

John Day City Council
May 21, 2019
7:00 PM

John Day Fire Hall, 316 S. Canyon Blvd., John Day

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

CONSENT AGENDA

4. **NONE**
 - None

ACTION ITEMS

5. **WASTEWATER TREATMENT PLANT ENGINEERING AGREEMENT & UPDATE**
Attachments:
 - Anderson Perry Professional Services Agreement
6. **RESOLUTION NO. 19-810-11, CITY OF JOHN DAY FAIR HOUSING RESOLUTION**
Attachments:
 - Resolution No. 19-810-11
7. **RESOLUTION NO. 19-811-12, A RESOLUTION TO ADOPT THE SECTION 3 PLAN TO COMPLY WITH 24 CFR, PART 135 OF THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 3**
Attachments:
 - Resolution No. 19-811-12
8. **RESOLUTION NO. 19-812-13, A RESOLUTION ADOPTING FOUR-FACTOR ANALYSIS AND LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENCY PERSONS IN THE CITY OF JOHN DAY**
Attachments:
 - Resolution No. 19-812-13
9. **RESOLUTION NO. 19-813-14, A RESOLUTION OF CITY OF JOHN DAY ADOPTING AN EXCESSIVE FORCE POLICY FOR NONVIOLENT CIVIL RIGHTS DEMONSTRATIONS**
Attachments:
 - Resolution No. 19-813-14
10. **EXECUTIVE SESSION**
Attachments:
 - Notice of Executive Session

OTHER BUSINESS & UPCOMING MEETINGS

11. OTHER BUSINESS & UPCOMING MEETINGS

- May 28 – Council Work Session, 5:30 P.M. @ Fire Hall (Johnson Economics)
- May 28 – URA Meeting, 6:30 P.M. @ Fire Hall (Budget Hearing and Adoption)
- May 28 – City Council Meeting, 7 P.M. @ Fire Hall (Budget Hearing and Adoption)
- June 11 – Regional Economic Diversification Summit (No City Council Meeting)
- June 18-20 – Presentation to OPRD for Integrated Park System Grant, Salem
- June 25 – City Council Meeting, 7 P.M. @ Fire Hall

TO: John Day City Council
FROM: Nicholas Green, City Manager
DATE: May 21, 2019
SUBJECT: Consent Agenda Item #4: None
Attachment(s)

- None

BACKGROUND

No items on the consent agenda.

RECOMMENDED MOTION

N/A

Consent Agenda. None.

Recommendation: None.

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: May 21, 2019

SUBJECT: Agenda Item #5: Wastewater Treatment Plant Engineering Agreement & Update Attachment(s)

- Anderson Perry Professional Services Agreement

BACKGROUND

The professional services agreement for Anderson Perry to perform the wastewater treatment plant engineering is enclosed (or if not, will be provided to the council by 10:00 AM)

DISCUSSION

We are revising our approach for the AP professional services agreement. The current agreement just reflects the Design Engineering scope for the lump sum fee of \$335,000.

The rest of the scope identified in sections A, C and D (below) is on an hourly rate basis and really pertains more to the construction engineering and additional services. We'd rather document that in a separate agreement so that 1) We keep the scope of the CDBG grant clear and separate from other components of the treatment plant that will be financed through separate funding sources; and 2) We think it will be easier from an invoicing and work tracking standpoint to identify work performed on the design engineering vs. other tasks we're asking AP to do for the city.

Section A. Preliminary Engineering.

- 1) Complete easement and land acquisition.
- 2) Complete environmental and archaeological investigations and reports.
- 3) Assist with permit acquisition.
- 4) Assist with purple pipe alignment.

Section C. Construction Engineering.

- 1) Complete advertisement for bids.
- 2) Attend a pre-bid conference, respond to technical questions from potential bidders, and issue addenda, as required.
- 3) Assist in bid opening, provide recommendations to the City Council for bid award, and assist in contract development.
- 4) Attend a pre-construction meeting(s)
- 5) Provide engineering support during construction including submittal reviews, contract administration, applications for payment, change order preparation, etc.
- 6) Review the selected contractor's progress payment requests and certify quantities claimed accurately reflect work performed and materials supplied during the payment period.
- 7) Provide services related to change orders such as preparation of change order proposal description and justification documentation, assistance with negotiation of change with contractor, making recommendations to City regarding any change orders, and processing the formal change order documents.
- 8) Provide full-time construction observation.

- 9) Complete contract closeout process including substantial completion walk-through development of a “punch list,” final completion walk-through, and recommendation of final payment.
- 10) Advise City and the contractor of the dates for any warranty periods as established in contract documents.
- 11) Maintain files and document tracking system throughout the entire project.
- 12) Coordinate with the contractor and City for final testing and startup of facilities.
- 13) Prepare and submit to City as-built drawings upon completion of construction.

