

**AGENDA**

**REGULAR CITY COUNCIL MEETING**

**JULY 10, 2023**

**5:30 p.m.**

**CITY HALL COUNCIL CHAMBER**

**313 COURT STREET**

**And**

**VIA ZOOM**

**<https://us06web.zoom.us/j/88147760127?pwd=bzF6UVBBS0EvaDIxTEVyRngrbExmQT09>**

Meeting ID: 881 4776 0127

Passcode: 007612

1. CALL TO ORDER
2. ROLL CALL OF COUNCIL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. PRESENTATIONS/PROCLAMATIONS
  - A. Life Saving Award – Officer Call
6. AUDIENCE PARTICIPATION

During this portion of the meeting, anyone may speak on any subject which does not later appear on the agenda. Up to five minutes per person will be allowed. Citizens are encouraged to ask questions with the understanding that the City can either answer the question tonight or refer that question to the appropriate staff member who will get back to you within a reasonable amount of time. 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 COUNCIL REPORTS
9. 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.

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**CITY OF THE DALLES**

"By working together, we will provide services that enhance the vitality of The Dalles."

- A. Approval of the June 26, 2023 Regular City Council Meeting Minutes
- B. Approval of Resolution No. 23-023 Concurring with the Mayor's Appointment of Ben Wring to the Urban Renewal Agency Board, and Angel Drinkwine to the Beautification Committee
- C. Resolution No. 23-020 Assessing the Real Property Located at 904 West 13th Street for the Cost of Abatement

10. CONTRACT REVIEW BOARD ACTIONS

- A. Authorization to Exempt SCADA Upgrade Project Engineering Contracts from Competitive Procurement Requirements

11. ACTION ITEMS

- A. Resolution No. 23-024 Disbanding the Ad Hoc Beautification Committee and creating a Standing Tree and Beautification Committee

12. ADJOURNMENT

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This meeting conducted VIA Zoom

Prepared by/  
Izetta Grossman, CMC  
City Clerk



## AGENDA STAFF REPORT

### AGENDA LOCATION: Item #9 A-C

**MEETING DATE:** July 10, 2023

**TO:** Honorable Mayor and City Council

**FROM:** Izetta Grossman, CMC, City Clerk

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

- A. **ITEM:** Approval of the June 26, 2023 Regular City Council meeting minutes.

**BUDGET IMPLICATIONS:** None.

**SYNOPSIS:** The minutes of the June 26, 2023 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 June 26, 2023 Regular City Council meeting minutes.

- B. **ITEM:** Approval of Resolution No. 23-023 Concurring with the Mayor's Appointments to the Beautification Committee and Urban Renewal Agency

**BUDGET IMPLICATIONS:** None.

**SYNOPSIS:** The Mayor has met with the applicant and recommends appointment.

**RECOMMENDATION:** City Council concurs with the Mayor's appointment to the Beautification Committee; and approves Resolution No. 23-023.

- B.     **ITEM:** Approval of Resolution No. 23-020 Assessing the Real Property  
          Located at 904 West 13<sup>th</sup> for Cost of Abatement

**BUDGET IMPLICATIONS:** None.

**SYNOPSIS:** Codes Enforcement has followed the process of abatement; the City Clerk has sent out notification of lien if not paid. This is the next step.

**RECOMMENDATION:** Approval of Resolution No. 23-020 Assessing the Real Property Located at 904 West 13<sup>th</sup> for Cost of Abatement

MINUTES

CITY COUNCIL MEETING  
COUNCIL CHAMBER, CITY HALL  
JUNE 26, 2023  
5:30 p.m.

VIA ZOOM/ IN PERSON

**PRESIDING:** Mayor Richard Mays

**COUNCIL PRESENT:** Darcy Long, Tim McGlothlin, Dan Richardson  
Scott Randall (via Zoom)

**COUNCIL ABSENT:** Rod Runyon

**STAFF PRESENT:** City Manager Matthew Klebes, City Attorney Jonathan Kara, City Clerk Izetta Grossman, Public Works Director Dave Anderson, Police Chief Tom Worthy, Finance Director Angie Wilson, Community Development Director Joshua Chandler, Human Resources Director Daniel Hunter, Executive Assistant to City Manager Amie Ell

**CALL TO ORDER**

The meeting was called to order by Mayor Mays at 5:30 p.m.

**ROLL CALL OF COUNCIL**

Roll Call was conducted by Executive Assistant Amie Ell; Long, McGlothlin, Richardson present; Randall present via zoom; Runyon absent.

**PLEDGE OF ALLEGIANCE**

Mayor Mays asked Councilor Long to lead the Pledge of Allegiance.

Councilor Long invited the audience to join in the Pledge of Allegiance.

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### **APPROVAL OF AGENDA**

Mayor Mays noted the addition of Action Item 10C Resolution No. 23-021 Restricting Fire Works.

It was moved by Richardson and seconded by Long to approve the agenda as submitted. The motion carried 4 to 0; Richardson, Long, Randall, McGlothlin voting in favor; none opposed; Runyon absent.

### **PRESENTATIONS PROCLAMATIONS**

#### Recognition The Dalles High School Girls Softball Team

Mayor Mays had Head Coach Lindy Macnab present The Dalles High School Softball Team with certificates and City Medallions.

