

# CANBY CITY COUNCIL

## Regular Session

June 2, 2004

### AMENDED AGENDA – 7:30 PM – Council Chambers

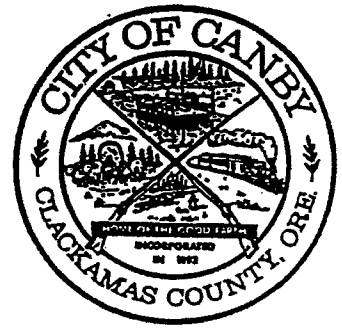
1. OPENING CEREMONIES:
  - A. Call to Order, Flag Salute
2. CITIZEN INPUT ON NON-AGENDA ITEMS:
3. CONSENT AGENDA:  
**Minutes – Regular Meeting and Executive Session, May 19, 2004**  
**Accounts Payable - \$122,232.69**
4. COMMUNICATIONS:
5. PUBLIC HEARING:
  - A. State Revenue Sharing
6. NEW BUSINESS:
7. UNFINISHED BUSINESS:
  - A. Parks & Recreation System Development Charges Pg. 1
8. RESOLUTIONS & ORDINANCES:
  - A. Res. 860, Verifying City has Met Requirements to Receive Revenues From Cigarette, Gas & Liquor Taxes Pg. 2
  - B. Ord. 1141, Amending Article 10 of Transit Contract Dated June 19, 2002 Regarding Maximum Obligation to be Paid to Contractor (*2<sup>nd</sup> Reading*) Pg. 4
  - C. Ord. 1142, Declaring City's Election to Receive State Revenue for Fiscal Year 2004-2005 Pg. 6
  - D. Ord. 1143, Amending Zoning Map of the City of Canby for Tax Lot 4500 of Tax Map 4-1E-4AA (*2<sup>nd</sup> Reading*) Pg. 8
  - E. Ord. 1144, Authorizing a Contract with Blackline, Inc. of Vancouver, Washington for Seal Coating of Approx. 45,607 Square Yards of Street Asphalt (*2<sup>nd</sup> Reading*) Pg. 10
  - F. Ord. 1145, Authorizing Contract with Northside Trucks & Schloth Trucking for the Purchase of a Truck Cab, Chassis, and Twelve Yard Dump Body (*2<sup>nd</sup> Reading*) Pg. 12
  - G. Ord. 1146, Authorizing Contract with Recreation Resource for the Purchase of Playground Equipment Pg. 14
9. MANAGER'S REPORT:
  - A. Briefing on Arndt Road Project
10. CITIZEN INPUT:
11. COUNCILORS' ISSUES:
12. ACTION REVIEW:
13. EXECUTIVE SESSION: ORS 192.660(2)(d) labor negotiations, ORS 192.660(2)(e) real property, ORS 192.660(2)(h) pending litigation, and ORS 192.660(3) labor negotiations

#### 14. ADJOURN:

*\*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer at 503.266.4021 ext. 233.*

CITY COUNCIL  
SIGN-IN SHEET

Date: June 2, 2004



**PLEASE PRINT CLEARLY**

NAME

ADDRESS

Curtis + Lila Gottman  
Ben DeWitt

10381 S. Mulino Rd Canby

# CANBY CITY COUNCIL

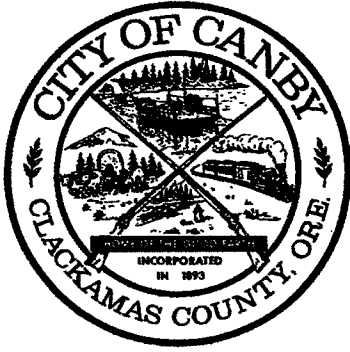
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# ***City Council FYI Update***

To: Mayor & City Council  
Date: 26 May 2004

## **City Council Agenda Items for June 2 Council Meeting**

1. **Communications** - As of this writing, I am still waiting for the letter from ODOT regarding their proposed interim plan for the intersection of 99E and Territorial. As the email to the Mayor that was forwarded onto you indicates, I asked for a plan view of the interim intersection configuration to be provided along with the letter. This item is listed on the agenda as a discussion item in response to this expected letter.

2. **Consent Agenda**: Nothing remarkable - routine approval of minutes and accounts payable.

3. **Parks & Recreation System Development Charge (Old Business)**: As you recall, some months ago, the staff brought the Council information about adjustments to Parks SDC's based upon a specific methodology. At that time, the Council asked staff to work with the Homebuilders' Association to address their concerns regarding the methodology and then return to the Council with a recommendation for the adoption of revised Parks SDC's. That process has been concluded by Matilda and attached is a staff report outlining the results of those conversations with the building community.

Matilda will be asking the Council for authority to move forward with the revised Parks SDC's by preparing an ordinance which implements the new SDC's. Attached is Matilda's staff report.

