

A regular meeting of the Astoria Common Council was held at the above place at the hour of 6:49 p.m.

Councilors Present: LaMear, Herzig, Warr, Mellin, Mayor Van Dusen

Staff Present: City Manager Benoit, Parks and Recreation Director Cosby, Finance Director Carlson, Fire Chief Ames, Planner Johnson, Community Development Director Estes, City Attorney Henningsgaard, Library Director Tucker, Engineer Moore, Public Works Director Cook, and Police Chief Curzon,. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

REPORTS OF COUNCILORS

Item 3(a): Councilor LaMear reported she had missed the last meeting because she was on vacation hiking in state and national parks in Utah.

Item 3(b): Councilor Herzig reported that the Lower Columbia Diversity project held a fascinating presentation on the Chinook Nation on November 3rd, and hoped to hold more diversity projects in the future.

Item 3(c): Councilor Mellin reported that she attended a presentation on the renovation of the senior center, hosted by students at the Tongue Point Job Corps. She has been working with the Assistance League to clothe children in Clatsop County. Members contribute \$65 each year and participate in fundraising to purchase clothing for low-income children.

Item 3(d): Councilor Warr stated that his report was essentially provided during the Transportation Systems Plan (TSP) work session held just prior to this meeting.

Item 3(e): Mayor Van Dusen stated the presentation on the renovation of the senior center had good attendance. On Wednesday, October 30th, Astoria High School conducted a preliminary showing of the sports complex at the former landfill. The project will double the size of the hospital, close the landfill, and have a sports complex. He introduced Cannon Beach Mayor Mike Morgan.

Mayor Morgan reported that ODOT and the Northcoast Land Conservancy collaborated on a Highway 101 project at Circle Creek, just south of Seaside where water accumulates on the road during high flood periods. A month ago, the berm was removed to allow water to flow into the reserve owned by the land conservancy. During the recent storm the project proved a success.

City Manager Benoit introduced photographer Maya Dooley, who is taking photos of the meeting for the Association of Oregon Redevelopment Agencies. The agency will be featuring the Astoria Development Commission in a statewide manual.

CHANGES TO AGENDA

Item 4: City Manager Benoit asked the City Council to consider the addition of an Executive Session to consult with legal counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed. City Council agreed to add the Executive Session to the Agenda.

PRESENTATIONS

Item 5(a): Clarification of Conflict of Interest

Mayor Van Dusen stated that he and Councilor Herzig had discussed recent developments and discussions in media publications about conflicts of interest. They decided such details should be discussed publicly and in front of City Council. He reviewed the topics of discussion, noting that no public testimony would be taken during this discussion, but questions and comments could be made during Item 8 New Business and Public Comment.

Councilor Herzig clarified a conflict of interest regarding the Friends of the Astoria Armory and the Astoria Armory, recalling that he had been invited to attend a meeting on Friday, October 11, 2013, where the Friends of the Astoria Armory would be organized at a 501(c) and a board would be formed. No City of Astoria staff was present at this part of the meeting. At the meeting, Councilor Herzig was invited to serve on the Board of Directors of the Friends of the Astoria Armory. He said he could not accept the invitation until he could confirm the position would not create a conflict of interest. He was advised to check with the city attorney. Upon returning home late in the afternoon, he received a voice message from Mayor Van Dusen, who had heard Councilor Herzig was on the Board of Directors for the Friends of the Astoria Armory. He expressed concern about the appearance of a possible conflict of interest, but acknowledged Councilor Herzig's right to do what he thought best. Late Friday afternoon, he replied to Mayor Van Dusen via email, stating that he would remove himself from the board immediately if there was a possibility of a conflict of interest. It would have been more accurate to write that he would decline the invitation to serve on the board, but because the Mayor was acting on rumors that Councilor Herzig was already on the board, he felt that use of the words "get off the board" would address the Mayor's concerns more directly. Councilor Herzig also sent emails to City Attorney Henningsgaard and City Manager Benoit requesting their opinions. After thinking about the situation overnight, Councilor Herzig decided to call the President of the Friends of Astoria Armory Board of Directors to decline the invitation to serve on the board to avoid the appearance of a conflict of interest. He then sent an email to Mayor Van Dusen telling him that he had requested his name be removed from the list of the Friends of Astoria Armory Board of Directors. Again, it would have been more accurate to say that he had declined the invitation to be on the board. Since his two emails to Mayor Van Dusen, which included the phrases "get off the board" and "name taken off the list of the Board of Directors", he understood how some people took that to mean that he was actually on the board from Friday, October 11th to Saturday, October 12th. He emphasized that during this period, the only time that he could have legitimately been considered to be on the board, he did not attend any Astoria City Council meetings or Executive Sessions. The board did not exist prior to October 11, 2013, and therefore could not have been on any board during any City Council meetings or Executive Sessions at any previous time, either in July, August, or September 2013 or at any other time. He also emphasized that, as his initial email to Mayor Van Dusen indicated, he never refused to resign from the board.

Mayor Van Dusen said he hoped Councilor Herzig understood why he took the emails to mean that Councilor Herzig was on the board. He asked Councilor Herzig if he had discussed any part of City Council Executive Sessions with interested parties of the Friends of the Astoria Armory. Councilor Herzig responded that he had not. Mayor Van Dusen stated that there was a feeling that he had asked Councilor Herzig to resign, which was inaccurate. Members of the City Council are elected and do not report to the Mayor. Councilors report to the voters and it is not the Mayor's place to ask Councilor Herzig to resign from the board. Councilor Herzig never refused to resign because Mayor Van Dusen never asked him to resign.

Councilor Herzig suggested discussing what conflict of interest means in this context and whether there was any direct financial relation between the City of Astoria and Friends of the Astoria Armory. Currently, no financial relationship exists. The nature of a conflict of interest is unclear to the public. He suggested this discussion be continued later in the meeting.

Mayor Van Dusen stated that the Oregon Ethics Commission had been contacted about the conflict of interest regarding Astoria Granite Works and Councilor Warr.

Councilor Herzig recalled that at the City Council meeting on October 21, 2013, City Council voted to award a no-bid contract to Astoria Granite Works. Upon seeing this item on the agenda for that meeting, Councilor Herzig called the Oregon Ethics Commission to ensure that he could legitimately vote on the proposition. He did not mention Councilor Warr and was not calling to ask if Councilor Warr had a conflict of interest, but was solely concerned about his own position as a Council member voting to award a no-bid contract to a fellow Council member. He was told there was no conflict of interest because he had no financial benefit from the vote. Councilor Herzig was not concerned about Councilor Warr because he did everything necessary to avoid a conflict of interest. He apologized for the misunderstanding about the reason for the phone call.

Councilor Warr believed Councilor Herzig had stated his position and wanted to let the misunderstanding go.

