

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

Councilors Present: Nemlowill, Herzig, Warr, Price, Mayor LaMear

Councilors Excused: None

Staff Present: Assistant City Manager/Police Chief Johnston, Community Development Director Cronin, Planner Ferber, Parks and Recreation Director Cosby, Finance Director Brooks, Fire Chief Ames, Library Director Tucker, Public Works Director Cook, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

## REPORTS OF COUNCILORS

**Item 3(a): Councilor Nemlowill** had no reports.

**Item 3(b): Councilor Herzig** reported that a candlelight walk and soup dinner would be held on Monday January 18, 2016 in honor of Martin Luther King Day. The walk would begin at the corner of 12<sup>th</sup> and Commercial in front of the Liberty Theater at 5:30 pm and end at Peace Lutheran Fellowship Hall, where North Coast Food Web would provide the soup dinner. He has spent a lot of time at the Astoria Warming Center, which has been open 37 nights since it opened for the season. The center has been open more nights than it has been closed, serving 53 men, and 14 women. About 1,000 hours of volunteer time have accumulated. The center never expected to be open so often, but the weather has been such that the center needed to be available. He noted that Councilor Price, Mayor LaMear, and Cliff LaMear have served as volunteers. One night, Mr. LaMear had gone home to get a pair of shoes that he gave to one of the guests. The amount of support for the warming center has been incredible. All of the support has come from private donors and volunteers. The warming center will continue for as long as possible to keep Astoria's citizens alive through the winter.

**Item 3(c): Councilor Price** reported that on Saturday, January 2<sup>nd</sup>, she received a third call in about two months from a citizen who wanted to know what to do with a dead deer in their yard. She called the Astoria Police Department, Astoria Public Works, and the Oregon Department of Fish and Wildlife (ODFW) and learned it was not their responsibility to remove dead animals from private property. She believed this was an important issue and would provide an update at the next City Council meeting. Earlier in the day, she met Ray Merritt at the site of the Safeway hole, where dirt will be removed starting on Wednesday, January 6<sup>th</sup>.

**Item 3(d): Councilor Warr** reported that he attended the Historical Society's New Year's Eve party. Attendance was lower than expected, but the event was wonderful. While not a fundraiser, everyone had a good time and he hoped the event would continue for several more years. Herb Olson, a former long-time employee of his who had recently retired, was admitted to the hospital earlier that day. He asked for good thoughts and prayers for Mr. Olson.

**Item 3(e): Mayor LaMear** reported that City Manager Estes had fallen on his deck and broken a toe. He was absent from the meeting because he was still recuperating. Patsy Oser was also recuperating after falling and breaking her wrist.

**CHANGES TO AGENDA:** No changes.

## PRESENTATIONS

**Item 5(a): Parks Department CHIP-in Program**

In 2015, Citizens Helping Improve Parks (CHIP-in), a Parks and Recreation program entering its second year with a focus on inspiring community based stewardship by reconnecting citizens with their parks, cleaned up 11 of Astoria's 63 parks. Two hundred twenty-seven volunteers dedicated over 680 hours of their time resulting in the beautification of our parks and countless community connections, both to other citizens and our environment.

Melissa Keyser, the CHIP-in Volunteer Coordinator, will update the Council with statistics and results from the past year of CHIP-in events as well as provide goals for 2016. As the second year of the program ends, the necessity and success of the CHIP-in program is evident. The strength and vast potential of community-based stewardship is clearly exemplified in this past years work.

Director Cosby introduced Melissa Keyser, who started working for the Parks Department over the summer as the part-time volunteer coordinator. Ms. Keyser's position with the City is her second job and she does a great job managing the CHIP-in program.

Melissa Keyser gave the annual update on the CHIP-in program via PowerPoint. The mission statement she developed for the program was, "To inspire community-based stewardship by reconnecting citizens with their parks." In 2015, the program's second year, there were three main goals; 1) Beautify Astoria's 63 parks, 2) Reconnect citizens with their parks and over 200 acres of park land, and 3) Focus on environmental stewardship through community volunteerism. CHIP-in hosted at least one event each month beginning in March 2015. She created a monthly volunteer email, which now has more than 100 recipients. Events are consistently promoted on social media and she participated in the AHS Community Fair. The program had about 250 volunteers in 2014 and 227 volunteers in 2015. In 2015, 50 of the volunteers were students from Tongue Point Job Corps. The students have been fantastic at all of the CHIP-in events. Volunteer turnouts were consistent with about an average of 20 volunteers for each event. Volunteer hours in 2015 totaled 681 hours, which is valued at over \$15,000 for the year. In 2014, volunteers contributed 750 hours of labor. She hoped the number of volunteers and hours worked would increase in 2016. Of the 12 events scheduled for 2015, one was cancelled due to weather and two were scheduled through outside organizations, the Kennewick Coast Guard and the Clatsop Community College Talent Search. CHIP-in partnered with five organizations and cleaned up 11 of the 63 parks. She reviewed each CHIP-in event as follows:

