

AGENDA

REGULAR CITY COUNCIL MEETING

May 24, 2010

5:30 p.m.

CITY HALL COUNCIL CHAMBER  
313 COURT STREET  
THE DALLES, OREGON

1. CALL TO ORDER
2. ROLL CALL OF COUNCIL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. PRESENTATIONS/PROCLAMATIONS

A. Presentation by Jeanette Montour Regarding Results of Walkability Assessment

6. AUDIENCE PARTICIPATION

During this portion of the meeting, anyone may speak on any subject which does not later appear on the agenda. Five minutes per person will be allowed. If a response by the City is requested, the speaker will be referred to the City Manager for further action. The issue may appear on a future meeting agenda for City Council consideration.

7. CITY MANAGER REPORT
8. CITY ATTORNEY REPORT
9. CITY COUNCIL REPORTS
10. CONSENT AGENDA

Items of a routine and non-controversial nature are placed on the Consent Agenda to allow the City Council to spend its time and energy on the important items and issues. Any Councilor may request an item be "pulled" from the Consent Agenda and be considered separately. Items pulled from the Consent Agenda will be placed on the Agenda at the end of the "Action Items" section.



OFFICE OF THE CITY MANAGER

COUNCIL AGENDA

- A. Approval of May 10, 2010 Regular City Council Meeting Minutes

11. CONTRACT REVIEW BOARD ACTIONS

- A. Reject Bids for Sludge Lagoon Cleaning Contract [Agenda Staff Report #10-035]

12. ACTION ITEMS

- A. City Manager's Recommended Action Regarding Ten Points List Submitted by "We the People" Group [Agenda Staff Report #10-036]

13. DISCUSSION ITEMS

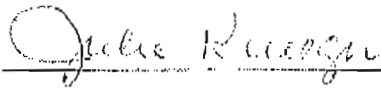
- A. Discussion Regarding Improvement Options for East Tenth Street from "J" to Lewis Street [Agenda Staff Report #10-037]

14. ADJOURNMENT

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**This meeting conducted in a handicap accessible room.**

Prepared by/  
Julie Krueger, MMC  
City Clerk

  
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**CITY of THE DALLES**

313 COURT STREET  
THE DALLES, OREGON 97058

(541) 296-5481

## **AGENDA STAFF REPORT**

### **CITY OF THE DALLES**

<b>MEETING DATE</b>	<b>AGENDA LOCATION</b>	<b>AGENDA REPORT #</b>
May 24, 2010	Consent Agenda 10, A	N/A

**TO:** Honorable Mayor and City Council

**FROM:** Julie Krueger, MMC, City Clerk

**THRU:** Nolan K. Young, City Manager

**DATE:** May 12, 2010

**ISSUE:** Approving items on the Consent Agenda and authorizing City staff to sign contract documents.

**A. ITEM:** Approval of May 10, 2010 Regular City Council Meeting Minutes.

**BUDGET IMPLICATIONS:** None.

**SYNOPSIS:** The minutes of the May 10, 2010 regular City Council meeting have been prepared and are submitted for review and approval.

**RECOMMENDATION:** That City Council review and approve the minutes of the May 10, 2010 regular City Council meeting.



## **MINUTES**

REGULAR COUNCIL MEETING  
OF  
MAY 10, 2010  
5:30 P.M.  
CITY HALL COUNCIL CHAMBER  
313 COURT STREET  
THE DALLES, OREGON

**PRESIDING:** Mayor Jim Wilcox

**COUNCIL PRESENT:** Bill Dick, Carolyn Wood, Dan Spatz, Brian Ahier, Tim McGlothlin

**COUNCIL ABSENT:** None

**STAFF PRESENT:** City Manager Nolan Young, City Attorney Gene Parker, City Clerk Julie Krueger, Public Works Director Dave Anderson, Finance Director Kate Mast, Community Development Director Dan Durow, Police Chief Jay Waterbury, Engineer Dale McCabe, Administrative Intern Cooper Whitman

### **CALL TO ORDER**

Mayor Wilcox called the meeting to order at 5:30 p.m.

### **ROLL CALL**

Roll call was conducted by City Clerk Krueger; all Councilors present, Position #1 vacant.

### **PLEDGE OF ALLEGIANCE**

Mayor Wilcox invited the audience to join in the Pledge of Allegiance.

It was moved by Dick and seconded by Spatz to appoint Tim McGlothlin to fill Council Position #1. The motion carried unanimously, Council Position #1 vacant.

### **OATH OF OFFICE**

City Clerk Krueger administered the Oath of Office to Tim McGlothlin who was seated to Council Position #1.

### **APPROVAL OF AGENDA**

It was moved by Spatz and seconded by Ahier to approve the agenda as presented. The motion carried unanimously.

### **AUDIENCE PARTICIPATION**

None.

### **CITY MANAGER REPORT**

City Manager Young said City representatives had met with the Hispanic Affairs Commission last week, but had not been able to meet with the local group. He said staff would prepare a recommendation for City Council consideration at their next meeting.

Young introduced the new Administrative Intern, Cooper Whitman. He said Whitman would be working for the City for approximately four months.

Young said there had been a recent spill incident at the Wastewater Treatment Plant. He said OMI Manager Gary Young was in attendance to answer any questions from the City Council regarding the issue.

Mr. Young reported to the City Council that there had been a solids disposal issue at the Plant since OMI began managing the facility in 1993. He said it was difficult to remove solids during winter months due to requirements. Young said the effluent had overflowed and the UV process had not been able to disinfect it, causing e coli spill to the river. He said the Plant was now in compliance and staff was developing a plan for winter solids removal so it didn't happen again.

In response to a question from Council, Mr. Young said the solids were spread on agricultural lands within ten miles of the City. He said it was not yet known if DEQ would be imposing any



finer, but that staff had complied with all requests and requirements to notify the public of the issue. It was also noted that part of the problem had occurred when a boiler was taken off line for replacement and the project took much longer to complete than anticipated.

Mayor Wilcox thanked OMI for the report and congratulated them for their quick action and notification procedures.

#### **CITY ATTORNEY REPORT**

City Attorney Parker reported that Legal Secretary Nancy Ayres had experienced a seizure on Sunday and was hospitalized. He asked that she be remembered in everyone's prayers.