Mayor Van Dusen stated that people in the community had said they were surprised to learn that Councilor Herzig called the ethics commission about Councilor Warr. He did not believe this was the case. The newspaper article and radio never stated that Councilor Herzig called about Councilor Warr.

Councilor Herzig believed part of the problem is that Councilor Warr was out of the room during the discussion. He recalled that Councilor Warr had recused himself because of a personal conflict of interest and was not present to hear Councilor Herzig's discussion of the phone call to the ethics commission. Councilor Herzig regretted this, but noted that Councilor Warr did the right thing. He was sorry that the situation was misrepresented to Councilor Warr as considered it an insult to them both. The person who spread the slander should feel guilty about the problems that have been caused.

Mayor Van Dusen responded the individuals he spoke with were not spreading slander, but just had a different opinion of the situation.

Mayor Van Dusen responded to questions about the protocol used to run City Council meetings, stating that he did not have any problems with Councilor Herzig during City Council meetings. He explained that his right eardrum had been removed and he has difficulty hearing anyone sitting to his right. Additionally, he believed that Councilor Herzig did not use proper etiquette at times, particularly when he addresses the audience and calls for public comments. Mayor Van Dusen stated he would run City Council meetings more efficiently but did not blame Councilor Herzig. This will prevent meetings from lasting longer than necessary and there will be no more confusion about who is running the meeting.

Councilor Herzig responded, stating that the Mayor has been very clear about being deaf in his right ear. He did not want to anyone to believe the Mayor was being rude when he appears to ignore him. Councilor Herzig also did not want to give the impression that he was being rude when he interrupts Mayor Van Dusen because he is attempting to get the Mayor's attention. He and the Mayor have an understanding on this. Sometimes Councilor Herzig must speak up to get Mayor Van Dusen's attention. He explained that it is second nature for him to ask if anyone has questions, as he has been an instructor for 20 years. He understood it was difficult for the audience to follow the discussion because they do receive the details included in the agenda packet. He wants to make sure that the public has the opportunity to get answers to their questions and is concerned that this does not follow the etiquette of City Council meetings. The agenda packet can be downloaded on the City's website. He wants to make sure people are following the issues and believes the local government is the classroom of democracy. Anyone who takes time to be part of the process deserves every consideration that City Council can give. City Council wants everyone to feel included, informed, and respected. He apologized that his behavior has been violating etiquette and reiterated that he wanted people to feel informed and that they can be heard at the appropriate time.

Mayor Van Dusen stated that in the State of Oregon, a financial benefit to one's self or family would be considered a conflict of interest. In his opinion, there are other times when individuals should exercise discretion. There is no possibility that Councilor Herzig could receive any financial benefit from the Friends of the Astoria Armory. If the City is involved in selling a piece of property, and more than one group is interested in purchasing the property, Mayor Van Dusen believes the appearance of a conflict of interest occurs when a City Councilor serves on the board of one of the interested parties. This is not a financial conflict of interest.

Councilor Herzig did not believe this had been clearly communicated to the public. The current plan is for the City of Astoria to purchase the armory from the Maritime Museum, and then sell it to Craft 3. He is not on the Board of Directors of Craft 3 and has no connection to Craft 3. Craft 3 will sell the armory to the group that makes the best offer. It is a misconception that the City is selling the armory to the Friends of the Astoria Armory. It is a misunderstanding that a conflict of interest occurs for Councilor Herzig when Craft 3 sells the armory. The City would have to sell the armory directly to a group he was directly involved in to create a conflict of interest. He reiterated that he has no involvement with Craft 3, who is the potential buyer of the armory from the City. Mayor Van Dusen noted that Craft 3 is a potential buyer and may not purchase the property.

Item 5(b): Parks Volunteer Program

Parks and Recreation Director Angela Cosby briefed the Council on progress made toward implementing the City Council Goal of *"Develop a Program to Promote 'Citizens Helping in Parks', with Particular Emphasis on Neighborhood Parks and the RiverWalk"*.

Director Cosby, 1997 Marine Drive, Astoria, introduced her team, Norma Hernandez, Park Board President and Phil Elkins, Park Maintenance Supervisor, and presented via PowerPoint the new parks volunteer program, called "CHIP In", which stands for Citizens Helping Improve Parks. She described why volunteers are needed, the work done to prepare for program, and how the program could be implemented so citizens can be involved.

- The goal is to generate positive press so the community can find out about the program. The Parks Department wants contact information of anyone interested in helping and would like to find out from them what park improvements are wanted in order to establish a work plan. The department needs to find and define sponsors.
- The Parks Department intends to establish an annual work plan and create a Friends group in January 2014, host trainings in February 2014, and hold the first work party in March 2014.
- Contact information for the volunteer program was displayed on the screen, which included a phone number, email and website addresses.

Councilor Herzig stated the program was fantastic and credited Councilor LaMear for the idea. He confirmed the program's contact information would be on the City's website. Director Cosby added that the program's Parks Department/CHIP In website would be live within the next day or so, and would include a survey and contact form.

Councilor LaMear said she was delighted that the volunteer program has been created. She spoke with park volunteers in Tacoma, Washington who were excited and proud to be helping with the City's parks.

Councilor Warr complimented the Parks Department staff, noting the program was well thought out and has every chance to succeed.

Councilor Mellin said the Parks Board meetings are enjoyable. The meetings are held on Monday mornings at 6:45 am, adding that Director Crosby is doing a real good job.

Norma Hernandez, 92335 Jones River Road, Astoria, believed the program was awesome. Astoria is lucky to have Director Cosby, who began as Parks Director in April 2013. The department is helpful and they support each other. She wanted to make it clear to the community that this is a great opportunity for citizens to be part of the City, instead of pointing fingers and talking about what the City needs to do. This is a way to involve the whole community in taking ownership of the city. The Parks Department does an amazing job with the parks throughout the city. Director Cosby is a great leader and the City needs great citizens to join her. She encouraged interested parties to give their contact information and help in any way they could, noting that every little bit helps to keep the city looking pretty. Ms. Hernandez said that Astoria is her home, even though she has no family in Astoria. She is proud to be a citizen of Astoria.

Mayor Van Dusen stated that the Light the Column Pink event was a huge success. The event brought awareness to breast cancer in the community. Dr. Joe Robertson, CEO of OHSU, sent Mayor Van Dusen a photograph of the Column when it was lighted pink. He will visit Astoria this month. Mayor Van Dusen hopes to convince OHSU to build a radiation center in Astoria. It is too bad that radiation and chemotherapy services are needed, but it would be nice to have both services in Astoria.

Ms. Hernandez suggested the Column be pink for the entire month of October in 2014. Mayor Van Dusen believed this was a good idea.

