

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

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

Staff Present: City Manager Benoit, Parks and Recreation Director Cosby, Community Development Director Estes, City Attorney Henningsgaard, Library Director Tucker, City Engineer Harrington, Support Engineer Crater, and Public Works Director Cook. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

REPORTS OF COUNCILORS:

Item 3(a): Councilor LaMear reported on the Hispanic Voices of Clatsop County presentation, which was very interesting and important, especially considering that the Hispanic population is growing in the County. She also participated in Project Homeless Connect, which is a wonderful program that directs the homeless to resources. Unfortunately, the homeless population is also growing in the county. On Saturday, February 1, 2014, she met with a group of citizens who are interested in establishing a dog park in Astoria. She asked members of that group who were present to introduce themselves and speak about the dog park.

Shelia Beveridge, 1280 Lexington Avenue, Astoria, said she was pleased to announce that a lot of people support having a dog park and the project seems to be going well and coming along quickly. The group started a petition and gathered about 100 signatures in five days with more signatures anticipated. Attendance at the meetings increased from the three original women involved to 19 attendees at the third meeting. People are excited and willing to commit long term to help in various ways. She said the group would like the City's blessing, noting the dog park would benefit both residents and tourists.

Item 3(b): Councilor Warr had no report.

Item 3(c): Councilor Herzig reported the Lower Columbia Diversity Project (LCDP) hosted the Hispanic Voices of Clatsop County presentation and was happy to bring more public awareness to the Lower Columbia Hispanic Council (LCHC) and the great programs they offer. On Friday, February 7th at 6:00 pm, the LCDP and Astoria Library are hosting one of the Oregon Humanities Conversation Projects at the Astoria Library. The presentation, titled "*Something Old, Something New: Exploring the State of Marriage*", will discuss the changing definitions of marriage and how this current issue goes back for centuries. The entire community is invited to attend.

Item 3(d): Councilor Mellin reported that she attended the Daily Astorian After Hours event last week. She was able to see the large printer that prints the newspaper and the inner workings of the operation. The *Daily Astorian* will host another After Hours event this week. Councilor Mellin noted she is a member of the Assistance League of the Columbia Pacific, a group of women that raises money to clothe Clatsop County children in poverty. The League hosted an accessory sale on February 2, 2014. Hundreds of items were donated and the League made \$5,000 in four hours. She reminded that everyone could do something about poverty. She also attended a Board meeting of the Friends of the PAC earlier in the day. She was concerned about the future of the Performing Arts Center (PAC), which needs a lot of support. Music can be forgotten as an art form and the PAC offers wonderful performances.

Item 3(e): Mayor Van Dusen reported that the community would not be what it is without volunteers. He asked the following volunteers to stand for a round of applause: Dulcye Taylor, President of the Astoria Downtown Historic District Association (ADHDA), Sean Fitzpatrick and Peter Gimre, Planning Commission, Paul Tutor, Design Review Committee, and Kathleen Sullivan, Budget Review Committee. He then turned his report over to City Manager Benoit, noting that this is his final meeting as he would be taking a job in Piedmont, California.

City Manager Benoit stated that he has been with the City for 26 years, as Community Development Director for 17 years and the last nine years as City Manager. He has attended about 800 City Council meetings and

countless Planning Commission meetings. Every minute has been a pleasure, including this meeting. Through the years, the citizens of Astoria have cared and spoken out. This has made job fun, interesting, and fulfilling. When people participate, the City comes to good conclusions and gets things done. While this is last meeting as a City employee, he plans to attend future meetings as a member of the audience, as he will not be selling his house.

Mayor Van Dusen said City Manager Benoit has done an excellent job and has left the City in good hands. Astoria has an excellent Staff. He thanked City Manager Benoit and called for a round of applause.

CHANGES TO AGENDA: There were no changes to the Agenda. Mayor Van Dusen noted that Shel Cantor previously submitted a list of questions, which would be addressed at the end of the meeting.

PRESENTATIONS:

Item 5(a): 1st and Commercial Street Landslide Status Report

Residents from the neighborhood near the 1st and Commercial Street landslide made a PowerPoint presentation to City Council.

David Lee Myers, 120 Commercial Street, Astoria, stated that residents in the area have had problems with road conditions subsequent to the 2007 landslide. He understood that fixing up the area was a project that was on the back burner for quite some time, but it seems that the City has forgotten about the project. He wanted to bring attention to the area and build some momentum for the project. He thanked City Council for hearing the presentation. He describing major issues in the area and displayed photographs of the problems with these key comments:

- Drivers ignore the sign about not taking the Commercial Street. The Public Works Department suggested using different language that might reduce the amount of traffic in the area.
- Turning around is difficult because the landslide created a hump in the road about 1-foot high, and street space is minimal. Drivers will use driveways to turn around and several residents have had moderate damage to their vehicles and driveways.
- Some drivers will go clear to the end of the street where there is very limited space. Large truck must back down two blocks to 3rd Street to turn around. Western Oregon Waste (WOW) / Recology sends a variety of trucks into the area, but the smaller truck still backs down to 3rd Street. Recology's trucks also back down the street. Recycling trucks cannot get to the end of the street.
- The house at 112 Commercial Street has poor access to their driveway from the street.
- Land that slumped down from the hill and underneath the asphalt now redirects the drainage of water, which is problematic. Water used to drain into a storm drain and the sewer but they were disabled and taken out of service by the landslide. The storm drain was also blocked off. Water now sits on the ground at the edge of the asphalt, between the driveway and sidewalk, creating what the neighbors refer to as Myers Lake, which extends all the way across the street. The water drains into the ground at the edge of the asphalt adjacent the driveway and sidewalk. He was concerned the water would lubricate the rock underpinnings of the houses at 112 and 120 Commercial Street. Prior to the landslide and bulge in the street, water used to drain west into a storm drain, sparing the houses of such hazard.
- A nearby slide was treated promptly and thoroughly.
- From what is now the end of Commercial Street, an informal path replaced the former West Commercial Street. Public Works would like to make a formal, safe path and has made at least one unsuccessful grant application for the project. It would be nice to have the path replaced with a pedestrian bridge or gangplank. Partying occurs in the woods and transients live along the path in the summer. Police visit the area several times a week to monitor the area, as behaviors are usually a bit unacceptable. Having a more open area would be comforting.