#### **CITY COUNCIL REPORTS**

Councilor Ahier reported that the Mid Columbia Council of Governments was working through their budget process. He explained difficulties in funding the Meals on Wheels program and said the Board had asked staff to bring back a recommendation that would better fund that program.

Mayor Wilcox said he had attended meetings, including the meeting with the Hispanic Affairs Commission, a meeting regarding providing services to local Veterans, and a meeting regarding an art project along the Lewis and Clark trail at Celilo Park.

Mayor Wilcox made the following committee reassignments: Councilor Spatz was assigned to represent City Council on the Mid Columbia Economic Development District and Councilor McGlothlin was assigned to serve on the Traffic Safety Committee.

#### **CONSENT AGENDA**

It was moved by Ahier and seconded by Wood to approve the Consent Agenda as presented. The motion carried unanimously.

The item approved by Consent Agenda was approval of the April 26, 2010 regular City Council meeting minutes.

MINUTES (Continued)  
Regular Council Meeting  
May 10, 2010  
Page 4

### **CONTRACT REVIEW BOARD ACTIONS**

#### **Award Contract for Wastewater Treatment Plant Roof Replacement**

Public Works Director Anderson reviewed the staff report. There was a discussion regarding the current condition and age of the roof. In response to a question from City Council, McCabe said the new roof would have a 15 year warranty.

It was moved by Wood and seconded by Spatz to authorize the City Manager to enter into contract for the Wastewater Treatment Plant roof replacement with Brown Roofing in an amount not to exceed \$163,357.50. The motion carried unanimously.

### **ACTION ITEMS**

#### **Approval of QualityLife Intergovernmental Agency Budget for Fiscal Year 2010-11**

City Manager Young reviewed the staff report.

Councilor Abier said the Board had requested that a new line item be added to the QLife budget to offer scholarships in the area of broadband and technology. City Manager Young said that had been included in the amount of \$2,000.

Councilor McGlothlin asked who the scholarship would be targeted for. Young said the Board would be developing criteria, but the plan was that it would be for students at the Columbia Gorge Community College.

It was moved by Wood and seconded by Dick to approve the fiscal year 2010-11 QLife budget and work scope as presented. The motion carried unanimously.

### **DISCUSSION ITEMS**

#### **Discussion Regarding Request for Proposals for Lease or Sale of Second Street Breezeway**

City Manager Young reviewed the staff report.

Councilor Wood said she hoped the breezeway would continue to be open for the public to walk through it.

It was the consensus of the Council to authorize staff to proceed with the Request for Proposal for the Second Street breezeway as presented.

MINUTES (Continued)  
Regular Council Meeting  
May 10, 2010  
Page 5

**ADJOURNMENT**

Being no further business, the meeting adjourned at 6:20 p.m.

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Submitted by/  
Julie Krueger, MMC  
City Clerk

SIGNED: \_\_\_\_\_  
James L. Wilcox, Mayor

ATTEST: \_\_\_\_\_  
Julie Krueger, MMC, City Clerk





**CITY OF THE DALLES**  
Department of Public Works  
1215 West First Street  
The Dalles, Oregon 97058

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## **AGENDA STAFF REPORT**

### **CITY OF THE DALLES**

<b>MEETING DATE</b>	<b>AGENDA LOCATION</b>	<b>AGENDA REPORT #</b>
May 24, 2010	Contract Review Board 11, A	10-035

**TO:** Honorable Mayor and City Council

**FROM:** Dave Anderson, Public Works Director

**THRU:** Nolan K. Young, City Manager *NKY*

**DATE:** May 11, 2010

**ISSUE:** **2010-12 WICKS SLUDGE REMOVAL PROGRAM,  
CONTRACT NO. 2010-013**

**RELATED CITY COUNCIL GOAL:** None

**BACKGROUND:** The City of The Dalles Public Works Department recently advertised for bids for the 2010 through 2012 Wicks Sludge Removal Program, Contract No. 2010- 013. The contract would have hired a contractor to provide the annual dredging of the backwash water lagoons at the Wicks Water Treatment over a three-year period.

Four bids were received for the project and are presented below as 3-year totals for the contract:

Fire Mountain Farms	\$102,277.88
Wastewater Solids Mgmt	\$113,070.00
Parker Ag Services	\$115,500.00
Crestline Construction	\$175,950.00

After bids were opened, it became apparent that there were two issues in the contract specifications that lacked clarity. The first issue was related to prequalification of potential bidders. The contract required that potential bidders submit prequalification information at least 5 days prior to the bid opening. The deadline for submission of the prequalification information was April 10, 2010. Crestline Construction was the only firm which submitted its prequalification information by this date. Wastewater Solids Management and Parker Ag Services did not comply with the prequalification requirements, and their bids would not be eligible for award of the contract.

Concerning the bid of Fire Mountain Farms, this firm was awarded the contract for the sludge removal in 2007, and had been determined to be prequalified for this work under that contract. Contract No. 2010-013 included a provision allowing the City to waive prequalification for a bidder who presented satisfactory evidence that it had prequalified for similar work for the City or State of Oregon within the preceding 12 months. Fire Mountain submitted their prequalification information on April 12<sup>th</sup> for the current contract, after the stated deadline of April 10<sup>th</sup>. However, the contract did not specify when the evidence requesting a waiver of the prequalification requirement had to be submitted. The contract provisions appear to be subject to differing interpretations; one requiring submission of the waiver request by the stated deadline 5 days in advance of the bid opening; and the second allowing submission of the waiver request up until the time of the bid opening. Under either interpretation, the potential for a bid protest and legal challenge exists by an unsuccessful bidder who was not selected for award of the contract.