Coach Macnab thanked everyone for the support the team received all season. She said it was an honor to coach the team.

The follow are the 2023 Tri-Valley Conference Champions, 2023 OSAA 4A State Champions, 2023 OSAA Academic All State Softball Team with a combined Team GPA of 3.72. This season, we also just broke the All-time record across all classifications in Oregon High School Softball accruing 70 Homeruns in a single season. The previous record was 53 homeruns in a single season held in 2017.

Jeilane Stewart - Junior - Catcher/Outfield

Zoe LeBreton- Junior- Shortstop/Catcher

Keiliani Crichton-Tunai- Junior- Third Baseman

Despina Seufalemua- Sophomore- Designated Player (Power Hitter)/Pitcher

Madalynn Sagapolutele-Freshman- Catcher/Outfield

Kaleyah Crichton-Tunai-Junior- Leftfielder

Madison Brock- Sophomore- Second Baseman

Kennedy Abbas- Senior- Pitcher

Ella Smith-Senior-Centerfielder

Sydney Newby- Sophomore- First baseman

#### Substitutes:

Ava Graves-Freshman- Outfielder

Lillian Schatz- Senior- Outfielder

Laci Hoylman-Sophomore- Outfielder

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Aizlynn Rubio-Freshman- Infielder  
Hailey Johnston-Freshman- Catcher  
Farrah Cardona-Junior- Outfielder  
Abril Rincon-Freshman- Outfielder

Led by Coaches : Varsity Head Coach: Lindy Macnab, Varsity Assistant Coaches Jayme Scherrer and Brooke Smith. Volunteer Coaches: Ryan LeBreton, Dave Jones and Dave McBride. JV Head Coach/Assistant Varsity Coach Duane Witter.

### Police Promotion

Chief of Police Tom Worthy introduced Officer Tyler Caldwell, saying he had been with the department since August of 2015. Chief Worthy announced Caldwell was recently promoted to Sargent. Worthy said there were 5 candidates interviewed, and any of the candidates could do the job. He said that it spoke to the quality officers of The Dalles Police Department. He said he was proud to work with the team.

### AUDIENCE PARTICIPATION

Janet Hamada, The Next Door read a letter (see attached) from the Gorge Health Equity Collaborative, supporting Mid-Columbia Community Action Council, the Mid- Columbia Houseless Collaborative and the Mid-Columbia Housing Authority in their work to expand affordable housing options.

The letter commended the City of The Dalles for highlighting the need for attainable, affordable housing options.

She said the letter was signed by 24 individuals and businesses.

### CITY MANAGER REPORT

City Manager Matthew Klebes updated the Council on ordinance review progress. He identified the following:

- City Attorney reviewed existing ordinances confirming they met the matrix for HB 3115
- Discussion coming before Council in July
  - Staff resources
  - Partners – information sharing
  - Website page for resources
  - Wasco County Houselessness Taskforce – next meeting July
    - Mid-Columbia Community Action Council strategic plan

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Klebes also noted:

- Attended Household Hazardous Waste meeting
- QLife Strategic Plan/Business model updates being worked on
- Police recruitment
  - 1 active reserve; 1 new hire; 2 in background check stage
- RARE interviews – will start in September
- Community Outreach Team 6/27/23
  - September Washington DC trip
  - Actively engaging with State Representative

Klebes said he would send the Mid-Columbia Community Action Council (MCCAC) Strategic Plan to councilors.

## **CITY COUNCIL REPORTS**

Councilor Richardson asked Klebes to send him the MCCAC Strategic Plan. He said he was supportive of a stronger relationship with State representatives.

He reported:

- KODL with the Mayor
- Inaugural meeting with the new Wasco County Houselessness Collaborative Committee
- Urban Renewal Agency Board meeting
- City Manager meeting

Councilor Long reported:

- Urban Renewal Agency Board Meeting
  - contract for demolition of Tony's Building on Federal and 2<sup>nd</sup> Street
  - Intergovernmental Agreement with Northern Wasco County Parks & Recreation on Segment 1 of Mill Creek Greenway (\$190,000)
  - Learned about how Urban Renewal works – available on city's website
- State Representatives coming to see projects underway on July 11<sup>th</sup>

Long said Mark Gibson, photographer and editor of The Dalles Chronicle passed away. She said he was a valuable member of the community.

Councilor McGlothlin reported:

- Urban Renewal Agency Board
- Drove around Scenic area with Chief of Police
- Meeting with City Manager



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- Meeting with Scenic Dr residents
- Meeting with Air BNB property owner
- Attended services for Theron Keller, long time resident of The Dalles

Mayor Mays reported:

- District 21 School Board meeting
- Spring Nursing Home annual visit
- KODL

## **CONSENT AGENDA**

It was moved by Long and seconded by McGlothlin to approve the Consent Agenda as presented. The motion carried 4 to 0, Long, McGlothlin, Richardson, Randall voting in favor; none opposed; Runyon absent.

Items approved on the consent agenda were: The minutes of the June 12, 2023 Regular City Council Meeting; Resolution No. 23-019 Concurring with the Mayor's Appointments to the Beautification Committee; Resolution No. 23-018 Assessing the Real Property Located at 2105 West 10th Street for the costs of Nuisance Abatement.

