

Council Roundup for September 19, 2022

The Newberg City Council met on September 19, 2022 and took the following actions.

Approved:

Resolution 2022-3824, Eagle-Elsner contract for 2022 Pavement Project

Resolution 2022-3844, CM/GC Project Delivery Method for new Groundwater Treatment Plant

Resolution 2022-3864, Fund 14 disbursement for Newberg Downtown Coalition.

Proclaimed Constitution Week, and Hispanic Heritage Month.

Made committee appointments to Affordable Housing Commission

In other business:

Heard activities report from City Manager.



**City Council Business Session
September 19, 2022 - 6:00 PM
Newberg public safety building 401 e. third street
hybrid**

<https://us06web.zoom.us/j/85237460092>

or join by phone:

1 669 900 6833

webinar id: 852 3746 0092

1. CALL TO ORDER

- 1.A Agenda en español
[Spanish_Council_Biz_Sxn_Agenda_2022-0919rev.docx](#)

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. PRESENTATIONS

- 4.A Constitution Week Proclamation
[2022 Constitution Week Proclamation.docx](#)

5. CITY MANAGER'S REPORT

- 5.A CM statistical report for July 2022
[CM statistics for July 2022.pptx](#)

6. COUNCIL APPOINTMENTS

- 6.A Affordable Housing Commission Appointment
[RCA Appointment 2022-0919 Affordable Housing Commission.docx](#)

7. PUBLIC COMMENTS

8. CONSENT CALENDAR

- 8.A Resolution 2022-3824, A resolution to authorize the City Manager to enter into a construction contract with Eagle-Elsner, Inc. for the 2022 Pavement Improvements Project in the amount of \$1,295,295.00.
[Res 2022-3824 2022PavImprovPj BidAward.pdf](#)

9. PUBLIC HEARINGS

- 9.A Resolution 2022-3844, A resolution allowing the use of the CM/GC Project Delivery Method for the New Groundwater Treatment Plant Project

[Res_2022-3844 CMGC GWTP.docx](#)
[GWTP GMGC Findings Exhibit A.docx](#)
[CMGC Powerpoint.pptx](#)
[Hearing Process - Administrative.doc](#)

10. NEW BUSINESS

- 10.A RCA Resolution 2022-3864 Approving a disbursement from Fund 14 in support of the Newberg Downtown Coalition

[RCA Resolution 2022-3864 Approving a disbursement from Fund 14 in support of the Newberg Downtown Coalition.docx](#)
[Resolution 2022-3864 enclosure A NDC grant request.docx](#)
[NDC Request PPT 2022-0919](#)

11. COUNCIL BUSINESS

12. ADJOURNMENT

ADA STATEMENT

Contact the City Recorder's Office for physical or language accommodations at least 2 business days before the meeting. Call (503) 537-1283 or email cityrecorder@newbergoregon.gov. For TTY services please dial 711.



Sesión de Determinación del Concejo Municipal

Septiembre 19, 2022 - 6:00 PM

híbrido

En Persona: Edificio de Seguridad Pública 401 E. Third Street

En línea: <https://us06web.zoom.us/j/85237460092>

Por teléfono: 1 669 900 6833 Webinar ID: 852 3746 0092

1. LLAMAR AL ORDEN
2. PASAR LISTA DE ASISTENCIA
3. PROMESA DE LEALTAD
4. PRESENTACIONES
 - 4.A Proclamación de la Semana de la Constitución
[Proclamación de la Semana de la Constitución 2022.docx](#)
5. INFORME DEL ADMINISTRADOR DE LA CIUDAD
6. NOMBRAMIENTOS DEL CONSEJO
 - 6.A Nombramiento de la Comisión de Vivienda Asequible
[RCA Nombramiento 2022-0919 Comisión de Vivienda Asequible.docx](#)
7. COMENTARIOS DEL PÚBLICO
8. CALENDARIO DE CONSENTIMIENTO
 - 8.A Resolución 2022-3824, Una resolución para autorizar al Administrador de la Ciudad a aceptar un contrato de construcción con Eagle-Elsner, Inc. para el Proyecto de Mejoras de Pavimento 2022 por un monto de \$1,295,295.00.
[Res 2022-3824 2022PavImprovPj BidAward.pdf](#)
9. AUDIENCIAS PÚBLICAS
10. NUEVOS ASUNTOS

10.A Resolución 2022-3864 , Que aprueba un desembolso del Fondo 14 en apoyo de la Coalición del Centro de Newberg

[Resolución RCA 2022-3864 Que aprueba un desembolso del Fondo 14 en apoyo de la Coalición del Centro de Newberg.docx](#)

[Resolución 2022-3864 apéndice Solicitud de subvención de NDC.docx](#)

[Solicitud de NDC PPT 2022-0919](#)

11. ASUNTOS DEL CONSEJO

12. TERMINAR LA SESIÓN

DECLARACIÓN BAJO LA LEY ESTADOUNIDENSE DE DISCAPACIDADES

Contacta la oficina de la secretaria de la ciudad al menos 2 días hábiles antes de la sesión para obtener adaptaciones físicas o lingüísticas. Llame al (503) 537-1283 o envíe un correo electrónico a cityrecorder@newbergoregon.gov. Para servicios de TTY, marque 711.

PROCLAMATION



A PROCLAMATION DECLARING SEPTEMBER 17-23, 2022 AS CONSTITUTION WEEK IN THE CITY OF NEWBERG

WHEREAS, September 17, 2022, marks the two hundred and thirty-fifth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE, I, Rick Rogers, Mayor of the City of Newberg, Oregon, do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals that the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Newberg to be affixed on this 19th day of September 2022.