The second issue related to the required submission of a Non-Collusion Affidavit. The contract documents included a provision in the general conditions that failure to file the Non-Collusion Affidavit in compliance with the instructions to the bidders would result in disqualification of the bid. The information for the bidders did not include any specific language indicating that the Non-Collusion Affidavit needed to be submitted with the bid. Fire Mountain Farms did not include the Non-Collusion Affidavit needed to be submitted with their bid. The City's Contract Review Board Rules, Section 02-0650(2)(c) allow the City Council to reject all bids when "misconduct, error, or ambiguous or misleading provisions in the Solicitation Document threaten the fairness and integrity of the competitive process." It appears that there was ambiguity regarding the deadline for submission of information for bidders who seek a waiver of the prequalification process, and that it was unfair to not have this provision clarified for all potential bidders. It also appears there is some ambiguity concerning the provisions regarding the submission of the Non-Collusion Affidavit, and that as a matter of fairness, it should have been made clear in the bid documents that the Affidavit was required to be submitted with the bid documents. Subsection 2(f) of the rule allows for rejection due to "any other circumstances indicating that awarding the contract would not be in the public interest."

Although Crestline Construction was the only bidder who appeared to comply with all of the technical requirements for submitting the bid, their bid of \$175,000 exceeds the funds which had been budgeted for the project, and staff is recommending that their bid be rejected under the provisions of Section 02-0650 as being too costly.

Timing for this work is somewhat critical in that the lagoons need to be cleaned in the spring when there are sufficient excess flows in South Fork Mill Creek that can be diverted to the dredging operation if needed. If the lagoons are not cleaned annually, the City risks violation of the discharge permit associated with operation of those lagoons. If the City Council decides to reject all of the bids, the City staff will likely issue an expedited request for quotes to each of the bidders who bid on Contract No. 2010-013, confirm their qualifications to perform the work, and award the project for one year to the lowest responder. It is expected that the cost would be less than \$50,000 and the work could be scheduled soon after receipt of the quotations. The City could then re-advertise for a new 3-year contract for work to be completed in 2011-2013 at a later date.

**BUDGET IMPLICATIONS:** The current budget identifies \$40,000 in the Water Treatment budget, line 051-5000-510.39-00 for the annual cleaning of the backwash water sludge lagoons. It is anticipated that a quote could be received for one year of cleaning less than the budgeted amount.

**ALTERNATIVES:**

- A. Staff Recommendation: The Council move to reject the following bids for Contract No. 2010-013 for the following reasons:
  - 1 The bids of Wastewater Solids Management and Parker Ag Services for failure to comply with the prequalification requirements.
  - 2. The bid of Crestline Construction for exceeding the amount of funds budgeted for the project.
  - 3. The bid of Fire Mountain Farms, Wastewater Solids Management, Parker Ag Services, and Crestline Construction due to ambiguous language in the contract solicitation documents which may have threatened the fairness and integrity of the competitive process.
- B. Provide additional direction to staff regarding how to proceed.







## CITY of THE DALLES

313 COURT STREET  
THE DALLES, OREGON 97058

(541) 296-5481  
FAX (541) 296-6906

### AGENDA STAFF REPORT CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
May 24, 2010	Action Items 12, A	10-036

**TO:** Mayor and City Council

**FROM:** Nolan K. Young, City Manager

**DATE:** May 10, 2010

**ISSUE:** Formal Position on 10 Points regarding Hispanic relations presented by "We The People"

**BACKGROUND:** At the April 26<sup>th</sup> City Council meeting a group called "We The People" approached the Council expressing concerns they have regarding the judicial system, and law enforcement agencies' treatment of the Hispanic population. As City Manager, I previously met with and responded to their request that we adopt these 10 points.

At the end of the Council meeting the Council consensus was that we would continue to work with the representatives of the Oregon Commission on Hispanic Affairs to keep communication channels open. Since that time, we have talked with the Commission representatives via teleconference call. They have offered to facilitate meetings between the community and "We The People". "We The People" have indicated a reluctance to do so, and wish to pursue contact with agencies that have more legal involvement.

Because their demands had been made in public it might be wise for the City Council to formally adopt a position on their 10 points. Attached is a recommended formal position on each point. We present this document for review, consideration, and amendment if desired.

Many of the issues raised by this group involve elements beyond the jurisdiction of the City of The Dalles. We continue to feel a narrowly focused operational committee is not the most productive direction to pursue. We are also reluctant to allow one special

interest group control of the formation of a committee. We feel the best way to assure a broad expression of the needs of all parts of the community is through the use of Town Hall Meetings.

**MAYORS COMMENT:** Mayor Jim Wilcox is proposing the following philosophy for Council consideration regarding the relationship between City Government and the Citizens of This Community'

*"The City of The Dalles has the responsibility to follow and enforce the laws of the City, County, State and Nation. It is the responsibility of the citizens and guests of the community to avail themselves of whatever education is necessary and available to follow the law"*

**COUNCIL ALTERNATIVES:**

1. Staff Recommendation. Adopt the response paper as presented.
2. Amend and then adopt the response paper.
3. Table this issue to allow for additional work.

City of The Dalles Position on  
10 Points raised by the group known as "We The People"  
in The Dalles Oregon

1. Certified Translators: The City of The Dalles will continue to use the same interpreter in its Municipal Court that it has for three decades. If this interpreter is not readily available, we will first try to find a certified interpreter. If they aren't available, we will be very selective in engaging the services of a qualified individual. The Police Department will continue to use the best available person to assist them as an interpreter when needed.
2. Use of Language Lines: The City shall continue its current policy of having police officers use the Language Line whenever the need is identified. We will budget funds to cover this expense.
3. Traffic Classes in Spanish: The City of The Dalles will encourage Municipal Court to notify defendants who are being sent to traffic diversion classes of the availability of classes in Spanish offered in Hood River. The City will also support the efforts of those who organize and hold these classes to diversify and include Spanish language classes as an option.
4. Cultural Diversity Training for Police Officers: The City of The Dalles will provide a refresher course on cultural diversity and awareness for its police officers once every five years, with a class being scheduled in 2010.
5. Formation of consulting committee for the Latino Community to help Police: The City will not consider a special advisory committee for the Police Department. Specific issues should be brought to the Chief of Police or City Manager. General issues can be raised in the public forum identified in #9.
6. Work on Coordination between Local, County and State police: The City of The Dalles is proud of its current working relationship with these agencies and will continue to maintain that relationship.
7. Grant access for immediate communication with counsel or attorney: The City of The Dalles will continue to observe existing federal and state laws regarding this issue.
8. Provide clear reason why someone is detained not pertaining to distinction of race: The City of The Dalles does not condone any law enforcement activity based on distinction of race or any other class discrimination and will continue to assure its police officers are adequately trained and continue to follow federal, state and local laws and procedures.

