

**MISSION STATEMENT: TO PROVIDE A SAFE, HEALTHFUL AND SOUND ECONOMIC ENVIRONMENT,
PROGRESSIVELY ENHANCING OUR QUALITY OF LIFE**

**AGENDA
CITY COUNCIL - CITY OF ONTARIO, OREGON
Monday, March 2, 2015, 7:00 p.m., M.T.**

- 1) **Call to order**
Roll Call: Norm Crume _____ Tessa Winebarger _____ Charlotte Fugate _____ Thomas Jost _____
Larry Tuttle _____ Betty Carter _____ Mayor Ron Verini _____

2) **Pledge of Allegiance**

This Agenda was posted on Wednesday, February 25, 2015. Copies of the Agenda are available at the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

3) **Motion to adopt the entire agenda**

4) **Consent Agenda: Motion Action Approving Consent Agenda Items**

- A) Approval of Minutes of Regular Meeting of 02/17/2015 1-7
B) Liquor License Application: Greater Privilege - Ontario Mini Market 8
C) Liquor License Application: Additional Privilege - Winner's Horseshoe Park 9
D) Approval of the Bills

- 5) **Public Comments:** Citizens may address the Council; however, Council may not be able to provide an immediate answer or response. Out of respect to the Council and others in attendance, please limit your comment to three (3) minutes. Please state your name and city of residence for the record.

6) **Department Head Updates: Thursday**

7) **New Business**

- A) Notice to Proceed: Murray, Smith & Associates, Inc., for Professional Engineering Services for Final Design and Bidding Phase of the Water Treatment Plant Chemical Feed and Raw Water Supply Improvements Project 10-21
B) Notice to Proceed: CH2M HILL for Professional Engineering Services for Final Design Services and Services During Construction for the Eastside Tank Repair 22-28
C) Resolution #2015-107: Receive/Expend Donation Funds (OPD) 29-31
E) Resolution #2015-108: Authorizing an Expenditure from the Public Safety Reserve Fund for Radio Equipment (OPD) 32-34
F) Resolution #2015-109: Initiating a Zoning Amendment to Title 10A to Permit Medical Marijuana Dispensaries as a Conditional Use in Certain Commercial Zones; Prohibit Those Dispensaries in All Other Locations 35-39
G) Ordinance #2699-2015: Amend Ontario Municipal Code Section 3-20-2 by Extending the Moratorium on Medical Marijuana Facilities until September 1, 2015 (*1st Reading*) 40-42

8) **Hand-Outs/Discussion Items**

- A) Minutes: County Court 2/11/15
B) Financials

9) **Correspondence, Comments and Ex-Officio Reports**

10) **Adjourn**

**ONTARIO CITY COUNCIL MEETING MINUTES
Tuesday, February 17, 2015**

The regular meeting of the Ontario City Council was called to order by Mayor Ronald Verini at 7:00 p.m. on Tuesday, February 17, 2015, in the Council Chambers of City Hall. Council members present were Ron Verini, Norm Crume, Tessa Winebarger, Charlotte Fugate, Thomas Jost, Larry Tuttle, and Betty Carter.

Members of staff present were Tori Barnett, Larry Sullivan, Marcy Siriwardene, Mary Domby, Kari Ott, Mark Alexander, Al Higinbotham, and Betsy Roberts. The meeting was recorded, and copies are available at City Hall.

Thomas Jost led everyone in the Pledge of Allegiance.

AGENDA

Mayor Verini added the Downtown Revitalization presentation by Councilor Charlotte Fugate and Marty Justus; also, there could possibly be a discussion item regarding marijuana issues.

Norm Crume moved, seconded by Charlotte Fugate, to adopt the Agenda as amended. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

PRESENTATION

Charlotte Fugate stated they would have a visit from Main Street Oregon on January 26th, beginning at 6:00 p.m. at the Four Rivers Cultural Center. Sheri Stuart would give a presentation on what Main Street meant and what the process was. The next morning, there would be an Economic breakfast at the Clarion Inn, sponsored by SREDA, and they hoped to have a good turn-out for that, including all the Councilors. There was a \$10 fee for attending the breakfast, but the presentation by Sheri would be free.