Councilor LaMear said she had spoken with Mr. and Mrs. Myers, adding the area is more graphic than the photographs reveal and something definitely needs to be done. She believed Public Works Director Cook and City Engineer Harrington had some solutions in mind after visiting the site. Mr. Myers said the issue was making this project a priority so that the solutions could be implemented.

Sue Spivey, 112 Commercial Street, Astoria, said that she must creatively drive around barricades to back in to her driveway or the lawn on the other side of the house. She became concerned after seeing fire trucks and

Medix vehicles drive up the road to discover they had taken a wrong turn. This indicates that either the maps or Google has not been updated. Precious time is lost when trying to save a life, put out a fire, or respond to a medical emergency. She was also concerned about service vehicles, like Bigby Tree Service. Barricades go all the way up the hill as the bulge gets bigger and there is a new forest of Alder trees growing up through the asphalt. The trees, which are large and unstable, lift the asphalt as they grow. She would love to see something done. She loves her property and her view and would love to see people have access to the area on paths, as the area is a conduit down to Hume Street and the market.

Linda Orr, 124 Commercial Street, Astoria, indicated her house was the third house from the edge. She recalled that after the slide, the City corresponded with area residents quite a bit to keep them informed. She and residents on the north of Duane Street were asked to prevent their downspouts from draining onto the hillside. Several property owners now have hoses that drain the water on to a hard surface and property owners on Commercial Street redirected their downspouts, but this water has no place to go. She believed there were serious problems on Bond and Duane Streets and appreciates the work done on Bond Street. While she had no major complaints, the neighborhood does feel like the area has been neglected for a while. The neighborhood now has an above ground sewer, which cuts through her backyard. She appreciates that there was a solution, but only supports the above ground sewer as a temporary solution.

Bruce Lower, 140 Duane, Astoria, said it has been seven years since the slide and he has many concerns. Many people came to see him when the landslide first occurred and he has not had many visitors since then. He would like to see City Council and Staff meet with the neighbors more often to discuss the issues. Many problems in the area need to be looked at and addressed. He hoped to see more action.

Bob Gohl, 154 Commercial Street, Astoria, said he has lived in his home for more than 20 years. He described the process that occurred when the water and sewer lines were moved from the south side to the north side of the street, noting that the new hole was not filled clear to the top not the soil compacted. He told the contractors that the hole needed to be filled correctly or it would cause drainage problems and he was told not to worry about it. The contractors began working on 1st Street in November and December of that year, which was a bad time to be working. The sewer and water lines on Duane Street broke, causing the landslide that has sat there. He has been pretty patient. He demonstrated the size of the cracks in the street by using his phone. The street used to contain two layers of asphalt on top and a large layer of concrete. The concrete was very stable as it contained a lot of rock. This concrete was removed and the water travels along the path of least resistance. He would like to see 1st Street go through for safety reasons. Fire trucks and ambulances cannot get up to the hill. About six months ago, a large moving van attempted to get through to West Duane because the driver's global positioning system (GPS) directed him to take that route. The truck had to be backed down to 3rd Street and rerouted all the way around and up to Duane Street. Many times during, visitors looking for famous houses in town end up in the area. A French drain was installed about two feet under the ground on the south side of the street, which was pinched by pressure from above on the hill. Water comes up creating a puddle that is 12 to 14 feet deep and 20 feet across. All the utilities in the area have been shut off, so he did not understand why the French drain could not be torn out and the entire area repaired. He suggested hiring contractors that build logging roads to do the work with real rock and compacted soil to withstand heavy trucks. When the French drain was built, contractors used 10-yard dump trucks, which was a tremendous waste on the city streets. He has been livid about these issues for a long time. The necessary technology exists and he cautioned against over thinking the solutions. He hoped the neighborhood would get a response, adding he would like to see the cracks in front of his house filled, something done about the French drain and the bubble, and repairs to 1st Street that would allow access to Duane Street and west to Exchange Street

Mayor Van Dusen verified that Mr. Gohl's comments about the large trucks were in reference to the City's work on water and sewer lines.

Mr. Myers noted other concerns expressed by area citizens. Wade Gustafson, who lives at 136 Commercial Street, took him out into the street to demonstrate how slurry wells up in the cracks of the road just by stepping on the road. The street sweeper never goes through to the end of the street. Mr. and Mrs. Spivey have been instructed not to drive or put weight on the manhole cover near the entrance of their driveway because it could collapse.

Mayor Van Dusen asked if Council had any questions or comments.

Councilor Warr thanked the residents for the way they approached the issue; the civility was refreshing. Mr. Myers thanked City Council for receiving their presentation, adding the neighborhood is not mad at the City, but just wants some action; they appreciate all that the City does accomplish.

Councilor Mellin thanked Mr. Myers for answering questions. She planned to drive to the area to see what the neighborhood looked like after the slide but she was confused about how to get there.

City Manager Benoit stated the property owners have been very patient, their concerns are legitimate, and their requests are reasonable. Director Cook and Engineer Harrington met with residents in the neighborhood the last week and this morning in anticipation of this presentation. The City does have short-term and long-term improvements in mind to address the ponding water, the hump, and improving the pedestrian trail. He said the City has been distracted with large Public Works projects and this neighborhood has been neglected, but the City will focus on these issues.

Mr. Myers said the neighborhood did not expect to resolve any of the issues at this meeting, but hoped that the neighborhood could continue to be involved, communicate, and find a solution that would work.