9. Establish a bridge of communication forum every three months: The City Council will continue to have public forums every six to twelve months to include all segments of the community to discuss issues. The Council will continue to encourage City Staff to have open communication with all segments of the community and to maintain strong policies and procedures for thoroughly investigating any complaints of inappropriate activity by city employees.
10. Educate and inform the public about what rights the police and schools have to investigate: The City of The Dalles will produce and distribute a pamphlet in both English and Spanish to inform citizens of the process that law enforcement follows when investigating juveniles.



CITY of THE DALLES  
313 COURT STREET  
THE DALLES, OREGON 97058

(541) 296-5481  
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## AGENDA STAFF REPORT CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
April 26, 2010	Presentation 6, A	

**TO:** Mayor and City Council

**FROM:** Nolan K. Young, City Manager *nyj*

**DATE:** April 13, 2010

**ISSUE:** Alex Jara will make a presentation on behalf of "We The People"  
(information attached)

**BACKGROUND:** Former Mayor Lesich and City staff has been in conversations with this group since June of 2009. On July 18, 2009, a public forum was held where the Mayor and City Manager and Police Chief listened to the concerns expressed by the Latino Community regarding the police, and judicial systems in the community. At that meeting "We the People" asked the City to sign the 10 points that is being presented to the council in the attached correspondence. We chose not to sign the document based on the fact that it was the first time we had seen it and needed time to look into each item and several of the items are outside the City's control. Attached is the response sent to this group in September of 2009. In January, we received an additional letter from this group. In April, they met with Former Mayor Lesich and State Representative John Huffman (see attached letter to Representative Huffman) to go over their ten points. Representative Huffman and the Mayor encouraged them to get involved locally in a positive way. Wednesday the 21<sup>st</sup> I will be meeting with this group to further explain our position on each of the items and to hear what they have to say. Hopefully at that time they will provide the additional information that I have requested.

**BUDGET IMPLICATIONS:** Depends on the action the Council takes on each of the items.

**COUNCIL ALTERNATIVES:** This is a presentation. Council can either give the staff some general direction or have a specific action item placed on a future agenda.

To City Council

We the People of The Dalles OR, would like to express our concerns

1. The Ten Points
2. Civil Rights Violations

**The Ten Points**

- 1 Certified Translators
2. The use of language line must be an obligation
- 3 Optional traffic classes offered by the court in Spanish
4. Cultural diversity training for police officers
5. Form a consult committee, by Latin community to help police
6. Work on coordination between local, county, and State police
7. Grant access for immediate communication with counsel or attorney
8. The reasons drivers get detained by officials should be clear and not for distinction
9. Establish a bridge of communication by way of a forum every three months, so that the city and the community can speak openly about topics that interest them.
10. Educate and inform what rights the police and the school district have to investigate under age students.

Thank You

We the People  
Alex Jara  
(541) 728-9406  
[jaraalex07@gmail.com](mailto:jaraalex07@gmail.com)

**received**  
8/25/09 12:41

*JK*

*pls call email*

**WE THE PEOPLE**  
Office of LULAC of Oregon

Alex Jara  
President

541-296-2876  
jaraalex07@gmail.com

August 21, 2009

Nolan Young  
City Manager  
313 Court Street  
The Dalles, OR 97058

Re: Follow-up to community forum held July 16, 2009.

Dear Mr. Young,

We continue to invite a cooperative effort from city and county officials to establish a cohesive relationship with not only the Latino population but with all concerned citizens of our community.

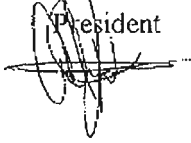
We anxiously await invitations for dialogue or reports from your office relating to improvements and/or goals as stipulated in "The Ten Points" of better communication and cooperation between public servants and citizens.

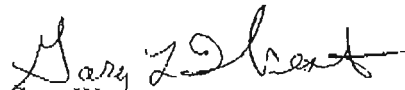
- 1. Certified Translators**
- 2. The use of language line must be an obligation**
- 3. Optional traffic classes offered by the court in Spanish**
- 4. Cultural diversity training for police officers**
- 5. Form a consult committee, by Latin community to help police**
- 6. Work on coordination between local, county, and State police**
- 7. Grant access for immediate communication with counsel or attorney**
- 8. The reasons drivers get detained by officials should be clear and not for distinction of race.**
- 9. Establish a bridge of communication by way of a forum every three months, so that the city and the community can speak openly about topics that interest them.**
- 10. Educate and inform what rights the police and the school district have to investigate under age students.**

We appreciate that you (or your representative) acknowledged "The Ten Points" as valid at the community forum and expressed a willingness to earnestly engage them.

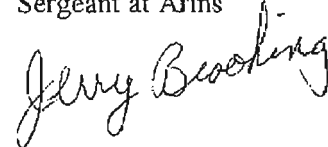
Sincerely,

Alex Jara  
President

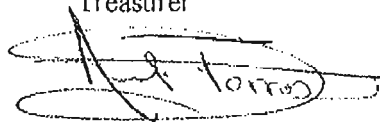


  
Gary West  
Vice President

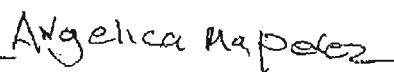
Jerry Brookins  
Sergeant at Arms



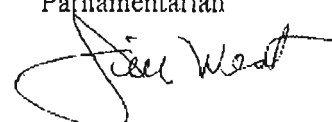
Araceli Torres  
Treasurer



Angelica Perez  
Secretary



Jill West  
Parliamentarian



Cc: Eric Nisley  
Nolan Young  
Nikki L. Lesich  
Jay Waterbury  
Rick Eiesland  
Gene Parker  
Dan Erickson

Janet Stauffer  
Maria Rodriguez-Salazar  
John Huffman

We the People, LULAC of Oregon 119 E 2<sup>nd</sup> St. The Dalles, OR 97058 541-296-2876





## CITY of THE DALLES

313 COURT STREET  
THE DALLES, OREGON 97058

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(541) 296-5481  
FAX (541) 296-6906

September 4, 2009

Alex Jara  
Representative for We The People  
119 E Second St, Room 209  
The Dalles, OR 97058

Dear Mr. Jara,

Thank you for your patience as we prepared our response to the 10 points presented to us by We The People. It is the desire of the City of The Dalles to continue to have open lines of communication with the entire community, including the Latino population.