Marty Justus stated Councilor Fugate had approached him a few weeks ago, asking him to be her co-chair on this project. They put together a committee, and they'd already done some amazing things. There were currently seven committee members, and they had begun the incorporation process to revitalize Ontario through a 501(c)(3). They had identified a target zone as to where they wanted to work, and it would occur in four phases. Idaho Avenue to SW 1st was Phase One; then they'd cross SW 4th to SW 4th; then they'd encompass all of Oregon Street; and then they'd come back down Oregon over to SW 4th. They were looking forward to meeting with Sheri, as she could give them guidance on how to make Main Street successful. They really wanted this to work, and to bring some good things to the city. Once they had that up and moving, they'd come back before Council on a regular basis to give updates on the status of the project.

Mayor Verini stated he noticed a sign downtown that read "Downtown Revitalization", and wondered if the committee was getting a true buy-in from the folks and the businesses?

Mr. Justus stated the committee wanted to ensure that all the business owners and property owners down there, that one: the committee was communicating with them, so they went door-to-door on each business down there, and each one of the committee members had a block to do. They introduced themselves, explained what they were doing, and they had received very positive feedback. They also did a mail-out based on every address they had for every property owner from one end of Oregon Street to the other, and each of them would receive, or had already received, a letter outlining the project, and providing some contact information for the committee, making sure everyone was included in the project, and that their feedback would be welcomed. Having buy-in was very important, so they were reaching out to everyone.

CONSENT AGENDA

Norm Crume moved, seconded by Betty Carter, to approve Consent Agenda Item A: Minutes of the Regular Meeting of February 2, 2015; Item B: Appointment to Recreation Board: BreAnna McLean; and Item C: Approval of the Bills. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

PUBLIC COMMENT

Nicki Hall, Ontario, [distributed some copies of police report] stated: *I am before you because the Mayor is above the police force for Ontario. I believe the Police Officers in this town need to be overlooked at their duties and their jobs, because a lot of things were being underlooked. The gentleman that I'm speaking about on the paper work there walked through a restraining order yesterday, tried talking to me, I went like this, I turned, I walked away. He did this to my hand. We were dating for a month and a half. I found out that he was one of your guys's major criminals, and this is his criminal background record. And you can tell that there's a lot of assaults on there. Today he has never been arrested by our Ontario Police Department for the violation of restraining order that has been approved by Judge Long. The assault of my hand and baby toe that I have got wrapped up in another wrap in my sock, by assault and battery by telling him that I want him to please gather his things and get out of my home after finding out that he is a sex offender and a criminal that has assaulted 19 women of Oregon and Idaho. And I am now his 20th victim. I'm asking that either the Police Department be looked over or maybe they be on some probation. Maybe somebody needs to step in and look at things a little different and stop just wanting to go after somebody that's smoking pot because Oregon's trying to make that legal, or murderers. I can definitely tell ya Project Dove is getting ready to shut their doors on the police force and the help for the women that are getting raped. They helped me with my restraining order because I've gone through this before. Okay? So I'm asking that the Police Department start being looked over a little bit closer, and that's what I'm asking of you, because this should not happen to a woman, especially one that's already physically handicapped, like myself.*

OLD BUSINESS**Diagonal Parking Request Denial Appeal for Pilgrim Lutheran Church, 208 SW 1st Avenue**

No changes since the previous discussion on this action. Any issues had been addressed.

In summary, Pilgrim Lutheran Church, located at 208 SW 1st Avenue, filed a request for diagonal parking on their street frontage on SW 1st Avenue. They're in the process of remodeling their entrance and would like to use the area between SW 2nd Street and the alley as designated handicapped parking. The church has a parking lot across the alley to the west with approximately thirty parking spaces, but would like to have their handicap parking closer to the main entrance. As part of their remodel process, they would make a handicap accessible ramp in the sidewalk at the proposed angle parking location. Following review by staff, it was determined that the area complied with all requirements to grant angle parking *except* the width of the street. The required minimum width was 52 feet, face of curb to face of curb, but the actual width was only 48 feet. It should be noted that the office group across the street to the north would not generate on street parking as it has on site head in parking. The request was denied on that basis. Following that denial, the church requested a review of that denial.

On May 9, 2014, the City Council passed Ordinance Number 2691-2014, which amended City Code Sections 9-2-2 and 10A-57-57-95, and added Section 9-3-1A regarding diagonal parking. On February 2, 2015, the Council tabled this issue pending a review and recommendation by the Public Works Committee, scheduled to meet February 10, 2015.

Staff recommended that the angle parking request denial be upheld because it does not meet the code requirement of a 52 foot wide street; however, the Public Works Committee recommended approval of the

diagonal parking request with two conditions: 1) that the diagonal parking would be used for handicapped parking only; and 2) that the use was allowed only as long as the property was being used as a church.