Director Cook said he has seen photographs taken of the site when the water and sewer lines were moved to the opposite side of the street. A bucket and dragline was used to haul material up the hill from Bond Street so it could be redistributed on top of the hill. He has been working with Director Estes to expand the Astor West Urban Renewal District as a possible source of funding for this work. Funding has been the problem. The City applied for a \$114,000 grant from the Oregon Department of Transportation (ODOT) to clean up the area and create a trail, but the application was denied because there were too many other projects competing for the funds. The City is struggling to secure funding for larger projects, but the smaller projects can be completed.

Mr. Myers confirmed two trails were proposed in the grant application, one from West Commercial and one up 1st Street to Duane Streets. Both trails were a good idea.

Mayor Van Dusen asked if the grant would have funded the walking path and open Commercial Street. Director Cook replied opening Commercial would cost considerably more. City Manager Benoit added the grant would have funded just a pedestrian path. Mayor Van Dusen asked what options the City plans to consider. City Manager Benoit stated that Engineering and Public Works Staff will meet with the neighbors and plan the work. Small things can be done quickly. The City applied for the ODOT grant several years ago. ODOT requires grant recipients to meet all ADA accessibility regulations, which drives a very expensive project. He believed the City could improve the pathway, make it more accessible and clean up the area at a lower cost. Large improvements that are accessible to people of all abilities takes more money. The City does have some sources of funding for some short term improvements.

Councilor LaMear believed getting the road repaired was more important than the pedestrian path. City Manager Benoit noted Staff met earlier in the day to discuss immediately addressing the drainage issues and the signage for the dead end street.

Mr. Myers assumed the City could force the service vehicles from out of town to clean up their act, but anything that could be done to encourage it would be valuable. He appreciated that others mentioned it. The problem is primarily with out of town service vehicles.

Mayor Van Dusen agreed with Ms. Orr's comments about the downspouts and drainage. He did not believe these issues have had the priority they should, and added the City will do better.

CONSENT CALENDAR:

The following items were presented on the Consent Calendar:

- 6(a) Boards and Commission Minutes
 - (1) Library Board Meeting of 12/10/13
 - (2) Parks Board Meeting of 12/11/13
- 6(b) **Request for Authorization to Submit Certified Local Government Grant (Community Development)**
- 6(c) Receipt of Grant to Support Community Wellness Challenge (Parks)

- 6(d) Resolution regarding Community Development Block Grant Section 3 Plan Adoption and Designation of Coordinator (Community Development)
- 6(e) Policy of Nondiscrimination on the Basis of Handicap Status Background (Community Development)

Councilor Herzig requested Item 6(b): Request for Authorization to Submit Certified Local Government Grant be removed for further discussion.

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

Item 6(b): Request for Authorization to Submit Certified Local Government Grant (Community Development)

Councilor Herzig explained that this grant would provide funds to residential and commercial property owners who would like to restore portions of their properties that have been modified over the years. He asked how property owners could find out more information about the grant. City Manager Benoit said Astoria has received similar grants in the past, which are generally advertised broadly through the ADHDA and advertisements in the newspaper. The properties must be historic. Director Estes added that the City has used tools, such as radio, newspaper ads, and making connections with the Lower Columbia Preservation Society, Clatsop County Historical Society, and ADHDA. Councilor Herzig said this seems like a good program and he was concerned that property owners would not know there were matching funds available. He was glad that word was getting out about the program.

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

REGULAR AGENDA ITEMS

Item 7(a): Ordinance Readopting Certain State Statutes to Reflect Changes Made by the Oregon Legislature (2nd reading & adoption) (City Attorney/City Manager)

The first reading of this ordinance was held at the January 21, 2014 City Council meeting. This ordinance implements "global" re-adoption of various Oregon Revised Statutes that appear throughout the Astoria City Code. It is recommended that Council conduct the second reading and adopt this ordinance.

City Manager Benoit explained that many of the City's codes reference Oregon Statutes by number. The Legislature changes these statutes periodically, so Astoria globally adopts all of the changes on an annual basis to keep the City code up to date.

Parks Director Cosby conducted the second reading of the ordinance.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Mellin to adopt the ordinance re-adopting certain state statutes to reflect changes made by the Oregon Legislature. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

Item 7(b): Intergovernmental Agreement with Clatsop County for 2014 Building Code and Inspection Services (Community Development)

In the past, Council approved a contract with Jim Brien, Combined Inspection Services, Inc., for plumbing inspections as well as vacation and emergency coverage for the Building Official. Mr. Brien will no longer be providing this service on a full-time basis. Therefore, the City needs to contract with another entity to provide coverage for times when the Astoria Building Code Official is away from the office, such as vacation, sick leave, training, etc., and for commercial plumbing review/inspections that Astoria's Building Code Official is not certified to perform.

The City of Astoria and City of Warrenton have jointly negotiated an agreement with Clatsop County for assistance with the plumbing inspection program. The attached draft agreement identifies that Clatsop County would conduct all plumbing review/inspections that Astoria's Building Code Official is unable to perform.

In addition, the draft agreement identifies that Clatsop County would assist the City of Astoria on an as-needed basis for services to cover for vacation, sick leave, training, etc., and the City would in turn assist the County on an as needed basis for similar services.

It is recommended that Council approve the attached Agreement with Clatsop County to provide a Plumbing Inspector for plumbing review/inspection and associated services and to share in Building Official coverage for vacation, sick leave, and emergency situations.

City Council Action: Motion made by Councilor Warr, seconded by Councilor LaMear to adopt the Intergovernmental Agreement with Clatsop for 2014 Building Code and Inspection Services. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 7(c): Water Source Operator House Improvements (Public Works)

The City of Astoria's water treatment facility is located within the watershed approximately 12 miles east of Astoria. The City has owned and maintained the Water Source Operator's residence since being built in 1914. The house is in need of remodeling in order for it to provide safe and livable services for another 100 years. The house is not insulated, the wiring is substandard, and much of the plumbing is original. The heating system is an inefficient oil furnace that requires a special containment system.

The essential purpose of the Water Source Operator living adjacent to the water treatment facility is to provide an immediate response to any alarms associated with the safety of the City's water supply. In addition, the Operator's presence provides critical onsite security for the overall watershed.