- Evergreen Field, March 22<sup>nd</sup> – There were only five volunteers due to extremely wet weather. Volunteers replaced backstops, laid new tarp under the bleachers, rehung the volleyball net, and removed weeds.
- Tapiola Park, April 19<sup>th</sup> – There were 63 volunteers, 15 from Tongue Point, who put in over 100 yards of cedar chips and eight yards of sand, painted the Liberty Theater, and weeded around the play area.
- Fred Lindstrom Park, May 8<sup>th</sup> – This even was coordinated with Clatsop Community College Talent Search. Twenty volunteers picked up trash and pulled weeds.
- Ocean View Cemetery, May 17<sup>th</sup> – This was the last event with Janice O'Malley Galizio as volunteer coordinator. There were 24 volunteers, 20 from Tongue Point, who cleaned headstones, cleared grave marker, and removed weeds.
- Fort Astoria Park, June 21<sup>st</sup> – There were 8 volunteers led by Jonah Dart-McLean, Parks Maintenance Supervisor, who put in 20 yards of mulch donated by Trails End Recovery. Fort George donated 30 \$5 gift cards for the volunteers.
- Cathedral Tree Trail, July 19<sup>th</sup> – This event was also led by Mr. Dart-McLean. There were 30 volunteers, 6 were Lewis and Clark National Park staff, and 10 were Tongue Point students. Volunteers cleared brush from a fourth of the trail, built a 45-foot boardwalk and three new water bars, removed and replaced four steps, and trimmed trees.
- Riverwalk, August 22<sup>nd</sup> – This was Ms. Keyser's first event. There were 28 volunteers, 5 from Portland, who picked up over 10 bags of trash, weeded, removed invasive plants, and cleared overgrown brush. Volunteers received special commemorative t-shirts for the event.
- Aquatic Center, September 13<sup>th</sup> – There were 19 volunteers, 10 from Tongue Point, led by Pam Pearce, Recreation Coordinator. Volunteers cleaned up the exterior of the facility while the inside was being repaired, repainted the caution paint, weeded, trimmed, mowed, and put down about 5 yards of bark mulch.
- Maritime Memorial Park, October 16<sup>th</sup> – This event was hosted by Kennewick Coast Guard, who hosted the event to celebrate the promotion of one of their members. There were 9 volunteers, 7 from the Coast Guard, who cut back overgrown shrubs, trimmed trees, picked up trash, pulled weeds, and put in bark mulch.
- Recreation Center, November 15<sup>th</sup> – This event was led by Terra Patterson, Recreation Coordinator. There were 10 volunteers who painted the kid zone, mopped and cleaned the inside of the facility, picked up trash outside the facility, pulled weeds, and put in bark mulch.
- Li'l Sprouts/Port of Play, December 20<sup>th</sup> - There were 11 volunteers who painted the Port of Play grocery store and an outdoor mural and wiped down surfaces. She and Erin Reilly, Volunteer Coordinator, designed and executed the mural, which included a road that led into the door. Unfortunately, the road was very slick and had to be washed off. The road will be painted back on with sanded paint. The logo

for the grocery store resembled the Astoria Co-op Grocery. She asked for donations of empty boxes and cans for the grocery store, which did not have much play food items.

- She is currently working on the 2016 calendar of events and planning a volunteer appreciation event for the end of the year. She will focus on fundraising, increasing park adoptions, and increasing the “Friends of” groups. She plans to speak with regular park users to find out who would be interested in facilitating a group to plan events with the help of the City. Community partnerships are another important goal. In the past, CHIP-in has worked with Lewis and Clark National Park, but she would like to partner with the North Coast Watershed Association, the Columbia River Estuary Study Taskforce (CREST), and the North Coast Land Conservancy because their goals are similar to Astoria’s. She is currently planning an event for March with the North Coast Watershed Association, who usually provides all of the plants to be planted. She also plans to focus on providing historical contexts and environmental information at CHIP-in events. This could include a brief presentation or providing historic maps or pictures. She believed citizens were inspired by the past and how parks have changed over the years.
- The value of community participation and stewardship in 2015 is evident and the resulting improvements provide true benefits to the Parks and Recreation Department. The next CHIP-in event is scheduled for Sunday, January 17<sup>th</sup>, from 1:00 pm to 4:00 pm at Shively Hall.