Norm Crume moved, seconded by Charlotte Fugate, that the City Council approve the angle parking request by the Pilgrim Lutheran Church with the two conditions proposed by the Public Works Committee: 1) that the diagonal parking is used for handicapped parking only; and 2) that the use is allowed only as long as the property is being used as a church. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

Ordinance #2698-2015: Amend OMC 3-11-4 re TOT by Deleting the Requirement of 3-11-4(B) to Budget Funds for Street Maintenance Activities for Ten Years – Final Reading

No changes since First Reading.

In summary, at the City Council work session on January 15, 2015, the Council amended the agenda for the January 20, 2015, public meeting to include as a new business item a discussion of an ordinance to change City Code Section 3-11-4(B) concerning the allocation of the City's Transient Occupancy Tax (TOT).

Currently, the city receives taxes from people that stay in the city's motels. Before November, 2013, Section 3-11-4 of the Ontario City Code stated that 52.5% of those taxes had to be paid into the city's street fund for street maintenance. Between 2005 and 2012, city staff and the City Council failed to follow that code section and did not spend any of the TOT funds received for street maintenance. This error was discovered by a previous Finance Director at the end of 2012.

After many months of discussion, the Council passed Ordinance 2685-2013 in November, 2013, requiring the city to correct the misallocations by budgeting an additional \$202,648 annually for ten year for street maintenance activities. That ordinance also reduced the amount that had to be spent for street maintenance activities from 52.5% of the TOT funds received by the city to 26.5%.

Approval of Ordinance 2698-2015 would result in the city no longer having the obligation to budget for street maintenance activities in order to comply with City Code Section 3-11-4(B). The other requirement in Section 3-11-4 that 26.5% of TOT funds be used for street maintenance activities would remain in effect. This deletion of subsection (B) from the code would not violate any laws.

On February 2, 2015, the Council passed Ordinance #2698-2015 on First Reading.

Norm Crume moved, seconded by Charlotte Fugate, that the City Council approve Ordinance No. 2698-2015, AN ORDINANCE AMENDING CITY CODE SECTION 3-11-4 BY DELETING THE REQUIREMENT OF 3-11-4(B) TO BUDGET FUNDS FOR STREET MAINTENANCE ACTIVITIES FOR TEN YEARS, on Second and Final Reading by Title Only. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-no; Carter-yes; Verini-yes. Motion carried 6/1/0.

NEW BUSINESS

Resolution #2015-104: Bank Signatories

Mary Dombay, Finance Department Supervisor, stated the city maintains various bank accounts with Wells Fargo, Columbia Bank, US Bank, and various accounts within the Local Government Investment Pool that listed previous Mayor LeRoy Cammack as a signatory. This proposed action would remove Mr. Cammack, and add new Mayor Ronald Verini. Council also stated they wanted the members of the Audit Committee to be signatories on the city's accounts payable and payroll checking accounts. The signature of at least one member of the Audit Committee would be required on all checks \$5,000.00 and larger. Banks required minutes of a meeting or a resolution to make changes to signatories.

On April 7, 2014, the Council approved removing Jay Henry and Michael Long as a signatories and adding Tori Barnett, Mary Dombay, and LeRoy Cammack as signatories on all bank accounts.

Charlotte Fugate moved, seconded by Norm Crume, to the City Council approve Resolution #2015-104, A RESOLUTION SPECIFYING SIGNATORIES ON ALL CITY BANK ACCOUNTS. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

Selection of JUB Engineers, Inc., as Airport Engineering Contractor

No further discussion necessary.

In summary, the purpose of this action was for a request for the City Council to select J-U-B Engineers, Inc., Boise, Idaho, for engineering services at the Ontario Airport, for a period of five years. In concurrence with FAA requirements, staff sent out Statements of Qualifications for professional airport engineering services. Only one response was received, that from J-U-B Engineers, Inc. Following review of the submittal, using the guidelines outlined in the FAA Advisory Circular AC 150/5100-14E, titled "Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects", it was determined that J-U-B Engineers, Inc., was a qualified firm. At the January 12, 2015 Airport Committee meeting, it was the recommendation of the Committee to select to J-U-B Engineers, Inc.

