningsgaard.

It is recommended that City Council approve the contract for replacement of the Recreation pool filter and installation of a UV system with The Pool and Spa House for the amount of \$83,997.92.

Councilor Herman asked if the bid was what Staff expected to pay. Director Williams replied yes, definitely. The City will save between \$8,000 and \$10,000 by using the same contractor to complete both of the necessary procedures.

Councilor Herman asked if the UV filter would reduce the amount of chlorine needed. Staff replied yes, and explained that the UV system already in use is just for the lap pool.

Councilor Herman asked if there was a way to rectify the chlorine levels in the recreation pool before the new equipment is installed. Director Williams said the chlorine levels were safe right now. The levels would be watched carefully as the new filter and UV system are put in place to keep the levels down as far as possible.

Councilor West said Staff showed her what work needed to be done when she toured the Aquatic Center and it was exciting to move forward on this. Director Williams added the new filter and UV system would reduce bacteria significantly.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor West, to approve the contract for replacement of the Recreation pool filter and installation of a UV system with The Pool and Spa House for the amount of \$83,997.92. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Item 8(c): Authorization to Solicit Bids – 2019 Timber Sale (Fat Buck Creek Combo)

This is a request for Council to authorize solicitation of bids for a shelterwood and thinning forest harvest project designed for long-term water quality and forest health.

The planned thinning area is a 10-acre area located at the end of Spur 1 Road, a dense growth of Douglas Fir and Hemlock. The Douglas Fir have been impacted by Swiss needle cast, a fungus that attacks the needles of mature Douglas Fir. The thinning will also allow for light penetration to the forest floor improving the growth of shrubs and fern.

The shelterwood area is a 23-acre area also impacted by Swiss needle cast. Approximately 30 percent of the pre-harvest trees will be retained and the harvested trees to be replanted. This will provide a long-term benefit of improved water filtration and resistance to disturbances. The shelterwood is to be under-planted following the harvest.

It is recommended that City Council authorize staff to solicit bids for the 2019 Timber Sale (Fat Buck Creek Combo).

City Forester Ben Hayes displayed a map of the area to be thinned and provided background information about Astoria's watershed. He reviewed the scope of work and explained the thinning process.

Mayor Jones said Astoria was fortunate to own a 3,900-acre watershed that will give the city clean water in perpetuity, as long as it is managed properly, generates revenue, and keeps logging jobs alive.

Councilor Herman asked how diverse the tree species in the watershed was. Mr. Hayes said there were seven dominant species, but about half of the volume is western hemlock. A significant number are Douglas fir and the remainder includes Pacific spruce, western red cedar, and red alder. Compared to other forests in the area, Astoria's is a highly diverse forest, so the City is working on the areas with the lowest diversity and the highest risk.

Councilor Herman asked if needle cast is a bacterium. Mr. Hayes said Swiss needle cast is a fungus that attacks Douglas fir by plugging the vascular system, which stagnates growth. Fog exacerbates needle cast. Treatment involves removing 100 percent of the Douglas fir, which came from British Columbia and was aerially reseeded after being harvested around World War II.

Councilor Herman asked what species would be planted. Mr. Hayes stated western hemlock and western red cedar were being planted. Western red cedar is highly resistant to most pests and pathogens, and western hemlock regenerates on its own.

Councilor Herman asked if the trees had to be fertilized. Mr. Hays said no fertilization or chemical applications are done anywhere in the watershed.