## **ACTION ITEMS**

### Watershed Land Purchase

Public Works Director Dave Anderson reviewed the staff report.

In response to a question Anderson said the purpose of owning the land was to control water quality for The City of The Dalles. He said it would be a long time before there would be a timber harvest, as much of the timber was burned, or recently logged. He said the City historically had not clear cut.

It was moved by McGlothlin and seconded by Richardson to authorize the execution of an Option Agreement with Lupine Forest LLC for the purchase of approximately 3,445 acres of real property located within and near the drainage of The Dalles Municipal Watershed. The motion carried 4 to 0; McGlothlin, Richardson, Randall, Long voting in favor; none opposed; Runyon absent.

### City Insurance Renewals

Human Resources/Risk Manager Daniel Hunter reviewed the staff report.

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Breanna Wimmer, agent of record said this year workers comp rating is trending toward less than the 1.0 level.

She said the deep review that she did with staff was on cyber security. She said she recommended increasing from \$5million/\$15million aggregate to \$10million/30million aggregate. Wimmer said the increased coverage was worth the additional cost.

It was moved by Richardson and seconded by McGlothlin to approve the City insurance renewal with CIS for General Liability, Property and Auto in amount not to exceed \$576,701.86 and; renew the City workers compensation insurance with SAIF for an amount not to exceed \$94,801.30 for FY23-24 and continue the City's partnership with Stratton Insurance as our Agent of Record. The motion carried 4 to 0; Richardson, McGlothlin, Randall, Long voting in favor; none opposed.

City Manager Klebes thanked Ms. Wimmer and managers for the efforts working on the insurance renewals.

Resolution No. 23-021 Declaring State of Emergency and Restricting Fireworks

City Manager Matthew Klebes said staff had looked at drought, recent fires and information from Emergency Operations when developing the resolution.

He said Wasco County had enacted a fireworks ban as well.

Klebes said the resolution was for this year only, and he would like direction from Council if they would like staff to bring back a more permanent Ordinance. He reminded Council that the City had enacted an emergency ban for the last three years.

City Attorney Kara said that since the resolution includes a provision for issuing a fine, it would be prudent to ask for comment from the audience.

Mayor Mays asked if anyone had any comments.

Councilor Richardson said over the last 10 years weather has become more erratic and fires more frequent. He asked if there was any past note about enforcement.

Chief Worthy said the Police Department starts with education and voluntary compliance. He said compliance had been pretty good in the past. He said no fines needed to be issued.

Rodger Nichols said it seemed hypocritical to ban fireworks, except the City could have

fireworks.

City Attorney Kara said the commercial display was overseen by the State Fire Marshall. He said the display was on the river was different than personal fireworks. He said sales were still allowed.

It was moved by Richardson and seconded by Long to approve the fireworks ban.

Long asked if the motion should include the Resolution number and title.

Richardson withdrew the motion.

It was moved by Richardson and seconded by Long to approve Resolution No. 23-021 Declaring a State of Emergency and Restricting Fireworks. The motion carried 4 to 0; Richardson, Long, McGlothlin, Randall voting in favor; none opposed; Runyon absent.

### **ADJOURNMENT**

Being no further business, the meeting adjourned at 6:40 p.m.

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Submitted by/  
Izetta Grossman, CMC  
City Clerk

SIGNED:

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Richard A. Mays, Mayor

ATTEST:

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Izetta Grossman, CMC City Clerk

June 26, 2023

To The Dalles City Council,

As members of the Gorge Health Equity Collaborative, we are reaching out to express our support for Mid-Columbia Community Action Council, the Mid-Columbia Houseless Collaborative, and the Mid-Columbia Housing Authority in their work to expand affordable housing options for the community.

The Gorge Health Equity Collaborative is a group of community partners representing local health and social service organizations, along with additional agencies and organizations from other sectors. We meet monthly to work toward our mission which is “to convene partners, develop and share resources, and lead organizations toward equity.”

We recognize that housing is a foundational building block that all people need to live healthy and productive lives. Housing is also a critical social determinant of health. We are all aware of the affordable housing crisis in our region, and we understand that we need more housing of all types to ensure that everyone in our community has a safe and stable place to live. Issues of housing are issues of equity because everyone deserves a safe place to call home, and because the housing crisis has created disproportionate barriers for communities of color and for other traditionally under-resourced communities.

We commend The City of The Dalles for highlighting the need for Attainable, Affordable Housing Options as a watershed opportunity in your 2040 Vision Action Plan. We encourage the City Council to support the projects and actions of Mid-Columbia Community Action, the Mid-Columbia Houseless Collaborative, and the Mid-Columbia Housing Authority because these agencies are working hard to expand attainable, affordable housing options that are so needed by our community and that the City of The Dalles has identified as a top priority.

We want you to know that there are many individuals and organizations in The Dalles, in Wasco County, and throughout the region that stand in strong support of Mid-Columbia Community Action, the Mid-Columbia Houseless Collaborative, and Mid-Columbia Housing Authority, and we the members of the Gorge Health Equity Collaborative are among them.