Enclosed you will find our response to each of the 10 points. You will note that there are items that require more information from you, as well as ones for which we are still investigating solutions. In the interest of timeliness, we wanted to get this to you as soon as possible.

Sincerely,

Nolan K. Young  
City Manager

cc: Mayor and City Council  
Chief Jay Waterbury  
Judge Dan Ericksen

## **City of The Dalles response to the “Ten Points” raised by WE THE PEOPLE in The Dalles, Oregon**

1. Certified Translators: We assume this refers to use in a courtroom setting. ORS 45.288 (2) sets forth the general rule for criminal proceedings in court. Courts are required to appoint a certified interpreter or if a certified interpreter is not available, able or willing to serve the court has the ability to appoint a qualified interpreter. A qualified interpreter has been defined as a person who is readily able to communicate with a non-English speaking person who can orally translate the meaning of statements to and from English and the language spoken by the non-English speaking person. Municipal Court for The City of The Dalles has used the services of the same qualified interpreter for Hispanic defendants for three decades. We feel that this individual does the job that is needed, looking out for the rights of the defendants as well as assisting the court in its processes. We pledge this: if this interpreter is not readily available to first try to obtain a certified interpreter and if they aren't available to be very selective in engaging the services of a qualified individual.
2. Use of Language line: We have established a policy that we are in the process of placing in writing, which encourages the officers to use the language line when the need is identified. We will be budgeting additional funds to cover this expense. We need further clarification as to which form is requested to be in Spanish.
3. Traffic Classes in Spanish: There is already a traffic diversion school offered by court services in Hood River that is available in Spanish to defendants of The Dalles Municipal Court. We are still investigating options for the seat belt diversion class.
4. Cultural Diversity Training for Police Officers: All police officers during their required training at the Police Academy are given 8 hours of classroom training on cultural awareness and diversity. We will enhance this training by providing a refresher course on Cultural Diversity and Awareness once every 5 years. The first class will be scheduled for 2010, in order to budget for this training.
5. Formation of a consulting committee from the Latino community to help police: Under our form of government the City Council sets policy, the City Manager carries out that policy. The City Manager hires a Police Chief to help formulate and carry out operational procedures as it relates to the Police Department. The same is true for all city departments. A separate consulting committee has historically not worked well in this format. What does work well and exists in this community is the Police Chief continues to have an open door policy to meet with any group. The City Manager is also willing to be involved if individuals feel they need additional help beyond what the Police Chief can provide.
6. Work on coordination between local, county and state police: We need clarification on what the issue is. We feel that the cooperation between local City, County, and State Police is one of the strongest, if not the strongest in the State of Oregon.

7. Grant access for immediate communication with counsel or attorney: We feel this issue is already covered by existing federal and state law and local procedures. Individuals are informed of their rights and if at any time, they ask for an attorney all questioning stops.
8. Provide clear reason why someone is detained not pertaining to distinction of race: Oregon Law clearly defines when and why we may stop and/or detain a person, race is not included. All police officers are thoroughly trained in this procedure. Our department policy on discrimination states "A member of the department shall not allow any of his actions or decisions to be affected by prejudice of sex, race, color, religion, or political belief" We take this policy seriously.
9. Establish a bridge of communication forum every three months: We feel that every three months is too often to be effective over time. We would agree to every six months as long as significant efforts were made to involve all aspects of the Latino community, and the forums were open to all sectors of the community
10. Educate and inform the public about what rights the police and school have to investigate: We will work with the schools to develop a pamphlet for parents in both English and Spanish to inform them of the process that law enforcement follows in investigating juveniles. This pamphlet will be made available to the community when completed.



**WE THE PEOPLE**  
Office of LULAC of Oregon

Alex Jara  
President

626-347-5561  
jaraalex07@gmail.com

January 4, 2010

Nolan Young  
City Manager  
313 Court Street  
The Dalles, OR 97058

Re: Response to the "Ten Points"

Dear Mr. Young,

Thank you for your response to the "Ten Points" suggested by WE THE PEOPLE of The Dalles, Oregon. Let us start out by saying, your response was the only one received from the many that were requested to respond to our concerns. We feel your effort was sincere and will be productive in bringing the community together.

However, we would like to comment on #5 and #10. With regards to your response to #5, the Police Chiefs' open door policy continues to be frustrating. Many excuses for information or help are given by his office:

"The person who handles that isn't here today."

"We can't seem to find that information."

"There is no documentation of that; I just keep track of that in my head."

Part of your response to #5 said, "The City Manager is also willing to be involved if individuals feel they need additional help beyond what the Police Chief can provide. We will take that to mean The City Manager wants to hear about the Police Chief giving people the "run around"

With regards to #10, we believe the development of a pamphlet for parents in both English and Spanish to inform them of the process that law enforcement follows in investigating juveniles is exactly what is needed. We look forward to this pamphlet soon.

Sincerely,  
Alex Jara

cc: Mayor and City Council  
Chief Jay Waterbury  
Judge Dan Ericksen

3/16/10

To my Representative John Huffman.

First of all we would like to thank you for the letter you send us regarding the things you are doing in your capacity as our representative. As much as we appreciate the hard work you are doing, there are some very important issues that need your attention that you have not yet addressed.

Last year I sent you a letter concerning some very serious problems in the community of The Dalles. Below are the concerns I expressed which have not yet been addressed:

- There are continued incidences of police harassment, and civil rights violations.
- The courts are giving unfair and unequal treatment to the people they are supposed to be serving (especially the Hispanic population).
- The school system has staff members that are discriminating against the Hispanic children and their families.
- There is great concern over the problems created by the four day school week for Middle and High schoolers.
- There is evidence that the district attorney is abusing his power; especially with regard to Hispanic people.