Funds for this project are available in the Public Works Improvement Fund. It is recommended City Council authorize an expenditure of \$48,001 from the Public Works Improvement Fund for the renovation of the Water Source Operator's residence, as noted above.

Councilor LaMear said she has been in the area and knows the house needs many improvements.

Councilor Mellin agreed, noting the Water Source Operator is there all day and all night, and needs better living conditions.

City Council Action: Motion made by Councilor LaMear, seconded by Councilor Mellin to authorize an expenditure of \$48,001 from the Public Works Improvement Fund for the renovation of the Water Source Operator's residence. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 7(d): Authorization to Award 18th Street Storm Drain Repair Project (Public Works)

In early December 2013, a sinkhole developed at the intersection of 18th and Exchange Street. After inspection it was discovered that several portions of a 30" diameter storm drain had collapsed. Staff immediately implemented measures to protect traffic temporarily while a permanent repair solution was developed. Staff used the informal Request for Quotes (RFQ) process and received the following responses:

Contractor	Method	Total Quote Complete Repair	Total Quote Spot Repair
TFT Construction Inc.	Trench	\$ 88,473.00	N/A
K & R Plumbing Construction	Pipe Burst	\$123,740.00	N/A
Lovett, Inc.	Pipe Burst	\$142,475.79	N/A
Pipe Experts, LLC.	Slip Line	\$164,500.00	N/A
Wildish Standard Paving Co.	Trench	\$172,750.00	\$195,300.00

After careful consideration and review, Lovett's repair proposal was chosen as the approach that provides the best benefit to the public. Lovett's approach best addresses the project challenges and will provide the greatest benefit to the City during and after construction. City Staff requested that the repair pipe size be increased from 18 inch, as proposed, to 24-inch diameter to more closely match the original pipe size and reduce the potential for voids associated with the repair approach. The resulting contract amount increases to \$159,776.75.

While both TFT and K & R Plumbing provided good proposals and competitive costs, Staff believes that the risks associated with their proposed impacts to Exchange Street and the critical water main crossing are too great and do not justify the lower cost. It is recommended that City Council authorize Staff to award a construction contract to Lovett, Inc. in the amount of \$159,776.75 for the 18th Street Storm Drain Repair Project. Funds for the project are available in the Public Works Improvement Fund.

City Manager Benoit presented the Staff report, reviewing the challenges the project proposed, contractors' quotes and the repair methodology proposed by Lovett's, Inc. He explained that after meeting with Lovett, the City requested a quote for a larger, 24-inch pipe to ensure the City has the capacity to take storm water that may come from future the hospital redevelopment and other yet unplanned development.

Public Works Director Cook explained that pipe bursting involves a large diameter bullet shaped head that is fitted on to the new pipe, which is connected to a cable that was previously run through the collapsed section to the downstream manhole. A truck, with six or seven tons of pull, will pull the bullet head into the collapsed section while an air compressor on the bullet head acts as a jack hammer to burst the old pipe.

Mayor Van Dusen noted the same technology was used on 9th Street. Today, pipe is made of high-density polyethylene (HDP), which can bend to turn corners. Director Cook confirmed that HDP pipe will be used. The pipe is delivered in sections on an 18-wheel flat bed truck. The sections are fused into longer lengths until it reaches from one manhole to the other.

Councilor Herzig was concerned because each time the City undertakes an underground project, issues arise that delay projects and raise costs. Contractors ask the City to pay the increased costs to cover unexpected events. After reading through the contract, he was unable to determine if the contractor had insurance that would pay for unexpected issues. Director Cook replied that contractors bid work based on what they know. Contractors come across unknown situations; had those situations been known, the contractors would have bid higher. Contractors do not have insurance to cover the unforeseen. The City ensures that change order requests are fully justified.

Councilor Herzig said that based on previous experiences, the City can count on finding something that no one knew about. He hoped this would not happen and thanked Director Cook for the information.

Mayor Van Dusen noted that those streets used to be the river. When the town burned down, debris fell and was filled in. Councilor Herzig is correct that many things are found underground. He hoped this project would be different.

City Council Action: Motion made by Councilor LaMear, seconded by Councilor Warr to authorize Staff to award a construction contract to Lovett, Inc. in the amount of \$159,776.75 for the 18th Street Storm Drain Repair Project. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS

Item 8(a): City Council FY 2014-15 Goal Setting Session

The City Council's FY 2014-15 Goal setting session will be held on Friday, February 7, 2014, at the Columbia River Maritime Museum Board Room beginning at 8:00 a.m.

Shell Cantor, 1189 Jerome, Astoria, read his previously submitted questions with additional comments and responses by City Manager Benoit as follows:

