

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, Finance Director Carlson, Public Works Director Cook, Planner Johnson, Police Chief Curzon, Fire Chief Ames and City Engineer Harrington. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

Mayor Van Dusen announced the following to Changes to the Agenda: The addition of Items 4(a) and 4(b), presentations by Councilor Mellin and Mayor Van Dusen, respectively.

#### REPORTS OF COUNCILORS:

**Item 3(a):** Councilor LaMear No report.

**Item 3(b):** Councilor Herzig said he attended the One Billion Rising at Clatsop County Community College on February 14, 2013. This great event was a global demonstration against violence towards women. That same evening, he attended the signing of a petition to include marriage equality in the 2014 ballot in Astoria. Governor Kitzhaber also signed the petition, which was encouraging.

**Item 3(c):** Councilor Mellin announced she has been going to the Column to assist in park clean-up efforts; however, the Column is clean. City Councilors had discussed personally helping with park clean up during its goal-setting session. She does clean up along the road, but thanked the Parks Department for keeping the Column clean. She acknowledged Ernie Barrows, who is 85 years old and partially blind, for taking his own lawn equipment to the Column and Riverwalk to assist with clean-up.

**Item 3(d):** Councilor Warr No report.

**Item 3(e):** Mayor Van Dusen stated that *The Oregonian* published an article about water rates increasing in the City of Portland even though water conservation efforts were working. Astoria has this same issue as system maintenance and the delivery of water contributes to the bulk of the expense, not the gallons of water used. He introduced Officer Ken Hansen from the Astoria Police Department and acknowledged four members of Boy Scout Troop 211 who were also in attendance: Jacob Holte, 14 years old; Jake [inaudible], 15 years old; Nick Hansen, 14 years old and Parker Ivanoff, 12 years old. Mr. Holte explained the Scouts are working towards the Citizenship in the Community Merit Badge which requires observing a City Council meeting.

He also announced that each Council member signed a letter in support of the Job Corps' funding effort. This letter will be sent to all the representatives.

#### CHANGES TO AGENDA:

**Item 4(a):** Presentation by Councilor Mellin

Councilor Mellin noted the City of Astoria has been invited by the Oregon Historical Society to participate in a special centennial celebration of the founding of the Ghadar Party, which was founded in Astoria at the Finnish Socialist Hall in 1913. She presented the history and culture of the Sikh Indians, who originate from Punjab, India. Displaying several pictures, she also described how the Sikhs came to settle in Astoria and Alderbrook, and discussed their involvement in the community, as well as the formation of the Ghadar Party.

- The movie "*Turbans*" was made in Astoria. Many residents of Astoria participated in the film in various ways and several local buildings were used.
- This year marks the 100-year anniversary of the first meeting of the Ghadar Party. The Punjabis are aware that the party began in Astoria, Oregon and the Sikh community wants to honor and recognize Astoria as the birthplace of the Ghadar Party.

- The Oregon Historical Quarterly published an article titled, "*Ghadar Historical Silences and Notions of Belonging, Early 1900s Punjabis in the Columbia River*". The writer of the article, Joanna Ogden, contacted Mayor Van Dusen and the City Council about the celebration.
  - Bruce Lebrack, retired Professor of Anthropology and International Studies at the University of the Pacific School of International Studies and touted as the expert on Indian culture in America met with Ms. Ogden, Lisa Penner and Councilor Mellin to discuss the possibility of hosting a celebration.
- The celebration will take place possibly in September. Sikhs will be coming from India to attend the celebration in Astoria. A Sikh in London has been writing poetry that he would like to share with Astoria.
- The library has a copy of *Making Waves*, by Kartar Dhillon, who was one of the original Sikhs in Alderbrook. The Heritage Center has copies of the book as well.
- The Louis Elias Colias Shack is the only original shack left on what had been Hindu Alley in Alderbrook. This building is listed on the Historic American Buildings Survey. The Zimetkin's have preserved the building.
- As she has talked with members of the community, she learns more stories about the Sikh community in Astoria. She has spoken with Suenn Ho about honoring all the different cultures in Heritage Square. All this history will be presented at the celebration.

