

John Day City Council
July 8, 2014
7:00 PM
Council Chambers
AGENDA

1. **OPEN AND NOTE ATTENDANCE**
2. **APPROVAL OF CITY COUNCIL MINUTES OF JUNE 24, 2014.**
3. **APPEARANCE OF INTERESTED CITIZENS – At this time Mayor Lundbom will welcome the general public and ask if there is anything they would like to add to tonight’s agenda.**

ACTION ITEMS:

4. **PRESENTATION OF EMPLOYEE RECOGNITION CERTIFICATES**
5. **DISCUSS REQUEST FROM GRANT COUNTY FAIRGROUNDS REGARDING A LETTER OF SUPPORT/DONATION FOR A PUBLIC ADDRESS SYSTEM AND READER BOARD**
Attachment:
 - Electronic Message from Fairgrounds Manager Mary Weaver
6. **BRUCE WARD OF SUNSHINE CONSTRUCTION WOULD LIKE TO ADDRESS THE CITY COUNCIL REGARDING CITY/COUNTY NUISANCE ISSUES**
7. **DISCUSS AND APPROVE THE RECOMMENDATION FROM THE CITIZENS ADVISORY COMMITTEE FOR THE NEW JOHN DAY FIRE STATION**
Attachment:
 - Agreement between the City of John Day and Pinnacle Architecture, Inc.
 - Letter from PARC/Grant Writing Timeline
8. **ACCEPT THE ABSTRACT OF VOTES FOR MEASURE 54 - THE CITY OF JOHN DAY FIRE STATION GENERAL OBLIGATION BOND AUTHORIZATION, MAY 20, 2014 PRIMARY ELECTION**
Attachment:
 - Grant County May 20, 2014 Primary Election Results – Detailed Precinct level Summary Report
9. **DISCUSS 2015 LEAGUE OF OREGON CITIES LEGISLATIVE PRIORITIES**
Attachments:
 - Letter from LOC Executive Director Michael J. McCauley w/attachments
 - Minutes of Agenda Item No. 7 from June 10, 2014 council meeting

- Electronic message from LOC Intergovernmental Relations Associate Tracy Rutten

**10. DISCUSS FOR SIGNATURE CONSULTING AGREEMENT NO. 2014-01
WITH D. GEORGE CHADWICK, JR. AND THE CITY OF JOHN DAY**

Attachments:

- Consulting Agreement No. 2013-01
- Consulting Agreement No. 2014-01

OTHER BUSINESS:

11. OTHER BUSINESS AND UPCOMING MEETINGS

Attachments:

- LOC Bulletin

ADJOURN

TO: John Day City Council
FROM: Peggy Gray, City Manager
DATE: July 3, 2014
SUBJECT: Presentation of Employee Recognition Certificates

BACKGROUND:

Mayor Lundbom will present Dispatch Manager Valerie Luttrell and Dispatcher Shiela Kowing certificates for 10 years of dedicated service to the City of John Day and the John Day Dispatch Center.

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: July 3, 2014

SUBJECT: Discuss Request from Grant County Fairgrounds regarding a Letter of Support/Donation for a Public Address System and Reader Board
Attachment:

- Electronic Message from Fairgrounds Manager Mary Weaver

BACKGROUND:

Attached is a request from Grant County Fairgrounds Manager Mary Weaver. The Fair Board is working with the Grant County Heritage Foundation to obtain grants for a Public Address System and reader boards for the Grant County Fairgrounds. Mary will try to have one of the board members present at the council meeting to answer any questions you may have.

TO: John Day City Council
FROM: Peggy Gray, City Manager
DATE: July 3, 2014
SUBJECT: Bruce Ward of Sunshine Construction would like to address the City Council regarding City/County Nuisance Issues

BACKGROUND:

Bruce Ward of Sunrise Construction would like to speak with the John Day City Council regarding the appearance of the three entrances to our city limits. He would like to talk about possible solutions to our nuisance issues.

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: July 3, 2014

SUBJECT: Discuss and Approve the Recommendation from the Citizens Advisory Committee for the New John Day Fire Station

Attachment:

- Agreement between the City of John Day and Pinnacle Architecture, Inc.
- Letter from PARC/Grant Writing Timeline

BACKGROUND:

This agenda item was tabled from our June 24, 2014 council meeting. The Council was informed about new rules and regulations going into effect on July 1, 2014 that will add complications to the Contract Manager General Contractor (CMGC) delivery method that was recommended by the Citizens Advisory Committee. I was made aware of the new rules and regulations upon the review of the council agenda by City Attorney Jeremy Green.

An additional issue was that Architect Peter Baer was not aware of the new rules and regulations. As such, Mr. Baer was not sure he would be able to perform the scope of his work for the amount in his proposed contract. He wanted to review the draft rules and regulations before committing to a contract; therefore this agenda item was tabled.