City Council Action: Councilor Mellin moved to light the Column pink for the entire month of October each year in support of Breast Cancer Awareness Month; seconded by Councilor Warr. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 6(a) City Council Minutes 10/7/13
- 6(b) Boards and Commission Minutes
 - (1) Library Board Meeting of 9/24/13

- (2) Library Board Meeting of 10/1/13
- (3) Library Board Meeting of 10/8/13
- (4) Planning Commission Meeting of 9/24/13
- (5) Traffic Safety Committee Meeting of 9/24/13
- 6(c) Transient Room Tax (Finance)
- 6(d) Grant Application for a Community Wellness Challenge (Parks)

City Manager Benoit stated that no requests had been made to remove any item from the Consent Calendar for further discussion.

City Council Action: Motion made by Councilor LaMear, seconded by Councilor Mellin, to approve the Consent Calendar. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

REGULAR AGENDA ITEMS

Item 7(a): Review Process for Sale of City Property (Public Works)

At the April 15, 2013 meeting, City Council authorized staff to issue a Request for Proposals (RFP) to realty firms for the sale of excess City property. Area Properties was the only firm that responded, and Council authorized a contract at the August 6, 2013 meeting. At the August 19, 2013 City Council meeting, staff presented a list of procedures and properties for marketing by Area Properties. The Council approved the procedures and the list of properties. The procedures were as follows:

- Area Properties would begin marketing the properties immediately; with special consideration being given to adjacent property owners by providing them advanced notice and first opportunity to submit an offer.
- Potential buyers would make offers on selected properties and would be notified that acceptance is contingent on Council approval.
- The offers would be presented to the Council at a public hearing, in accordance with the City's Real Property Sale Procedures, City Code Section 1.500 through Section 1.510.

At the last regular City Council meeting a number of citizens expressed concern over a short timeframe for responding to a mailed notice offering a "courtesy first choice purchase opportunity" as well as some level of confusion as to how the sale process will work. Council, too, expressed concern with some elements of the process. In an effort to address the issues raised, Area Properties has extended the response time from October 16, 2013 to November 1, 2013 and future mailings to adjacent property owners will provide a two-week response time. In addition, staff has worked with Area Properties to produce a "Frequently Asked Questions" handout for prospective purchasers of City property. It is recommended that the Council provide staff with direction as to how to proceed with the Property Sales Program.

City Manager Benoit explained that Community Development staff, Cannon Beach Mayor Morgan, who does contract work for Astoria, and Public Works Director Cook, have identified parcels suitable for potential sale, which are drawn from a master list of city-owned properties and the Buildable Lands Inventory (BLI). The BLI was completed over three years and adopted in 2012 by City Council. The Council approved the procedures, listed in the staff report for this new process. The City has never taken the initiative to sell surplus City property. Staff intends to improve the process and has developed a FAQ handout that could be posted on the City website and added to letters sent out by Area Properties. He asked City Council for direction on how to proceed with the Property Sales Program.

Councilor LaMear asked City Manager Benoit to explain why City Council decided to sell the surplus properties. City Manager Benoit replied that a City Council goal for this fiscal year is to begin a formal process for selling surplus properties. The City owns hundreds of parcels throughout the city. Some parcels contain structures used by an adjacent property owner; some parcels are used as driveways and yards. Property taxes are not being paid on these parcels. The City also owns buildable lots. He recalled discussions during goal-setting meetings that revealed there is not much interest in growth beyond the city's boundaries. The intention is to sell remnant parcels and make the buildable parcels available to people who want to build a home in Astoria. The City intends to preserve parcels that are landslide hazard areas or urban forest areas. The State of Oregon requires all cities

in the state to adopt a BLI on a regular basis. Cities must maintain a 20-year supply of buildable lands to be used for residential, commercial and industrial uses. Some cities have attempted to expand their boundaries to accommodate more development, but the State encourages cities to look internally for possible available properties prior to requesting boundary expansions. The BLI reviewed over 1300 parcels and resulted in a guiding document of available privately and publicly owned lands.

Councilor LaMear believed part of the reason the City decided to sell surplus property was to accommodate the small maintenance staff. The City must keep these small parcels maintained. Parcels adjacent to homes could be maintained by the adjacent property owners. Maintaining these properties and all of the parks is a huge job, which contributed to City Council's decision to sell surplus property. She noted it was a great idea to offer the parcels to adjacent property owners first.

Mayor Van Dusen recalled a public hearing at a Planning Commission meeting regarding the expansion of the Urban Growth Boundary (UGB) that would allow building to be done in the urban forest near the Cathedral Tree Trail. City Manager Benoit said the City has received significant interest and pressure from developers over the years to consider expansion into the forested area above Irving, which is outside of the City's UGB. A key function of the BLI is to look inside the UGB to identify whether the City has sufficient lands. City Council never expressed strong interest in expanding the boundaries, but the issue is constantly discussed. The BLI has revealed that Astoria has a sufficient inventory of buildable lands. Director Estes clarified that buildable land within the city counts towards available land. However, the City does have a single-family residential land deficit of about 15 to 17 acres.

Mayor Van Dusen confirmed that the sale of city-owned property would not affect the BLI. Director Estes said that State law required the City to look at available properties within the current UGB to determine whether the lands met residential land supply. Properties identified in the BLI that count towards the residential land need reduce the amount of land needed to expand the UGB.

Councilor Mellin asked how the sale of City property would affect the requirement to keep a 20 percent surplus. Director Estes explained the BLI looks at available lands to be developed for residential, industrial and commercial uses. The sale of City-owned property would not affect the BLI. The City conducted an in-depth analysis of how much capacity the City had within the UGB to determine how much of a deficit the City has. City Manager Benoit added that there is no requirement that the lands be developed. Vacant lots are included as lands available for development, even though there is no intention to develop the lots. Currently, the City has about 14 offers from citizens for some of the properties offered for sale. Most of the offers have been made in an effort to protect a view, protect the forest adjacent to a house, or legitimize a driveway. He did not believe any offer had been made by people who proposed development. Adjacent property owners just want to protect the area near their homes.

Councilor Warr believed that despite some obstacles, the approved process gives adjacent property owners the first opportunity to protect their view and property. The City should not be holding a lot of property that could be used in other ways. Money is not the primary reason for selling the surplus lots, but the sale of these lots does help the City as reserve funds must be spent down to keep the City going. The possibility of raising some funds helps the City balance its budget.

Councilor Herzig asked who determines the residential land need. Director Estes responded that the State requires a 20-year land supply. A formula, created by the Department of Land Conservation and Development, is used and the City must accommodate the amount. Councilor Herzig stated that during library renovation discussions, staff said that no growth in the population is anticipated over the next 20 years. He asked why the residential land was necessary if Astoria's population will not grow. Main Street presentations were about growing up, not out, and adding residences to existing buildings. He questioned why the City felt pressured to have more residential land available when the City does not have people to live on the land. Director Estes stated cities can use discretion when deciding how to address residential land needs. The City of Astoria accepted more upper level housing than other suburban communities did, which has been included in the BLI. Even after adding residences to existing buildings, the City still has a deficit according to State law.