- In addition to the first batch of 35 city-owned vacant properties already designated as excess, has City Staff selected lots from among the total of approximately 1,300 City-owned vacant properties that the City Council might also consider designating as excess in the future?
 - City Manager Benoit clarified that the properties on the list of 1,300 City-owned properties are not all vacant. The list includes parks, large tracts of land beyond the Urban Growth Boundaries, and properties like City Hall, the Aquatics Center and police station. No other properties have been selected for designation as excess beyond the original 37. Staff reduced the inclusive list of 1,300 down to about 450 properties, which was a very rough draft grouping based on broad filters. Staff then developed and selected a package of 37 properties to present to City Council. No work has been done to consider more properties. If City Council directs Staff to continue the program, Staff would analyze the remaining properties on the list of 450 properties. There is no continuous pipeline of properties.
- Could the list of 450 properties be made available on the website?
 - The list could be made available; however, the list is a very rough draft and he would not want to imply that properties on the list are excess and available for sale. The list is a starting point from which to do further analysis. City Council would need to direct Staff to publish this list because posting the list without all the appropriate caveats will create 100 more questions, but it is public information.
- Public information is a wonderful thing to make available to the public. He explained he has been referring to 35 properties because the list he saw started numbering the properties at number 3.
- Could an update be provided on the status of adjacent neighbor bidding on the first batch of 30-some excess properties? Have all of the 30-some excess properties now completed the four-week window during which only adjacent neighbors are permitted to offer bids?
 - The four weeks has passed. Eight of the properties have been sold, seven of which were vacant parcels sold to adjacent properties and one property was a single-family home on the South Slope. Interest in eight of the remaining properties has been expressed by adjacent property owners, but only one offer has been submitted.
- What is the deadline for submitting an offer on the properties with expressed interest?
 - Staff has not been using this approach. Area Properties will likely contact those who expressed interest to find out if they would like to make an offer, which would likely happen before opening it up for other bids.
- What process will be used for excess properties not sold to adjacent neighbors? He understood these properties would be made available for a "general listing" as stated in the PowerPoint slides on the City website. He presumed this meant posting on the multiple listing service (MLS) with Area Properties as the listing agent. Will City Council need to authorize the posting of each property on the MLS or is Staff already authorized to list the properties?
 - The process, which was adopted by City Council, described at previous City Council meetings and also posted on the website, has not changed. City Council approved to designate 35 parcels as excess and offer them for sale. Adjacent property owners were offered first right of refusal. No properties have been listed on the MLS yet, as the first right of refusal period is flexible. Unless directed otherwise by City Council, the properties can be listed on the MLS. Area Properties would market the properties the same as a homeowner selling his home. Staff is authorized to list the properties on the MLS at any time.
- Will the MLS listings have an expiration date?
 - The City has contracted with Area Properties who would advise the City should a property fail to sell. Mr. Cantor understood a six-month contract is typically signed, which can be renewed, or the property owner can hire another real estate agent or take the property off of the MLS.
- Will the asking prices posted on the MLS be the same as previously presented to adjacent neighbors?
 - Yes. The City relies on Area Properties to do the comparable analysis and recommend pricing. The property descriptions will not change. Mr. Cantor noted the only time the public has seen prices has been upon the announcement of a public hearing for the sale of the property.
- Is it possible for the public to get more information about the properties, like the description, price, and what the MLS posting would look like?
 - The public already has access to the 35 property descriptions and these will not change. The MLS would include an abbreviated version of these descriptions. The property descriptions were included in a previous City Council agenda. Staff was not sure if the prices were included, but Area Properties has that information. If the price is not available, the City can get the information. Letters sent to adjacent property owners included prices.
- Will Astoria residents be permitted the opportunity to offer input regarding the MLS posts, including the asking prices, prior to the properties being posted to the MLS?

- City Council's previous direction was to approve the sale of 35 excess properties, which have been described for the public and could be placed on the MLS. City Council could modify the process, but Staff would use the current descriptions for the MLS.
- If a full price bid were to be received on an excess property posted on the MLS, what would be the consequences if City Council voted against accepting the bid or to add a new restriction on the sale after the bid was received, for example prohibiting clear cutting?
 - There would be no consequences. The purpose of the public hearing is to allow City Council the option to sell the property with or without conditions or refrain from selling the property. Per the City's contract with Area Properties, the City would not be required to pay the 6 percent commission if the Council opposed the sale of a property.
- Are there any legal ramifications of turning down a full priced bid on a property listed on the MLS?
 - City Attorney Henningsgaard stated he has never seen the listing agreements. City Manager Benoit said Staff would confirm, but he was confident the City is paying 6 percent on properties that are sold, not offered.

Robert Adams, 538 Kensington, Astoria, stated that 20 years ago, his father, and subsequently, his sister have spoken to City Council along with many other concerned citizens to urge Astoria to think through and formalize a respectful policy towards trees on city-owned land. He has little hope that anything he says would change things; however, this issue will not go away; it is too fundamental and cannot be swept under the rug. Everyone in the room has a conscience and people are increasingly aware of the fact that trees are not entirely owned by Astoria. Trees relate to lives that people care about and Genesis directs people to attend to all of those lives. The practical implications of poor stewardship are disastrous in the long run. Clear cutting of the watershed in Rockaway Beach has damaged a relatively new filtration system and poisoned the water with herbicide. Tokyo, Japan's tree policy is simply to save living trees. As he has watched Astoria's behavior for 20 or 30 years, he has noted some occasional gestures in that direction. However, historically, Astoria's attitude has been to sell standing trees. He urged Astoria to do better.

Doris Queener, 4940 Cedar Street, Apt. 2A, Astoria, said she spoke at the last City Council meeting about the process of selling excess properties. She distributed copies of a 19-page petition to the Council and noted that the petition included 163 signatures. Ms. Queener read the petition into the record as follows:

"We, the undersigned citizens of Astoria and surrounding areas, petition the City Council of Astoria to cease immediately any further marketing or sale of so-called 'excess' city properties, and to schedule as soon as possible a public meeting, in town hall format and in a space large enough to accommodate all who might wish to attend, to hear and address our questions and concerns relating to this issue.

Specifically, we have the following concerns at this time. Other concerns may become apparent during the town hall meeting process:

1. The lack of transparency and coherence in the process the city has used to institute the land sales.
2. The reduction of open land for recreation, bird and other animal habitat that these sales will create. Once these lands are sold, they are lost forever as public assets belonging to the citizens of Astoria.
3. The loss of trees and other vegetation that provide stability and reduce the danger of landslides on the steep hillsides that much of the public lands for sale are located on.
4. The fiduciary irresponsibility of selling public lands at below-market prices at a time of historically low demand for vacant land.
5. The cavalier approach demonstrated by the city council to citizens' concerns about the process and substance of these public land sales.
6. The apparent lack of concern about the impact sale of lands abutting the watershed will have on water quality and on vital wetlands.

7. The sheer number of public properties for sale with no timeline of how many properties can be sold within a given period of time.
8. The large size of some of the public properties, with apparently no restrictions on what type of development can be allowed on these properties.
9. The lack of any protection for trees, regardless of size and age.
10. The claim by the city manager that 'there are plenty of public parks in Astoria' when our research suggests this is not the case, and the claim by the council that public lands are 'too expensive' to maintain, when, in fact, most receive little or no maintenance at all."