## **RESOLUTIONS AND ORDINANCES**

4. **Resolution 860 Re: Verification of Eligibility to Receive Revenues from State Cigarette, Gasoline and Liquor Taxes**: This is a routine resolution that must be adopted by the Council each year in order for the City to receive

the above revenues. Attached to the resolution is a staff report prepared by Chaunee.

5. **Ordinance 1141 - Amendment to Article 10 of the Transit Contract with OHAS Re: Maximum Obligation to be Paid to Contractor by the City:** This is before you for second reading.

6. **Ordinance 1142 Re City's Declaration to Elect to Receive State Revenues for FY 2004-2005** - This ordinance is required by State Law if the City is to receive State Revenue Sharing from the State of Oregon during the next fiscal year. A similar ordinance is prepared each year as part of the budgeting process. Attached is Chaunee's staff report.

7. **Ordinance 1143 Re: Amending Zoning Map for Tax Lot 4500 of Tax Map 4-1E-4AA (Netter):** This is before you for second reading.

8. **Ordinance 1144 Re: Authorization of a Contract for Street Resurfacing:** This ordinance is before you for second reading. The work has been completed in the Township Village area.

9. **Ordinance 1145 Re: Purchase of New Dump Truck for the Street Department:** This ordinance is before you for second reading.

10. **Ordinance 1146 Re: Contract with Recreation Resource for the Purchase of Playground Equipment:** This ordinance provides for the purchase of playground equipment at the 13<sup>th</sup> Avenue Park tot lot. The equipment is being purchased under the State of Oregon's cooperative purchasing agreement. Attached is a staff report from Beth Saul on this topic.

11. **Manager's Report:** On May 25, a work session was held with the County Commission, County staff and representatives from the City of Canby regarding the Arndt Road alignment and specifically three options under consideration as to where Arndt Road intersects with 99E. In addition to myself, also attending were Curt McLeod, Roy Hester and Planning Commissioners Helbling and Ewert.

The purpose of the work session was for County staff to brief the Commission on three options for the connection of realigned Arndt Road with 99E. As you are aware, John Williams has been in discussions with the County regarding a possible alignment of Arndt Road with 3<sup>rd</sup> Avenue and Berg Parkway. This alternative removes a significant amount of traffic from the intersection of 99E and Elm and relates directly to improved

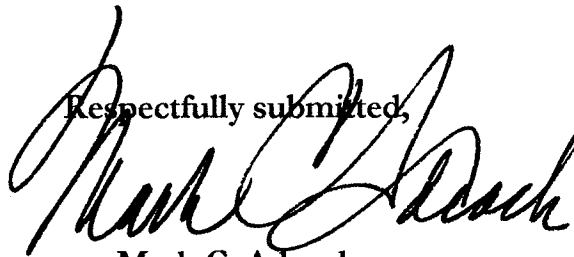
I-5 access to 13<sup>th</sup> Avenue and the industrial park.

The meeting was informational and the pros and cons of the three alternatives were discussed. There is interest with the Commission that the City and County continue to explore the Berg Parkway/Arndt Road alternative and perhaps approach this alternative in a phased manner so as not to miss out on available funding.

I have asked Curt McLeod to provide you with a briefing on this meeting and the "Canby Option" to answer your questions, hear your concerns and determine if you concur with the Commission that we should work with County staff to explore the feasibility of this option further.

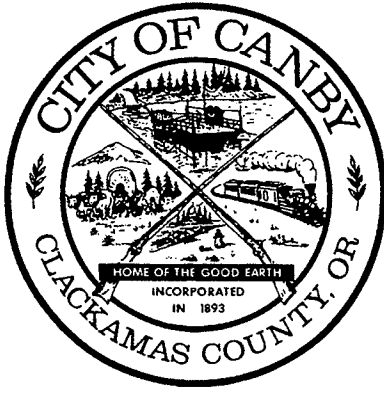
12. **Executive Session:** We have scheduled an Executive Session discussion with the Council to discuss AFSCME labor negotiations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark C. Adcock", written in a cursive style.

Mark C. Adcock

Attachments



# City of Canby

Planning and Building Department

## M E M O R A N D U M

**TO:** *Honorable Mayor Thompson and City Council*

**FROM:** *Mark C. Adcock, City Administrator*

**DATE:** *May 26, 2004*

**PREPARED BY:** *Matilda Deas, AICP, Project Planner* *MD*


Staff met with local builders and a designated representative of the local Homebuilder's Association in February of this year to discuss their concerns with our proposed System Development Charge methodology. After much discussion all agreed on the following minor modifications to the original methodology:

- By law we may include an administrative fee( up to 5% of the SDC calculation) in our methodology. The homebuilders were concerned that the 5% admin fee was excessive for Canby. We agreed to use the **\$67.32** figure from our Cost of Services study, which should more accurately reflect the true cost of administering SDC's.
- The second concern was how to monitor implementation of our 20 year Capital Improvement Plan (CIP). We have added language to the methodology that would require the City to review the CIP every 5 years and make any necessary adjustments to insure that implementation was on track. In essence we will expect to implement one quarter of the CIP over each 5 year interval.