In gratitude for your service to the community,

Members of the Gorge Health Equity Collaborative  
*List of names and organizations who agree to sign on*

1. The Next Door, Inc.
2. Columbia Gorge Health Council - Jenny Anglin
3. Gorge Grown Food Network
4. Mid-Columbia Medical Center
5. One Community Health

6. Mid-Columbia Center for Living
7. Columbia Gorge Community College
8. Small Business Development Center, Columbia Gorge Community College
9. CultureSeed – Yesenia Castro
10. Columbia Gorge Education Service District – Pat Sublette
11. North Central Public Health District (NCPHD) - Shellie Campbell
12. Hood River County Health Department
13. Klickitat Valley Health
14. Washington Gorge Action Programs – Jennifer Pauletto, Leslie Naramore
15. Columbia River Gorge Commission
16. Oregon State University Extension Hood River & Waco County – Lauren Kraemer
17. Energy Trust of Oregon
18. Saldivar Insurance
19. People for People
20. Lorena Sprager and Associates, LLC – Lorena Sprager
21. Support Cultivation LLC – Suzanne Cross
22. Healthy Gorge Initiative - Paul Lindberg
23. Colibri Consulting - Jody Sturdy O'Connor, MEd, MSc
24. Dr. Robert Gobbo - Providence Hood River, Family Medicine Residency
25. CPR in the Gorge LLC – Rena George
26. Pastor Tyler Beane Kelly of Zion Lutheran Church – ELCA
27. Patricia Cooper
28. Steve White

**RESOLUTION NO. 23-023**

**A RESOLUTION CONCURRING WITH THE  
MAYOR'S APPOINTMENTS TO THE BEAUTIFICATION COMMITTEE**

**WHEREAS**, there are vacant positions on the Urban Renewal Board and the  
Beautification Committee; and

**WHEREAS**, the Mayor has elected to appoint Ben Wring to the Urban Renewal Board  
and Angel Drinkwine to the Beautification Committee.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AS  
FOLLOWS:**

Section 1. The City Council concurs with the appointment of:

Ben Wring to the Urban Renewal Boar; with term expiring December 31, 2024; and  
Angel Drinkmore to the Beautification Committee; with term expiring June 30, 2026.

Section 2. This Resolution shall be effective July 10, 2023.

**PASSED AND ADOPTED THIS 10<sup>th</sup> DAY OF JULY, 2023.**

Voting Yes, Councilors: \_\_\_\_\_  
Voting No, Councilors: \_\_\_\_\_  
Absent, Councilors: \_\_\_\_\_  
Abstaining, Councilors: \_\_\_\_\_

**AND APPROVED BY THE MAYOR THIS 10<sup>th</sup> DAY OF JULY, 2023.**

SIGNED:

ATTEST:

\_\_\_\_\_  
Richard A. Mays, Mayor

\_\_\_\_\_  
Izetta Grossman, CMC, City Clerk

## RESOLUTION NO. 23-020

### A RESOLUTION ASSESSING THE REAL PROPERTY LOCATED AT 904 WEST 13<sup>th</sup> STREET FOR THE COSTS OF NUISANCE ABATEMENT

**WHEREAS**, the City Code Enforcement Officer posted a Notice to Abate Nuisance upon the following listed properties on the dates shown below:

<u>Property</u>	<u>Assessor's Map No.</u>	<u>Date of Posting</u>
904 West 13 <sup>th</sup>	1N 13E 4 BC 3000	Voluntary Abatement

**WHEREAS**, according to Wasco County real property records, the following persons are the owners of record for tax purposes of the following listed property:

<u>Property</u>	<u>Owner</u>
904 West 13 <sup>th</sup>	Jose & Rosalba Menara Santana

**WHEREAS**, the Notice to Abate Nuisance required the removal of noxious vegetation and/or junk from the listed property pursuant to the provisions of Section 5.24.040 of The Dalles Municipal Code;

**WHEREAS**, the Notice to Abate Nuisance further provided if the nuisance conditions were not abated the City would hire a contractor to abate the nuisance conditions, and the costs of the abatement would be charged to the owner of the property, and become a lien upon the property;

**WHEREAS**, as a result of the owners' failure to abate the nuisance conditions on the property, the City hired the following listed contractor, who abated the nuisance conditions on the dates listed below, for the costs listed below:

<u>Property</u>	<u>Contractor</u>	<u>Date of Abatement</u>	<u>Cost</u>
904 West 13 <sup>th</sup> Street	Gorge Arbor Care	May 26, 2023	\$5,500.00

**WHEREAS**, pursuant to Section 5.24.070 of The Dalles Municipal Code, on June 6, 2023, the City Clerk sent a Notice of Assessment by certified mail to Larry and Joy Eckart advising them the total cost of the assessment for the property was \$5,500.00, and the listed sum would become a lien upon the property if the amount was not paid by June 21, 2023, or the assessment was not protested by June 11, 2023 by Jose & Rosalba Menara Santana;

**WHEREAS**, Jose & Rosalba Menara Santana failed to file any objection by the stated deadline and failed to pay the balance of the assessment by the deadline listed in the Notices of Assessment, and the City Council finds the statement of the amount of the proposed assessments is correct and no reason exists to justify any delay in proceeding with the imposition of a lien upon the properties for the cost of the assessments.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES  
RESOLVES AS FOLLOWS:**

Section 1. Assessment. The cost of the abatements of the nuisance conditions of a boat, garbage and junk for the following property:

<u>Name/Address</u>	<u>Description</u>	<u>Final Assessment</u>
Jose & Rosalba Menara Santana	1N 13E 4 BD 3000	\$5,500.00

The legal description for the properties is shown in the list of descriptions attached to and made part of this Resolution as Exhibit "A".