We have been talking with chief of Police, City Manager, and our Mayor, and none of them are doing anything about it. Many people in the community are concerned about these things; both whites and Hispanics. Of course, if you were to ask around city hall or the courthouse, I'm sure the answer you get would be that there is nothing wrong, but we all know how that goes... All of this needs to stop, and we really need your help to investigate how things are being run in the City of The Dalles and the Wasco County courts.

You know that we have an organization called "We the People" in The Dalles, and other, larger organizations that are supporting us such as the League United Latino American Citizens (LULAC), Center for Intercultural Organizing (CIO) and CAUSA. These organizations will support us with any and all action necessary to see to it that the above stated issues are resolved to the community's satisfaction.

We feel that, for the most part, the governmental agencies that are supposed to support and protect us have been disregarding our concerns. The discontent is reaching a pressure point, and we really need you, and other fair minded people like yourself, to come to our aid in the investigation of these *very serious problems* facing the community of The Dalles; *immediately, if not sooner!* Please call 'We the People' to set an appointment to meet with us before the end of March. It is imperative that we have a discussion with you very soon!

Again, we appreciate all of the good things you're doing. We also know that you are a very busy man, but we really need to hear from you, and will be looking forward to talking to you very soon! You will find our representative's contact information below.

Regards,

We the People

Alex Jara

President

[Jaraalex07@gmail.com](mailto:Jaraalex07@gmail.com)

Office: (541) 728-9406

Cell: (626) 347-5561





**CITY OF THE DALLES**  
Department of Public Works  
1900 West Sixth Street  
The Dalles, Oregon 97058

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## **AGENDA STAFF REPORT**

### **CITY OF THE DALLES**

<b>MEETING DATE</b>	<b>AGENDA LOCATION</b>	<b>AGENDA REPORT #</b>
May 24, 2010	Discussion Item 13, A	10-037

**TO:** Honorable Mayor and City Council

**FROM:** Dave Anderson, Public Works Director

**THRU:** Nolan K. Young, City Manager *ny*

**DATE:** May 11, 2010

**ISSUE:** **WIDENING OF EAST 10<sup>TH</sup> STREET FROM LEWIS TO "J" STREETS**

**RELATED CITY COUNCIL GOALS:** Goal 1, Tier 1, A.

**PREVIOUS AGENDA REPORT NUMBERS:** 07-098 – *Widening of 10<sup>th</sup> Street from Lewis to "J" Streets.*

**BACKGROUND:** The updated 2005 Transportation System Plan identifies 10<sup>th</sup> Street as a Major Collector Street, recognizing it as part of the primary roadway network within the City that provides east/west connectivity from Chenoweth Loop Road to Old Dufur Road. The City has been working for several years to widen East 10<sup>th</sup> Street between Kelly Avenue and Dry Hollow Road and eliminate the existing bottlenecks. The last three blocks to complete are those between Lewis Street and "J" Street. City Council established completion of this project as one of its Goals for Fiscal Year 2010-11.

The current paved street is about 25½ feet wide at its narrowest point. Parking is allowed on one side only. The current design for the widened street would provide a 47-foot wide street section with 36 feet of pavement width. The street section as currently designed would provide two 10-foot wide travel lanes, 8-foot parking lanes on each side, and 5-foot sidewalks with 6-inch curbs on each side and retaining walls behind the sidewalk where needed.

The City currently has a 60-foot Right-of-Way (ROW) in the 1300 and about half of the 1400 block of East 10<sup>th</sup> Street that is sufficient for the project. However, in the other half of the 1400 block and the entire 1500 block, the ROW narrows to 40 feet wide. In this 1½ blocks, additional

Right-of-Way (ROW) would need to be acquired from 20 properties for the project to proceed as currently designed. The project would move the existing sidewalks back about 5 feet on each side of the street.

The City Engineer and Public Works Director held an informational meeting with property owners adjacent to the proposed project on April 27<sup>th</sup>. The meeting was attended by 17 people representing about 12 of the properties in the area. Property owners raised a number of concerns related to the project (a list of those concerns is attached) and unanimously opposed it. One of the biggest concerns was the loss of yard and/or driveway space and the close proximity of the proposed sidewalk to the front of existing homes. As designed, the back of sidewalk would be 4' from the porch of one house, 5' from the front of two houses, and 6' from the front of three houses. With regard to driveways, concern was expressed that shortening driveways by 5 feet would make some of them unusable for off-street parking because the driveway would be shorter than the vehicles to be parked there. There was also concern expressed related to safety if the street is widened and vehicle speeds increase.

After some discussion, the property owners who were in attendance at the meeting were unanimous in their recommendation to eliminate all on-street parking in that area rather than widen the street. It was also suggested by the property owners that the elimination of on-street parking could be implemented for a trial period, 6-12 months, before a final decision was made.

Staff has serious concerns about the proposal to eliminate all on-street parking in the area. We have not yet been able to confirm that all property owners in the area would support this proposal nor do we know if everyone has adequate off-street parking to serve their properties.

A third alternative may be to widen the street within the existing ROW widths, providing parking on both sides where the City has a 60' ROW and parking on one side where there is a 40' ROW. The 40' ROW could accommodate two 10-foot travel lanes and one 8-foot parking lane with curbs and sidewalks on both sides. A little more street width could be obtained in the 40' segment by reducing the sidewalk width from the normal 5 feet down to 4 feet on each side if desired.

Once a decision is made regarding the type of street improvements to be made, there are significant improvements needed to the water and sanitary sewer systems before any street work can begin. That utility work could begin later this spring if all ROW issues are addressed. The street improvements could then be scheduled to be completed in the spring 2011. The underground utility upgrades would be funded by the various utility funds and the street improvements would be paid for by funds collected as Transportation SDCs.

The widening project will also include the construction of retaining walls along some properties and other improvements such as driveway construction, installation of steps or stairs, and fence replacement to mitigate for the street widening. Some yards and fences have been built by property owners that encroach into existing Right-of-Way by as much as 20 feet and will need to be relocated.



**BUDGET IMPLICATIONS:** \$140,000 is included in the current budget, Fund 13 for a portion of the work. \$230,000 is included in the Capital Improvement Plan, Fund 13, for additional work. These funds are anticipated Transportation SDC revenue and would be used to pay for most of the project, including paving materials, concrete work, etc. The water and sewer work is included in the operations and maintenance line items within the respective funds.