The background information provided for the June 24, 2014 council meeting is as follows:

Attached is a letter from Laura Prado of PARC reporting on the Eastern Oregon Nonprofit Conference in Ontario. Rural Fire Board Chair Rob Batten and I attended the conference with Ms. Prado and Mr. Foster. As you can read in the letter, we felt the response from the funders was very positive and we feel optimistic about the City's chances for fundraising.

The Citizens Advisory Committee met on Thursday, June 19, 2014 to meet with PARC Resources to develop a timing strategy and discuss options on how to approach the project. Mr. Foster recommends targeting mid September for bid release and receiving bids by mid-October, award by October-November with construction to begin at the latest early spring of 2015.

Gap-funding was discussed, can you bid a project if you don't have the commitments from the funders. Mr. Foster was very confident he City would receive the funds needed to complete the project. He proposes the following timeline to write to funders for assistance in completing the John Day Fire Station Project. This strategy is based on recent conversations with funders in needing to secure a portion of the remaining \$400,000 from other sources first. The proposed strategy will be to engage the Ford Family Foundation (FFF) to champion the project with a challenge grant, and ask Meyer Memorial Trust (MMT) to match it. Additional funders are listed to add supplementary support as needed and to fill the gap if either FFF or MMT do not fund at the level requested:

Ford Family Foundation (\$200,000) – Submit Stage 1 Application August 1, 2014
Meyer Memorial Trust (\$200,000) – Submit Initial Inquiry September 15, 2014
Collins Foundation (\$30,000) – October 15, 2014

Swindells Charitable Trust (\$30,000) – November 15, 2014
Shelk Foundation (apply through Oregon Community Foundation - \$30,000) – January 15, 2015
Trust Management Services (\$10,000) – May 1, 2015

Total: \$500,000

Mr. Foster also informed the Committee that he has contacted both Bob Wiles of WC Construction and Mike Becker of Becker Construction about their respective interest in a design-build bid for the fire station. They both are interested and thought the fall bid window was excellent. However, in the course of the conversation, they suggested a modified “delivery method” which is the CMGC process – Construction Management General Contractor process. This would still require an architect, but the approach would be to only pay for those services absolutely necessary for the construction document approval. For example the steel building will be engineered by the supplier therefore this design expense can be reduced from the architect fee, the mechanicals (AC-Heat) will be designed by the subcontractor who provides a bid to the General, the electrical will be designed by the subcontractor electrician, etc...each reflecting an area which can be a savings on design costs. This would be a hybrid of the straight design-bid process as we would probably have a Gross Maximum Price (GMP) bid which all parties would have to work together to make final decisions to keep the project with the GMP.

Peter Baer of Pinnacle Architecture, Inc was present at the meeting to discuss his fees and explain the different types of approaches for the delivery of the project. Mr. Baer explained there are three different ways to deliver the project:

1. Design/build
2. Contract Manager General Contractor (CMGC)
3. Design/bid/ build

The Committee discussed using some interim financing (interfund borrowing) to at least look at our engineering costs and construction bids in order to be ready for early spring construction. Mr. Baer stated he would be interested in working with the GMGC approach and thought that he could reduce his costs by utilizing this approach. Please see the attached proposal; Mr. Baer proposes \$113,905 to coordinate with CMGC project delivery.

RECOMMENDATION:

The Advisory Committee appreciated Mr. Baer’s comments and his commitment to see this project through. According to the City’s Public Contracting Regulations 1-13-8 Subsection I (2) Personal Service Contracts; contracts for the continuation of work by a contractor who performed preliminary studies, analysis or planning for the work under a prior contract may be awarded without competition if the prior contract was awarded under a competitive process and the board determines that use of the original contractor will significantly reduce the cost of, or risks associated with, the work.

Peter Baer spoke directly with Paul Taylor, Jeremy’s associate at Bryant Lovlien and Jarvis regarding the new rules and regulations for the CMGC project delivery. It appears that the new rules and regulations are mostly related to legal fees and Peter did not feel it would affect his work scope and stayed with his original proposal of \$113,905.

In regards to the legal fees, I contacted City Attorney Jeremy Green for an estimated cost. Jeremy stated his legal fees for their services to write the RFP, help with the public hearing, findings etc. for the GMGC delivery method under the new rules and regulations would be minimal. Jeremy gave me an estimated cost of \$1,500 to \$2,000.

It is the consensus of the Advisory Committee to use the CMGC approach for the delivery of the fire station using the firm of Pinnacle Architecture, Inc. I recommend the John Day City Council allows City Manager Gray to sign the Agreement with Pinnacle Architecture, Inc. subject to legal review and approval by City Attorney Jeremy Green.

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: July 3, 2014

SUBJECT: Accept the Abstract of Votes for Measure 54 - the City of John Day Fire Station General Obligation Bond Authorization, May 20, 2014 primary election
Attachment:

- Grant County May 20, 2014 Primary Election Results – Detailed Precinct level Summary Report

BACKGROUND:

Attached are the certified election results for the May 20, 2014 primary election from Brenda J. Percy, Grant County Clerk for Measure 54 - the City of John Day Fire Station General Obligation Bond Authorization.