Section 2. Docket Entry. Upon passage of this Resolution and its approval by the Mayor, the following information shall be entered into the City Electronic Lien Docket:

- a. The foregoing legal description of the property assessed.
- b. The names of the owners or a statement the owners are unknown.
- c. The sum assessed upon each lot or tract of land.
- d. The date of the docket entry.

Section 3. Notices/Collection of Assessment. The City Clerk is directed to proceed with notice and collection of the assessment in accordance with the procedures prescribed by Oregon law for enforcement of liens and collection of assessments.

Section 4. Effective Date. This Resolution shall be effective upon adoption.

**PASSED AND ADOPTED THIS 24<sup>th</sup> DAY OF JULY, 2023,**

Voting Yes, Councilors: \_\_\_\_\_

Voting No, Councilors: \_\_\_\_\_

Absent, Councilors: \_\_\_\_\_

Abstaining, Councilors: \_\_\_\_\_

**AND APPROVED BY THE MAYOR THIS 24<sup>th</sup> DAY OF JULY, 2023.**

\_\_\_\_\_  
Richard A. Mays, Mayor

Attest:

\_\_\_\_\_  
Izetta Grossman, CMC, City Clerk



## **Exhibit “A”**

### **LEGAL DESCRIPTION for 904 WEST 13<sup>th</sup> STREET**

Lot K, Block 99, FORT DALLES MILITARY RESERVATION TO DALLES CITY, in City of The Dalles, County of Wasco and State of Oregon. TOGETHER WITH an easement in and to the right to connect and use sewer line in Lot L, said Block 99, in perpetuity, as granted in deed, L.E. Larr, et ux., to First Church of the Nazarene, The Dalles, Oregon, an Oregon non-profit corporation, dated February 18, 1960, and recorded February 24, 1960 in Deed Book 141, Page 138.



## AGENDA STAFF REPORT

**AGENDA LOCATION:** Contract Review Board Item #10A

**MEETING DATE:** July 10, 2023

**TO:** Honorable Mayor and City Council

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

**ISSUE:** Local Contract Review Board Rule VIII(B) – Special Procurement: Exempting from Competition the Award of Professional Services Agreements for Phase 1 and Phase 2 Engineering Services for the Water/Wastewater SCADA System Upgrade Project

**BACKGROUND:** The City's water and sewer systems are monitored and controlled by a computerized *Supervisory Control and Data Acquisition* (SCADA) system. The SCADA system that we have was originally developed in two phases. The first phase, completed in 1996, automated the Wicks Water Treatment Plant (WTP). For that work, the City advertised a competitive Request for Proposals (RFP) and selected CH2M Engineers (which is now Jacobs) to perform the engineering work to design the system, provide direction over the work of selected electricians, complete all software programming, and conduct system start-up testing.

The second phase, completed in 2004, integrated the in-city Water Distribution and Wastewater Collection systems into the SCADA system. The City awarded CH2M Engineers the contract to provide all of the engineering design, project management, software development and start-up testing on a sole-source basis due to their familiarity with our system and after considering the new water distribution and wastewater collection elements were to be integrated into the existing system for the Wicks WTP. In the decades since that time, we have entered into annual SCADA maintenance contracts with CH2M/Jacobs to perform all needed repair services, software updates, and enhancements to the system. The SCADA system is not managed, maintained, or monitored by the City's IT Staff – it is completely standalone and secure, and CH2M/Jacobs is the only firm that has performed any engineering work related to our SCADA system since it was conceived.

It is now time for a major upgrade to the SCADA system. The programmable logic controllers (PLCs) and supporting equipment providing essential monitoring and control functions in the system are now 27 years old. For context, it might be helpful to consider

the viability of using a decades-old computer for home or business purposes. The equipment and software are obsolete and unsupported. New replacements and repair parts are unavailable and Staff has resorted to finding used replacement equipment on eBay when needed. The systems operated by the SCADA system are mission-critical to the provision of safe drinking water to City residents, protection of the environment, and compliance with related state and federal regulations.

The FY 2023/24 budget allocates \$1.5 million to fund Phase 1 of the needed water and wastewater SCADA System Upgrade Project. The total system upgrade is anticipated to occur in two phases: Phase 1 will upgrade the systems at the Wicks WTP, our oldest and arguably most critical systems.

The usual method of procuring a similar engineering contract would be to develop and advertise a competitive Request for Proposals (RFP). Oregon law requires engineering contracts valued over \$100,000 be awarded solely on the basis of qualifications and prohibits the City from considering price in its selection of the best-qualified firm. The City is only able to negotiate price with the best-qualified firm after it selects that firm; if negotiations are unsuccessful with the best-qualified firm, the City may then initiate negotiations with the second-best qualified firm.