Rick Rogers, Mayor

Newberg CM report

Monthly Statistics for July 2022



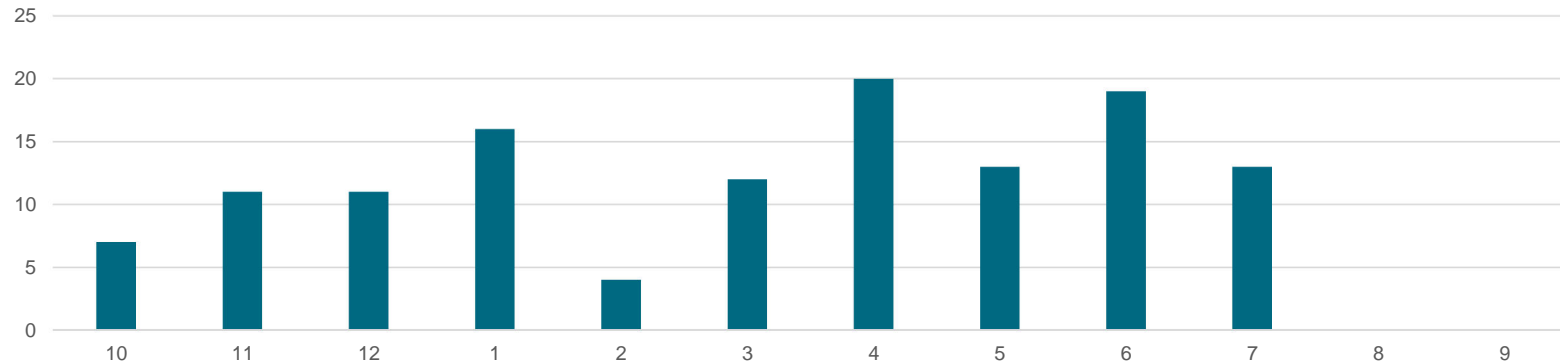
Planning

Combined planning decisions of all sorts: 13

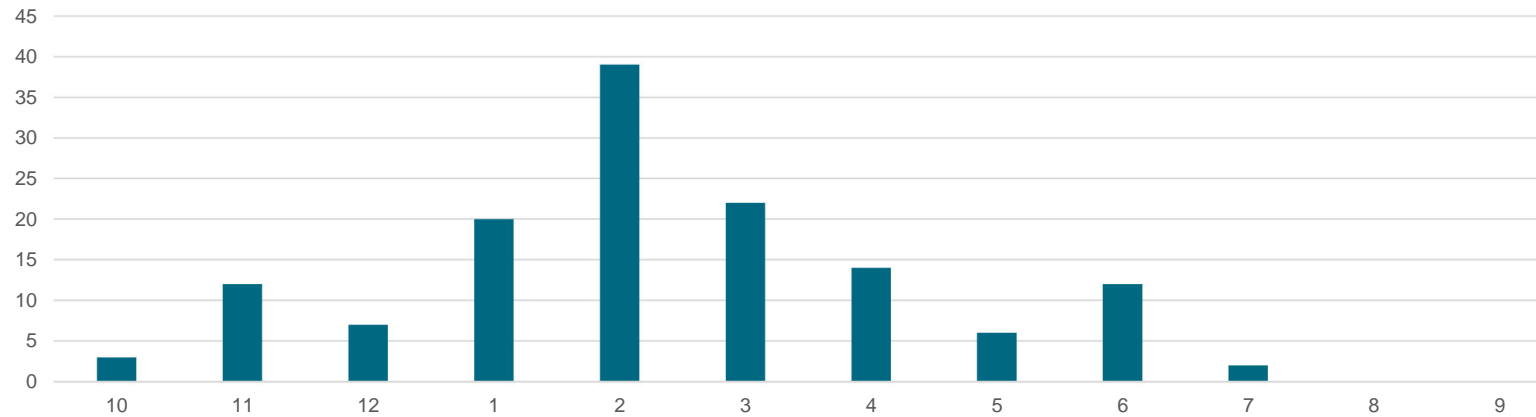
Building permits for units / ADUs: 2

None for ADU's

Planning decisions

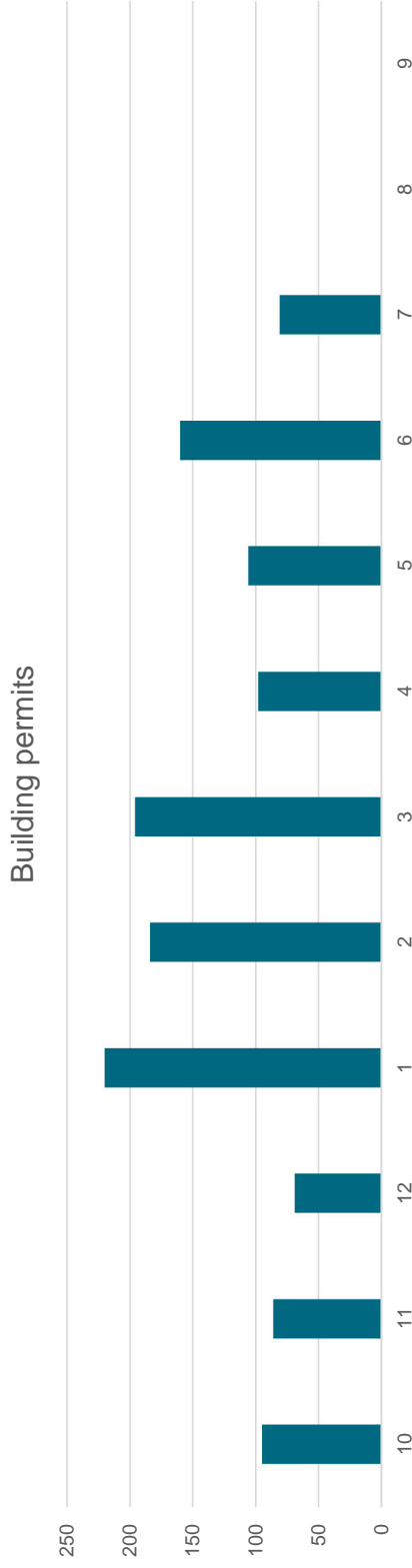


Building permits for units

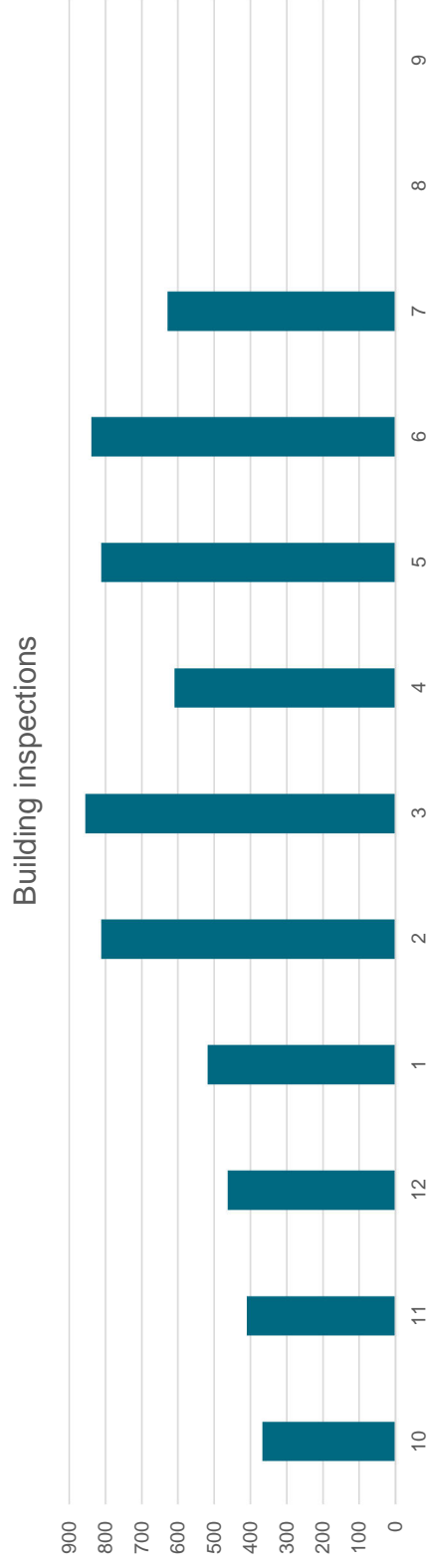


Planning

Building permits other types: 81



Building inspections: 629





Community Engagement

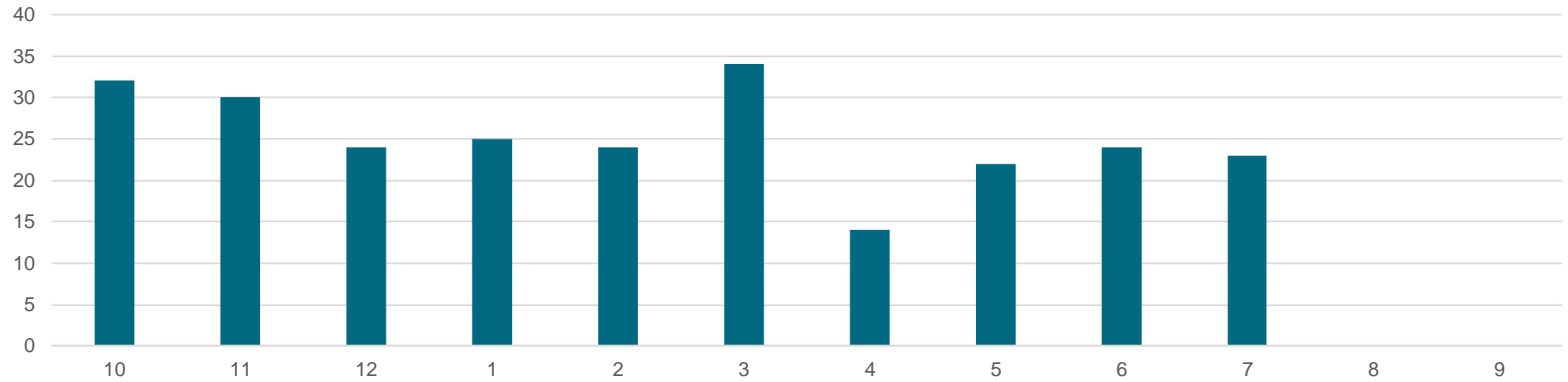
Submission forms through website:

23

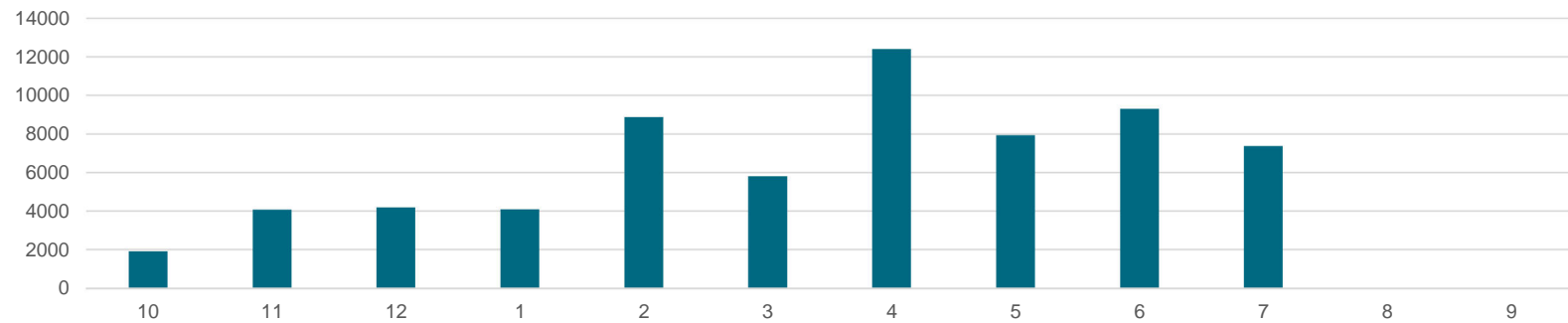
Social media engagement:

7373

Web site form postings



Social media engagement



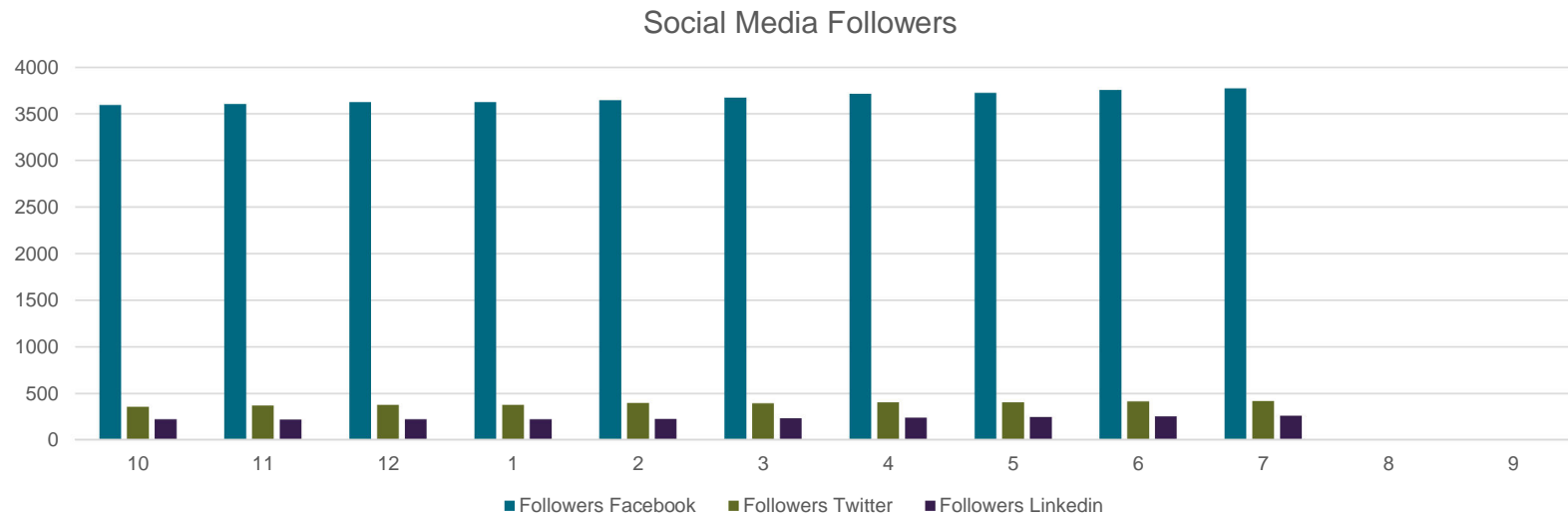
Community Engagement

Social media followers:

3775 – Facebook

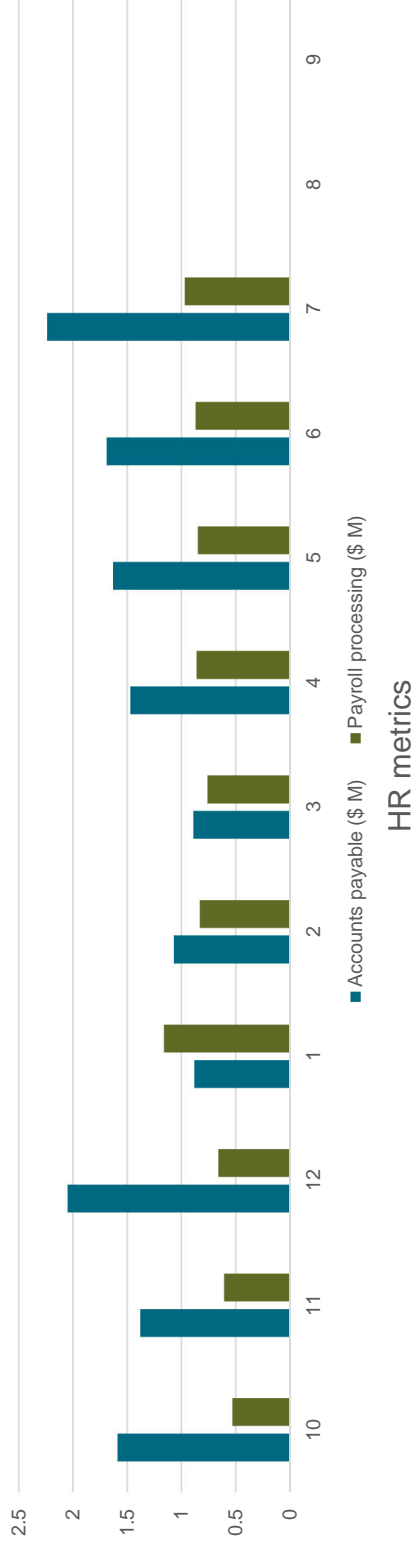
419 – Twitter

261 – LinkedIn



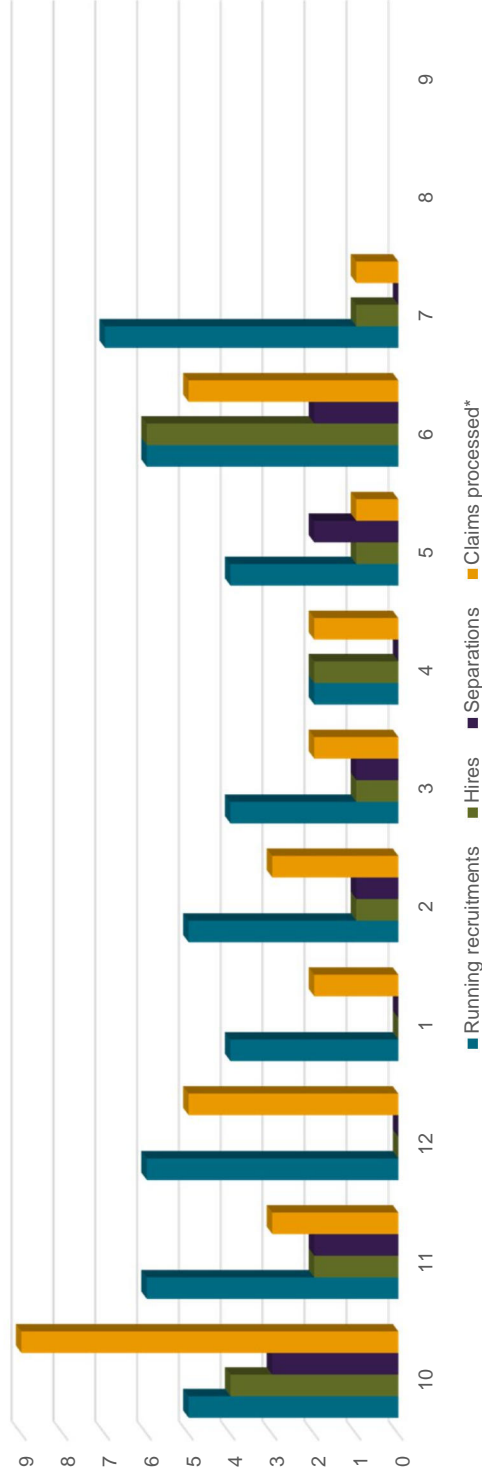
Finance
 \$2.24 M of
 payments to
 accounts payable
 \$0.97 M of payroll

Millions of dollars payable and payroll



HR activity

Recruitments
 Advertised: 7
 Hires: 1
 Separations: 0
 FMLA / ADA /
 OFLA / Workers
 Comp Claims: 1



IT resolved 131 service tickets for the city and responded to 1 after hours on-call events.