Ms. Queener asked if City Council had a response or a timeline for a response at this time.

Councilor LaMear believed it would be appropriate to discuss whether to continue the sale of excess properties during the City Council goal setting session. City Council needs to discuss the best approach for the City. From the very beginning, her goal was to sell small bits of property that would add buffers to adjacent property owners and that these properties would not be purchased by anyone other than adjacent property owners because no one else would be interested. These sales are good for the City for three reasons: they bring some money from sales of the properties even though the amounts are not much; they will bring in property taxes after being sold; and they free the City from maintenance and liability. She was concerned about stopping this process when negotiations were ongoing with someone who has submitted a legitimate contract.

Ms. Queener said she was part of a group that was concerned and wants a broader discussion. She recalled how Staff responded to Mr. Cantor's questions earlier in the meeting, noting that this is an evolving situation. She asked City Council to decide if they are going to respond to their request for a town hall meeting.

Mayor Van Dusen said that City Council could not respond immediately, but would respond at the next meeting. He could justify the process of the land sales, but Astoria is not his town. Astoria belongs to the entire community and the City has not done a good job. The perception was that the City was not transparent, which was a mistake. He believed the City was being transparent, but if the public did not agree, then the City has erred. He asked Ms. Queener to give City Council the chance to discuss the issue at the goal setting session. He agreed with Councilor LaMear about ongoing negotiations, but added that he was in favor of ending the program.

Ms. Queener appreciated that City Council had heard the concerns, adding this issue has raised citizen involvement in city government, which is important.

Mayor Van Dusen did not believe any of the Councilors took the concerns personally. There is nothing wrong with saying that the City did not handle this well.

Councilor Mellin thanked Robert Adams for speaking about the trees, which are very important to her as well. She noted that Howard Bruner had said years ago that cutting trees would make Astoria look like Kodiak, Alaska. Kodiak ruined their views when they cut their trees. She added that she did not believe the petition would be ignored during the goal setting session.

Nancy Ross, 4940 Cedar Street, Astoria, thanked City Council for allowing her to speak and said every citizen should take advantage of the opportunity. She believed City Council is obligated as elected officials to listen to the people who speak, but Council must also sort through facts, reality, and relevancy. She does not believe the City's decision to sell properties was done in any willy-nilly way. She believes the selling prices were thought out. However, objections that may or may not be accurate were being considered with such thought that an offer could be denied. Her neighbor's offer was rejected at the last City Council meeting when people objected to the sale of a property. Forty nine percent of this property is in a flood plain, but it was presented as fact and accepted that this was a buildable lot. Flood plain information is available to anyone. The City would be lucky to have property taxes paid on that lot and she would be lucky to have lower bills or better services. This lot could not be developed without great efforts. She is concerned that the process of selling properties has become encumbered by falsehoods and misinformation. People had significant time to submit bids and these properties are not in high demand. She believed people who have purchased lots will do good things with them. She has

reviewed all of the meeting minutes and everyone who purchased property said they would do something personal with it. To those who object on the basis that the public does not know what buyers will do with the properties, the City has zoning that dictates what can be done with properties. If the City has done something wrong, then a sale should be reversed or retracted, but she did not believe this was the case. She believed the City should hold firm because a lot of thought and preparation has been put into this project. She does not believe the City should always be held hostage to the party of no.

Mayor Van Dusen understood that citizens believe the process has moved forward without enough public input and they do not like the process. He has not heard comments that the City made an error selling property to a neighbor. Ms. Ross said she heard people suggest that properties were priced inappropriately or that no consideration was given regarding the properties were for sale. She noted that Councilor Herzig nodded in agreement. There has been criticism, which she would not defend; she believes the City has put some thought into the process and that the City should move forward.

Miriam Hurley, Astoria, said a city is made up of people who live in a house and children playing in a backyard. Ownership of a lot of property does not make a city. Cities are made when people are encouraged to have a home and enlarge it if possible. She could not understand why people were not just saying thank you. She thanked the City because she understood that the City is trying to make Astoria a place for people with children who want a house and a yard, which is the most important thing. It is not important that City Council has a lot of property.

Tom Duncan, 511 Jerome, Astoria, said he signed on FANA Friends of Astoria's Natural Places. The citizens were being treated like they are being disruptive, but he believed some of the questions being asked were legitimate. No one in the FANA group has argued about properties that are adjacent to two property owners where there is a clear need for resolving long-standing issues. It does not appear that the forest and open space that make Astoria so attractive are in the deliberations about what to do with so-called surplus property. He was not trying to second-guess City Council's authority and he appreciated that City Council was listening to the citizens, even though they were not legally obligated to do so. Nor was he suggesting that every decision about the properties be made by the will of the people. He sought a clear understanding of City Council's vision about the properties. The group of properties is diverse in size, ranging from a few tenths of an acre to 47 acres. Initially, the public was told that the large number of properties, acquired by the City over many decades through various means, was not on the tax roll and cost money to maintain. The process to sell the properties, which was presumably developed through considerable forethought, was to make the City more efficient in saving money. However, unlike surplus office furniture, more land cannot be created. If the City of Astoria makes poor decisions about land use, the decisions cannot be redone. None of the City Council meeting minutes indicated how land was defined as surplus or how the properties to be sold were selected. Immediately upon selecting the 35 properties and initiating the process, there was opposition. City Council arbitrarily removed some of the properties from the list and refused to accept an offer on one of the properties on the grounds that the offer was inadequate. It is unclear if a counter-offer can be made or if the property will be sold on the MLS. The entire process is opaque, arbitrary, inconsistent, and secret to the point that citizens must speculate that something underhanded is occurring. He hoped that Councilors and their friends were not "on the take." The process has not been thought through very well. FANA is requesting a town hall style meeting so City Council can develop a process for identifying City property that is not and never will be used for the City, and a process for giving fair hearing to all the competing uses for the surplus. There is no law directing how this should be done, but Astoria can do it. It seemed the City was being pressured to dispose of these properties quickly, but where that pressure was coming from was uncertain. If that pressure exists, they better get the process started soon.