Mayor Van Dusen noted Councilor Mellin has been appointed to represent the City with the Oregon Historical Society.

**Item 4(b): Presentation by Mayor Van Dusen**

The 142<sup>nd</sup> Wing Commanders of the Oregon Air Guard designed a logo that has been painted on the nose of an F-15 Eagle jet plane. Mayor Van Dusen will represent the City at the unveiling of this logo on Thursday, February 21, 2013 in Portland. The City of Astoria and other cities have been invited to attend because the community has been so supportive of the military, especially the Air Guard. Each city will have its logo on the nose of an airplane. More information can be found at [www.142fw.ang.af.mil](http://www.142fw.ang.af.mil) . This is a real honor for the City and he will report on the event at the next Council meeting.

**CONSENT CALENDAR**

The following items were presented on the Consent Calendar:

- 5(a) City Council Minutes 2/4/13**
- 5(b) City Council/Planning Commission Work Session Minutes 1/22/13
- 5(c) Boards and Commission Minutes
  - (1) Historic Landmarks Commission Meeting of 1/15/13
- 5(d) Resolution Adopting Oregon Minimum Wage (City Manager/Finance)
- 5(e) Oregon Department of Fish and Wildlife Grant for Emergency Repair to Salmon Net Pen Access Pier (Public Works)**
- 5(f) Flood Insurance Mapping Partnership Agreement (Community Development)**
- 5(g) Public Works Shops Paving Project (Public Works)

Councilor Warr requested Item 5(f) be removed for further discussion. Councilor Herzig requested Item 5(a) be removed for further discussion. Mayor Van Dusen requested Item 5(e) be removed for further discussion.

**City Council Action:** Motion made by Councilor Mellin, seconded by Councilor LaMear, to approve Items 5(b), (c), (d), and (g) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Councilor Herzig stated for the record that no one on the Council at the 2/4/13 City Council meeting proposed euthanasia as a method of dealing with the abandoned and feral cat population. He was the only one who used the word "euthanasia", which was used as an unacceptable alternative to a scientific and humane approach to dealing with cats. Councilor Herzig apologized for the misunderstanding and that the remark was attributed to other Council members. He reiterated that he considers euthanasia as an unacceptable method and that a scientific and humane approach is best. He regrets that any other Council member had the remark misunderstood and attributed to them.

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Herzig, to approve Item 5(a) of the Consent Calendar with Councilor Herzig's comments. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Mayor Van Dusen commended Staff for getting the grants to fund the repair of the docks where the fish pens are located. The net pens are important to the economy and the quality of life in the community.

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Mellin, to approve Item 5(e) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Councilor Warr asked about potential dates for the public meeting regarding flood insurance mapping. Planner Johnson stated the dates for the public meetings have not been set. Meetings with City Staff and various agencies are still ongoing. The public will be notified once the dates have been set.

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Mellin, to approve Item 5(f) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

**REGULAR AGENDA ITEMS**

**Item 6(a): Award Contract for Astoria Heritage Square – Garden of Surging Waves (Public Works/Community Development)**

On December 3, 2012, City Council authorized staff to solicit bids for the Garden of Surging Waves project. The architect's estimate for construction was between \$900,000 and \$1,100,000. It was stated at the time that if bids received were above the funds raised to date, the project would be modified to reduce cost. The following competitive bids were received on January 15, 2013:

<b>Contractor</b>	<b>Total Bid</b>
Robinson Construction Co.	\$1,287,000
JP Contractors, Inc.	\$1,374,500

The lowest bid received exceeds funding currently available; therefore staff negotiated with the lowest bidder to reduce the project scope and keep within the current budget. A base bid that maintains the integrity of the design, allows for remaining park segments to be installed at a later date, and permits the City to stay within the current budget was negotiated. As funding becomes available, items that have been deferred can be added to the current contract-by-contract amendment.