Mayor LaMear thanked Ms. Keyser and Ms. Galizio for all of their work with the CHIP-in program. Tongue Point has done remarkable things for the City, so she had previously sent a letter of appreciation for their participation.

Councilor Herzig believed 2015 was a break-through year for the Parks and Recreation Department. He believed that Ms. Keyser and Ian Sisson, who was working on the master plan, would make 2016 even better. He thanked Director Cosby and Mr. Dart-McLean for their leadership in the department.

**Item 5(b): Marc Warren, Oregon Liquor Control Commission Licensing Process Inspector**

Marc Warren from the Oregon Liquor Control Commission (OLCC) will be presenting the process for local government review of both liquor license applications and recreational marijuana applications.

Marc Warren, 65 North Highway 101, Warrenton, explained that he had been working as District Inspector for the OLCC for about 2½ years, since retiring from the Coast Guard in 2013. His district includes the north half of Tillamook County, all of Clatsop County, and all of Columbia County. He currently inspects about 400 licensed practices. With the legalization of marijuana, OLCC has made some changes because they will be regulating the licensing and the retail outlets. He gave a presentation, which included a brief on the liquor licensing process and a compare and contrast between the liquor and marijuana licensing processes. His presentation was as follows:

- Measure 91 gives OLCC the authority to tax, license, and regulate the recreational marijuana commercial program, which includes all products grown, sold, and processed for commercial purposes. The OLCC places emphasis on bringing Oregon’s commercial marijuana industry into a mainstream regulated marketplace.
  - The OLCC has no authority to regulate or enforce the homegrown, personal use, or personal possession laws. Enforcement of these laws is left to local law enforcement. It will be up to local jurisdictions and the State Police to decide how to deal with unlicensed premises and personal possession limits.
  - The Oregon Health Authority currently regulates the medical marijuana dispensaries, which are only allowed to sell less than an ounce of buds and flowers. The OLCC has no authority over the medical marijuana dispensaries. The health authority’s jurisdiction over these facilities will sunset in December 2016, at which time each facility must decide how to proceed because a dispensary cannot be both a medical and recreational dispensary.
- OLCC will focus on preventing sales to minors, protecting consumers by establishing standards through regulatory enforcement, and supporting local law enforcement efforts to regulate and enforce unlicensed sales and production.
- OLCC is responsible for regulatory enforcement actions against businesses, not individuals, and only those businesses that are licensed by the OLCC to grow, produce, wholesale, or sell directly to the public recreational marijuana.
- Even though the OLCC began accepting license applications today, they are currently in the process of drafting rules that will likely become final in March or April.

- Marijuana licensing is done online and no paper applications are available, like liquor licensing. The licensing fee is non-refundable. Once an application is submitted, the online license system verifies the application is complete before accepting it.
- The only local government input for marijuana licensing is the Land Use Compatibility Statement, unlike alcohol licensing, which includes the local governing body recommendation process.
  - The City must decide which local governing body must review the Land Use Compatibility Statement, which will be used to address zoning, use of the land, the building, ownership of the property with respect to the type of license being requested, and large scale city planning.
  - Police Chief Johnston noted the Community Development Department had already received and processed a Land Use Compatibility Statement from a grow operation. The City has 21 days to process the statements, which are reviewed administratively unless there is an issue that needs to be reviewed by the Planning Commission.
  - The OLCC does not require a recommendation from the city on a marijuana license, like it does with a liquor license.
  - He confirmed for Councilor Herzig that if the City's' planning process determines a marijuana use is not compatible, the license will be denied. The OLCC cannot grant a license that is not compatible with the land use. This is different from the liquor licensing process, which has denial criteria.
  - Licenses will be denied if the facility is proposed to be located in a prohibited zone, on federal land, at the same physical address or location as a medical dispensary or an OLCC licensed premises, and if the proposed location is within 500 feet of a protected facility like a school, place of worship, or childcare facility.
  - No public notices will be published for proposed marijuana facility licenses.
- An inspection will be done on premises prior to granting a license. This is not done with liquor licenses. All marijuana facilities must pass strict security codes and other requirements. This means the facility must be ready to operate before the license is granted.
- Applicant denial criteria does not allow for a recommendation by the local government. The OLCC will deny applicants who have a record of excessive use of alcohol, marijuana, or any other controlled substance, have made false statements to the OLCC, are incompetent or physically unable to carry on the management of the facility, or are not of good repute or moral character. Most applicants are denied because they have made false statements, had a habit of use, or did not have good moral character.
  - A person who owed a large sum of money to the City or County would not be considered to have good moral character and would have their application denied.
  - Applicants can overcome denial of an application over time by participating in a rehabilitation program, following probation, or taking other appropriate measures to resolve their issues. However, the reason for denial and appropriate measures to overcome the denial must be specifically stated.
  - Previously licensed individuals who have had a poor record of compliance will also be denied.
- He reviewed the liquor license actions that require a recommendation from the City.
- State statutes do not require public notices when a marijuana facility opens. Marijuana was legalized through a vote by the people, so there is not as much government oversight as there would be if marijuana was legalized by the legislature. Public input is not necessary because people have already indicated through the voting process that they want marijuana. Public notices and the local government process are required for liquor licenses because the alcohol laws were passed by the legislature.
- Public consumption of marijuana is not allowed. He showed photographs of signs that the OLCC is giving to local bars to be placed in their smoking areas. The OLCC has no jurisdiction over public marijuana smoking, but bars can call the police.