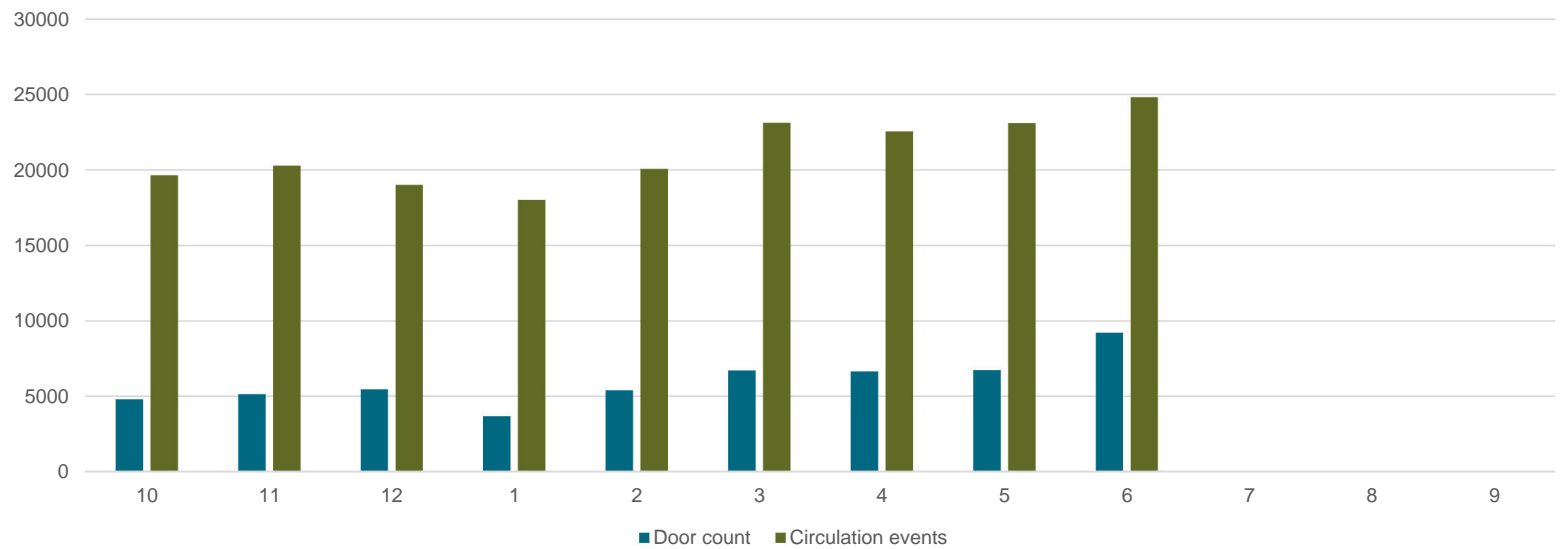


Library Activity

Door count
9225

Circulation
events 24821

Door count and circulation



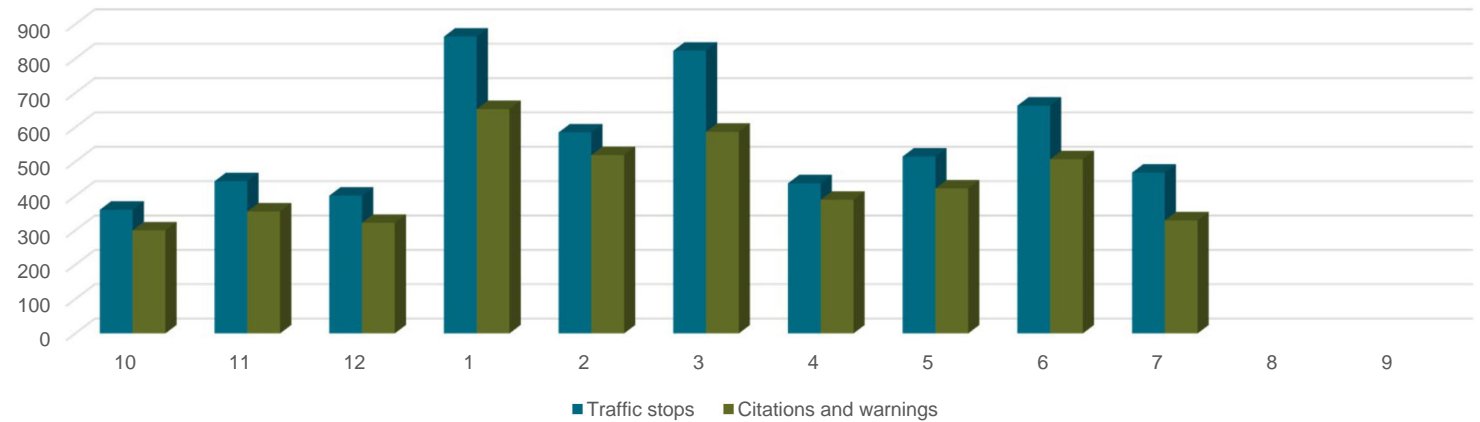
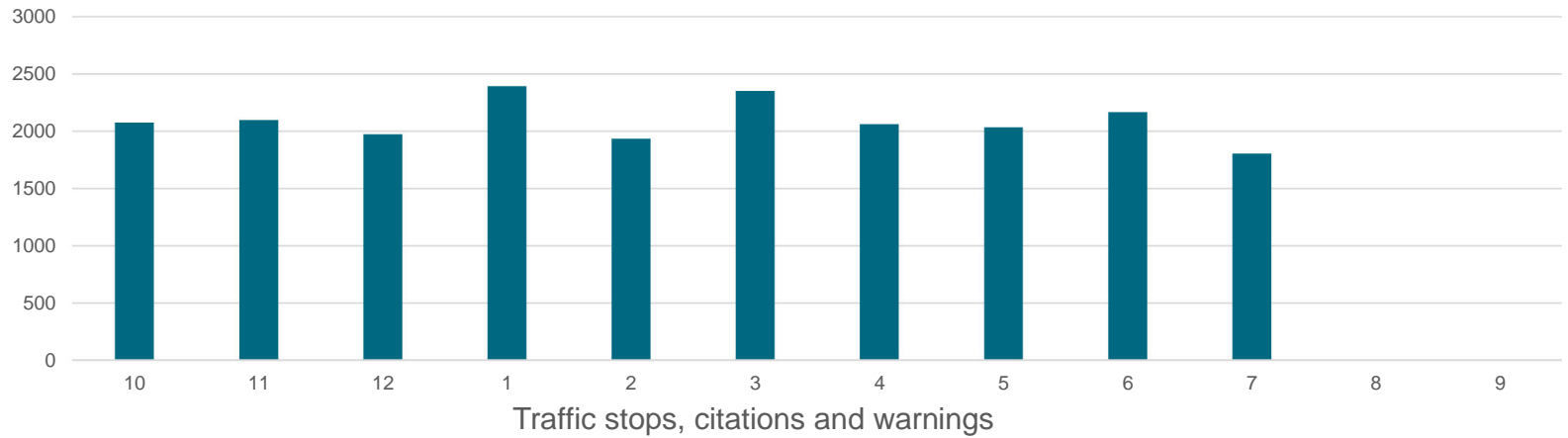
Public Safety

1804 – Calls for Service

468 – Traffic Stops

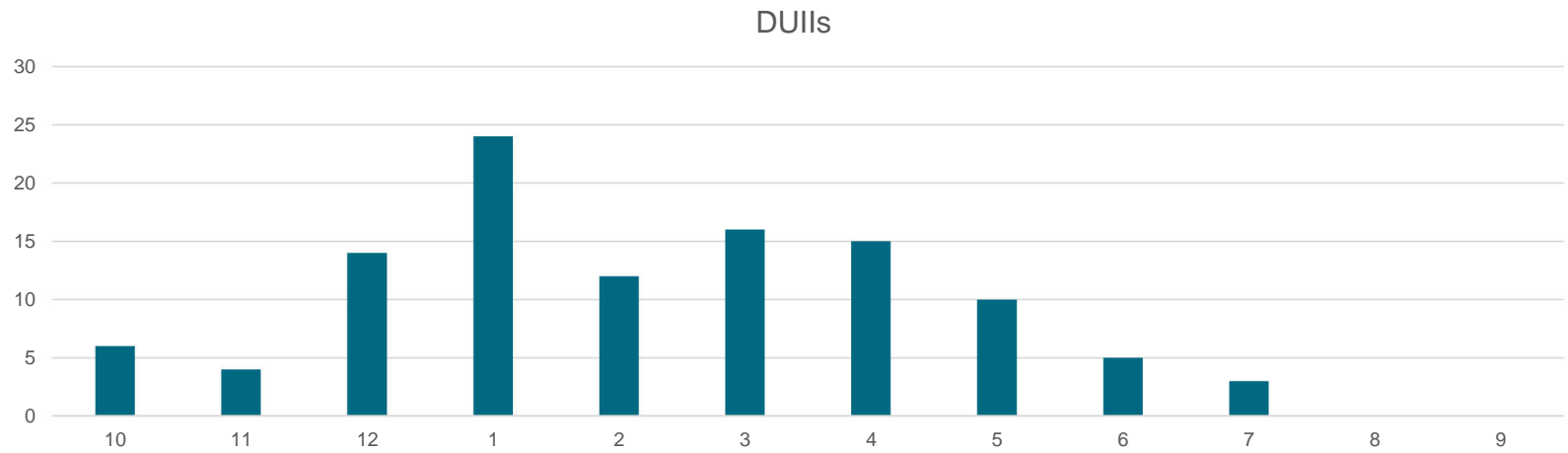
329 – Citations & Warnings

Calls for service



Public Safety

3 – DUII's



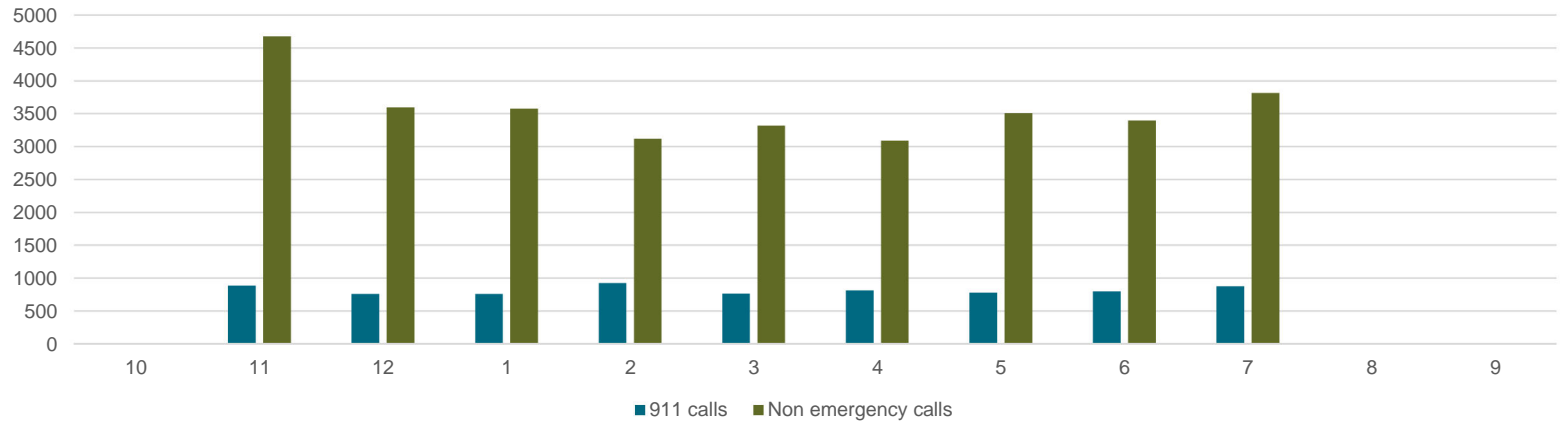
Dispatch

911 calls 876

Non emergency

Calls 3817

Dispatch center calls





Public Works

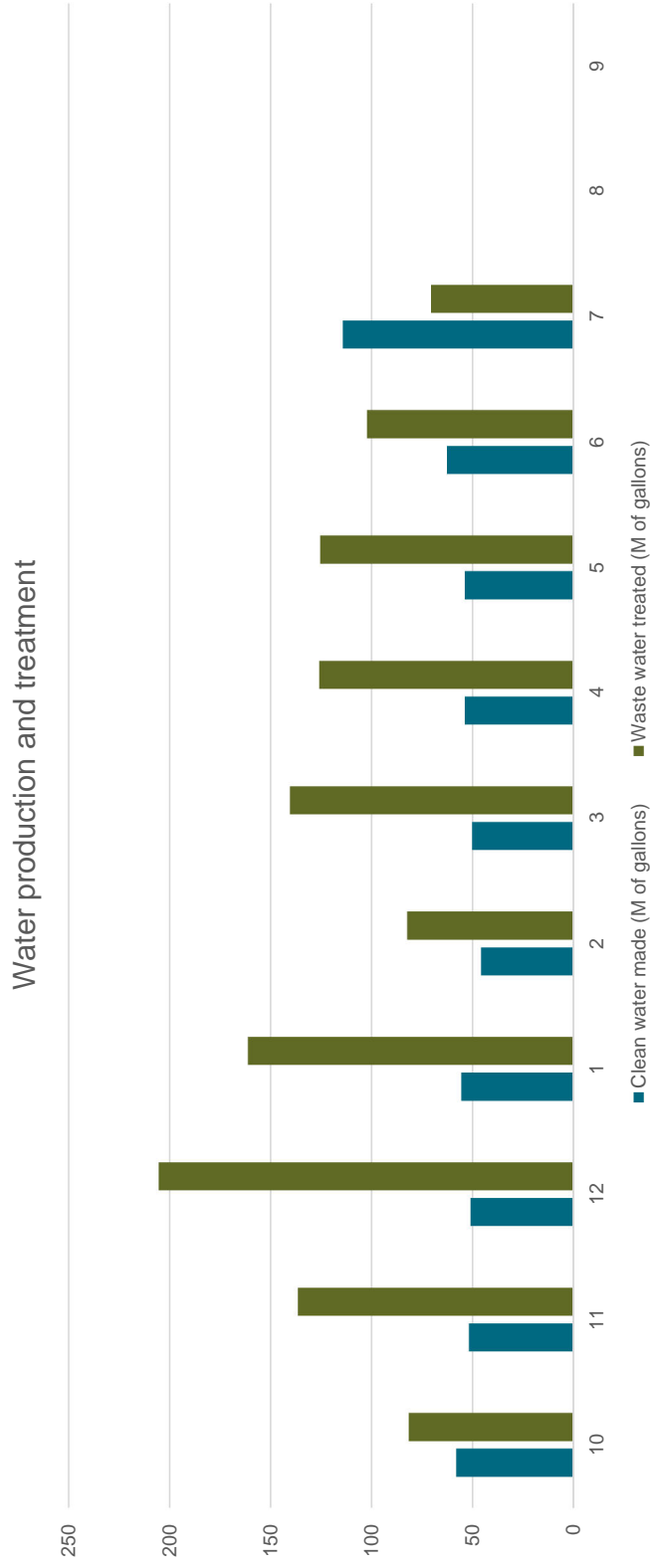
772 work orders completed





Water production was 114.2 million gallons.