These two changes were the only requested modifications to the original methodology. If the Council approves the modifications at the upcoming June 2<sup>nd</sup> Council meeting, Staff will prepare an implementing Ordinance to be read at the July 16<sup>th</sup> Council meeting. Please call me prior to the June 2<sup>nd</sup> meeting with any questions you may have. Thank you!

*SDC Update - 5/14/01*

# ***M E M O R A N D U M***

**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *Chaunee Seifried, Finance and Court Services Director*   
**CC:** *Mark Adcock, City Administrator*  
**DATE:** *May 7, 2004*  
**RE:** *Resolution #860*

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Issue: Annual verification that the City has met the requirements to receive revenues from intergovernmental taxes

Background: ORS 221.760 Prerequisites for cities in counties over 100,000 population to receive revenues from cigarette, gas and liquor taxes. (1) The officer responsible for disbursing funds to cities shall disburse such funds in the case of a city located within a county having more than 100,000 inhabitants, according to the most recent federal decennial census, only if the officer reasonably is satisfied that the city meets the requirements or if the city provides four or more of the following municipal services; (a) Police protection, (b) Fire protection, (c) Street construction, maintenance and lighting, (d) Sanitary sewers, (e) Storm sewers, (f) Planning, zoning and subdivision control, or (g) One or more utility services.

Recommendation: That council adopts RESOLUTION #860 validating that the city gas met the requirements to receive revenues from cigarette, gas, and liquor taxes.

Fiscal Impact: The city estimates amounts to receive \$26,000 for cigarette taxes, \$115,000 for liquor taxes, and \$650,000 for gas taxes.

Attached: Resolution #860



**RESOLUTION NO. 860**

**A RESOLUTION VERIFYING THAT THE CITY OF CANBY HAS MET THE REQUIREMENTS TO RECEIVE REVENUES FROM CIGARETTE, GAS AND LIQUOR TAXES.**

**WHEREAS**, ORS 221.760 provides as follows:

Section 1. The officer responsible for disbursing funds to Cities under ORS 323.455, 366.785 to 366.820, and 471.805 shall, in the case of a City located within a County having more than 100,000 inhabitants according to the most recent Federal decennial census, disburse such funds only if the City provides four or more of the following services:

1. Police protection
2. Street construction, maintenance and lighting
3. Sanitary sewer
4. Planning, zoning and subdivision control
5. One or more utility services
6. Storm sewers

And:

**WHEREAS**, City officials recognize the desirability of assisting the state officer responsible for determining the eligibility of Cities to receive such funds in accordance with ORS 221.760,

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Canby, Clackamas County, Oregon hereby certifies that it provides the following four or more municipal services enumerated in Section 1, ORS 221.760:

1. Police protection
2. Street construction, maintenance and lighting
3. Sanitary sewers
4. Planning, zoning and subdivision control
5. Storm sewers

**ADOPTED** by the Canby City Council for the City of Canby, Oregon this 2<sup>nd</sup> day of June 2004.

\_\_\_\_\_  
Melody Thompson, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Scheafer, City Recorder – Pro Tem

## ORDINANCE NO. 1141

**AN ORDINANCE AMENDING ARTICLE 10 OF TRANSIT CONTRACT DATED JUNE 19, 2002, BETWEEN CITY OF CANBY, HEREINAFTER REFERRED TO AS "CITY" AND OREGON HOUSING AND ASSOCIATED SERVICES, INC. (OHAS), dba WHEELS COMMUNITY TRANSPORTATION, HEREINAFTER REFERRED TO AS "CONTRACTOR" REGARDING THE MAXIMUM OBLIGATION TO BE PAID TO CONTRACTOR, AND DECLARING AN EMERGENCY.**

**WHEREAS**, "City" entered into a contract, dated June 19, 2002 with "Contractor" for the purpose of providing bus service for the citizens of the City of Canby, and

**WHEREAS**, it is the desire of the parties to amend Article 10 of said Contract to reflect changes in the maximum obligation to be paid to the Contractor under the current Transit Contract, now therefore

### **THE CITY OF CANBY ORDAINS AS FOLLOWS:**

Section 1. Article 10 of the Transit Contract dated June 19, 2002 is amended to read as follows:

"CITY agrees to pay Contractor in consideration for the transit services as described in Article 3, Scope of Service. The maximum cost to be paid by CITY to Contractor for all transit service for year one (1) is not to exceed \$337,500.00 and for year two (2), not to exceed \$400,000.00".

Section 2. All other sections, not amended in this Ordinance, shall remain in full force and effect as they presently appear.