Bob Goldberg, 3741 Harrison, Astoria, expressed concern about the protection of urban forests and asked how some of the lots adjacent to Irving ended up on the list of properties for sale. He understood all of those lots had been forested for at least 50 years. While these lots may be zoned as residential land, they were forested

because they were in a landslide area. He asked how the list of properties for sale came about. City Manager Benoit explained that the term urban forest refers to the area outside of the City's development zone, also called the land reserve zone. This area is above Irving, does not front along Irving, and is zoned as forest land, not residentially or commercially zoned. Many parcels throughout the City and along Irving are forested, have never been developed, and are residentially zoned, and some were included in the first list of properties offered for sale. Offers are from adjacent property owners who just want to keep the lots residentially zoned, but also to protect the lots from being subject to future City decisions. He reiterated that the urban forest is outside of the development zone.

Mr. Goldberg stated he would be writing about this issue and publishing maps in *Hip Fish Monthly* in December 2013. He referred to large lot on one map that extends from 38th to 40th Streets and from Leif Erickson to Land Reserve. Until today, Mr. Goldberg believed this lot was one of the parcels for sale. He was told by Mike Morgan that this was a quirk on the map. He asked if this lot was for sale. Because this sale by the City is public, the entire city should know everything that goes on with Area Properties. Everything should be on the website so that the public knows if a property has an offer on it. This would not occur if private property was being sold, but this is City property. He asked how to find out about land sales as they occur without waiting to hear what is discussed at City Council meetings. He also wanted to know what the City planned to do with the money made from the sale of the properties.

Mike Morgan, Mayor, Cannon Beach, P.O. Box 132, Cannon Beach, explained he has worked for the City of Astoria since 1974. The parcel Mr. Goldberg referred to is one tax lot. Under the Comprehensive Plan, which cannot be easily changed, Astoria cannot sell landslide property. The large slide area at the end of Irving has been mapped by the City and includes three residential lots. There are 16 acres of potentially developable land near this landslide area. The City would have to excise the landslide area from the rest of the lot in order to sell the potentially buildable portion. A 5-acre lot above Irving is zoned R-2 and has been included in the BLI. He explained that the properties chosen for sale are from a list that the City has maintained since at least 1974. Every lot on the list has been coded as: for sale, not for sale, or school district property. This process has been informal until now because no one knew that the City had property that could be sold. Occasionally, a property owner would inquire about adjacent City-owned property, but this process involved a review of the entire BLI that was cross checked with City-owned properties to develop a list of 36 out of 1300 parcels.

City Manager Benoit stated that in the past, funds derived from the sale of City properties went into the Capital Improvement Fund. This money has never been used for operations because it was received from a one-time sale. City Council has the authority to change this. The funds from the sale of these City-owned properties have not been allocated to any particular expense. He suggested adding a link on the City website to a list of the properties being offered for sale. These properties will also be included in the Multiple Listing Service (MLS).

Mr. Goldberg asked how citizens could find out what has already occurred. Mr. Morgan said that the 14 current offers are between Area Properties and the potential buyers. A certain level of privacy needs to be maintained until the offer is presented to City Council. The potential buyer signs an offer, which is made public when it presented to City Council at a public hearing. The negotiation process must be kept private. City Manager Benoit believed the City could list properties by address and simply note that an offer has been made.

Mayor Van Dusen stated that the process Mr. Morgan described was not approved by Council. Mr. Morgan understood that was the policy. Mayor Van Dusen stated that in his opinion, the City did not have a process. Mr. Morgan understood, noting that this process had been proposed by staff to City Council. City Manager Benoit verified that City Council approved the process at a previous City Council meeting. Experience with the first round of properties raised concerns, which is why the item is on the agenda this evening. Mayor Van Dusen noted he does not like the process that is in place.

Councilor Herzig believed that at the last City Council meeting, when City Council voted against scheduling the public hearings, Council directed staff and Area Properties to revisit the process. City Manager Benoit stated this agenda item is to revisit the process. Councilor Herzig understood Council has suspended the process and is approaching a possible revision.

Bernie Dewitt, 3629 Irving Avenue, Astoria, stated he made several comments at the last City Council meeting. The issue that continues to be discussed is the BLI. He was troubled that parcels located in a geological hazard zone are being deemed buildable, which seems contradictory. He had no problem with the City ridding itself of

surplus property or giving adjacent property owners the opportunity to square up their lots or protect their views. He noted he was not speaking on behalf of his own concern or circumstance, but was not comfortable with the criteria or lack of criteria for properties included in the inventory list of buildable lands.

Mayor Van Dusen explained not all of the properties proposed for sale by the City are buildable or are not on the BLI. The BLI was a three-year process used to determine which properties do not have anything built on them. There are properties that cannot be built on and some properties for sale by the City are not necessarily on the BLI.

Mr. Morgan showed a parcel at Irving Avenue and 29th Street on the list of parcels for sale. He described which portion of the lot has been mapped as landslide land. The slide portion of the block will not be sold, in accordance with the Comprehensive Plan. The adjacent property owners who have made an offer on the property would like to purchase the saleable portion of the parcel to protect their view. This is how the City is selling any property with landslide potential. Landslide areas cannot be sold according to the criteria in the Comprehensive Plan.

Mr. Dewitt stated he was concerned about property on the south side of Irving Avenue where the land might be temporarily removed from the bidding process. He believed this lot was also included in the BLI. City Manager Benoit stated this lot was included in the BLI. He understood this topic was confusing because Buildable Lands Inventory is a phrase used by the State. Astoria is required by the State to go through a process separate from the BLI that is submitted to the State to fulfill the City's obligation to the State, Astoria also has a list of City-owned properties; some of these properties are not included in the BLI. The BLI implies that the lots on the list will be built on; however, this is not what the City is trying to do. The City wants to sell surplus City property to private citizens. Most of the offers received are from people who want to protect the status quo.

Mayor Van Dusen confirmed Mr. Dewitt believed City properties for sale were taken from the BLI. He explained that the City is selling some properties that are in the BLI and some properties that are not.

Councilor LaMear confirmed that properties on the BLI are not in landslide zones. Director Estes added that a property identified as buildable on the BLI cannot be developed per the Comprehensive Plan. City Manager Benoit added that mapped landslide areas are removed from the list and will not be sold.

Mr. Dewitt understood properties with a documented landslide would not be sold and asked if properties with the potential to slide would be sold. City Manager Benoit replied the City was only using known facts; some geological facts are unknown. Mayor Van Dusen added that properties with no history of a slide may still be sold.