70.77 million gallons (MG) treated



So that's it for this month!

More months go by, and the data keeps flowing. With more data annual trends will emerge over time.

Additionally, I have started to track the energy being produced by solar power at the water plant and will be able to start to share that data soon.

Questions?

REQUEST FOR COUNCIL ACTION



Date Action Requested: September 19, 2022

Order <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Information <input type="checkbox"/>	
Subject: Ratify the Mayor's selection for the Affordable Housing Commission vacancy.	Staff: Zaira Robles Muniz, Administrative Specialist (preparer) for the Mayor Department: Administration File No.
Business Session	Order On Agenda: Committee Appointments

Recommendation: To consent to the Mayor's appointment of Casey Banks to the Affordable Housing Commission to fill a vacant position for a term beginning September 20, 2022 to December 31, 2024.

The new commission member will take the place of E.C Bell who resigned in July 26,2022.

Executive Summary:

- 1) Casey Banks has been a resident of Newberg for two years. She is passionate about affordable housing and wants to help shape policies that encourage development of housing that people need and want for the City of Newberg.

REQUEST FOR COUNCIL ACTION



Date Action Requested: September 19, 2022

Order <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Information <input type="checkbox"/>	
No. 2022-3824	
Subject: A resolution to authorize the City Manager to enter into a construction contract with Eagle-Elsner, Inc. for the 2022 Pavement Improvements Project in the amount of \$1,295,295.00.	Staff: Paul Chiu, PE, Senior Engineer Department: Public Works - Engineering File No.
Business Session	Order On Agenda: Consent
Hearing Type:	

Recommendation:

Adopt Resolution No. 2022-3824.

Executive Summary:

On May 2, 2017, the City Council adopted Ordinance No. 2016-2811 (subsequently codified into City Municipal Code Section 3.45.060) authorizing the collection of a transportation utility fee (TUF) for the preservation and rehabilitation of the citywide pavement system. The City's Public Works Department subsequently developed a five-year pavement maintenance and rehabilitation plan for City streets. Pavement preservation projects include a complete reconstruction of aggregate base with new pavement and ADA sidewalk ramp improvements.

The City's 2022 Pavement Improvements Project is an approved capital improvement project in the 2022-2023 fiscal year budget. It includes a total reconstruction of two city streets: (a) N Brutscher Street, from E Hayes Street to E Portland Road (aka Highway 99W), and (b) E Sherman Street, from N School Street to N Meridian Street.

N Brutscher Street will receive a conventional aggregate base, and E Sherman Street will get a cement treated aggregate base, prior to final topping with a hot mixed asphalt concrete. The proposed work will include some minor storm improvements for E Sherman Street.

City's consultant, Wallis Engineering, PLLC. completed the design and the bid documents for this pavement project in June 2022, with an Engineer's estimate in the range of \$1.3 million to \$1.7 million.

On July 22, 2022, the City advertised the pavement project on the City's website and in the Daily Journal of Commerce, soliciting bids in accordance with ORS Chapter 279C Public Contracting and Public Procurement requirements.

On August 23, 2022, the City received eight (8) qualified bids at bid closing. Bid analysis determined that the bid submitted by Eagle-Elsner, Inc. is the lowest bid and responsive to the City’s bid request. All bids are listed below from low to high:

1. Eagle-Elsner, Inc.	\$1,295,295.00
2. Lawson Corp.	\$1,442,599.60
3. K&E Excavating, Inc.	\$1,582,966.00
4. Knife River Corp. – Northwest	\$1,610,608.00
5. Kerr Contractors Oregon, LLC.	\$1,669,997.20
6. Moore Excavation, Inc.	\$1,889,623.50
7. Kodiak Pacific Construction Co.	\$1,895,895.20
8. Pacific Excavation, Inc.	\$2,016,972.50

Note: The bid from Pacific Excavation, Inc. was later disqualified for bidder’s failure to submit the required first tier disclosure form. The lowest bid was, however, not affected.

The project is planned for completion in June 2023.

Fiscal Impact:

Funding for the project is budgeted in the current fiscal year under account number: 18-5150-703000.

Strategic Assessment:

Roadway reconstruction and pavement for both streets are designed to have a 20 year design life. This will help the City to maintain a sustainable roadway pavement system throughout the City. This project supports the Council’s Goal No. 5 for a sustainability program, and provides essential mobility, comfort, safety and livability for everyone that works, lives and visits the City.

RESOLUTION NO. 2022-3824

A Resolution to authorize the City Manager to enter into a construction contract with Eagle-Elsner, Inc. for the 2022 Pavement Improvements Project in the amount of \$1,295,295.00.

Recitals:

1. The City's 2022 Pavement Improvements Project is an approved capital improvement project in the 2022-2023 fiscal year budget. It includes a total reconstruction of two city streets: (a) N Brutscher Street, from E Hayes Street to E Portland Road (aka Highway 99W), and (b) E Sherman Street, from N School Street to N Meridian Street.
2. N Brutscher Street will receive a conventional aggregate base, and E Sherman Street will get a cement treated aggregate base, prior to final topping with a hot mixed asphalt concrete. The proposed work will include some minor storm improvements for E Sherman Street.
3. Wallis Engineering, PLLC. completed the design and the bid documents for this pavement project in June 2022, with an Engineer's estimate in the range of \$1.3 million to \$1.7 million.
4. On July 22, 2022, the City advertised the pavement project on the City's website and in the Daily Journal of Commerce, soliciting bids in accordance with ORS Chapter 279C Public Contracting and Public Procurement requirements.
5. On August 23, 2022, the City received eight (8) qualified bids at bid closing. The bid submitted by Eagle-Elsner, Inc. was determined to be the lowest and responsive to the City's bid request.
6. The project is planned for completion in June 2023.

The City of Newberg Resolves as Follows:

1. The City Council, acting as contract review board for the City, does hereby authorize the City Manager to execute a construction contract with Eagle-Elsner, Inc. to complete the 2022 Pavement Improvements Project in the amount of \$1,295,295.00.
2. The City Attorney will review and approve all contracts as to form and content.

Effective Date of this resolution is the day after the adoption date, which is: September 20, 2022.

Adopted by the City Council of Newberg, Oregon, this 19th day of September, 2022.

Sue Ryan, City Recorder

Attest by the Mayor this _____ day of September, 2022.

Rick Rogers, Mayor

REQUEST FOR COUNCIL ACTION



Date Action Requested: September 19, 2022

Order <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Information <input type="checkbox"/> No. 2022-3844	
Subject: A resolution allowing the use of the CM/GC Project Delivery Method for the New Groundwater Treatment Plant Project	Staff: Kaaren Hofmann, City Engineer Department: Public Works Department - Engineering File
Business Session	Order On Agenda: Public Hearing
Hearing Type: Administrative	

Recommendation:

Adopt Resolution No. 2022-3844.

Executive Summary:

The City of Newberg's existing groundwater treatment plant is aging and has infrastructure that is required to be updated/replaced. In the Fall of 2021, the City re-evaluated the approach to update the plant and decided to construct a new Groundwater Treatment Plant instead. This decision was based upon the likely \$7 to \$8 million dollar retrofit cost, for what would still substantially be an outdated water facility. The approach will also utilize some portions of the existing treatment plant. The preliminary cost estimate for the new Plant is approximately \$21,000,000.

Design, construction, and integration of new facilities into an existing water treatment plant requires a contractor experienced in similar projects that can work around the hazards, and operational constraints associated with constructing a new water treatment plant and modifications to portions of the existing water treatment plant.

Construction Manager/General Contractor (CM/GC) project delivery is an integrated approach to planning, design, and construction. Owners, designer(s), and contractors work collaboratively to develop the project scope, optimize the design, improve quality, manage costs and share risks. A CM/GC performs specified construction manager services in addition to traditional general contractor services. The CM/GC project delivery method consists of two phases-design and construction. The City may select a person or firm to act as a CM/GC to construct public improvements by means of a competitive proposal process.

The contractor acts as the consultant during the design process and can offer constructability and pricing feedback on design options and can identify risks based on the contractor's established means and methods. As noted earlier, this process also allows the owner to be an active participant during the design process and make informed decisions on design options based on the contractor's expertise.

When the owner considers the design to be complete, the construction manager then has an opportunity to bid on the project based on the completed design and schedule. If the owner, designer and

independent cost estimator agree that the contractor has submitted a fair price, the owner issues a construction contract and the construction manager then becomes the general contractor.

The phasing and staging of this project combined with the funding plan and duration of construction, make this a unique project that requires a contractor that can come in early and help the City develop and phase the work. The complexity of the project and the attendant need for close coordination during the project by required project participants will be best addressed through the use of the CM/GC contracting process. Optimal value for the City is to have the CM/GC participate early in the design process so that the design team can integrate ideas and methods into the design process.

Use of the CM/GC process is expected to accelerate the project schedule compared to a traditional procurement approach. This is of particular use as per our agreement with the Oregon Health Authority, the new water treatment plant is required to be operational by September 1, 2027.