Section 3. In as much as it is in the best interests of the citizens of Canby to complete this contract by the end of the fiscal year, 2003-2004, an emergency is hereby declared to exist and this Ordinance shall take effect immediately upon final reading.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, May 19, 2004, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, June 2, 2004, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers at Canby City Hall in Canby, Oregon.

\_\_\_\_\_  
Kimberly Scheafer  
City Recorder - Pro Tem

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on June 2, 2004, by the following vote:

YEAS \_\_\_\_\_


NAYS \_\_\_\_\_

\_\_\_\_\_  
Melody Thompson, Mayor

**ATTEST:**

\_\_\_\_\_  
Kimberly Scheafer, City Recorder - Pro Tem

# ***M E M O R A N D U M***

***TO:*** ***Honorable Mayor Thompson and City Council***  
***FROM:*** ***Chaunee Seifried, Finance and Court Services Director***   
***CC:*** ***Mark Adcock, City Administrator***  
***DATE:*** ***May 7, 2004***  
***RE:*** ***Ordinance #1142***

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**Issue:** An ordinance declaring the City's election to receive state revenues for fiscal year 2004-2005.

**Background:** State Revenue Sharing Law, ORS 221.770, requires cities to annually pass an ordinance or resolution requesting state revenue sharing money. The law mandates public hearings be held by the city, both before the budget committee to discuss possible uses of the funds and before the city council on the proposed uses of the funds in relation to the entire budget. Certification of these hearings are required this has to be done and filed with the Office of Business Administration prior to July 31.

**Recommendation:** That council adopt ORDINANCE #1142 declaring the city's election to receive state revenue for fiscal year 2004-2005.

**Fiscal Impact:** The amount estimated by the city to receive is approximately \$70,000.

**Attached:** Ordinance #1142

**ORDINANCE NO. 1142**

**AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE FOR FISCAL YEAR 2004-2005.**

**WHEREAS**, a public hearing for the use of state revenue sharing funds was held before the Budget Committee on May 12, 2004 and before City Council on June 2, 2004; now therefore,

**THE CITY OF CANBY, OREGON, ORDAINS AS FOLLOWS:**

**Section 1** Pursuant to ORS 221.770, the City of Canby hereby elects to receive state revenues for fiscal year 2004-2005.

**SUBMITTED**, to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, June 2, 2004, ordered posted as provided by the Canby City Charter and scheduled for second reading and action of the Canby City Council at a regular meeting thereof on Wednesday, June 16, 2004, commencing at the hour of 7:30 p.m. at the Council Meeting Chambers at the Canby City Hall in Canby, Oregon.

**ENACTED** by the Canby City Council at a regular meeting thereof on June 16, 2004, by the following vote: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_

\_\_\_\_\_  
Melody Thompson, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Scheafer, City Recorder – Pro Tem

## ORDINANCE NO. 1143

### AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON FOR TAX LOT 4500 OF TAX MAP 4-1E-4AA.

**WHEREAS**, an application was filed with the City Planner by Ed Netter on behalf of Dwight Nofziger, owner of Tax Lot 4500 of Tax Map 4-1E-4AA to change the zoning of the property from Low Density Residential (R-1) to High Density Residential (R-2) as designated in the City of Canby's Comprehensive Plan; and

**WHEREAS**, a public hearing was conducted by the Canby Planning Commission on March 22, 2004 after public notices were mailed, posted and printed in the Canby *Herald*, as required by law; and

**WHEREAS**, the Canby Planning Commission heard and considered public testimony regarding the proposed zone change at the public hearing. At the conclusion of the public hearing, the Planning Commission voted five to zero to recommend that the City Council deny the proposed application. The Findings, Conclusions and Final Order was thereafter forwarded to the Council with its recommendation; and

**WHEREAS**, the Canby City Council considered the matter and recommendation of the Planning Commission at public hearings held on April 21, 2004 and May 5, 2004, reviewed the record of the Planning Commission hearing and received further public testimony pursuant to the Canby Municipal Code; and

**WHEREAS**, the Canby City Council, after concluding its review and discussion on this matter and by motion duly made and seconded, voted four to two to approve the zone change application; now therefore

### THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The zoning designation for the Tax Lot 4500 of Tax Map 4-1E-4AA is changed from Low Density Residential (R-1) to High Density Residential (R-2).

Section 2. The Mayor, attested by the City Recorder, is hereby authorized and directed to make the appropriate change on the City's zoning map in accordance with the dictates of Section 1 above.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, May 19, 2004 and ordered posted in three (3) public

and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, June 2, 2004, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers at Canby City hall in Canby, Oregon.