Councilor Herzig believed some of the confusion was because one property included in the proposal to schedule a public hearing at the last City Council meeting was considered a geological hazard. This City was selling this property as buildable. This property was not a landslide zone, but a geological hazard. He believed the question was whether the City was selling properties with geological hazards as buildable lots. Director Estes reiterated that properties known to be landslide areas will not be sold. However, the City also has mapped geologic hazard areas. These areas have not slid, but are within a certain proximity to a known landslide area. In order for development to occur in a geological hazard zone, a geologist must conduct an analysis to determine what type of foundation would be necessary. He stated his house is in a geological hazard zone. Before building a retaining wall in his backyard, he had to hire a geological technician. Councilor Herzig understood the City may be selling properties in a geological hazard zone, which has no active slides, but is close enough to a slide that a property owner needs to be prepared to spend some money.

Sue Skinner, 511 Jerome Avenue, Astoria, stated she was not present at the last City Council meeting, but it appeared that the City did not have its act together. She understood the City was turning an informal process into a formal process and has already sold some properties or made contingency plans with Area Properties. It does not seem like rocket science to create a PowerPoint slide about where the slide zones and buildable lots are located. It is comforting to know that 14 of the lots have been purchased by people would like to maintain their view. She questioned whether maintaining a view would require trees to be cut down. Having 14 buyers who want to protect their view is not an indication that all buyers will want to do the same. Listening to Council and staff discuss this was scary. She did not understand what was being discussed. She has lived in Astoria forever and has seen the trees grow back. She wanted to know what was going on, but noted the City did not appear to know what was happening. It would be useful to the citizens to see a map that shows the buildable lots

that are for sale and the unbuildable lots. Saturday was the first time she saw the map showing huge areas of land in the city, which was presented by Bob Goldberg. She asked if the City could create a map and make it available to the public. She believed many people cared about this issue. She has lived in Astoria for 36 years and stated one reason she has lived in the city so long was because it was so beautiful. Many people are interested in what is going on in Astoria and it would be good to change this process to a formal process and give the citizens some real information about what is going on.

Mayor Van Dusen clarified that no properties have been sold. The 14 lots are being discussed and have not been sold or had a public hearing has been scheduled. Ms. Skinner said from her perspective, it sounds as if the sale is already being processed and there will be secret meetings about it. Mayor Van Dusen replied the City does not conduct secret meetings, no properties have been sold, and there has been no public hearing about the properties yet.

Dr. Art Limbird, 89532 Shady Pine Road, Warrenton, stated he was concerned about which lands in Astoria were considered buildable and not buildable. He taught soil science, soil characteristics and land use for 30 years and provided soil-based land use planning in St. Vincent, Jamaica, in Ohio, and Alberta. He was concerned with how the City has defined buildable and non-buildable lands. Known landslide areas are off limits. Other areas within the City of Astoria have never had a landslide, but are still vulnerable to potential landslides. Changing a piece of property by putting a house or a driveway on it adds weight to the property. Installing a lawn, then watering the lawn has the potential for making a piece of property vulnerable because the water may allow the land to slide or slip. He has seen this occur in a number of other places. While he does not live in Astoria, he recognizes Astoria as his home base because he goes to church in Astoria and belongs to the Encore Program at the community college. He has a fondness for the Astoria and would like to be reassured that the land for sale will be land that will not have potential landslide problems.

Cindy Price, 1219 Jerome Avenue, Astoria, stated she shared most of the concerns mentioned. She had a list of questions that did not need to be answered right away, but hoped some of her questions would help the City become organized. She asked if there was a list of all City-owned properties online. She also wanted to know if this list stated which properties were included in the BLI and which properties would not be sold. City Manager Benoit stated the report was not online and no map with the requested information was available at that time.

Ms. Price said that making this information available online might be useful. She confirmed that a map of the UGB was available online. She understood that some parcels on the BLI are earmarked for development and are being held in reserve. She wanted to know if the upper level housing was included in the potential riverfront condominium. It appeared as if one of the big issues at this meeting was the large parcels of land that are historically forested. She asked if special attention could be paid to these parcels and understood that these parcels are more public lands than the other City-owned public lands where people want to preserve their driveways. She suggested these parcels be set aside for something special so that everyone could understand that the giant parcels may or may not be preserved. Citizens will not know what a buyer wants to do with those parcels. She understood that revenue from the sale of these properties would be part of the budget process so that citizens can give input on how the money should be spent.

Mayor Van Dusen stated that revenue from the sale of the properties is deposited into the Capital Improvement Fund and is part of the budget process.

Councilor Mellin said that people are interested in purchasing certain properties and negotiations have begun. Despite the issues experienced at the last City Council meeting, the City should continue with the process. The sale of surplus property is a City Council goal and the City should move forward one step at a time.

Councilor Warr agreed, noting that staff worked hard and developed a process that made sense to him, but he understood the process did not make sense to everyone. The City has contracted with a real estate agent and many steps have been taken after the process was approved by City Council. He believed the City had an obligation to refine the process a bit, but should also give the process a chance to work.

Mayor Van Dusen asked City Manager Benoit how the County sells its excess property. City Manager Benoit explained that Clatsop County has staff dedicated to property sales. Mayor Van Dusen read the details of the auction process that the County uses to sell excess tax foreclosed properties, which he preferred over the process that Astoria staff developed. He understood that a price is set for each property. When an offer is made,

the offer is submitted to the realtor, who forwards it to staff. City Manager Benoit added that Area Properties conducts research to figure out a reasonable price for each property. However, people are allowed to make any offer. This is not an auction, but low offers will still be submitted to City Council. Mayor Van Dusen reiterated that he preferred the auction format.

Councilor LaMear stated she preferred the process developed by staff because an auction does not give adjacent property owners the first opportunity to purchase a piece of property. There is a lot of value in that aspect of the process.

Councilor Herzig stated he had a number of concerns with the process, but wanted to make it clear that he had nothing critical to say about Area Properties. Area Properties is doing what they have been asked to do and are putting in a huge amount of work. He was concerned with the amount of work that the City is asking Area Properties to do. There is a lot of public confusion about what is going on and the City has not communicated to the public what the process is because the City does not know the process either. The City needs to step back, examine the process, and then communicate to the public before moving forward. The time period given for adjacent property owners to respond prior to listing properties for sale has been extended from three days to two weeks. He was also concerned that public hearings would be scheduled after an offer is received. This could make it difficult for people with concerns to stop the sale. People with concerns should not have to wait for an offer to be received and a public hearing scheduled. The City needs to be more open. He received an email last week from a woman who was very concerned about a property near her. Should the property sell, her living condition would be spoiled. The City needs to be ready to hear those types of concerns at any time. Giving adjacent property owners the first opportunity to purchase the properties is great if they can afford the property. He did not feel good about the fact that some people would not be able to afford an empty adjacent lot that was vital to their well-being. If someone has a legitimate concern, he or she should have the opportunity to approach City Council at any time and pause the process.