The SCADA System Upgrade Phase 1 project is budgeted at \$1.5 million – of that total, about \$1 million would be for engineering services to complete conceptual and final designs (including construction and material specifications), assist with contractor and equipment procurement, oversee construction of the project, perform software programming and system start-up testing, and provide record drawings and updated Operations and Maintenance manuals. The remaining \$500,000 is intended to be used for paying an electrical contractor, purchasing materials and software, and fabricating control panels. A budget-level cost estimate for Phase 2 will be developed as part of the conceptual design that is to be completed as part of Phase 1. Currently, Phase 2 cost is expected to be on a similar order of magnitude as Phase 1.

After careful consideration, Staff is recommending the City Council, in its capacity as the Local Contract Review Board (LCRB), consider an exemption to the normal competitive procurement method for the SCADA Upgrade Project engineering services contracts, which allows the City to negotiate directly with Jacobs for the needed engineering work. Competitive selection processes would still be utilized for selection of electrical contractors and procurement of materials. The rationale for recommending a direct-appointment contract with Jacobs for SCADA Upgrade engineering services are provided later in this report as Proposed Findings.

LCRB Rule VIII(B) allows the City Council to exempt from competition the award of a specific contract or class of contracts upon the adoption of certain factual findings after holding a public hearing. The City Council's basis for approving Staff's recommendation here should include:

- ***The nature of the contract for which an exemption is requested*** - in this case, it is professional services contracts for engineering services to upgrade the City's water and wastewater SCADA system.

- ***The estimated contract price or cost of the project*** – the anticipated price of the proposed engineering services contract for SCADA System Upgrade Phase 1 is estimated to about \$1 million. A budget-level cost estimate for Phase 2 will be developed as part of the conceptual design that is to be completed as part of Phase 1. Currently, Phase 2 cost is expected to be on a similar order of magnitude as Phase 1.
- ***Findings to support the substantial cost savings, enhancement in quality or performance, or other public benefit anticipated by the proposed exemption from competitive solicitation*** – it is anticipated that there will be cost savings outlined in the Proposed Findings by avoiding the engineering firm the expense of (and therefore avoiding their pass-through costs to the City of) responding to an RFP, purchasing materials with preferred customer discounts, and avoiding time and costs needed to accommodate a learning curve about the City's existing systems and needs. Another cost savings here should be the substantial Staff time avoided in developing and administering an RFP. It is also anticipated that the performance of the project will benefit from using the same engineering team that originally designed the system needed to be upgraded and from Jacobs's experience on similar upgrade projects. Each and every of those benefits are public benefits anticipated by the proposed exemptions from competition recommended by Staff here.
- ***Findings to support the reason approval would be unlikely to encourage favoritism or diminish competition for the public contract, or would otherwise substantially promote the public interest in a manner not practicably realized by a competitive solicitation*** – the original SCADA system development and construction engineering services contract was awarded using a competitive solicitation process in which CH2M was selected, so there was no favoritism in the selection of CH2M/Jacobs as the City's SCADA engineering contractor. All work since then on the City's SCADA system has been performed by CH2M/Jacobs as matters of efficiency and consistency. It is unlikely that another firm could upgrade a CH2M/Jacobs designed system more efficiently than Jacobs can. And Jacobs has successfully completed SCADA system upgrades in other water and wastewater plants of the same type as is planned for The Dalles. Lastly, the described cost savings in Staff time and avoided proposal-preparation costs cannot be practically realized with a competitive solicitation process.
- ***A description of the proposed alternative contracting method to be employed*** – Staff proposes engaging directly with Jacobs to negotiate scopes of work and contract prices for the SCADA Upgrade project engineering services contracts. Phase 1 would be negotiated and undertaken in FY2023/24 and Phase 2 would follow in later fiscal years.
- ***The estimated date when it would be necessary to let the contract*** – with the Council's authorization, Staff would plan to enter into negotiations with Jacobs in July/August 2023 with the intent of bringing a proposed contract to the Council for award in or around October 2023.

If Council authorizes the proposed exemptions from competition, Staff would enter into negotiations with Jacobs for the SCADA System Upgrade Phase 1 engineering services contract. The resulting contract would be presented to Council for consideration of award. If the proposed direct negotiations with Jacobs failed to result in a contract acceptable to the City, there would still be the opportunity to then develop and advertise an RFP for the contract (and incur the additional expenses outlined above).

As previously mentioned, the second requirement for exempting award of these contracts from competition under LCRB Rule VIII(B) is a public hearing to allow any interested party to appear and provide testimony regarding the proposed exemption for the SCADA System Upgrade Project engineering services contracts. Following the hearing, the Council must consider the Proposed Findings and any testimony from the public, and may approve the exemptions as proposed, approve them with modifications, or deny the requested exemptions.