Norm Crume moved, seconded by Thomas Jost, that the City Council select J-U-B Engineers, Inc., of Boise, Idaho, as engineers on record for the Ontario Municipal Airport for the 5-Year Engineering Contract. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

Change of Operations and Skyline Farms – Wastewater Treatment Disposal

Betsy Roberts, City Engineer, CH2M Hill, stated it was her understanding that the Council gave staff consensus to move forward to allow them to negotiate a contract.

In summary, the city's contract farmer gave notice that he no longer wished to operate under the terms of the existing contract. He cited poor soils, inferior water quality, insufficient water and burdensome contract terms as reasons for his decision. The contract did allow for either party to be released from the contract without penalty.

On May 21, 2012, the Council was notified the prior farmer had defaulted on his contract and Council directed staff to negotiate with several local farmers to develop a new farm lease arrangement. On June 4, 2012, the Council updated the farm lease contract and held negotiations with Sage Farms for associated adjustments in costs and city obligations. On June 14, 2012, the Council approved Resolution #2012-113, a resolution authorizing a reallocation of expenditures within the sewer fund for pivot and fencing repairs and additional operating expenses for Skyline Farm.

Skyline Farms served as the treated wastewater effluent receiving area from May 1 through October 31 when the city was not allowed to discharge wastewater to the Snake River. The farm was purchased in the 1990s and the city entered into a lease agreement with the contract farmer (original property owner) in September of 1998. The city constructed a 60 million gallon water storage reservoir and installed a booster pump station from the reservoir to serve five pivot systems that irrigated 352 acres of crop land. The storage reservoir experienced a significant load of sediment in 2010 and the storage capacity was reduced to 40 million gallons as a result of material entering the reservoir.

The booster pump station and the pivot systems were well into the typical service life for such equipment. Because of both water quality and water quantity issues, Skyline Farm was experiencing a degradation of soil structure and crop production. Operational changes were required to protect this asset and to secure an operational future that allowed the city to continue to meet its wastewater management obligations to the Oregon Department of Environmental Quality.

It was anticipated that staff would seek the following: Authorization to begin negotiations immediately to ensure that we have a new contract farm operator on board before April 15; to move forward with the addition of soil amendments to Skyline Farm to protect the soil structure and ensure sustainability; to begin review of the

technical and institutional constraints to providing a water blend to the farm to improve water quality and quantity and subsequently enhance yield; and to restructure the lease agreement to encourage mutual long term stewardship of the property. Staff expected that a re-negotiated lease arrangement would increase the financial obligation of the city; however, estimates were not available at this time.

Oregon DEQ would not allow discharge to the river outside of the current window. The city has over one million dollars invested in Skyline Farm and at this time it did not appear moving to another area was practical, but staff could look at dilution with river water to address some of the quality issues.

It was consensus of the Council (*at the 2/12/2015 Work Session*) to authorize CH2M HILL to work with the City Attorney on proposed changes to the farming lease contract to better protect the investment in Skyline Farms; further, to authorize CH2M Hill to solicit local farming interest in regards to the Skyline and Malheur Farm lease, and to bring proposals back to the Council for consideration. A vote was not necessary.

DISCUSSION ITEMS

Mayor Verini stated he wanted to hear from City Attorney Larry Sullivan about medical marijuana issues.

Mr. Sullivan stated it was his understanding that the prior discussion regarding this issue were to give him, the Planning Department, the Police Chief, some idea of what the Council would like to see in ordinances that would deal with medical marijuana dispensaries. The Council voiced their like for a business license that was targeted specifically at dispensaries, doing zoning regulations that would restrict dispensaries in particular zones. He had spoken with the City Planner, and determined which zones would be most appropriate. The city had a Neighborhood Commercial zone, which would not be on the list. There was a Heavy Commercial and regular Commercial zones, along with a UGA Commercial zone, that would be included in a sample ordinance, unless the Council wanted something else included. Some cities included zones beyond the Commercial zone, mostly Industrial. Those might not be set up appropriate for the type of traffic that a dispensary might generate, and the uses in the Industrial zone might be different. He had previously sent the Council an email that had been given to him by Chief Alexander, which included a number of requests he'd like to have included, including restrictions on locations of dispensaries. The summary of ordinances he'd provided to Council, there were different restrictions that could be placed on a business through a business license, rather than a zoning ordinance. Some aspects that were fairly common between all the ordinances that were a bit problematic under Oregon law. One dealt with signage regulations. He'd need to speak with those city attorneys for those cities, because under Oregon law, the Oregon courts interpreted Oregon's version of the First Amendment differently than the United States Supreme Court. Oregon's was much stricter about allowing the regulation of "commercial speech". It was difficult in Oregon to have ordinances that regulated the content of commercial speech. His interpretation was that they couldn't say there were some things you couldn't put on a sign, because that would violate the Oregon Constitution. He could draft an ordinance with some restrictions in it, if that was the direction the Council wanted to take this, and those could always be removed.