If adequate donations are received during construction and the remaining work is added to the contract, the park can be completed on time; otherwise, the Contractor may need to re-mobilize to complete the work. The project designer will be at the council meeting to describe the current scope and outline the work that remains to be done as funds become available. The following is a breakout of the proposed sequencing of the construction:

<b>Description</b>	<b>Cost</b>
Sequence A (Base Bid to include site work, lantern, Lin Bi rocks)	\$798,498
Sequence B (Add Pavilion to include Mosaic & Landscaping)	\$137,854
Sequence C (Add Story Screen & Remaining Pavers)	\$190,424
Sequence D (Add Donor Screen, Precast Seating Blocks & Precast Timeline Benches)	\$109,893
<b>Total</b>	<b>\$1,236,669</b>

## Funds Raised to Date

A total of \$973,604 (outlined below) has been raised and/or allocated for construction of the Garden of Surging Waves.

Promote Astoria Fund	\$350,000
AEURD Loan (excluding sidewalk project and construction management costs)	\$156,349
Community / Grant Donations	\$267,255
Art DeMuro	\$200,000
<b>Total</b>	<b>\$973,604</b>

The transfer of \$156,349 from the Astor-East Urban Renewal Fund to the project will require action by the Astoria Development (ADC). This will added to a future ADC agenda

## **Construction Expenses for Sequence A (Base Bid)**

The following table shows a summary of the anticipated construction budget in addition to the base bid:

<b>Description</b>	<b>Total</b>
Construction Costs for Base Bid	\$798,498
Construction Contingency (14.6%)	\$142,106
Special Inspection/Testing	\$ 15,000
Geotechnical Engineering	\$ 10,000
Basalt Timeline Markers (Duane St.)	\$ 8,000
<b>Total</b>	<b>\$973,604</b>

It is recommended that Council authorize the award of a construction contract to Robinson Construction in the amount of \$798,498 for the Heritage Square - Garden of Surging Waves Project. Funds for this project are available from the Promote Astoria Fund, Astor East Urban Renewal District, and donations received for the project.

Suenn Ho, Project Designer, Mulvaney G2, briefly presented via PowerPoint details about the project and the sequencing that would occur in Phase 1 of Heritage Square, which encompassed the Garden of Surging Waves; Phase 2 would include the amphitheater. She described the construction work planned for each sequence, which included these comments:

- Sequence A: Involved a lot of earthwork, including many sub grade improvements and site work to prepare the site for construction. Foundations, footings and trench drains will be completed. Catch basins and electrical conduit will also be installed. Once the underground work is complete, paving and concrete work will begin, including installation of linear concrete pavers, symbolizing the long wood planks of fish canneries. Peripheral landscaping, railroad rails and some art work, including the dragon lantern, will be installed during Sequence A.
- Sequence B: The pavilion will be constructed and will include dragon columns and the timber structure. Construction of the pavilion could damage any landscaping, so the landscaping will be completed after the pavilion. A salmon glass lantern and sturgeon mosaic will also be installed. Permanent landscaping will be completed during Sequence B.
- Sequence C: Involved installation of the story screen, where quotes from different families will be put on the wall. Bronze scrolls and the remaining pavers will be installed.
- Sequence D: Includes installation of the concrete, precast seating blocks and the timeline benches.
- She started work on this project in 2006, which has been a privilege. The City of Astoria has become like an extended family for her. She conveyed a message from Gerry Lee, Chairman of the Board at Mulvaney G2 saying that this is a very special landmark project, similar to the Astoria Column, it takes a lot of community support. She noted Mulvaney G2 does a lot of charitable work and put a lot of extra effort into this project. Mr. Lee stated that for what has been achieved today, even though it seems like the project is taking forever,

it is a journey that requires everyone to take small steps forward. The project is on its final lap and it is really impressive and Mr. Lee sent his congratulations to the community. Ms. Ho said she is fortunate to be part of this incredible project and the all the community's efforts.