In support of this CM/GC procurement method per the City's purchasing manual and Oregon Revised Statutes, findings have been created showing that that utilizing the CM/GC process is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition because a competitive RFP process will be utilized to solicit the CM/GC and the CM/GC process will result in substantial cost savings to the City because participation of the contractor in the design of the plant improvements, as provided in the CM/GC process, will more easily allow the incorporation of quality materials and equipment, selected on performance and life-cycle cost rather than the lowest initial price (Exhibit "A").

The required notice of those findings have been published in the Daily Journal of Commerce on September 2, 2022. The rules require the City to hold a public hearing to receive comment on the findings before taking action on granting an exemption to a public improvement contract from the requirement of competitive bidding.

Fiscal Impact:

The overall budget for this project including equipment and installation is \$21,000,000. The funding for this project will come from interest bearing CDs, rate revenues, Federal and State loans and any grants that may come available. Our clear objective is to create the new facility without raising water rates or the cities overall level of indebtedness if at all possible.

Strategic Assessment:

This project will allow for installation of an updated Treatment Plant to provide safe and reliable water to the residents of Newberg, while avoiding additional burdens to ratepayers.

RESOLUTION No. 2022-3844

A resolution allowing the use of the CM/GC Project Delivery Method for the New Groundwater Treatment Plant Project

Recitals:

1. The City of Newberg's existing groundwater treatment plant is aging and has infrastructure that is required to be updated/replaced.
2. In the Fall of 2021, the City re-evaluated the approach to update the plant and decided to construct a new Groundwater Treatment Plant instead.
3. Per our agreement with Oregon Health Authority- Drinking Water Section (OHA-DWS), our implementation timeline states that the new Plant will be operational by September 1, 2027. Use of the CM/GC process is expected to accelerate the project schedule compared to a traditional procurement approach.
4. Utilizing the CM/GC process is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition because a competitive RFP process will be utilized to solicit the CM/GC and
5. The CM/GC process will result in substantial cost savings to the City because participation of the contractor in the design of the plant improvements, as provided in the CM/GC process, will more easily allow the incorporation of quality materials and equipment, selected on performance and life-cycle cost rather than the lowest initial price. An owner's representative will serve as the City's advocate throughout the project. This will include the oversight of planning, design, construction, and commissioning, as well as the closeout phases. With expertise in all areas of design and construction, they offer valuable and unbiased advice. The goal is to reduce costs, maximize value, ensure construction quality, and keep the project on budget and schedule.
6. The required notice was published in the Daily Journal of Commerce on September 2, 2022.
7. On September 19, 2022, the City Council held a Public Hearing as part of its regular Council Meeting to receive any and all oral testimony and written comments on the Findings.

The City of Newberg Resolves as Follows:

1. To adopt the Findings for Exemption from the City Purchasing Manual and Oregon Revised Statutes shown as Exhibit "A". Exhibit "A" is hereby adopted and by this referenced incorporated.
2. The City Council acting in its role as the Local Contract Review Board grants a special procurement exemption to allow the use of the Construction Manager/General Contractor process for the construction of the repairs and upgrades of the Newberg water treatment plant.

3. The City Attorney will review and approve all contract documents as to form and content.

Effective Date of this resolution is the day after the adoption date, which is: September 20, 2022.

Adopted by the City Council of Newberg, Oregon, this 19th day of September, 2022

Sue Ryan, City Recorder

Attest by the Mayor this 22nd day of September, 2022.

Rick Rogers, Mayor

EXHIBIT A – Resolution No. 2022-3844

BACKGROUND

Design, construction, and integration of new facilities into an existing water treatment plant requires a contractor experienced in similar projects that can work around the hazards, and operational constraints associated with constructing a new water treatment plant and modifications to portions of the existing water treatment plant.

The phasing and staging of this project combined with the funding plan and duration of construction, make this a unique project that requires a contractor that can come in early and help the City develop and phase the work. The complexity of the project and the attendant need for close coordination during the project by required project participants will be best addressed through the use of the CM/GC contracting process. Optimal value for the City is to have the CM/GC participate early in the design process so that the design team can integrate ideas and methods into the design process.

Use of the CM/GC process is expected to accelerate the project schedule compared to a traditional procurement approach. This is of particular use as per our agreement with the Oregon Health Authority, the new water treatment plant is required to be operational by September 1, 2027.

FINDINGS

A. In accordance with ORS (2)(a), the Council finds that utilizing the CM/GC process is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition because a competitive RFP process will be utilized to solicit the CM/GC.

The RFP process will promote fair and unbiased competition among CM/GC firms. The RFP process allows the City to select the firm and its team members that are best-suited for the project based on factors such as experience, ability to respond to the technical complexity or unique character of the project, value engineering ideas, schedule enhancement, past performance, price and other factors specific to the project. Selection of the best proposal received via the RFP process will be based on a team review of weighted evaluation criteria.

The RFP will be publicly advertised to ensure an open and competitive process. Because in addition all major components of the project will be competitively solicited, the suggested process will not encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts.

B. In accordance with ORS 279C.335(2)(b), the Council finds that utilizing the CM/GC process will result in substantial cost savings to the City because participation of the contractor in the design of the plant improvements, as provided in the CM/GC process, will more easily allow the incorporation of quality materials and equipment, selected on performance and life-cycle cost rather than the lowest initial price.

The CM/GC will also make value engineering recommendations during the design process that will save costs in the overall construction of the Plant. Furthermore, involving the CM/GC early on, in the design of the plant improvements, will improve communication and continuity, which the Council expects will expedite decision making and reduce costly project delays.

C. In accordance with ORS 279C.335(2)(b)(A-N), the Council makes the following specific findings in support of the above-noted findings:

1. *How many persons are available to bid:* The Council anticipates that based on previous public improvement projects of a similar nature, it is reasonable to anticipate that several firms will provide proposals for this project.

2. *The construction budget and the projected operating costs for the completed public improvement:* The construction budget is approximately \$15,000,000. The Council anticipates that this form of contracting will provide a more competitive project and cost less. The Council expects that the improved design resulting from the CM/GC's early participation during the design phase will substantially reduce long-term operating cost. Furthermore, by selecting a qualified CM/GC through the RFP process, the City will benefit by proper construction of the new facilities successfully incorporating any new equipment and processes. This will improve the quality of the construction and installation of the equipment and increases life expectancy and total life cycle costs for the City's new systems.

3. *Public benefits that may result from granting the exemption:* Unlike a traditional design/bid/build procurement, an RFP process allows the City to review the qualifications of the proposed GC's project team, ensuring the selected firm(s) has experience and expertise in development of municipal water treatment plants, including the required permitting process. This is important to ensure that the selected contractor has the experience and capacity to build and renovate complex facilities in an existing water treatment plant.

Bringing the CM/GC on during the design phase also promotes an early team approach that leads to better communication, continuous value engineering, and improved constructability review, which results in an improved final design and, consequently, a more streamline construction process. The City expects that the CM/GC process will reduce change orders and limit delays during the construction phase. The City also expects that the CM/GC team approach will allow better monitoring by staff to ensure that the Project stays within budget. The C/GC approach will also allow for early procurement of necessary equipment to address the supply chain issues that everyone is experiencing.

Overall, the public benefits of the CM/GC process include cost savings, better achievement of City community goals, and more timely delivery of the project due to fewer changes and disruptions.

4. *Whether value engineering techniques may decrease the cost of the public improvement:* Value engineering is a routine practice in public improvement projects regardless of procurement method. The CM/GC delivery method allows for the general contractor to participate in the value engineering process during the design phase, resulting in a more effective and efficient process as

compared to value engineering via change orders to a completed design. The inherent flexibility and team approach of the CM/GC process allows the City to more easily change the design and scope of work as necessary to meet the project budget before the final design is fixed. This is not something that the traditional bid process offers.

Value engineering may or may not decrease the contract sum but it will improve the City's ability to manage the project within the budget and will reduce extra-cost change orders and the costs associated with the attendant project delay.

5. The cost and availability of specialized expertise that is necessary for the public improvement: The project is complex in that it requires the construction and integration of complex systems into an existing facility. Therefore, the project requires contractor with the appropriate expertise and experience to not only oversee the construction, but to manage multiple subcontractors working in an existing, operating City facility. The RFP process allows for review of contractor expertise and the particular expertise of the contractor's proposed team not afforded by a low-bid procurement.

6. Any likely increases in public safety: The CM/GC process will enhance public safety because the City will be able to consider the safety record of the contractors selected and because the CM/GC will be integral to planning the construction schedule and safety measures during the design phase. Because the water treatment plant will be operating throughout construction, this public safety benefit is particularly important.

7. Whether granting the exemption may reduce risks to the contracting agency . . . or the public that are related to the public improvement: The scope of the work requires the contractor to work around the hazards and operational constraints associated with constructing a new water treatment plant and modifications to portions of the existing water treatment plant while delivering an operational new water treatment plant by September 1, 2027. Directly involving the contractor in development during the design phase will result in a more realistic, achievable, and expeditious schedule. Furthermore, using an RFP process allows for review of contractor expertise that is not afforded by a low-bid procurement. In addition, the CM/GC process allows the contractor to discover and help address complicated technical issues during the document design process, which facilitates advanced problem solving. The risks are better understood and addressed early in the process, reducing financial and schedule risks as a result.

8. Whether granting the exemption will affect the sources of funding for the public improvement: This project will be funded by water rates, Federal & State loans, and other grants that may become available. There will be no impact on this funding source due to the CM/GC process.

9. Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement: Because the CM/GC process results in the selection of the general contractor early in the design phase, the City is better able to take advantage of market prices by facilitating early purchase of certain project elements. The key value added by the CM/GC process is the real time market job costing from projects around the Willamette Valley market and the West Coast. This knowledge allows the contractor and architect time to consider less costly complementary or

alternative items.