\_\_\_\_\_  
Kimberly Scheafer  
City Recorder - Pro Tem

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 2nd day of June, 2004, by the following vote:

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

\_\_\_\_\_  
Melody Thompson, Mayor

**ATTEST:**

\_\_\_\_\_  
Kimberly Scheafer, City Recorder - Pro Tem

## **ORDINANCE NO. 1144**

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH BLACKLINE, INC., OF VANCOUVER, WASHINGTON FOR SEAL COATING OF APPROXIMATELY 45,607 SQUARE YARDS OF STREET ASPHALT WITHIN THE CITY OF CANBY; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Canby wishes to seal coat approximately 45,607 square yards of asphalt covered streets within the City of Canby; and

**WHEREAS**, the contract will be made in compliance with ORS 279.015 (1)(g) utilizing an existing solicitation for the City of Gresham, Oregon under Contract No. 502004; and

**WHEREAS**, in accordance with ORS 279.015 (1)(g), the City of Canby finds that the original contract met the requirements of ORS chapter 279, the contract allows other public agencies to use the solicitation and the City of Gresham concurs with the use of the solicitation; and

**WHEREAS**, Blackline, Inc., of Vancouver, Washington wishes to provide the seal coating service for the City of Canby utilizing the same solicitation and unit pricing as offered to the City of Gresham under Contract No. 502004, which is \$.93 per square yard of street surface; now therefore

### **THE CITY OF CANBY ORDAINS AS FOLLOWS:**

Section 1. The Mayor and City Administrator are hereby authorized and directed to make, execute and declare in the name of the City of Canby and on its behalf, an appropriate contract with Blackline, Inc., of Vancouver, Washington to provide approximately 45,607 square yards of seal coating of asphalt streets within the City of Canby at the unit price of \$.93 per square yard of street surface for a total of \$42, 414.00.

### Section 2. Emergency Declared.

It being necessary for the health, safety and general welfare of the citizens of Canby, that this project be completed as soon as possible, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its enactment after final reading.



**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, May 19, 2004 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, June 2, 2004, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers at Canby City hall in Canby, Oregon.

\_\_\_\_\_  
Kimberly Scheafer  
City Recorder - Pro Tem

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 2nd day of June, 2004, by the following vote:

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

\_\_\_\_\_  
Melody Thompson, Mayor

**ATTEST:**

\_\_\_\_\_  
Kimberly Scheafer, City Recorder - Pro Tem

## **ORDINANCE NO. 1145**

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE A CONTRACT WITH NORTHSIDE TRUCKS AND SCHLOTH TRUCKING FOR THE PURCHASE OF A TRUCK CAB, CHASSIS, AND TWELVE-YARD DUMP BODY; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Canby wishes to purchase a 12-yard dump truck for the street department to replace two smaller trucks purchased in 1974; and

**WHEREAS**, the City has saved appropriate revenues in the street operating fund and has adequate funds available, mainly from the increase in vehicle title and registration fees as part of OTIA III; and

**WHEREAS**, in accordance with ORS Chapter 279 and OAR Chapter 137 of the Public Contracting Law, a call for bids was duly published in the Daily Journal of Commerce and the Canby Herald; and

**WHEREAS**, bids were received and opened on May 13, 2004 at 1:00 pm in the Canby City Shops and the following responsive bid was read aloud:

Cab and Chassis:	Northside Trucks, \$68,567.00
Dump Body:	Schloth Trucking, \$21,250.00
Add option:	Schloth Trucking, \$2,500.00; and

**WHEREAS**, the City Council meeting and acting as the Contract Review Board for the City of Canby has reviewed this bid, including the staff recommendation that the sole responsive bid be selected; now therefore

### **THE CITY OF CANBY ORDAINS AS FOLLOWS:**

Section 1. The Mayor and City Administrator are hereby authorized and directed to make, execute, and declare in the name of the CITY OF CANBY and on its behalf, an appropriate contract with Northside Trucks and Schloth Trucking for a cab, chassis, and 12-yard dump body for the quoted amount of \$92,317.

Section 2. Inasmuch as it is in the best interest of the citizens of Canby, Oregon, to make this purchase as soon as possible, an emergency is hereby declared to exist and this ordinance shall therefore take effect immediately upon its enactment after final reading.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, May 19<sup>th</sup>, 2004; ordered posted as required by the Canby City Charter and scheduled for second reading on Wednesday, June 2, 2004, after the hour of 7:30 pm at the Council Chambers at the Canby City Hall, 182 N. Holly, Canby, Oregon.

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 2<sup>nd</sup> day of June, 2004, by the following vote:

YEAS

NAYS

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Melody Thompson, Mayor

ATTEST:

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Kimberly Scheafer, City Recorder pro-tem

**TO: Honorable Mayor Thompson and City Councilors**

**FROM: Beth Saul, Library and Parks Director**

**THROUGH: Mark Adcock, City Administrator**

**DATE: May 25, 2004**

**Issue:** Purchase of playground equipment for Thirteenth Avenue Park.

**Synopsis:** As part of the implementation of Phase I of the Thirteenth Avenue Park master plan a tot lot is planned. The parking lot is near completion, and now staff needs to proceed with the purchase of the play equipment. Ordinance No. 1466 will authorize staff to proceed with this purchase, which is being made off of a State Department of Administrative Services Purchasing Division price agreement number 3227.