Mayor Van Dusen gave a brief summary of the Garden of Surging Waves project, noting the purpose is to honor the Chinese in Astoria because their historical contributions have never been recorded. The project commemorates U.S. and Astoria history. The Chinese worked in the fish processing plants and canneries and built the river wall and jetties, and also worked on the railroad, but their story was never told. This project was a Bicentennial gift to the City of Astoria.

City Manager Benoit explained that \$798,498 will cover Sequence A of Phase 1. The bid for the entire project is almost \$1.3 million.

Mayor Van Dusen explained that the bids exceeded funding currently available, but each sequence will be completed as funds become available.

**City Council Action:** Motion made by Councilor Mellin, seconded by Mayor Van Dusen to authorize the award of a construction contract to Robinson Construction in the amount of \$798,498 for the Heritage Square - Garden of Surging Waves Project. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

**Item 6(b): ODOT Walkway/Bikeway Project Intergovernmental Agreement for 8th and Commercial Intersection (Public Works)**

City staff has been working with the Oregon Department of Transportation (ODOT) to develop pedestrian enhancements and improved durability for the US Route 30 8th Street and Commercial intersection. The design of these improvements has been incorporated into the upcoming 11th Street Combined Sewer Overflow (CSO) Separation Project. ODOT has agreed to contribute \$100,000 of Quick Fix Bicycle and Pedestrian program funds toward the intersection improvements, which will reduce the burden on the loan funds for the 11th St CSO Separation project. It is recommended that Council enter into an Intergovernmental Agreement to accept \$100,000 in ODOT Quick Fix Bicycle and Pedestrian program funds to construct pedestrian enhancements as part of an upgrade to the Commercial Street and 8th Street intersection.

Public Works Director Cook explained all four corners of the intersection will be reinforced concrete to withstand the turning motion of heavily loaded trucks.

City Manager Benoit clarified ODOT will grant the funds from its Quick Fix program for bicycle and pedestrian improvements and the crossings at this intersection will include pedestrian improvements.

Public Works Director Cook confirmed the concrete will be two-toned, dyed to look like asphalt outside of the crosswalks. Eighth and Commercial will be closed for 21 days due to the complexity of the project. Not only will the concrete be poured but a number of utilities also run underneath the intersection. Construction will begin and end in April 2013. The overall CSO project will be completed by December 2013.

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Mellin to enter into an Intergovernmental Agreement to accept \$100,000 in ODOT Quick Fix Bicycle and Pedestrian program funds to construct pedestrian enhancements as part of an upgrade to the Commercial Street and 8th Street intersection. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Mayor Van Dusen commended Staff for acquiring yet another grant for the City and an important intersection in town.

**Item 6(c): Astoria Public Safety Building Improvements Project – Final Pay Adjustment (Police)**

The purpose of this pay adjustment is to account for work not covered in the bid items or revised following the bid process. This pay adjustment amount constitutes total compensation for the changes as listed in the enclosed memo. The contract completion date remains the same. While an overall project budget contingency

of 15% (\$200,000.00) was established to cover project needs in terms of changes related to additional services required, unforeseen conditions, scope changes/additions and owner driven changes, the contingency total has been increased to \$250,000 based on available project funds acquired by under spending in other project budget categories. The contingency is part of the overall established budget, not an additional cost burden from City funds. If approved, Final Pay Adjustment #4 in the amount of \$92,989.00 will leave a grant balance of \$22,971.00. It is recommended that Council authorize Final Pay Adjustment #4 for the Public Safety Building Improvements Project. All costs associated with the pay adjustment are covered by grant funding.

City Manager Benoit emphasized this project has cost Astoria taxpayers almost nothing. The building has been fully renovated and is seismically secure. Once the police have moved back in, tours will be given.

**City Council Action:** Motion made by Councilor Mellin, seconded by Councilor LaMear, to authorize Final Pay Adjustment #4 for the Public Safety Building Improvements Project. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Mayor Van Dusen complimented Chief Curzon and his entire staff for the hard work on the project.