RECOMMENDATION:

The John Day City Council approves the abstract of votes for the May 20, 2014 primary election for the City of John Day Fire Station General Obligation Bond Authorization from Grant County Clerk Brenda J. Percy; which determines that Measure 54 has passed by a vote of 307 to 199

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: July 3, 2014

SUBJECT: Discuss 2015 League of Oregon Cities Legislative Priorities
Attachments:

- Letter from LOC Executive Director Michael J. McCauley w/attachments
- Minutes of Agenda Item No. 7 from June 10, 2014 council meeting
- Electronic message from LOC Intergovernmental Relations Associate Tracy Rutten

BACKGROUND:

This agenda item was tabled from our June 10, 2014 city council meeting. I have attached the meeting minutes of this tabled agenda item for your review prior to the council meeting.

Councilor Doug Gochnour asked for clarification on the efforts to eliminate the sunset on the Low Carbon Fuel Standard program; if it would be an asset or a hindrance to our bio-mass projects. I asked the LOC for clarification and received the attached message from Intergovernmental Relations Associate Tracy Rutten. Ms. Rutten explains the League of Oregon Cities Energy Policy Committee has reviewed the state's existing Low Carbon Fuel Standard, also known as the Clean Fuels Program, and is supportive of the effort to eliminate the sunset on the program that would terminate the program in December of 2015.

Oregon first adopted the Clean Fuels Program in 2009. The program requires a 10% reduction in carbon emissions over a 10-year period. The impact is at the fuel supplier source with requirements for producers and distributors (not consumers) to adjust fuel blends accordingly. If they choose not to adjust their fuel stock, they can purchase credits from other biofuel suppliers/investors in order to comply. There could be an impact to the woody biomass industry as a result of potential biomass gasification which allows for wood products and other biomass to be turned in to an actual fuel.

Ms. Rutten anticipates that there will be additional policies up for consideration during the 2015 session that would focus on efforts to support the woody biomass industry in Oregon. There were efforts made in 2014 to provide for some additional incentives within that industry specifically but due to the nature of the short session, there was agreement to put off adoption of legislation until 2015. There seems to be broad support for some sort of incentive program at the state level, but it is yet to be determined on how that will be implemented.

RECOMMENDATION:

Please review the enclosed materials; city staff will be prepared to answer any questions you may have. The deadline for response is July 25, 2014. The LOC Board of Directors will then review the results of this survey along with the recommendations of the policy committees, and determine the League's 2015 legislative agenda.

Public Works Director David Holland and I recommend the City Council consider following priorities:

- General Government (K) Allow for price comparison when procuring architects and engineers.
- Telecommunications (Q) Support the reintroduction of legislation that repeals ORS 221.515 and (R) Oppose legislation preempting the ability of cities to manage and receive compensation for the use of a public ROW.
- Transportation (S) Pass a comprehensive transportation funding and policy package.

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: July 3, 2014

SUBJECT: Discuss for Signature Consulting Agreement No. 2014-01 with D. George Chadwick, Jr. and the City of John Day

Attachments:

- Consulting Agreement No. 2013-01
- Consulting Agreement No. 2014-01

BACKGROUND:

This agreement is with D. George Chadwick, Jr. of La Grande. This agreement retains him for the next year to work with us on our ongoing groundwater monitoring and reporting associated with the wastewater percolation ponds as required by DEQ and the development of a TMDL (Total Maximum Daily Loads) Implementation Plan.

Attached are Consulting Agreements No(s). 2013-01 and No. 2014-01 with D. George Chadwick, Jr. for your comparison to the current year; changes in the new agreement are as follows:

- Changed Agreement Number from 2013-01 to 2014-01
- Changed the dates in the introduction (7/1/2013) and Section 3 to July 1, 2014 through June 30, 2015
- Added \$2/hr. to rate in Section 4
- Added five cents to automobile travel from \$0.45 to \$0.50 per mile

RECOMMENDATION:

Last year we paid Mr. Chadwick a total of \$1,363.03 for his services, Mr. Chadwick's services are very specialized, he is familiar with the operation of our treatment plant and we are very satisfied with his services. I recommend the John Day City Council allow Mayor Lundbom to sign Consulting Agreement No. 2014-01.

TO: John Day City Council
FROM: Peggy Gray, City Manager
DATE: July 3, 2014
SUBJECT: Other Business and Upcoming Meetings
Attachment:
• LOC Bulletin

OTHER BUSINESS:

1. Attached is the June 27, 2014 LOC Bulletin for your information and review.
2. No date has been set for the pre-construction meeting for our Downtown Project. We were informed by ODOT that they are working with Iron Triangle to provide the project details needed to have the pre-construction meeting. The City was also informed that Iron Triangle is busy during the mid-summer months on other projects and they are thinking about starting during August and finishing in October. I asked ODOT to send out an updated press release.

UPCOMING MEETINGS AND EVENTS:

July 22, 2014	7:00 p.m. Council Chambers	Regular City Council meeting
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