Mayor Van Dusen asked if Councilor Herzig believed the City should not sell properties adjacent to property owners who could not afford to purchase them. Councilor Herzig stated he would like to find an alternative option, like vacating the property. It is significant for an individual who needs the open space to feel comfortable in their dwelling, and chose to live in a particular place because of the open space, to have that open space removed. He would like for those individuals to come to the City before an offer is made to ask that the City refrain from selling a property and allow more time for a solution to be found. He wanted to ensure that no one is made miserable by the sale of a property. Councilor Warr said he did not understand. Councilor Herzig clarified the City to create a process that allowed people to approach City Council at any time, so that people had the opportunity to discuss a property before it is listed for sale.

Mayor Van Dusen stated there were two reasons he would vote no. City Council conducts all of its business in public, which is why the process is not a smooth process. A map of the City, showing the lots, should be displayed. Even after looking at all of the documents available, he was unsure which lots would be offered for sale. In addition, the City does not have a way for citizens to gather information.

Councilor Mellin believed many parcels were tiny pieces of land and agreed a map would be helpful. She believed some parcels would be easy to sell, while others would require some discussion. Mayor Van Dusen agreed and said that if the City knew exactly what it was doing, the citizens would feel more comfortable. There are some larger tracts of City property the he is in favor of selling, like the property near the Mormon Church at the end of Niagara. That property has been platted and eight to ten houses could be built on it, as it is not located in a slide zone. Some adjacent property owners have stated they purchased their property in this area so that they could live next to the forest. He did not understand how discussions like this could take place without a map. The City does not have a way of telling the public what is for sale. There is fear that adjacent property owners must act quickly if they do not want to lose a property.

Councilor Warr understood that City Council was attempting to be adaptable to public concerns. Part of the process, which City Council did not allow to occur, is to schedule a public hearing after a bonafide offer is received. This opens up the process for anyone in the public to say what he or she would like to say. The public hearing process allows City Council to decide not to sell a property for any reason. He believed concerns led City Council to stop the process before it had a chance, which is why he was so adamant that the process be given an opportunity to succeed. He also believed Mayor Van Dusen's and Councilor Herzig's concerns would have solved themselves during the public hearing process.

Mayor Van Dusen said that Councilor Warr described what has always been the City's policy; a citizen wanting a piece of property would bring an offer and Council would have a public hearing. Councilor Warr responded that putting property up for auction does not allow for a public hearing. Mayor Van Dusen stated that has been the City's policy for the last 30 years. Now, City Council has a new goal to sell excess City property, which is a different issue. The City is talking about putting property up for sale on the real estate market, which is why the City's usual policy should be changed to be more open and a map should be displayed.

Councilor Warr agreed a map should be displayed, but clarified he was speaking about the process of offering property for sale. City Council has reviewed and approved the process, but never allowed the process to get as far as the final step, which he believed was the safeguard for people with concerns.

Mayor Van Dusen reiterated that he would vote no because of Mr. Goldberg and Ms. Skinner's concerns regarding the map and available information, not about the auction, etc. This discussion is being conducted in public and Councilor LaMear made a good point, but he could not move forward without answers to basic questions. People need to be able to people can find out which properties are for sale and he would vote no until this had been completed. Councilor Warr agreed people should be able to find out which properties are for sale. The process could be delayed, but he believed the process that has been adopted is the process that should be used.

Councilor Mellin confirmed City Council would not be voting on this agenda item. Staff was simply asking for direction about how to move forward. She suggested staff start by creating a map and putting it on the website.

City Manager Benoit noted, as the Mayor mentioned, that this is a new process. In the past, the City has taken unsolicited offers on properties. This time, the City is being more proactive by listing properties for sale. Dealing with 1300 properties all at once would overwhelm the public and City Council, so staff grouped 36 parcels together to get started. Staff can develop a map that shows the 36 parcels that will be addressed first and put it on the website. The map can be brought to a City Council meeting so that Area Properties can continue to market the 36 properties according to the approved process. The City should have made it publically known that the 36 parcels would be offered for sale, but did not want to conduct a public hearing on properties that no one had any interest in. This is why public hearings would be scheduled only on properties with purchase offers. He agreed the City had an obligation to make all of the information public, which can be done.

Mayor Van Dusen disagreed with City Manager Benoit and believed he underestimated the citizens of Astoria when he said a public hearing on all properties would be overwhelming. If City staff can comprehend 1300 properties, the citizens can as well. City Manager Benoit recalled that during the first discussion of this process at a City Council meeting, the agreement and direction from City Council was to work with small batches of properties; staff proceeded accordingly. However, if City Council wants all 1300 parcels on the website, staff can do that.

Councilor Herzig said when City Council was told about the 1300 properties, he asked if he could tour them. He felt it was important that he physically visited the sites so that he knew what was being put on the market. He was told that a tour of 1300 properties would be too much for staff, but as the properties were being prepared for sale, they would be bundled and Council would be given a tour of small groups of properties. He agreed that the capacity of City Council and the citizens is being underestimated. Physically viewing the parcels will take more time, but City Council and the citizens can handle all of the information. He still has not been taken to see any of the properties. The public needs to be included in the process much more extensively.

Councilor LaMear said she could not imagine browsing a website that listed 1300 properties. A lot of information would need to be included on a website like this. She believed it would be too much information. Mr. Morgan clarified that the 1300 properties are located throughout the city and a large number are outside the UGB in the land reserve east of the Column. The list of properties also includes miniscule parcels. Staff tried to narrow the list down to a manageable size. Out of 150 properties, 36 were bundled into a reasonable amount of properties that included information from the BLI.

Councilor Herzig said that if information is available, it should be made available to the public. No one is being forced to look through all 1300 properties, but if the information is available, the City does not have the right to

keep it from the public. An elaborate website is not necessary, but if the City has the information, the City should let the public see it.

Mayor Van Dusen asked staff to create a map that highlights the 1300 properties in red. Most people will only look at the properties near their homes. City Manager Benoit explained that City-owned properties can also be queried on the Geographical Information System (GIS) website.

Mr. Morgan clarified the City will consider selling 150 of the 1300 properties over the next year based on the BLI. City Manager Benoit confirmed a map of the 150 properties could be created. He reminded that staff received direction earlier was to work with small batches of properties, but offered to publish a map of all 150 properties on the website. City Council agreed this should be done.

City Manager Benoit reviewed the direction from Council, stating staff would produce a map of the properties. The map will be presented to City Council and published on the website. He confirmed that direction from City Council was clear.