Sean Fitzpatrick, 1046 Grand Avenue, Astoria, said he is glad to see so many people at the meeting. In the past, only a few citizens would attend City Council meetings, and now, many people have become involved in this process. Virtually everything that has been questioned was discussed at earlier City Council meetings which had few attendees. One problem is that people are trying to get their information from City Council minutes instead of actually attending the meetings to find out what is going on. He did not believe City Council was responsible for the fact that citizens are not informed. His experience in real estate has allowed him to understand the dynamics of what is going on. He understood that people without real estate experience would have a different perspective. The group that has issues with the land sales needs to articulate their real concerns, which he believes includes the trees. People need to talk about their concerns with a particular parcel. He did not understand why the group could not articulate their concerns. He disagreed with those who opposed the entire process in an effort to protect one property with trees. People are making statements that are not true. He

recalled statements claiming that unbuildable lots are buildable. The group in opposition should not be protesting every sale that has come before City Council without concerns about the individual properties. He understood that Astoria's 10,000 residents are paying the costs associated with a sewer and water system that has the capacity to serve 25,000 people. He never believed it was the City's intention to fit 15,000 people on to 30-some lots, some of which are on cliffs and in flood plains. He does not believe the City has done anything wrong. He does not have any issues with the way this matter has been handled. However, he did not understand why City Council voted against selling the property presented at the January 21, 2014 City Council meeting. The group with the issues is responsible for clearly stating their concerns. If they are concerned with trees, they should spend their time on that concern rather than trying to stop sales that have nothing to do with their concerns.

Councilor Herzig asked for clarification, as he understood the City had been selling the lots as buildable and was not selling any lots known to be unbuildable. City Manager Benoit replied that on lots with steep slopes, extraordinary engineering may allow for development. The asking prices reflect problems associated with the lots. The Robert Jacob parcel is a very steep, forested area. While extraordinary engineering and a lot of money could result in something being built on that parcel, it was not considered buildable in the traditional sense and was priced accordingly. Councilor Herzig noted that potential buyers are being asked at public hearings if they intend to build on the lots. He was concerned about the implications that the public is declaring these lands to be buildable, while the City has been promoting them as unbuildable. He believed the understanding was that the City was selling lots that could be built upon, even though in one case, significant geotechnical engineering would be required. The City is presenting these lots as buildable, so this is not a lie being perpetrated by the public.

Mike Cahill, 4908 Cedar, Astoria, said he made the offer on the property that was 95 percent flood plain. When he purchased his home, his backyard was overgrown. There was small building in the middle of the lot, which was filled with beer cans, a mattress, and a blanket. He removed all of this because he believed it posed a danger and inconvenience to the community. In July 2013, he received a gardening permit to hire a tree service and clean up the area. He and his wife spent about \$1,600 and 40 to 40 hours of labor on the project. He believed he has shown, through the reconstruction of his home and remodel of the city lot, that he has done much to make the community a better place. His offer to purchase the lot was rejected at the January 21, 2014 City Council meeting, which he believed was a result of public comment during that meeting. He has received accolades from between 10 and 20 neighbors about how he has improved the neighborhood. He has retired in Astoria and intends to live in Astoria for the rest of his life. It is his intention to be a good citizen and he believes that what he has done to his home and the city lot is an example of what he can do to make the community look better. He has no intention of building a condominium. He has about \$60 worth of wildflower seeds, plants and bushes that may have to go back. He would like the opportunity to purchase the property and will do or say anything he can to demonstrate that he is a good citizen that deserves to have the property. He hoped the City would give him the opportunity to negotiate an acceptable offer. He believed his original offer was reasonable based on the fact that his insurance company refused to insure any development on the lot, as it was considered unbuildable.

Sue Skinner, 511 Jerome, Astoria, believed it was appropriate for people to purchase adjacent properties individually or with a neighbor. However, the issue is that large tracts of land are being sold along with the smaller lots. The West Niagara property, which is 5.86 acres, is platted for eight houses. The 16.42-acre property on Leif Erickson Drive is in a slide area and is pretty heavily forested. Adjacent property owners will not buy these larger tracts. She asked why the larger properties were selected for sale. She also asked why Mayor Van Dusen said Astoria needed 25,000 people when he did not mean it. She also wanted to know if anyone else notices how much excess property already exists in Astoria. Many houses, vacant properties, and pieces of land are already for sale. The vacant properties need to be cleaned up. She recalled discussions about cutting trees on some properties, which could result in landslides in certain areas. She appreciated the opportunity to speak. She hoped the City would consider having a meeting to discuss the public's concerns. Contrary to Mr. Fitzpatrick's comments, citizens are not lying about their concerns, but she admitted that some concerns are about the second growth forests and trees that anchor the landslide areas. There are many other concerns. This does not appear to be a transparent process and the citizens wonder why the process is mixed up. She questioned if it was deliberate or an oversight. She asked if City Council was aware that larger properties were interspersed with smaller properties.

Mayor Van Dusen did not recall saying that he believed Astoria needed 25,000 people. He stated that Astoria has the infrastructure necessary to accommodate 25,000 people.

Chris Farrar, 3023 Harrison Avenue, Astoria, said he was probably most responsible for making some citizens feel as if City Council was being accused of having done something wrong. He apologized for getting angry with the Council in the past because his anger made his clouded his message. To clarify, he expects City Council and Staff to meet with the people. Anything less is unacceptable. The town deserves the meeting. Much of his concern is about landslides and drainage. The presentation at the beginning of the meeting graphically demonstrated his concerns. He did not want the sale of City properties to result in expensive litigation. Basic land use restrictions would be simple to implement.

Carol Newman, 44331 Peterson Lane, Astoria, said that when the hill side near Aldridge Point was cut, the entire hill came down and washed the railroad tracks into the river. The tracks were repaired three years later, but the land slid again and buried the tracks. Six months later, the area was cleaned up and the land slid a third time. Currently, a large hump of land still covers the tracks. Some people claim the landslides had nothing to do with the clear cutting; it was a coincidence. This is a good example to consider with regard to tree cutting.