**ALTERNATIVES.**

Staff Recommendation. Direct staff to proceed to widen the street within the existing right of way widths, providing parking on both sides where the City has 60 feet of right of way; provide parking on one side where there is a 40 foot right of way, which would accommodate two eleven foot travel lanes and one eight foot parking lanes, reducing the sidewalk width to four feet.

- B. Proceed as in staff recommendation, but install standard five foot wide sidewalks, with ten foot travel lanes.
- C. Proceed with full improvements as designed.
- D. Proceed with a six month trial of no parking in the two blocks where the 40 foot right of way exists and revisit the issue after reviewing the results of the trial.
- E. Proceed with the project with no parking in the two blocks where the 40 foot right of way exists.

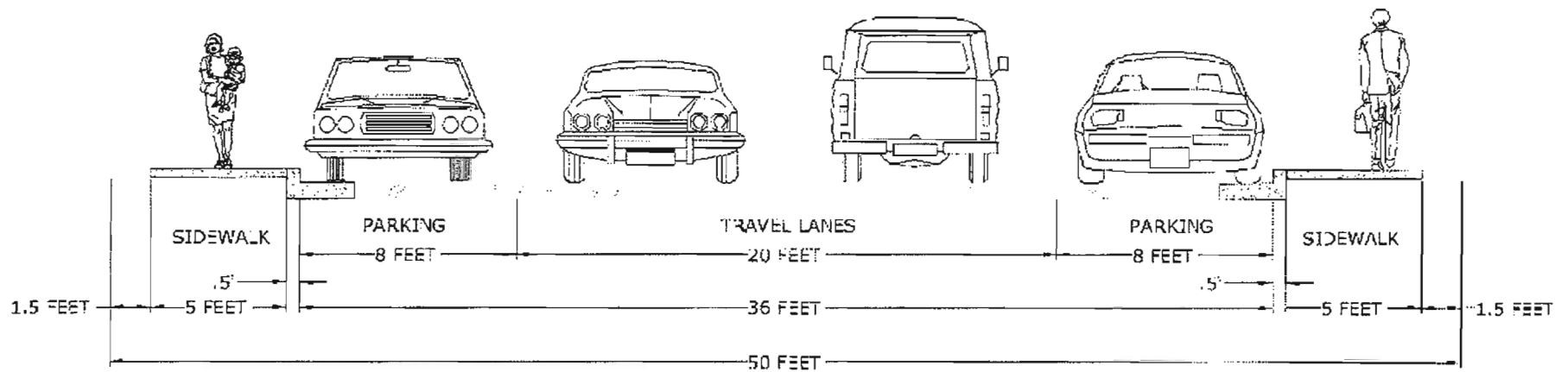


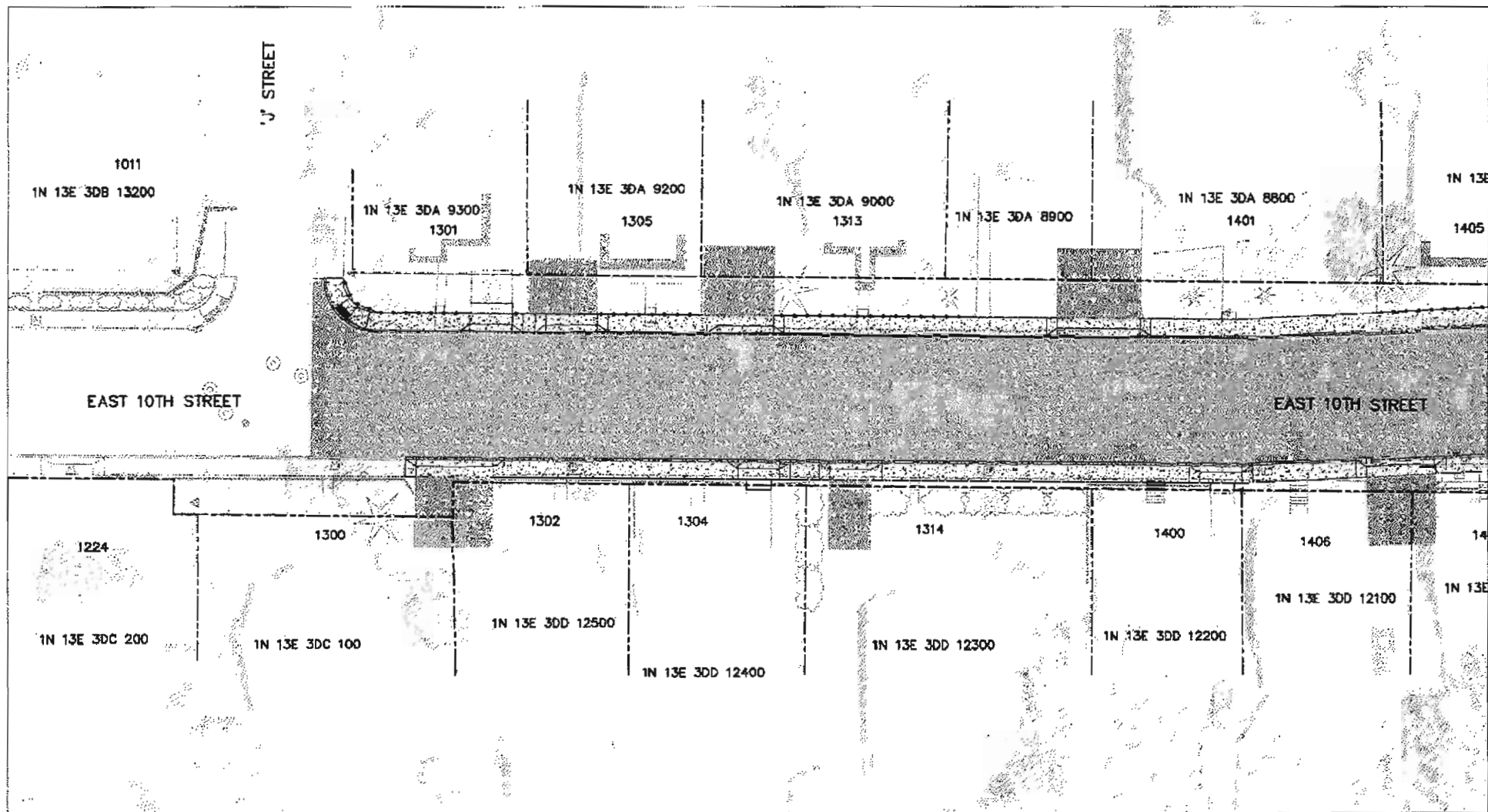
**Informational Meeting with Property Owners  
E 10<sup>th</sup> Street Widening  
4/27/10**