10. *Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement:* The CM/GC process will help deliver a successful water treatment plant project. One of the biggest advantages to the CM/GC method is the ability to coordinate all technical work before construction. Being able to apply best practices with the design team, the City, and the Contractor will allow for a better product within budget constraints. As described above, the areas of technical complexity include:

- Construction and integration of new facilities into an existing water treatment plant.
- Schedule constraints.

11. *Whether the public improvement involves new construction or renovates or remodels an existing structure:* This project involves constructing and integrating new facilities into an existing water treatment plant. Conducting such work in an operating water treatment plant increases that complexity. Use of the CM/GC process will ensure that the selected contractor has the experience and expertise to do the job.

12. *Whether the public improvement will be occupied or unoccupied during construction:* The existing water treatment plant will continue to be occupied during the construction of the new water treatment plant.

13. *Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions:* Construction is anticipated to occur in a single phase.

14. *Whether the contracting agency or state agency has, or has retained under contract, and will use contracting agency or state agency personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the contracting agency or state agency will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract:* City staff has previous experience with the CM/GC method, and the design team is anticipated to be lead by Consor North America, Inc., dba Murraysmith¹, a firm that has experience with CM/GC contracting. Furthermore, the City's legal counsel, Miller Nash, has extensive experience with the CM/GC alternative contracting method and has represented public contracting agencies on multiple CM/GC projects.

Ultimate Finding: For the reasons set forth above, use of the CM/GC Alternative Contracting method for this project is likely to result in substantial cost savings and deliver other significant public benefits as compared to use of the standard design/bid/build process within the meaning of ORS 279C.335(2)(b).

¹ The award of contract is pending.

Groundwater Treatment Plant

Alternative Project Delivery Hearing
September 19, 2022



How We Got Here - What We've Learned



Ground Water Treatment Plant History

- Constructed in 1953
 - 1953 population: 4,000
 - 2021 population: over 25,000
 - 2035 est. population: over 38,000
- Expanded and upgraded in 1961, 1970, 1980, 1997, 2006
- Vulnerable to severe damage – seismic upgrades due
- OHA requires covers for filters and basins
- Many parts aging and near end of life
- Can't support full capacity



Modern, Resilient Treatment Plant

- Modern facility and treatment
- Designed and built to current requirements and code
- Build what we need now
- Expandable and flexible for community's growth
- Efficient. 25-50% reduction in Operations & Maintenance Costs



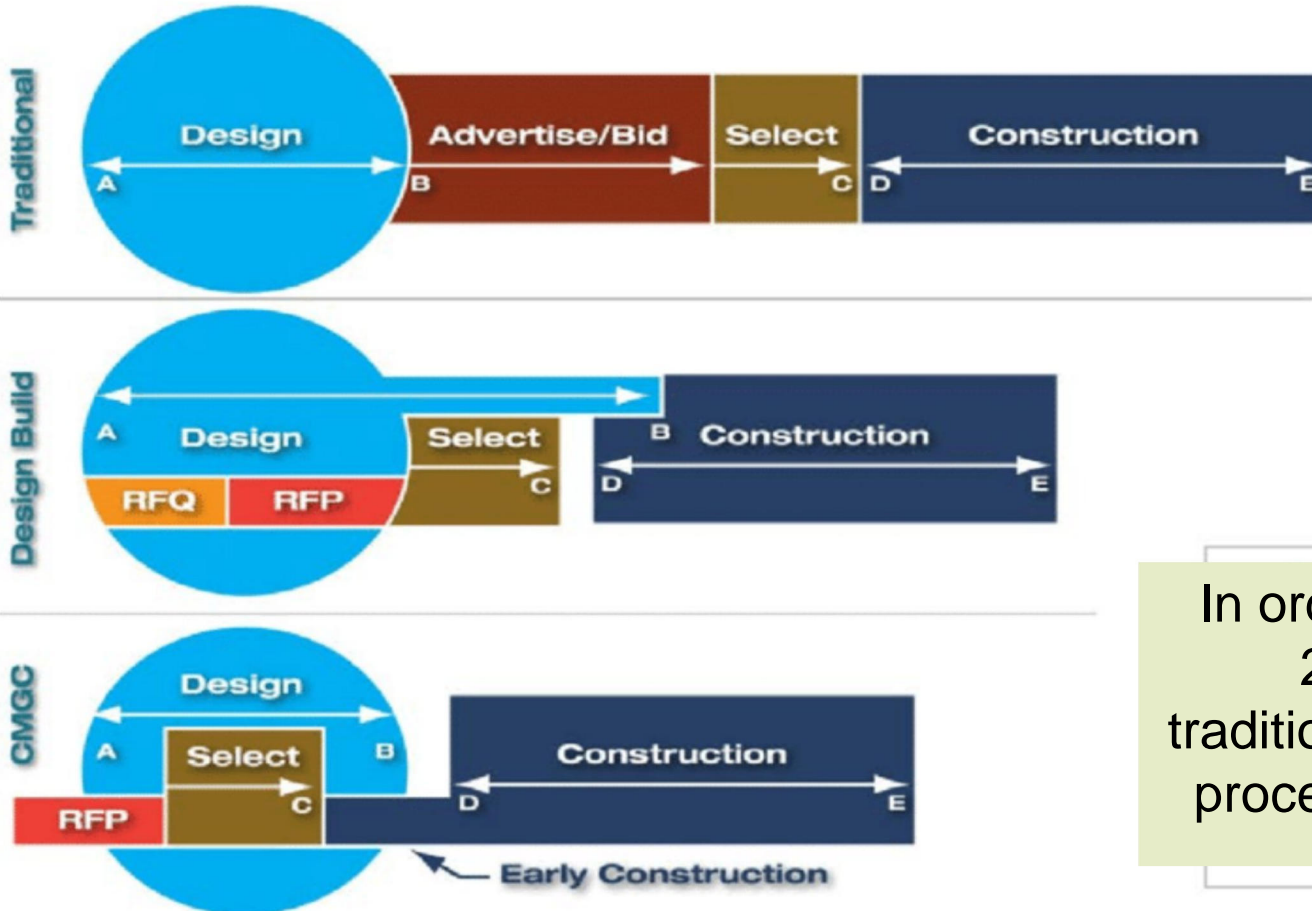
**Proposed new facility with
30- to 50-year
design life**

Community Benefits from a New, Modern Facility

- Delivers **best value for investment**
- Provides **safe, high-quality water**
- Plans for **water use in the future**
- Ensures **reliable water treatment** after an earthquake or other disasters

Schedule

- Oregon Health Authority – Drinking Water Section has agreed to give Newberg time to build a compliant water plant.
 - Must be operational by **September 1, 2027**
- Council Awards design contract on October 3, 2022.



In order to meet the State's 2027 deadline, the traditional design – bid – build process will not be feasible.

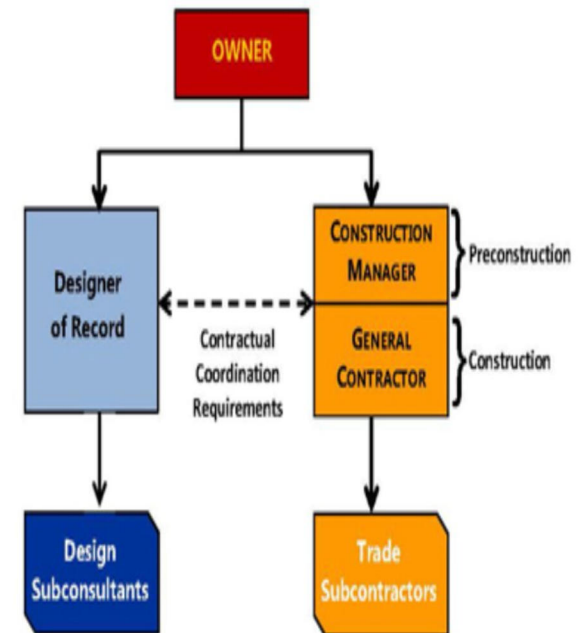
Construction Manager/General Contractor (CM/GC)

What is the Construction Manager/General Contractor (CM/GC) Method?

The CM/GC project delivery method consists of two phases—design and construction.

When the owner considers the design to be complete, the construction manager then has an opportunity to bid on the project based on the completed design and schedule. If the owner, designer and independent cost estimator agree that the contractor has submitted a fair price, the owner issues a construction contract and the construction manager then becomes the general contractor.

The contractor acts as the consultant during the design process and can offer constructability and pricing feedback on design options and can identify risks based on the contractor's established means and methods. As noted earlier, this process also allows the owner to be an active participant during the design process and make informed decisions on design options based on the contractor's expertise.





Exemption from Public Bidding Use CM/GC Project Method

- A competitive RFP process will be used to solicit the CM/GC
- The process is unlikely to encourage favoritism in public contracts or substantially diminish competition
- Will result in substantial cost savings to the City
 - Participation of the contractor in the design of the plant in the CM/GC process more easily incorporates quality materials and equipment.
 - Selections based on performance, integration with current systems, and cost of entire life-cycle rather than the lowest initial price
- Will result in a shorter schedule
- The required notice have been published in the Daily Journal of Commerce on September 2, 2022

Recommendation

- Adopt Resolution No. 2022-3844 to allow the use of the CM/GC Project Delivery Method for the New Groundwater Treatment Plant

OUTLINE FOR PUBLIC HEARING

Newberg City Council

▶ ADMINISTRATIVE HEARING ◀

1. CALL TO ORDER

OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS

2. DECLARATION OF CONFLICTS OF INTEREST OR ABSTENTIONS

3. STAFF REPORTS

4. PUBLIC TESTIMONY

A. Mayor Announces Time Limits

B. Citizen Testimony

1. Invites citizen to the table to speak into the microphone.
2. Inform citizen to state name at beginning of testimony.
3. Remind citizen to briefly state input.
4. Order of Citizens' Testimony.
 1. Proponent
 2. Opponent
 3. Undecided

C. Close of Public Testimony

5. RECOMMENDATIONS FROM STAFF

6. COUNCIL DELIBERATION

7. DECISION

A. Resolution – Action usually requires passage of resolution

B. Vote – Voice vote is permitted

C. Majority of the Quorum is required for passage

D. Combination – Can be combined with other council action

REQUEST FOR COUNCIL ACTION



Date Action Requested: (September 19, 2022)

Order Ordinance Resolution Motion Information
No. 2022-3864

Subject:
A resolution approving a disbursement from Fund 14 to support the economic development work of the Newberg Downtown Coalition

Staff: CM
Department: CM's office
File No.