Item 7(b): Public Hearing regarding Proposed Sale of City Property Located at 1840 4th Street (Public Works)

At the October 21, 2013 meeting, the City Council agreed to schedule a public hearing concerning the sale of excess City property at 1840 4th Street. This property is a single family residence acquired by the City in 2010. The City has received an offer for the property of \$55,000. It is recommended that the City Council hold a public hearing and direct the City Manager to accept or reject the offer in accordance with City Code 1.500 to 1.510.

City Manager Benoit explained that this property was acquired through legal action when a property owner sued the City. The City had marketed the property over the past few years and had no offers. This single offer was received after the property was listed by Area Properties.

Mayor Van Dusen opened the public hearing at 8:47 p.m. asked if anyone wanted to address City Council on the sale of the property located at 1840 4th Street.

Bob Goldberg, 3741 Harrison, Astoria, asked who made the offer to purchase the property. City Manager Benoit did not have the name of the party but assumed Area Properties did. Mr. Goldberg noted any public hearing would be the same. If he knew who offered to purchase the property and their intended use of the property, he and City Council could form an opinion about whether the sale should occur. He was unsure if this information could be shared publicly or if the Council is allowed to consider who wants to purchase the property. City Attorney Henningsgaard did not believe City Council could consider the sale of a property without knowing who made the offer to ensure that no conflict of interest is involved.

Mary Wikstrom, 1478 2nd Street, Astoria, stated that Area Properties does not normally give out the names of buyers because this information is confidential until the contract is complete. According to City Attorney Henningsgaard, Area Properties can reveal the name of this buyer, who is Glen Gulley and Diana Richards. They own several apartment buildings in Astoria.

Mayor Van Dusen closed the public hearing at 8:49 p.m.

Councilor Herzig believed Area Properties will need to inform their clients that their identities will be revealed at future public hearings.

Mayor Van Dusen stated he intended to vote in favor of the sale and was pleased that the City would be selling this property. The City made an error when the sewage system was installed. The yard of the property was damaged, so the City purchased and repaired the property so it could be sold. He was pleased to return the property to the tax roll.

City Council Action: Motion made by Councilor Warr, seconded by Councilor LaMear to direct the City Manager to accept the offer of \$55,000 and sell the property located at 1840 4th Street. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 7(c): Ordinance regarding Development Code Amendment (A13-04) Concerning Solar Energy (2nd Reading and Adoption) (Community Development)

This proposed ordinance received its first reading at the October 21, 2013 Council meeting. The ordinance amends Astoria Development Code Article 6 concerning solar energy facilities on historic properties, Article 9 concerning administrative procedures, and adding Article 16 on solar energy systems. It is recommended that the City Council conduct a second reading and adopt the ordinance.

City Council Action: Motion made by Councilor Mellin, seconded by Councilor Warr to conduct the second reading of the ordinance regarding Development Code Amendment (A13-04) concerning solar energy. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Director Estes conducted the second reading of the ordinance regarding Development Code Amendment (A13-04) concerning solar energy.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Mellin to adopt the Findings and Conclusions contained in the staff report and adopt the ordinance regarding Development Code Amendment (A13-04) concerning solar energy. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 7(d): 11th Street CSO Separation – Gibbs & Olson Design Engineering Services Contract Amendment (Public Works)

In June 2012 Council awarded the 11th Street CSO Separation project design engineering services contract to Gibbs & Olson. Construction of this project is approximately 90% complete and on schedule according to the original construction timeline. Gibbs & Olson has been providing construction support services, including onsite construction inspection, during the entire construction duration. City staff recommends retaining the Gibbs & Olson construction inspector for an additional month to observe the final paving effort on 8th Street, develop the final punch list in collaboration with City staff, and provide periodic inspections through completion of the project. The estimated fee for this additional service is \$21,623. This contract amendment also includes preparation of final inspection daily reports, additional construction support by the engineer to make design adjustments due to varying field conditions, and the development of record drawings for this project by Gibbs & Olson. The estimated fee for these additional services is \$27,600. The total requested fee for additional services is \$49,223. This amount is within the overall project budget and is expected to cover the cost of Gibbs & Olson construction support services through the final completion of this project. Funding for this amendment is available through the IFA funding contract that was authorized by Council in May 2012. It is recommended that Council execute a contract amendment with Gibbs & Olson for the 11th Street CSO Separation Project in the amount of \$49,223.00 for additional construction support services.

Councilor Herzig noted that the stripes on the street in the new crosswalk paving at 8th and Commercial is already cracking. He asked if Gibbs & Olson is tasked with inspecting the condition of this intersection.

Director Cook said Councilor Herzig was referring to the thermal plastic that was installed. He will be working with Cindy Moore to include this on the punch list so that the issue is addressed.

City Council Action: Motion made by Councilor Warr, seconded by Councilor LaMear to execute a contract amendment with Gibbs & Olson for the 11th Street CSO Separation Project in the amount of \$49,223.00 for additional construction support services. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Mayor Van Dusen asked for an update on the delay with Quest. City Attorney Henningsgaard understood that the City was still negotiating with Quest.

Mayor Van Dusen explained that long delays were caused when Quest Telephone Company did not help the City locate their utilities. Engineer Cindy Moore said that staff was still in the process of submitting a claim to Quest. She estimated the claim would be between \$40,000 and \$50,000.

Item 7(e): Resolution Scheduling Public Hearing for Proposed Vacation of a Portion of Duane Street Right-of-Way (Public Works)

The City is currently working on acquisition of real property located at 1636 Exchange Street (Armory Building) and the adjacent parking lot at the 1600 Block Duane Street owned by the Columbia River Maritime Museum. To facilitate the acquisition, the City needs to vacate a portion of Duane Street between 17th and 18th Streets. The right-of-way is 40 feet in width with the north 20 feet being previously vacated. The previous 20 foot wide vacation was for a full block while the current request is for the easterly 200 feet of the block. Staff has determined that the area to be vacated does not appear to have any future potential as an access route, but believes an easement should be established for future utilities. Since this vacation has been initiated by the City, there is no assessment required and the vacated portion of the right-of-way will revert back to the adjacent property owners. Affected property owners have been contacted and are in agreement with the vacation. It is recommended that the Astoria City Council adopt a resolution of intent to hold a public hearing concerning the vacation of a portion of the Duane Street right-of-way.

Staff proposed the public hearing be conducted on November 18, 2013.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor LaMear to adopt a resolution of intent to hold a public hearing concerning the vacation of a portion of the Duane Street right-of-way. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS

Item 8 (a): Change Second Meeting Dates in January and February, 2014 (City Council)

Astoria City Hall will be closed on Monday, January 20, 2014 for Martin Luther King, Jr., Day, and Monday, February 17, 2014 for Presidents' Day; therefore, the second meeting dates in January and February will need to be changed.