Terry Wilson, 135 Skyline, Astoria, urged City Council to discuss warming shelters at their goal setting session. Portland and the Red Cross have opened their shelters this evening and more cold weather is expected at the end of the week.

City Council recessed at 9:06 p.m. to convene the Executive Session.

EXECUTIVE SESSION

The City Council Executive Session was convened at 9:06 p.m.

Item 9(a): ORS 192.660(2)(a) – Employment of Public Officers, Employees, and Agents

The City Council Executive Session was adjourned at 9:26 p.m. The regular meeting of the City Council reconvened at 9:27 p.m.

Mayor Van Dusen noted that City Council discussed the departure of City Manager Benoit and the appointment of a pro tem City Manager during the Executive Session.

Councilor LaMear believed that because Director Estes has served as acting City Manager in the absence of City Manager Benoit, Director Estes should fill the pro tem position. City Manager Benoit noted that Director Estes' full title is Community Development Director/Assistant City Manager.

Councilor Mellin agreed and added that the City and Council is familiar with Director Estes, he is involved with the community and is a resident of Astoria.

Councilor Herzig stated that he did not want any restrictions preventing a pro tem City Manager from applying for the permanent position.

City Council Action: Motion by Councilor LaMear, seconded by Councilor Warr, to appoint Brett Estes as City Manager Pro Tem. Motion passed unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen. Nays: None.

Mayor Van Dusen called for discussion on the process of hiring a new City Manager.

Councilor Warr did not believe applications should be reviewed by Staff and because the City had no City Manager to review the applications, a third party like the League of Oregon Cities (LOC) should be hired to accept applications and forward selected applications to Staff and City Council for review. City Manager Benoit said that the League of Oregon Cities would charge about \$9,500 for this service.

Councilor Herzig asked if the LOC could be hired after the City began accepting applications. The City may receive a manageable number of applications and hiring outside help may not be necessary. He offered to serve on a sub-committee to review the applications. City Manager Benoit believed the City could hire help after accepting applications, but he would confirm this with the LOC.

Mayor Van Dusen did not want a sub-committee with only two members of City Council. He believed this was the most important decision that City Council makes and all of the Councilors should be involved. He believed the City should simply advertise the position and see what type of response is received. City Council could then review the applications or hire outside help.

Councilor Warr had no objections to the process suggested by Mayor Van Dusen.

Councilor LaMear said that a public hearing could result in a consensus among the citizens. Mayor Van Dusen agreed, and confirmed that City Council did not want to hire a headhunter. Councilor LaMear stated she wanted to nominate an individual for the position.

City Attorney Henningsgaard confirmed that a nomination could be made prior to publishing a job description or holding a public hearing. However, he noted that the public expects a process to be conducted. If the City does not go through the process of advertising the job, there could be a perception that the person hired for the job is inadequate because he was selected without an adequate investigation. The investigation process adds credibility to the person hired and this is an important position with the City. It could be difficult for the person hired to conduct services as City Manager if there is a perception that the person was not the best candidate.

Councilor LaMear said there might be a consensus during a public hearing that people would like to have Director Estes as City Manager. Then, the decision would be a community decision rather than an appointment by City Council.

Mayor Van Dusen recalled the process used to hire City Manager Benoit, which involved a public hearing. None of the applicants were interviewed and the job was offered to one person. He confirmed that City Council could have a public hearing but stop the process at any time.

Councilor Herzig believed it was important to have the public hearing for the credibility of the future City Manager and City Council. The City is getting so much feedback about a lack of transparency and this is the most powerful Staff position. City Council needs to make sure the public feels included in the discussion.

Mayor Van Dusen did not believe the City was receiving feedback about lack of transparency. Councilor Herzig said such feedback was given earlier in the meeting. As soon as City Council feels there is community consensus, Council can stop the process and move forward.

Councilor Mellin was concerned that the majority of the public who spoke earlier in the meeting believed that City Council was up to no good. Meeting attendees represent a small portion of the public and a consensus would only be received by those who chose to attend the public hearing. However, she believed a public hearing was a good idea. She did not believe City Council needed to follow the consensus of those who attend the public hearing.

Councilor LaMear responded the City Council should be responsive to any huge public outcry. Mayor Van Dusen believed that City Council should move forward if all of the Councilors unanimously agreed, even if City Council disagreed with the public consensus.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Mellin, to schedule a public hearing for February 17, 2014. Motion passed unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen. Nays: None.

Councilor Warr said he was not tied to hiring the LOC, but preferred it because he did not want to have to try to make a decision out of a larger number of resumes. He agreed that \$9,500 is a lot of money.

City Council Action: Motion made by Mayor Van Dusen, seconded by Councilor Warr, to advertise the City Manager Position in-house with the caveat that the City hire the League of Oregon Cities to assist if too many applications are received. Motion passed unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen. Nays: None.

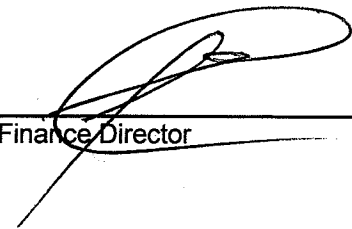
Councilor Herzig suggested posting the job description and brochure on the City website so the public can refer to them prior to the public hearing. City Manager Benoit noted the documents are nine years old and should be updated. He would forward the documents tomorrow for the Council to review. Any desired changes to the brochure could be discussed at the goal setting session.

ADJOURNMENT

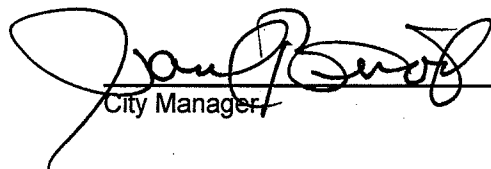
There being no further business, the meeting was adjourned at 9:57 p.m.

ATTEST:

APPROVED:



Finance Director



City Manager