- ❖ Large trees, vegetation, irrigation systems.
- ❖ What happens if we just say no thank you?
- ❖ Parking on both sides of street could be a safety deterrent..
- ❖ What will the speed limit be? Answered – 25 mph
- ❖ The stop sign on Clark Street b/t 10<sup>th</sup> and 11<sup>th</sup> being moved back will make it even worse; kids being hit already.
- ❖ Lewis Street bottle neck with narrow asphalt.
- ❖ Make the 1400-1500 block on 10<sup>th</sup> Street a one way. Make 9<sup>th</sup> Street one way going the opposite direction.
- ❖ Eliminate on-street parking on both sides of the street
- ❖ Losing 5 feet of street frontage makes some driveways almost useless.
- ❖ What does losing property frontage do to property values?
- ❖ What about plantings and landscaping?
- ❖ Power poles being relocated to where?
- ❖ What will happen to the stairs and steps from buildings and will this meet code?
- ❖ What are costs of the project? Answered – budgetary costs provided.
- ❖ Unanimous show of hands of people in attendance to eliminate on-street parking to eliminate project.
- ❖ With a wider street, there will be an increase in speed.
- ❖ Trial period of 6 months to 12 months for no on-street parking.

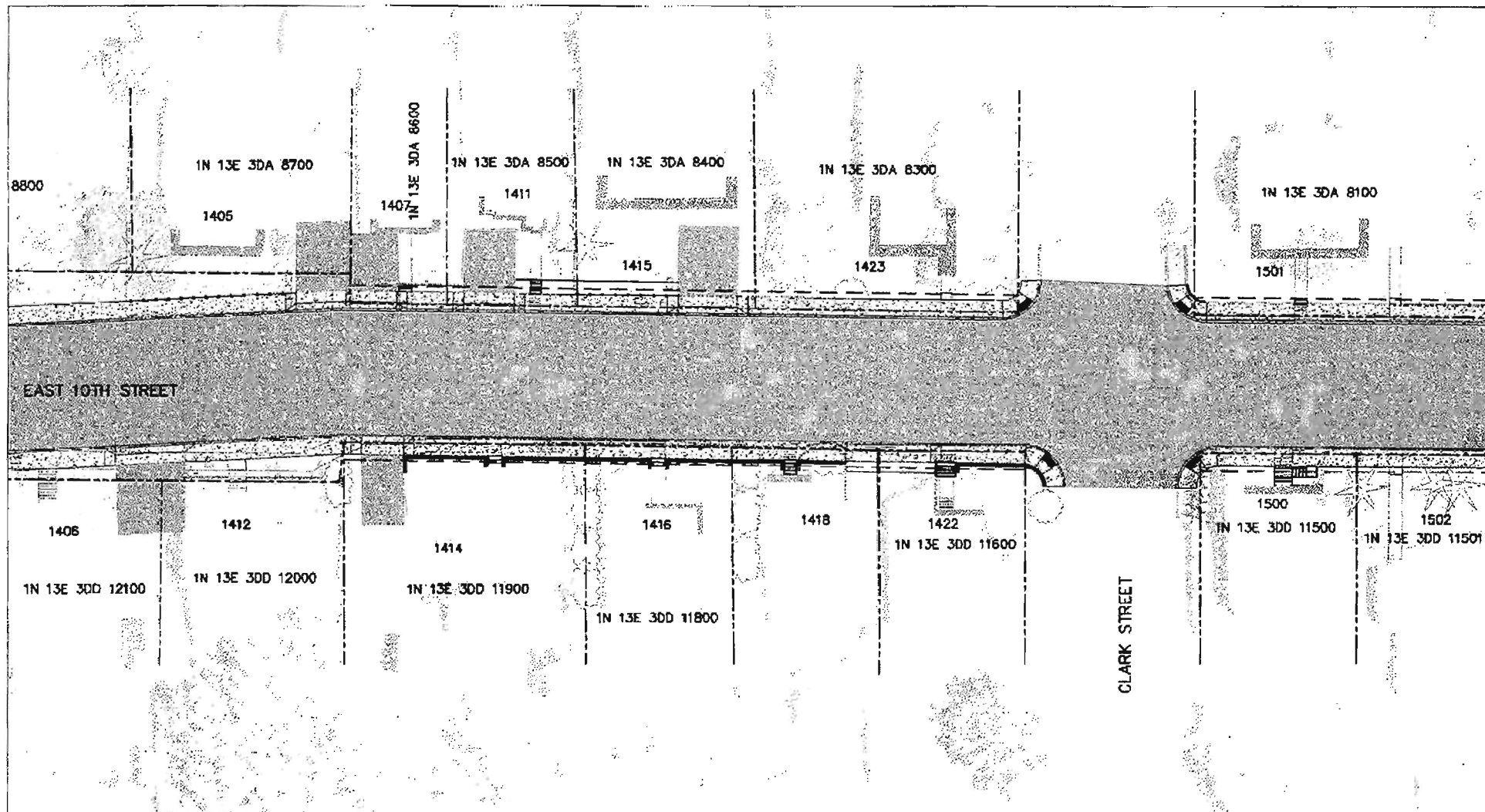
## EAST 10TH STREET CROSS SECTION

EAST 10TH STREET RIGHT-OF-WAY = CURRENTLY 60 AND 40 FT, PROPOSED 50 FT  
SECTION BETWEEN 'J' STREET TO LEWIS STREET





SCALE 1" = 40'



SCALE 1" = 40'



- EXISTING PROPERTY LINE
- PROPOSED NEW PROPERTY LINE
- PROPOSED ASPHALT PAVEMENT
- PROPOSED CONCRETE IMPROVEMENTS

SCALE 1" = 40'