City Council Action: Motion made by Councilor LaMear, seconded by Councilor Mellin, to change City Council meeting dates of January 20, 2014 and February 17, 2014 to January 21, 2014 and February 18, 2014, respectively. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Councilor LaMear asked for an update on the Garden of Surging Waves and the Flavel properties. Director Estes stated that the Garden of Surging Waves will be mostly completed and able to open in November 2013, which is on schedule. The pavilion, mosaic, many of the seating walls and bronze elements are complete. Pavers will be received and installed soon. The donor screen with glass prisms and a glass lantern will not be installed until January 2014. The donor screen will be installed on the south side of the block and the lantern will be hung in the pavilion. The glass artist needs more time to produce the items.

Mayor Van Dusen suggested that City Council invite key people after the Garden of Surging Waves is completed with the glass elements, including Art Demuro's children, Arlene Schnitzer, and Suenn Ho. He noted that Recology would like to bring a Chinese dragon from San Francisco. City Council should be flexible with their dates to try to get as many key people as possible to attend. He supported opening the garden to the public in November, but wanted to have a celebration in January, February, or March 2014.

Director Estes recalled that Community Development staff worked with the City Attorney to prepare a working document that allows staff to program next steps for the Flavel properties. He was notified by Planner Johnson earlier in the day that the document is almost complete. Staff plans to discuss the document with City Attorney Henningsgaard and find out what options staff can take. Staff understood that City Council is concerned about this issue and will present these options to City Council and ask for direction on foreclosing on the liens. Staff wanted to prepare a document that would allow City Council to understand what has been done so far and recommend next steps. He anticipated staff would have the document ready to present to City Council by the first meeting in December 2013.

Councilor Herzig believed the exchange students from Waldorf, Germany would be in Astoria in December 2013. He wanted City Council to make arrangements to greet or visit with the students while they are in town. He reminded that the City of Waldorf was so hospitable to the visitors from Astoria.

Robert Erickson, 439 Grand, Astoria, stated he was concerned about the sale of the Astoria Armory. One of the City Councilors is on the Board of Directors of the Friends of the Astoria Armory without the knowledge of City Council. This is not a matter of making money, but a matter of trust and consideration. He believed Councilor Herzig should not have joined the Board without alerting the other Councilors and considered this a slap in the face to the other Councilors. He was not saying Councilor Herzig had a conflict of interest, but negotiations were ongoing during the time that Councilor Herzig served on the Board of Directors. He does not like to see situations like this occur. Councilor Herzig is always talking about keeping the public involved; however, he became public when joined the Board and should have told the other elected Councilors and the citizens who pay taxes in Astoria what he was doing. Mr. Erickson did not believe this was unreasonable. When Councilor Herzig was on the Board of Directors, he was linked to the City. He felt strongly about the issue and wants elected officials that will be open and honest about what they are doing. He believed Councilor Herzig owed City Council an apology.

Councilor Herzig apologized that Mr. Erickson may not have been present earlier in the meeting when he made the statement that there was one 24-hour period, from October 11 to October 12, 2013, that he had been invited to serve on the Board and had not formally declined. The Board of Directors of the Friends of the Astoria Armory did not exist prior to October 11th, so it was impossible for him to have attended any City Council meetings or Executive Sessions as a Board member; the Board was formed on October 11, 2013. On October 12, 2013, he formally removed his name from consideration of being on the Board.

Mr. Erickson said he would verify the facts in Councilor Herzig's statement because he had spoken against the transfer of the armory property at a previous meeting. Councilor Herzig confirmed the dates and facts for Mr. Erickson.

Mayor Van Dusen believed Mr. Erickson was referring to a different Board meeting that Director Estes had attended. Councilor Herzig stated that Director Estes attended a later portion of the meeting on October 11, 2013 and was not present when the Friends of the Astoria Armory Board of Directors were formed. He recalled that Director Estes and others attended the meeting later to discuss a proposal with Craft 3. He clarified that two separate meetings were conducted on the same night in the same location. At the first meeting, which included the Friends of the Astoria Armory and their potential Board of Directors, Councilor Herzig was invited to serve on the Board. He told the Friends that he could not accept the invitation until he could verify there would be no conflict of interest. Later, the group moved into a different meeting that Director Estes attended. Director Estes was not aware at that time that Councilor Herzig had declined the invitation to serve on the Board, but assumed that Councilor Herzig was participating in the meeting as a Board member. Councilor Herzig did not know that Director Estes was under the impression that he was on the Board, otherwise he would have cleared up the misunderstanding at that time.

Mr. Erickson said that others were also under the impression that Councilor Herzig was on the Board of Directors. Councilor Herzig responded that he did know how that occurred. Mr. Erickson said he would verify the meeting date.

Bob Goldberg, 3741 Harrison, Astoria, displayed maps he referred to earlier in the meeting. He seemed to be the only person who had the maps and thanked the City for giving them to him. He disagreed with City Council that the public does not have the opportunity to receive the information, noting that he walked into City Hall and asked Planner Johnson and Director Estes about the sale of City-owned property. He asked for the maps and Planner Johnson made copies for him. He added that Mike Morgan and Cindy Maynard sent him electronic copies of the maps. He has already forwarded the maps to several people. The information is already available to the public and anyone who wants information about the City can get it anytime.

EXECUTIVE SESSION

Item 9(a): ORS 192.660(2)(h) - Legal Counsel (Added Item)

Mayor Van Dusen recessed the City Council meeting to convene the Executive Session at 9:12 p.m.

RECONVENE

The regular meeting of the City Council reconvened at 9:56 p.m.

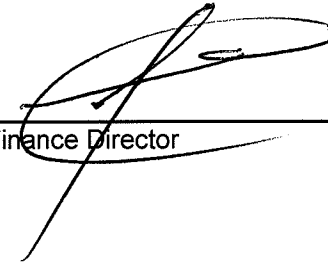
Council discussed the City Attorney's recommendation to file a lawsuit against M&N Excavating to address the pavement project issues on Marine Drive between Columbia Avenue and 3rd Street.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Mellin to file a lawsuit against contractor M&N Excavating for pavement defects on Marine Drive between Columbia Avenue and 3rd Street. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

ADJOURNMENT

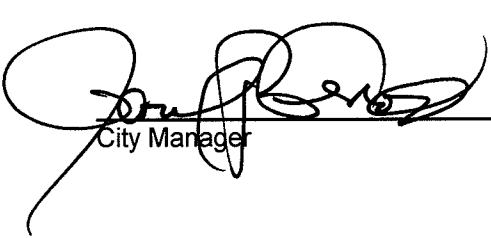
There being no further business, the meeting was adjourned at 10:00 p.m.

ATTEST:



Finance Director

APPROVED:



City Manager