**Recommendation:** **Staff recommends that Council authorize the Mayor and City Administrator to enter into a contract with Recreation Resource as is allowed through the State of Oregon Department of Administrative Services Purchasing Division price agreement by approving Ordinance No. 1466.**

**Fiscal Impact:** Funds are budgeted in the Park Development Fund for the implementation of Phase I of Thirteenth Avenue Park. Monies in this fund may not be used for any other purpose.

**Background:** Through a public process a master plan was developed for the Thirteenth Avenue Park, located near Ackerman Middle School. Two-thirds of the park is devoted to soccer fields, developed and maintained through the efforts of Canby Kids Soccer, using nearly \$30,000 of their own saved and donated funds. Now the playground/picnic portion of the park is being developed, and the Street Department has nearly finished the parking lot. The development of the park is scheduled in phases as park maintenance is available. Phase I includes the tot lot and parking lot, as well as some donated trees from Hazel Dell Nursery and additional help on tree watering and trail development from Kiwanis. The MOMS club also donated funds for the park.

ORDINANCE NO. 1146

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH RECREATION RESOURCE FOR THE PURCHASE OF PLAYGROUND EQUIPMENT; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Canby wishes to purchase playground equipment for 13<sup>th</sup> Avenue Park; and

WHEREAS, the contract will be made in compliance with ORS 279.015 (1)(g) utilizing an existing solicitation for the State of Oregon under Contract No. 3227; and

WHEREAS, in accordance with ORS 279.015 (1)(g), the City of Canby, as a member of the Oregon Cooperative Purchasing Plan, finds that the original contract met the requirements of ORS chapter 279, the contract allows other public agencies to use the solicitation; and the purchase will be placed against State of Oregon solicitation # 3227 in compliance with the State of Oregon Department of Administrative Services Purchasing Division price agreement for this product; and

WHEREAS, Recreation Resource, of Salem, Oregon submitted the low bid in the State Purchasing Division solicitation process; now therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: The Mayor and City Administrator are hereby authorized and directed to make, execute and declare in the name of the City of Canby and on its behalf, an appropriate contract with Recreation Resource, of Salem, Oregon, for the bid amount of \$74,744.76.

Section 2: Emergency Declared

It being necessary for the health, safety, and general welfare of the citizens of Canby that this equipment be put to use as soon as possible, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its enactment after final reading.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, June 2, 2004, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, June 16, 2004, commencing at the hour of 7:30 PM in the Council Meeting Chambers at Canby City Hall in Canby, Oregon.

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Kimberly Scheafer  
City Recorder Pro Tem

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on June 16, 2004, by the following vote:

YEAS \_\_\_\_\_ NAYS \_\_\_\_\_

\_\_\_\_\_  
Melody Thompson  
Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Scheafer  
City Recorder Pro Tem

*Fax Cover Sheet*

**RECREATION RESOURCE, INC**  
Business Office  
PO Box 4508 Salem OR 97302  
503-585-5777 ~ 503-581-7863 (fax)

**Date:** 5/6/2004

**Pages with cover:** 3  
**To:** Jeff Snyder  
**Fax Phone:** 503-266-7238  
**From:** Jenni

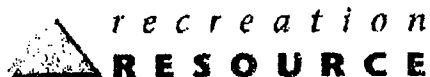
**Subject:** Canby Parks & Rec

**COMMENTS:** Hello Jeff. Following is the quote that I have revised for you regarding the 2-5 year old playground and poured in place surfacing.

If you have any questions please feel free to give us a call at 1-800-635-2525.

Thank you & have a great day!

Jenni



Premier equipment for play and leisure

**Quotation****Quote Number: 24094-R1****5/6/2004****From:**

Recreation Resource, Inc.

Jack Dalton

PO Box 4508

Salem OR 97302

**Phone:** (800) 635-2626**Fax:** (503) 581-7863

info@recresource.com

*All purchase orders,  
contracts, and checks  
to be made out to:*

**Recreation Resource, Inc.****To:**

Canby Parks &amp; Rec Dept

Beth Saul

PO Box 930

Canby OR 97031

**Phone:** (503) 266-4021**Fax:** (503) 266-7961**Job Name:** 13th Ave Park**Est Delivery:** 4-6 Weeks ARO**Prices FOB:** Canby OR 97031**Quote Valid:** 30 Days**Terms:** Net 30 OAC