**Item 6(d): 17<sup>th</sup> Street Dock Replacement Project – Pay Adjustment #3 (Public Works)**

In August, 2010, the Oregon Transportation Commission awarded a Connect Oregon III grant to the City in the amount of \$3,804,800 for the design and reconstruction of the 17th Street Dock. The grant required a \$1,000,000 match. The City secured a \$1,250,000 loan from the Infrastructure Finance Authority (IFA) for a total of \$5,054,800. A \$4,266,137.00 construction contract was awarded to Bergerson Construction on June 25, 2012. Construction commenced on September 1, 2012 and is tentatively scheduled to be completed in mid-April, 2013. Pay adjustment #3 consists of additional utility work and guardrail enhancements identified by the project designs. A contingency of \$400,000 was allotted for this project. Pay adjustments currently total \$38,691.02, leaving a balance of \$361,308.98 or 90% of the contingency in place. COP (Change Order Proposal) #017 refers to the contractor's request for a 30-day extension to address a design issue with the main structure. The Contractor suggested staging the concrete deck pours in a way that adds no cost to the project but requires additional time. Staff and our construction manager believe that this is the best solution to resolve this issue. It is recommended that the Astoria City Council authorize Change Order #3, which will result in a contract increase of \$50,053.18.

Councilor Warr believed Bergerson Construction was doing a good job on this project.

City Manager Benoit agreed Bergerson Construction has been outstanding and even found savings that reduced their contract. City Engineer Harrington noted that in addition to the savings, new pilings were added for the floating dock, as well as the steel and concrete east ends and the gate.

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor LaMear to authorize Change Order #3 which will result in a contract increase of \$50,053.18. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

**NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS**

Councilor Herzig suggested City Staff prepare signs for the Garden of Surging Waves to share the construction timeline with the public because people are speculating about what is happening with the empty lot. As a community project, signage could help get the community involved. Perhaps the signs could suggest how citizens could participate in fundraising for Sequence B, C, and D.

The Council agreed such signage is a good idea.

Councilor Warr asked for an update on the crosswalk flags. City Manager Benoit stated the flags are being used at the intersections of 10<sup>th</sup> and Commercial Street and 10<sup>th</sup> and Marine Drive. In one week, 27 flags have been taken. Other communities have also experienced theft of the flags.

Councilor LaMear suggested posting something in the newspaper asking the public not to take the flags, as they save lives. City Manager Benoit explained that signage appears with the flags that explains their purpose. The *Daily Astorian* has also covered this issue, so he does not believe people think the flags are souvenirs.

Councilor Warr noted that the trees and shrubs at the 13<sup>th</sup> and 14<sup>th</sup> Street bulb outs have grown enough to impede pedestrian visibility. He suggested replacing these plants with lower growing shrubs. Mayor Van Dusen understood the intersection of 11<sup>th</sup> and Marine Drive had the same issue. Councilor Warr showed photographs of the trees. City Manager Benoit stated Staff would look into it.

Councilor Mellin asked Council to prepare a proclamation naming 2013 as the centennial of the founding of the Ghadar Party in Astoria. She agreed to help develop some language for the document.

Betty Stenick, West Marine Drive, Astoria, stated her first concern about the cats had been addressed, adding Rita Smith is doing a fine job, just leave her alone. She expressed her appreciation of the police chief and his department, noting that the speeding log trucks on West Marine Drive have slowed down a lot. She noted that on the east end of the roundabout at Hamburg and Taylor there are wheelchair ramps, but no crosswalk. She asked if installing a crosswalk is possible. Public Works Director Cook explained that ODOT controls crossings at that roundabout.

Don Webb, 3555 Harrison Drive, Astoria, stated the crosswalk at Columbia Memorial Hospital used to have LED lights that would flash when pedestrians cross. He noted towns in Idaho had used red flags for crossing that were misused. He believed flashing LED lights would work better than flags at crosswalks. Although the lights cost more than the flags, they are solar powered.

#### ADJOURNMENT

There being no further business, the meeting was adjourned at 8:11 p.m.

ATTEST:

\_\_\_\_\_  
Finance Director

APPROVED:

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City Manager