



**Special City Council Meeting
April 14, 2014 - 4:30 PM
Council Chambers
MINUTES**

I. CALL TO ORDER

Mayor Nancy Backus called the special meeting to order at 4:30 p.m. and led those in attendance in the Pledge of Allegiance.

Councilmembers in attendance included: Deputy Mayor Rich Wagner, Bill Peloza, Wayne Osborne, Claude DaCorsi, and Yolanda Trout. Councilmember John Holman arrived at 4:31 p.m. Councilmember Largo Wales was absent.

Department directors and staff members present included: City Attorney Daniel B. Heid, Community Development and Public Works Director Kevin Snyder, Parks, Arts and Recreation Director Daryl Faber, and City Clerk Danielle Daskam.

The purpose of the meeting was to consider an amendment to Resolution No. 5057 relating to a Purchase and Sale Agreement with Dorco, Inc., previously approved by Council on April 7, 2014.

II. RESOLUTIONS

- A. Resolution No. 5057 Amended (Snyder/Heid)
A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to execute a Purchase and Sale Agreement between the City of Auburn and Dorco, Incorporated for purchase of four parcels of real estate

City Attorney Heid read the title of Resolution 5057 (Amended).

Resolution No. 5057 was previously adopted by Council on April 7, 2014. Community Development and Public Works Director Snyder advised that due to a misunderstanding in the negotiation of the terms of the Purchase and Sale Agreement, the due diligence period approved by the Seller is 60 days, rather than 120 days, with closing in 120 days. The Purchase and Sale Agreement before Council this evening provides for a 60 day due diligence period and 120 days for closing.

Director Snyder stated three consultants have been engaged to perform due diligence analysis and all have committed to have their work complete by May 20, 2014 (35 days from authorization to proceed on April 15, 2014). Director Snyder stated there would be sufficient time (25 days) to review and consult with Council and Mayor Backus regarding the findings of the reports prior to finalization of the purchase.

Councilmember Holman moved and Deputy Mayor Wagner seconded to adopt Resolution No. 5057 as amended.

In response to questions from Councilmember DaCorsi, Director Snyder responded that all due diligence work products will be submitted May 20th, which will allow sufficient time to review the reports within the 60 day due diligence period.

Deputy Mayor Wagner inquired regarding the time break between phase 1 and phase 2 analysis. Director Snyder stated that if at the conclusion of the phase 1 analysis, a determination is made there is enough compelling evidence there may be environmental conditions of the property that warrant further investigation, the Council will be apprised with a cost estimate for any additional analysis. Director Snyder advised that the adjacent gas station has a no further action determination from the State Department of Ecology for a petroleum related issue.

City Attorney Heid added if at the conclusion of the phase 1 analysis concerns are found, the City can request an extension of the due diligence period or not purchase the property.

Director Snyder stated the City's consultants will perform a phase 1 site assessment and an asbestos - lead survey of all the buildings on the property.

In response to a question from Councilmember Osborne, Director Snyder stated the phase 1 analysis includes preliminary review of site conditions, literature research, any evidence of contamination, historical review of the property, field assessment, and surface level sampling.

Councilmember Pelosa inquired regarding the location of the subject properties. Director Snyder described the properties as four parcels adjacent to Les Gove Park. Two properties front Auburn Way South and two properties front 12th Street SE. The current or recent uses include Herr Lumber, Big Daddy's, a smoke shop and a day care.

Deputy Mayor Wagner inquired whether the City can establish the use for the parcels during the 60 day due diligence period. Director Faber confirmed that within the same 60 day period staff can determine the use for the property as open space or other uses.

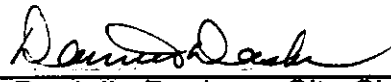
MOTION CARRIED UNANIMOUSLY. 6-0

III. ADJOURNMENT

The meeting adjourned at 4:44 p.m.

APPROVED the _____ day of _____, 2014.


NANCY BACKUS, MAYOR


Danielle Daskam, City Clerk