### **Proposed Findings**

**Finding #1:** *Exempting award of these contracts from competitive solicitation provides substantial cost savings, enhancement in quality or performance, and has other public benefits, as supported by the following:*

- Jacobs engineers are intimately familiar with the City's systems, which they designed, so there is no learning curve or "explore and discover phase" (and associated time and costs) the City might otherwise be likely to expect if it solicited and contracted with a new engineering firm for this special project. The same lead Jacobs engineer who has overseen the design, updates, enhancements, and maintenance of all of our existing systems would lead the upgrade project. Jacobs already has all the record drawings and documentation (hundreds of pages) associated with the City's SCADA system. Jacobs's demonstrated competency and efficiency with the City's existing systems should translate into less time spent to design and implement the system upgrade, and therefore lower project costs.
- The City's prior experiences with the CH2M/Jacobs project team have been extremely efficient and successful which is indicative of anticipated future excellent performance.
- Jacobs has successfully completed this exact same type of SCADA upgrade with the exact same equipment and operating systems in other plants (including in Vancouver, WA and Eugene, OR); they have learned the hard lessons and developed viable project sequencing to maintain communications and system controls during the transition from the old system to the new – that experience is critical to the success of the City's project and should help avoid potential costs associated with "trial and error".
- The City should benefit from lower project costs: Jacobs would pass through to the City (through discounted rates and/or decreased mark-ups) their avoided costs

from not having to respond to a competitive RFP, providing an estimated savings of about \$25,000.

- There can be significant cost savings to the City in the purchase of certain materials needed for the project. Jacobs does a lot of this type of work and, as such, is a preferred customer for the manufacturer of some of the more expensive system components and receives significant discounts on purchase prices. The project is estimated to have about \$100,000 in PLC purchases alone, and Jacobs' discounts can be around 30% (a portion of which savings should be passed through to the City).
- The City should avoid the time, internal administrative and opportunity costs, and Staff efforts to develop and administer a competitive qualification-based RFP, which typically include development of contract documents and detailed project specifications, review and evaluation of numerous proposals, and possibly conducting interviews to determine the best-qualified proposer. Authorization of an exemption to the competitive procurement process will save the City well over 50 hours of Staff time involving some of the City's higher-paid positions.

**Finding #2:** *Exempting award of these contracts from competitive solicitation would be unlikely to encourage favoritism or diminish competition for the public contracts or would otherwise substantially promote the public interest in a manner not practicably realized by complying with the solicitation requirements otherwise applicable under the LCRB Rules, as supported by the following:*

- The City utilized a competitive RFP (wherein competition was encouraged and there was no favoritism) in the award of its first SCADA design and implementation contract to CH2M. The award of subsequent SCADA-related contracts to CH2M/Jacobs since then have been a matter of consistency and efficiency, both of which promote the public interest.
- Exempting award of these contracts from competitive solicitation and negotiating directly with Jacobs is not anticipated to encourage favoritism or diminish competition since the alternative (i.e., issuing a competitive RFP) would be qualification-based – Jacobs's familiarity and experience with this highly-specialized and technical project and similar projects with other municipalities suggests they would clearly be one of the most or the most qualified proposer. It seems reasonably unlikely a competing firm could demonstrate better qualifications than Jacobs to upgrade a Jacobs-designed system.
- The public interest provided by the cost savings available through the avoidance of a competitive RFP can only be realized through approving these exemptions.

**BUDGET ALLOCATION:** None at this time. The adopted FY2023-24 budget includes \$750,000 in each Fund 53, the Water Reserve Fund, and Fund 56, the Wastewater Reserve Fund, for the SCADA System Upgrade Phase 1 project.

## **COUNCIL ALTERNATIVES:**

1. **Staff Recommendation:** *Move to adopt the Proposed Findings presented herein and approve the exemption from competition for the award of professional services agreements for engineering services relating to the water/wastewater SCADA System Upgrade Project.*
2. Make modifications to the Proposed Findings then move to adopt amended findings and approve the exemption from competition for the award of professional services agreements for engineering services relating to the water/wastewater SCADA System Upgrade Project.
3. Deny approval of an exemption from competition or the award of professional services agreements for engineering services relating to the water/wastewater SCADA System Upgrade Project and provide Staff additional direction.







## AGENDA STAFF REPORT

### AGENDA LOCATION: Action Item #11A

**MEETING DATE:** July 10, 2023

**TO:** Honorable Mayor and City Council

**FROM:** City Manager Matthew Klebes

**ISSUE:** Resolution No. 23-024 A Resolution Disbanding the Ad-Hoc Beautification Committee and Establishing a Standing Beautification and Tree Committee for the City of The Dalles

**BACKGROUND:** The Ad-hoc Beautification Committee (Committee) was established in 2019 by Resolution No. 19-015 and then extended in 2022 with Resolution No. 22-002. The Dalles Vision Action Plan 2040 lists priorities of Enhancing Education in outdoor spaces and Providing Recreation and Open Space. The City Council adopted the Vision Action Plan and Council Goals to include the development of a Tree Plan and Climate Resiliency projects.

In addition, the Climate Resiliency Taskforce recommended establishment of a Tree Committee. The Committee has been working on Downtown tree replacements, tree grants, planting trees at elementary schools along with other beautification projects.

The Mayor has determined the City of The Dalles would benefit from a standing Beautification and Tree Committee building on the good work the Ad-hoc committee has started.

**BUDGET IMPLICATIONS:** As projects are developed the City Manager and/or the Beautification and Tree Committee will bring them to council for consideration.