Mayor LaMear asked how many and what types of facilities were currently in Astoria. Chief Johnston said he was only aware of the dispensaries because they are visible. The Police Department does not have the opportunity to review license applications. There are four medical marijuana dispensaries and all four have opted in to doing retail sales. One medical grow facility has submitted a land use compatibility statement and plans to apply for a recreational license. Through December, the medical facilities can sell marijuana for recreational use. By the end of 2016, the facilities must decide which type of license to have. Medical facilities that want to sell for recreational use must apply for a recreational license and completely convert to retail sales. Facilities will not be able to hold both a medical and recreational license at the same time.

Mr. Warren added that medical facilities choosing to remain medical facilities would have an opportunity to sell their excess recreational products to retail outlets.

Councilor Warr confirmed the grow facility would be located on Portway Street next to Marine Drive. Chief Johnston said the facility was a medical facility that planned to convert to a recreational facility.

Councilor Herzig confirmed that by 2017, all facilities would be either medical or recreational.

**Item 5(c): Coalition to Develop Partnerships for Dealing with Homeless/Community Interactions Report**

Chief Johnston will present a report to Council on the work of the Coalition to Develop Partnerships for Dealing with Homeless/Community Interactions.

Chief Johnston gave a report on the Coalition to Develop Partnerships for Dealing with Homeless/Community Interactions, which was included in the agenda packet. The report included six recommended community engagement activities Staff would use to guide possible future actions. Future action items would be presented through the budget process. He believed building capacity in the non-profit sector would make the biggest impact. However, this is not the City's responsibility. He thanked the coalition members and the community for their work.

Mayor LaMear thanked Chief Johnston for leading the coalition and doing exactly what City Council hoped he would. Her goal was to see various organizations come together to talk. The recommendations are very important. The City cannot take responsibility for the recommendations, but they do provide a framework to work from.

Councilor Price thanked Chief Johnston, Councilor Herzig, and Mayor LaMear for their advocacy of communities that are disadvantaged. This is the first time City Council has taken an interest in the homeless population and encourage community groups to work together to create solutions.

Councilor Herzig said that while the City does not have the primary responsibility over these issues, the City does suffer from the issues. When the warming center is open, the emergency room at Columbia Memorial Hospital (CMH) receives much less traffic from homeless people. The City pays a heavy price for failing to address the issues. Many people believed the coalition was going to be a permanent group, but he kept telling people it was just an ad-hoc group to deal with the influx of homeless people and contention with the downtown merchants. He has been speaking with the National Alliance on Mental Illness and CMH about forming a new task force to carry forward these recommendations because the issues must be addressed. The City and the citizens are paying too high a price. The analysis is great, but the City must include community partners who have not been communicating. He hoped the new crisis center at Coryell's Crossing would be the nucleus for expanding services through the county. Even though homelessness is not the City's responsibility, everyone pays a price and the City is suffering in many ways. Everyone will benefit from moving to address the issues. The coalition was a very fluid group and Lisa Reid had the difficult task of speaking on behalf of the downtown merchants, who were angry about public defecation. Arriving at an agreed solution from that perspective was incredible.

Celia Davis, 1354 Miller, Astoria, asked if CMH was asked to participate in the coalition.