<i>Item</i>	<i>Quantity</i>	<i>Price</i>	<i>Extension</i>
<b>2-5 YEAR OLD SITE</b>			
Landscape Structures	1	\$29,868.00	\$29,868.00
Custom PlayShaper for children 2-5 years old with 5 square tenderdecks, 2 tri tenderdecks, ADA transfer module, super square poly shingle roof, curved poly slide, double poly slide, double swirl poly slide, 28" crawl tunnel, arch bridge, belt bridge, cozy climber, step ladder, talk tubes, wiggly ladder, horizontal ladder, 2 benches with end panel, table panel, bubble panel, driver panel, gear panel, 176 block image panel, house panel, periscope panel, slant window panel, slant entrance panel, sound chimes panel, storefront panel, 2 wire barrier walls, zoo panel			
Landscape Structures	1	\$626.00	\$626.00
#100014B Turtle Tuffrider, direct bury			
Landscape Structures	1	\$420.00	\$420.00
#100041A curved balance beam, direct bury or surface mount			
Landscape Structures	1	\$2,008.00	\$2,008.00
#100033A spring see-saw, 4-seats, red and yellow seats, color choice on two posts and beam			
Landscape Structures	1	\$1,372.00	\$1,372.00
#100048A arch swing, 2 place w/tendertuff-coated chain			





## Quotation

Quote Number: 24094-R1  
5/6/2004

Landscape Structures	1	\$367.00	\$367.00
#100105A age appropriate sign w/playshaper posts. 2-5 years			

34,659.

### SURFACING

No Fault SAF DEK	3,432	\$11.68	\$40,085.76
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Pour-in-place rubber safety surfacing. 3432 sq ft Saf Dek, 2.75" depth with 7' fall height, 50% black / 50% color (no graphics or patterns). Project quoted using Davis Bacon wage rates, owner responsible for security during install and cure time, must be 40 degree and rising for installation. Based on owner providing a containment curb around entire play area. Customer must provide site ready for installation which includes 90% compacted crushed rock base and on-site dump area for debris. If square footage, depth or color changes, so may the price per square foot. Includes installation by factory.

Subtotal:	\$74,744.76
Freight:	Included
Sales Tax:	
<b>TOTAL:</b>	<b>\$74,744.76</b>

Materials only. Credit approval required except for established accounts and government agencies. Deposit may be required. No retainage. Customer is responsible for unloading the shipment. Returned goods must be pre-authorized and are subject to a 20% re-stocking fee and return shipping charges.

Prices include State Contract discount and freight to Canby, OR. Freight for independent items based on shipping with the playground structure.

Signature below accepting this quotation will constitute a purchase order only upon approval by Recreation Resource, Inc. Please include shipping address, contact, phone and fax if different from above.

Customer Signature	Print Name	Date	PO#
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***Fax Cover Sheet*****RECREATION RESOURCE, INC.**

Business Office

P.O. Box 4508 Salem, OR 97302

503.585.5777 ~ 503.581.7863 (fax)

1.800.635.2525 (toll free)

E-mail: [info@recresource.com](mailto:info@recresource.com)Web: [www.recresource.com](http://www.recresource.com)**Date:** 5/21/2004**Pages with cover:** 4**To:** Beth Saul, City of Canby**Fax Phone:** 503-266-1709**From:** Kathy Dalton**Subject:** State Contract for purchasing play equipment

**COMMENTS:** Beth, here is a letter and summary page that should provide you with the information you need. Your purchase order just needs to reference the Price Agreement number and the RFP number. The complete contract can be found at the DAS web site.

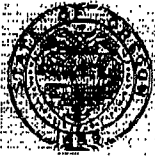
<http://www.oregon.gov/DAS/PFSS/SPO/index.shtml>

Click on Vendor Information.

Click on Connect to VIP.

Follow the instructions.

Please let me know if there is anything else I can do for you.



# Oregon

Theodore R. Kulongoski, Governor

Department of Administrative Services  
Procurement, Fleet and Surplus Services Division  
Administration Office  
1225 Ferry Street SE U130  
Salem, Oregon 97301-4284  
Phone (503) 378-4697  
FAX (503) 378-4476

## FAX LETTER

FAX # (503) 581-7863

NUMBER OF PAGES 1

(NOTE: Hard copy of this faxed letter to follow by mail)

DATE: September 25, 2003

Recreation Resource, Inc.  
Jack Dalton  
PO Box 4508  
Salem, OR 97302

RE: Award of Price Agreement for Playground Equipment  
Notice to Proceed and Instruction for Quarterly Volume Reports and VCAF Remittances

The State of Oregon has awarded Price Agreement # 3227 to your firm for the purchase of Playground Equipment. This Price Agreement award is based on your response to the State of Oregon RFP # 10200030-03. You are authorized to proceed in accordance with the terms, and conditions of the original solicitation, which will remain in full force and affect during the contract period, including any extensions. The initial Price Agreement period is October 1, 2003 through September 30, 2004 with annual renewals from October 1 to September 30 each year thereafter to the end of the five year Price Agreement period.