### **COUNCIL ALTERNATIVES:**

1. **Staff recommendation:** *Move to Adopt Resolution No. 23-024 A Resolution Disbanding the Ad-Hoc Beautification Committee and Establishing a Standing Beautification and Tree Committee for the City of The Dalles*
2. Direct staff to make changes to the resolution and bring back to council consideration
3. Decline

**RESOLUTION NO. 23-024**

**A RESOLUTION DISBANDING THE AD-HOC BEAUTIFICATION COMMITTEE  
AND ESTABLISHING A STANDING  
BEAUTIFICATION AND TREE COMMITTEE  
FOR THE CITY OF THE DALLES**

**WHEREAS**, in 2019, the City Council adopted Resolution No. 19-015 to establish an ad-hoc Beautification Committee;

**WHEREAS**, in 2022, the City Council adopted Resolution No. 22-002 to extend the Committee's existence;

**WHEREAS**, in 2022, the City Council adopted The Dalles Vision Action Plan 2040, which prioritizes enhancing education in outdoor spaces and providing recreation and open space to the community of The Dalles;

**WHEREAS**, The Dalles Vision Action Plan 2040 set a Council goals of developing a tree plan and investigating climate resiliency;

**WHEREAS**, the Climate Resiliency Taskforce recommended establishment of a Tree Committee;

**WHEREAS**, the ad-hoc Beautification Committee has worked on downtown tree replacements, tree grants, planting trees at elementary schools, and other beautification projects; and

**WHEREAS**, the Mayor has determined the City would benefit from a standing committee focused on both The Dalles' beautification and formal tree plan.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF THE DALLES RESOLVES  
AS FOLLOWS:**

Section 1. The City Council hereby disbands the ad-hoc Beautification Committee.

Section 2. The City Council hereby establishes the Beautification and Tree Committee, a standing committee of the City (**Committee**). The Committee shall consist of seven (7) positions held by qualified City electors who live within the City limits of the City of The Dalles, appointed by the Mayor, seven (7) members of which shall be appointed by the Mayor and subject to Council confirmation, and one (1) additional member that shall be an ex officio position held by City staff, appointed by the City Manager.

Section 3. Aside from the ex officio position, the first Committee shall comprise the six (6) members of the now disbanded Beautification Committee and the terms of their appointment shall be staggered as follows:

John Nelson	July 1, 2023 – June 30, 2025
Adam Rahmlow	July 1, 2023 – June 30, 2025
Debi Ferrer	July 1, 2023 – June 30, 2026

Janet Kavanaugh July 1, 2023 – June 30, 2026  
Whitney Walker July 1, 2023 – June 30, 2027  
Angel Drinkwine July 1, 2023 – June 30, 2027

Section 4. The Mayor shall appoint one new member to fill the seven positions of the Committee; and new members to fill any vacancies created by an expired term, and such appointees shall hold the position for a term of four (4) years (commencing on July 1 of each year). All other appointments to fill vacancies shall be for the remainder of the unexpired term.

Section 5. At its first meeting, and at its first meeting of each fiscal year, the Committee shall elect a Chair and Vice-Chair. Officers shall hold their office for one (1) year, unless sooner removed by majority vote of a quorum of the Committee.

Section 6. The secretary for the Committee shall be a City staff member designated by the City Manager.

Section 7. A quorum of the Committee requires a majority of the Committee. The Committee shall meet at least once per month at time and place fixed by the Committee and in accordance with the Oregon Public Meetings Law and all applicable policies and procedures of the City of The Dalles.

Section 8. A Committee member may be excused from attending a regular meeting by the Chair for good cause. If a Committee member fails to attend three (3) consecutive meetings without excused absents, the Chair shall submit this fact to the Committee, and the Committee shall recommend removal of the member from the Committee to the City Council.

Section 9. The Committee shall have the following duties and functions (without limitation):

1. Create or update the Committee Strategic Plan by January 1 of each year and submit to City Manager for funding consideration through the City's Budget process.
2. Coordinate the Second Saturday City Clean-Up, or another date determined by the Committee.
3. Conduct surveys, studies, and research regarding:
  - a. best practices for tree and native plantings on City property and residential areas of the City of The Dalles;
  - b. downtown furniture, including benches, trashcans, and plantings; and
  - c. creation and maintenance of a City-wide tree inventory.
4. Prepare and publish tree inventory reports.
5. Advise City staff on content of webpages on the City's website for:
  - a. the Committee; and
  - b. tree program education and information.

Section 10. Any Committee recommendation to the City Council shall be made at a regular City Council meeting.

Section 11. The Committee shall neither have authority to expend funds on behalf of the City nor obligate the City for the expenditure or payment of any sums of money. All expenditures of City funds related to the function of the Committee shall be made annually by the City Council through the Budget process.

Section 12. This Resolution is effective July 24, 2023.

**PASSED AND ADOPTED THIS 24<sup>TH</sup> DAY OF JULY, 2023,**

Voting Yes	Councilors:	_____
Voting No	Councilors:	_____
Abstaining	Councilors:	_____
Absent	Councilors:	_____

**AND APPROVED BY THE MAYOR THIS 24<sup>TH</sup> DAY OF JULY, 2023.**

\_\_\_\_\_  
Richard A. Mays, Mayor

ATTEST:

\_\_\_\_\_  
Izetta Grossman, CMC, City Clerk