Councilor Brownson said he wanted to revisit the watershed to see the areas that were thinned two years ago. It is important that the watershed is managed for the safety and welfare of the community. He asked how the water

supply would be impacted if dry weather continued. Staff noted that a number of recent studies by the EPA show that the type of management Astoria is practicing increases base flow rates considerably. Astoria is coming out of an abnormally dry period, and the City is in good shape. The reservoirs are full, and ten days of rain is predicted. Additionally, the top of the watershed received three feet of snowpack when Astoria was dry.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Rocka to authorize staff to solicit bids for the 2019 Timber Sale (Fat Buck Creek Combo). Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Item 8(d): Consideration of Library Strategic Plan

The Astoria Oregon Public Library Foundation is currently engaged in fundraising for the eventual library renovation. The Foundation via their consultant, Ruth Metz, requested an updated Astoria Public Library strategic plan to assist in their fundraising efforts. The previous plan expired in 2011 and is no longer applicable for use. The plan drew heavily upon the 2013 Needs Analysis which includes well documented participation from the community. The draft Strategic Plan was reviewed and approved by the Library Advisory Board during their February 26, 2019 meeting. It is recommended that City Council accept the Strategic Plan as presented.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Herman to approve the Library Strategic Plan. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

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

Shannon Fitzpatrick 1046 Grand Avenue, Astoria, recommended the City look into using parking meters as receptacles for donations to organizations. A similar program is going on in San Louis Obispo, California and it has been very successful. Meters are placed throughout the city in pedestrian-friendly locations. People can see what organization they are donating to and the program has collected thousands of dollars in the last five years. He suggested an internet search for "San Louis Obispo parking meter to fund homeless" or "change for change."

Dan Gaffney 41327 Hillcrest Loop, Astoria, thanked City Council for supporting the Week of the Young Child. He was a professional educator for 37 years and spent the last six or seven advocating for the youngest children. He had been a high school teacher, a middle school administrator, a district administrator, and an elementary principle. He had been working with local child care and preschool providers. As a K12 educator, he had a sense of what the providers were dealing with, but he did not fully understand their dealing with the health and social service providers. It takes a village to raise a child. The Oregon Community Foundation funding created Clatsop Kinder Ready for zero to eight-year-old children. The State created early learning hubs. The local hub serves Clatsop County and two other counties. The County was awarded one of eight federal grants to do a preschool feasibility study, which helped establish stronger understandings and connections. The early learning hub has another grant to springboard off of the feasibility study. High quality child care and preschool gets kids ready for kindergarten. If kids are ready for kindergarten, they have a much greater chance of being readers in third grade, which is the number one predictor of high school graduation. Oregon's high school graduation rate is not something to be proud of. Chronic health, criminal justice, social service issues and costs are also reduced. Individual economic status is increased, as well as the community's economic well-being, a quality work force, and a quality life. He wanted to find new funding partners because the State and City of Astoria can only do so much. The school districts do what they can. Child care costs roughly \$10,000 a year and many times families cannot afford that, so normally the mother stops working. That is not equitable. The children who need child care the most are those who do not have it. The quality that could be provided is lacking. Child care and preschool providers earn about 50 percent what a kindergarten teacher makes and without benefits. This makes it difficult to hold on the quality child care and preschool providers. The City's support is greatly appreciated because it is critical to the improvement of the community.

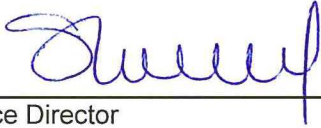
Mayor Jones asked what organization Mr. Gaffney was affiliated with. Mr. Gaffney said he was not employed. Clatsop Kinder Ready was initially created because of funding from the Oregon Community Foundation. He was hired by the County to do the preschool feasibility study that covered Clatsop and Tillamook Counties. He worked closely with the five school districts in the county and the child care resource and referral. He was on the board for the early learning hub. He has tried to be involved in a multitude of ways and catalyze change because he does not have an employer who could fund this. He just wanted to continue getting the word out.

David Oser, 254 W. Irving, Astoria, said he was speaking as a School Board member. More early child care is number one on the Board's wish list. Only one class at Gray School can only take 16 children a year. The issue is money. It costs between \$125,000 and \$150,000 a year to run a preschool class because of regulations and the need for two teachers.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:37 pm.

ATTEST:



Finance Director

APPROVED:



City Manager