Section D. Additional Services. It is anticipated that other Project-related tasks could arise during the preliminary engineering and/or design engineering phases. These tasks may include, without limitation, geotechnical explorations, conditional use permits, site specific reports, and other evaluations. City’s Innovation Gateway Project Manager and Public Works Director will perform the role of project managers (the “Project Managers”). The Project Managers will work closely with Contractor and answer questions, make decisions, provide guidance, and assist in coordination as needed. All available information City has will be available to the consultant team selected to perform the Services. Information may include, without limitation, tax maps, aerial photos, and as-built drawings. Additional services may also be required to assist the City in obtaining funding for each project phase through various funding programs as requested by the City. Work may include assistance in preparing technical portions of grant and loan applications, technical assistance with environmental checklists and assessments, assistance in public meetings, ongoing coordination and agreements with funding agencies, and other funding services that may be required.

The anticipated timeline and cost for these additional tasks will be performed on an hourly-rate basis and will be discussed during the meeting.

RECOMMENDED MOTION

“I move to approve the professional services agreement, subject to final review and approval by the Community Development Block Grant Coordinator, City Manager and City Attorney.”

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: May 21, 2019

SUBJECT: Agenda Item #6: Resolution No. 19-810-11, City of John Day Fair Housing Resolution Attachment(s)
• Resolution No. 19-810-11

BACKGROUND

Resolution No. 19-810-11, City of John Day Fair Housing Resolution, adopts findings and practices needed to comply with Title VIII of the federal Fair Housing Amendments Act of 1988.

RECOMMENDED MOTION

“I move to adopt Resolution No. 19-810-11, City of John Day Fair Housing Resolution.”

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: May 21, 2019

SUBJECT: Agenda Item #7: Resolution No. 19-811-12, A Resolution to Adopt the Section 3 Plan to Comply With 24 CFR, Part 135 of The United States Department of Housing and Urban Development Section 3
Attachment(s)
• Resolution No. 19-811-12

BACKGROUND

Resolution No. 19-811-12 adopts findings and practices needed to comply with 24 CFR, Part 135 of HUD's Section 3 requirements.

RECOMMENDED MOTION

"I move to adopt Resolution No. 19-811-12, A Resolution to Adopt the Section 3 Plan to Comply With 24 CFR, Part 135 of The United States Department of Housing and Urban Development Section 3."

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: May 21, 2019

SUBJECT: Agenda Item #8: Resolution No. 19-812-13, A Resolution Adopting Four-Factor Analysis and Language Access Plan for Limited English Proficiency Persons in the City of John Day
Attachment(s)
• Resolution No. 19-812-13

BACKGROUND

Resolution No. 19-812-13 adopts findings and practices needed to accommodate limited English proficiency persons living within the John Day area.

RECOMMENDED MOTION

“I move to adopt Resolution No. 19-812-13, A Resolution Adopting Four-Factor Analysis and Language Access Plan for Limited English Proficiency Persons in the City of John Day.”

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: May 21, 2019

SUBJECT: Agenda Item #9: Resolution No. 19-813-14, A Resolution of City of John Day Adopting an Excessive Force Policy for Nonviolent Civil Rights Demonstrations
Attachment(s)
• Resolution No. 19-813-14

BACKGROUND

Resolution No. 19-813-14 adopts findings and practices needed to comply with CDBG requirements related to use of force at nonviolent civil rights demonstrations.

RECOMMENDED MOTION

“I move to adopt Resolution No. 19-813-14, A Resolution of City of John Day Adopting an Excessive Force Policy for Nonviolent Civil Rights Demonstrations.”

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: May 21, 2019

SUBJECT: Agenda Item #10: Executive Session
Attachment(s)

- Notice of Executive Session

NOTICE

The John Day City Council and John Day/Canyon City Parks and Recreation District will meet in executive session at the conclusion of the regular city council agenda or at 8:00 p.m. on May 21, 2019 (whichever is soonest) at the John Day Fire Hall, 316 S. Canyon Blvd, John Day, Oregon 97845. This executive session will be held pursuant to ORS 192.660(2)(e), which permits the council to meet in executive session to conduct deliberations with persons designated by the governing body to negotiate real property transactions. Representatives of the news media and designated staff will be permitted to attend the executive session. All other persons will not be permitted to attend the executive session. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as announced. No decision will be made during the executive session.

RECOMMENDED MOTION

Following the mayor's reading of the notice:

"I move to enter executive session pursuant to ORS 192.660(2)(e)."

TO: John Day City Council
FROM: Nicholas Green, City Manager
DATE: May 21, 2019
SUBJECT: Agenda Item #11: Other Business and Upcoming Meetings
Attachment(s)

- None

OTHER BUSINESS

- None

UPCOMING MEETINGS

- May 28 – Council Work Session, 5:30 P.M. @ Fire Hall (Johnson Economics)
- May 28 – URA Meeting, 6:30 P.M. @ Fire Hall (Budget Hearing and Adoption)
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