Chief Johnston said the City wanted a CMH representative on the coalition, but Staff had issues getting someone to engage. Once the meetings began, he stopped trying to get someone from the hospital to participate.

Ms. Davis said this was astonishing. She volunteers at the hospital and warming center. She has heard the nurses talk about the impacts of the warming center when it is open. She was at the warming center at 3:00 am when a person came in after being discharged from the hospital. Councilor Herzig and people in the community have been trying to make a connection with the hospital. She was hopeful about the task force and hoped it would allow the hospital to be engaged. She understood Councilor Herzig had made a successful contact with someone at the hospital.

Councilor Herzig said Erik Thorsen had clearly stated that using the emergency room as a warming shelter is an incredible waste of the facility and resources. He had agreed and said the warming center could not provide

nursing to people who had been discharged from the hospital but still needed care. Some of these people have been unable to walk.

Ms. Davis agreed and said this is a cost to the community.

Councilor Herzig added that the hospital, the warming center, and the City are not at fault. However, until this gap is addressed, money, health, and the community's well-being will be lost.

George McCartin, 490 Franklin Avenue, Astoria, said it was wonderful that the coalition was able to make the recommendations, but this is the end of the line for the coalition. He believed the community needed to move beyond making recommendations. It is easy to say this is a national problem, a county problem, or a state problem, not Astoria's problem; however, anyone who has been to the warming center realizes that this is Astoria's problem. The City Council needs to recognize that they are the leaders of the City and they must do something concrete about the issues. He hoped the strategic planning would include issues related to homelessness.

## **CONSENT CALENDAR**

The following items were presented on the Consent Calendar:

6(a) City Council Minutes of 12/7/15

**6(b) Managing Oregon Resources Efficiently (More) IGA (Public Works)**

6(c) Rural Gateways Grant Application (Library)

6(d) Astoria Senior Center Renovation Project Architectural Services Contract Amendment No. 3 (Public Works)

Councilor Herzig requested Item 6(b) be removed for further discussion.

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Price, to approve Items 6(a), (c), and (d) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

### **Item 6(b): Managing Oregon Resources Efficiently (More) IGA (Public Works)**

Councilor Herzig explained that a number of cities and counties throughout Oregon have agreed to share resources, which sounds like a good idea. The contract allows Astoria to borrow something it needs from another city; however, Astoria is not obligated to provide anything to other jurisdictions. He asked how the contracts would be reviewed. Chief Johnston said anything under \$10,000 could be authorized by the City Manager and City Council would review requests that exceed the City Manager's authority.

Councilor Herzig said the agreement looked great and he believed it would benefit Astoria. Instead of going through independent contracting each time, the City can just go through this centrally managed resource to apply for resources.

**City Council Action:** Motion made by Councilor Herzig, seconded by Councilor Price, to approve Item 6(b) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

## **REGULAR AGENDA ITEMS**

### **Item 7(a): Ordinance Readopting Oregon Revised Statutes (Code Section 1.047) (1<sup>st</sup> Reading) (City Attorney)**

The 2015 legislation passed by the Oregon Legislature, for the most part, became effective on January 1, 2016. Many of our City ordinances refer to or incorporate state statutes. Every year, the City routinely re-adopts all referenced ORS sections to pick up any changes made by the legislature. This is done by a "global readoption," which was the technique recommended by the League of Oregon Cities. The City is legally unable to prospectively adopt Oregon legislative changes, that is, we cannot adopt a state statute "as it now exists and is

from time to time amended." The proposed ordinance has been reviewed and approved by the City Attorney. It is recommended that Council conduct the first reading of the proposed ordinance.

Mayor LaMear explained this was a bookkeeping item. Astoria just needs to make sure its ordinances comply with State laws.

**City Council Action:** Motion made by Councilor Price, seconded by Councilor Warr to conduct the first reading of the ordinance readopting Oregon Revised Statutes Code Section 1.047. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Director Brooks conducted the first reading of the ordinance.

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

**Item 8(a): Election of City Council President**

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Price to elect Councilor Nemlowill as City Council President for 2016. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Mayor LaMear confirmed there were no public comments.

City Council recessed to Executive Session at 8:07 pm.

**EXECUTIVE SESSION**


**Item 9(a): ORS192.660 (2) (h) – Legal Counsel**

The City Council will recess to Executive Session to consult with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed.


**ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:08 pm.

**ATTEST:**

  
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Finance Director

**APPROVED:**

  
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City Manager