As agreed to in paragraph G.9, Administrative Fees and Volume Sales Reports, of the Request for Proposal, the administrative instructions herein are provided for your timely compliance.

(1) Initial sale(s) period begins October 1, 2003 and ends December 31, 2003. As required by paragraphs G.9.2 and G.9.2.A, a volume sales report is due in the format described therein.

(2) The VCAF remittance for the initial period is due to my office for the amount of the sales times 1 % not later than January 31, 2003.

(3) The volume sales report and the remittance may be transmitted separately. Both must be received not later than January 30, 2003.

(4) Interest payable by the Contractor for any VCAF payment not received at our office by the due date (item # 2, above) and will be computed to be 18 percent per annum compounded daily or the maximum rate allow by law, whichever is less, from the due date until the receipt date. Contractor shall remit accrued interest with next quarterly payment.

(5) Contractor must indicate the following contract/price agreement information within volume sales report header information and payment explanation:

Contract #: \_\_\_\_\_

Contractor: \_\_\_\_\_

Fed Tax ID#: \_\_\_\_\_

(6) Volume sales reports and VCAF Fees (remittances) shall be due and owing thirty (30) days following the end of each quarter. Quarters end March 31, June 30, September 30, and December 31.

I am enclosing a copy of the "Price Agreement Summary" reference document. This document contains information from the awarded Price Agreement that has been loaded onto the State's Vendor Information Program (VIP). The VIP "Price Agreement Summary" document is available at: <https://das.state.or.us/purchasing>

We appreciate your cooperation in this matter. Please contact me at (503) 378-4647 or e-mail at [jan.i.evans@state.or.us](mailto:jan.i.evans@state.or.us) for further clarification related to this contract/price agreement.

Sincerely,



**Jan Evans**  
DAS State Procurement Office

cc: Dan Clem, DAS State Procurement Office  
Jennetta Fennell, DAS State Procurement Office

Attachments: 1. Signature page of RFP/Price Agreement (mailed with Original Letter)

STATE OF OREGON  
DEPARTMENT OF ADMINISTRATIVE SERVICES  
PURCHASING DIVISION  
PRICE AGREEMENT SUMMARY

PAGE: 1  
PA NUMBER: 3227

COMMODITY CODE: 93165

BUYER NAME: J. EVANS (503) 378-4647

ITEM: PLAYGROUND EQUIPMENT

AGENCY: STATE AGENCIES AND ORCPP MEMBERS

CONTRACTOR: RECREATION RESOURCE, INC  
PO BOX 4508  
SALEM OR 97302

PH#: (800) 635-2525 FAX: 503 581 7863 0000 CONTACT: JACK DALTON

BRAND/TRADE NAME: LANDSCAPE STRUCTURES

PRICE: 5% OFF CATALOG PRICES

TERMS: NET 30  
FOB: FOB DESTINATION

CONTRACT PERIOD: OCT 1 2003 THROUGH SEP 30 2004

DAYS REQUIRED FOR DELIVERY: 60 DAYS FROM RECEIPT OF ORDER  
MINIMUM ORDER: NONE  
TRANSPORTATION CHARGES: SHIPPING FEES BILLED SEPARATELY  
OTHER CONDITIONS:

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THIS CONTRACT COVERS ONLY THOSE ITEMS LISTED.

DATE OF ISSUANCE: 09/24/2003  
BID NO.: 10200030 03

THEODORE R. KULONGOSKI  
GOVERNOR



May 14, 2004

To: City Council  
Official record  
on our grant  
award.  
MCS  
5/21/04

Chief Ken Pagano  
Canby Police Department  
122 N Holly Street  
Canby, OR 97013

Dear Chief Pagano:

It is my pleasure to inform you that \$103,500 in federal funds from the State Homeland Security Program has been allocated to the Canby Police Department. These funds have been made available to the State of Oregon through the U.S. Department of Homeland Security, Office for Domestic Preparedness, which is administered by the Criminal Justice Services Division of the Oregon State Police.

This notice does not constitute a legally binding grant agreement for these funds. Within the next few weeks, staff from the Criminal Justice Services Division will contact you regarding your grant application and will forward *Grant Award Conditions and Certifications* (agreement) to finalize the grant award for your program. Please ensure that you do not incur or obligate expenses under this grant award until the authorized representative from your agency and the Director of the Criminal Justice Services Division have signed the grant agreements.

This award places the Canby Police Department in the forefront of Oregon's efforts to enhance security and overall preparedness to prevent, respond to, and recover from acts of terrorism. I look forward to hearing of your accomplishments.

Sincerely,

THEODORE R. KULONGOSKI  
Governor

TRK:osp:cjsd:c Merlo