Business Session

Order On Agenda: New Business

Hearing Type: Administrative

Recommendation:

Staff recommend granting the small appropriation from Fund 14 contingency to the Newberg Downtown Coalition, and adding a similar line item for consideration next financial year.

Executive Summary:

In the last weeks of August the City Manager and Councilor Yarnell Hollamon were contacted via email with a proposal for the city to support the good works of the Newberg Downtown Coalition via a grant phased in two disbursements. The request (see enclosure A) lists the advantages of this arrangement for the benefit of the downtown corridor. Staff supports this concept and desires to see if council are in support also.

Fiscal Impact:

The impact will be \$10,000 from fund 14 contingency this financial year and a budgeted \$10,000 from fund 14 next financial year. The funds for next year would go through the standard budget request process.

Strategic Assessment:

Clearly the Newberg Downtown Coalition does good work in support of our overall economic health especially in the downtown corridor. If council supports this action, we assume that these good works will continue and be put on an even firmer footing.

Rick Rogers, Mayor

Attest by the Mayor this 20th day of September, 2022.

Sue Ryan, City Recorder

Effective Date of this resolution is the day after the adoption date, which is: September 20, 2022. **Adopted** by the City Council of Newberg, Oregon, this 19th day of September, 2022.

- 1. To approve the disbursement of \$10,000 from Fund 14 contingency this year.
- 2. To approve the disbursement of \$10,000 from Fund 14 next financial cycle if approved by the normal budget process.

The City of Newberg Resolves as Follows:

- 1. Whereas, the City of Newberg recognizes the value of the good works of the Newberg Downtown Coalition.
- 2. Whereas, the City of Newberg desires that these good works continue and expand through 2022 and into 2023.

Recitals:

A Resolution approving the disbursement of funds to support the Newberg Downtown Coalition

RESOLUTION NO. 2022-3864



To: City of Newberg, Attn City Manager Will Worthey and
Council President Elise Yarnell Hollamon



I am writing to request a grant from the City of Newberg in support of the Newberg Downtown Coalition operating funds.

I wanted to be clear that we do not expect or think we qualify for TLT funding at this time. Our purpose is to ensure a downtown environment that supports economic development. We do this by working to have a clean, attractive downtown landscape and to create activities that bring people downtown to support local businesses.

My request is that you and the council consider a grant of \$10,000 this fiscal year and \$10,000 next fiscal year from Fund 14, the fund for economic development. Would you forward this request to the council please? I would be happy to speak to council if they wish. Our activities are outlined below. Again thank you both for all the work you do for our city.

We serve the community by creating an inclusive environment in downtown Newberg that enriches the lives of those who visit and live here. For the past two years we have not requested support from the city or businesses impacted by COVID which is a majority of our members. We have continued to serve our city in a wide range of ways from delivering COVID masks and grant information to setting up outdoor events that allow the community to safely gather. This year we will require support in order to continue to help keep downtown a great place for the citizens of Newberg.

Examples of our support of Newberg Downtown

- **COVID support:** Picking up and delivering PPE to downtown businesses, farm workers, and George Fox University students.
- **Historic Building support:** Assisting the Cameo Theatre in getting the grant to upgrade their downtown movie theater.
- **Berg Bucks:** The Newberg Downtown Coalition collaborated with the *City of Newberg, Taste Newberg and the Chehalem Valley Chamber of Commerce* to create a Downtown Gift Card that is usable at any participating downtown businesses. (over 30 participating businesses currently – launching in August.)

- **Wednesday Market:** Every Wednesday from 4 to 8 pm, May through September 15. Over 50 vendors and 800 attendees shopping and eating in downtown. Holiday Market and Spring Market downtown to bring people downtown.
- **First Friday Art Walk:** Promotes local artists, businesses and city's historic center bringing customers downtown.
- **Marketing:** Awareness-building for downtown businesses including posters and social media promotion of downtown businesses and events. Currently have more than 1,200 Instagram followers on our Wednesday Market account, over 1,000 on our NDC account, with more than 2,300 followers on Facebook.
- **Beautification:** Fall cleanup, sidewalk pressure washing day, Christmas Tree Festival
- **Light up Newberg** – placing white lights along the building tops down First Street and at Providence hospital to bring light to a dark time.
-

We are requesting \$20,000 to enable us to continue to operate while we recover from the impacts of COVID. The funding will be used for paying for the executive director salary while we work towards a sustainable funding model.

Please let me know if you require any additional information.

Many thanks,

NDC Board, Molly Olson

The NDC Board

- Molly Olson, President
- Terry Emery, CPA, Treasurer
- Dennis Lewis, Business Owner, Vice President
- Rob Felton, GFU
- Loni Parrish, Business Owner
- Ricky Miguel, Business Owners
- Paul Losch, Restaurant Owner
- Rick Rogers, Mayor
- Jennifer Sitter, Business Owner
- Aubrey Nichols, Business Owner
- Allyn Brown, Lawyer

Newberg Downtown Coalition is a 501C(3) nonprofit, EIN #27-1747061, no goods or services are given in exchange for this membership.

Newberg Downtown Coalition

Molly Olson, Request for economic development funds

September 19, 2022

Our Request

- We request that you consider providing financial support for NDC activities from the economic development fund.
 - \$10,000 this city fiscal year in 2022
 - \$10,000 next city fiscal year in 2023

So that we can continue to serve downtown in concert with our partners (the City, Chamber, and Taste Newberg)

- Why the economic development fund?

NDC Supports Economic Development

- NDC focuses on creating a desirable business environment in the downtown core
 - Creating a desirable look and feel to downtown
 - Historic Building Grants (Chapters, Cameo are examples) we can do as a 501C3/Main Street program
 - Clean up (GFU Serve Day/Public Works/NDC downtown Sept 14, sidewalk pressure wash)
 - Beautification (Flower barrels, Light Up Newberg)
 - Parking workgroup
 - Urban Renewal committee
 - Creating feet on the street downtown to bolster downtown businesses
 - Berg Bucks (in partnership with Chamber and Taste Newberg)
 - Google My Business workshops
 - Wednesday Market (with CPRD)
 - First Friday Art Walk
 - Seasonal events: Small Business Saturday, Holiday Market, Christmas Tree Festival/Lighting, Halloween
 - Sculpture Pads and Sculpture Placement
- A strong downtown is the heart of the community! Our success supports all of Newberg's success.

Thank you

- If you have questions please contact me or any board member
- The NDC Board
 - Molly Olson, President
 - Terry Emery, CPA, Treasurer
 - Rob Felton, GFU Chief of Staff
 - Loni Parrish, Art Elements Business Owner
 - Ricky Miguel, Arch Home Improvements Business Owners
 - Paul Losch, Ruddick Wood Restaurant Owner
 - Elise Yarnell Hollamon, City Council President
 - Jennifer Sitter, Pulp & Circumstance Business Owner
 - Aubrey Nichols, Honey Pie Restaurant Business Owner
 - Allyn Brown, Retired Lawyer
- Newberg Downtown Coalition is a 501C(3) nonprofit, EIN #27-1747061

Written testimony for the 9/19/2022 City Council meeting:

I am writing with regard to Resolution number 2022-3844 regarding the Water Treatment Plant. I have two questions:

- 1) In the Executive Summary, it states that the owner, designer, and independent cost estimator can decide that the contractor has submitted a fair price and award the contract to that contractor. Is the City Council included in this process as “owner”? More specifically, will the eventual decision to award the construction contract be brought before the Council for their approval?
- 2) The Resolution lists the funding sources, but does not mention water SDCs. Is the capacity of the new plant expected to be greater than the capacity of the existing plant? If so, why are SDCs not planned to be used to fund the additional capacity?

I do expect to attend the meeting virtually and raise these two questions. I’m providing them in advance with the hope that answers will be provided.

Thank you.

Robert Soppe

2022 NEWBERG CITY COUNCIL MEETING INFORMATION

Meeting Date: 9/19/22

Start: 6:00 p.m. Stop: 7:52 p.m.

Councilors	Roll Call	AFH appointment Banks	Res 3824 Eagle Elsner Contract Paving	Res 3844 CM/GC method H20 plant	Res 3864 NDC \$\$\$ Fund 14			
MCBRIDE	X	Yes	Yes	Yes	Yes			
MILDENBERGER	X	Yes	Yes	Yes	Yes			
YARNELL HOLLAMON	X	Yes	Yes	Yes	Yes			
KILBURG	X	Yes	Yes	Yes	Yes			
Mayor ROGERS	X	Yes	Yes	Yes	Yes			
BACON	Absent	Absent	Absent	Absent	Absent			
FINDLEY	X	Yes	Yes	Yes	Yes			
ROLL CALL VOTES		Yes: 6 No: 0 Absent: 1	Yes: 6 No: 0 Absent: 1	Yes: 6 No: 0 Absent: 1	Yes: 6 No: 0 Absent: 1			
MOTION (1 st /2 nd):		Findley/ Yarnell Hollamon	Findley/ McBride	Mildenberger/ Yarnell Hollamon	McBride/ Findley			
Department/ Staff:		Council	PWS- ENG	PWS-ENG	CM			
Changes:								
Tabled:								

City Recorder

[] Scheduling on Forward Looking Calendar

[2 hours] Workmen's Compensation hours