Mayor Verini asked if they put something like that in there, did that negate the whole ordinance, if challenged.

Mr. Sullivan stated almost all ordinances would include language that stated if any part of the ordinance was found to be unenforceable or in violation of the Constitution, that portion could be deleted without affecting the remainder of the ordinance.

Councilor Fugate asked if they could define the size of the signs.

Mr. Sullivan stated sizes could be defined, but it would better done through a general sign ordinance, instead of targeting one specific business. There was not one currently on the city's books. The minimum requirements for any language in any ordinances, was that any restrictions put in one that affected the use of the dispensary, it had to be reasonable and rational.

Councilor Tuttle asked about UGA Commercial.

Mr. Sullivan stated that if allowed, the County would not be able to enforce the ban within the UGA.

Mayor Verini suggested that the Police Chief and Fire Chief get together and draft an ordinance, or they could alter the County's Joint Management Agreement.

Mr. Sullivan stated other cities adopted the state's moratorium to May 1, 2015, and some cities banned sales on Sunday. The justification for a ban would be to add a new sunset addition to extending it out until August to see what the state legislature would come up with.

There was a consensus to continue the ban until August.

Councilor Fugate mentioned recreational marijuana being legal in July.

Mr. Sullivan stated that the same restrictions could be imposed on both.

Councilor Crume asked if a grow site was considered farming.

Mr. Sullivan said that it was not for profit. He said that he would start working on zoning regulations to restrict the commercial zones and some language about the Urban Growth Area and business licenses that would have language that would impose restrictions as well. With a ban in place, wording could always be taken out at a later date.

Chief Alexander stated that removing the ban would get more exposure to the dispensaries. He recommended continuing with the ban with other restrictions. Regulations should be for both medical and recreational.

Councilor Carter asked that the term "no walk up" be included in the restrictions. They currently had no drive up, but she'd like the no walk up in place as well.

Mr. Sullivan stated the wording would be such that any transaction had to take place inside the building.

Councilor Tuttle stated if they put in a dispensary, would that change the registered growers in any way? A person could still grow for their own use.

Mr. Sullivan stated that was correct.

Councilor Tuttle stated in an article in the Argus a few weeks back, it stated that in Malheur County there were 486 registered card holders for medical marijuana, but in the same timeframe, there were 368 growers. There was a discrepancy of less than 120 between the number of growers and number of users. He wasn't so sure the dispensaries were going to be all wrapped up to be what everyone thought they might be. Currently, he believed 368 growers could supply 486 users.

Mr. Sullivan reminded them that they'd have all the Idaho card holders coming over to use the dispensaries here. They couldn't take the product back to Idaho, but they could purchase it here.

Councilor Tuttle verified that at no time were they going to recommend a complete ban?

Chief Alexander stated he thought they should do a complete ban, but use this language as a backup.

Councilor Crume stated if Malheur County had a ban, what was the city supposed to do since the District Attorney had stated he wasn't going to prosecute any marijuana cases.

Chief Alexander stated the ban wasn't going to address possession, because that would be legal.

CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

- Ms. Barnett stated she had received an email from Council on Aging about placing trash cans at various bus stops, and they'd like to know if they made the purchase, would the city provide service. They wanted to place eight 31-gallon galvanized trash cans. She'd be in contact with Ontario Sanitary Service, as well as CH2M Hill about taking care of that.

Mayor Verini asked her to look into who could do the collection piece.

Councilor Crume asked who took care of the trash cans on Oregon Street.

Ms. Barnett stated those were picked up by the Public Works crew.

- Ms. Barnett stated Kari Ott had distributed a budget calendar, so please review and get back with either her or Kari with any conflicts.

EXECUTIVE SESSION

Executive Session: ORS 192.660(2)(e)

An executive session was called at 8:28 p.m. under provisions of ORS 192.660(2)(e) to discuss real property. The Council reconvened into regular session at 8:51 p.m.

ADJOURN

Norm Crume moved, seconded by Ronald Verini, that the meeting be adjourned. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

APPROVED:

ATTEST:

Ronald Verini, Mayor

Tori Barnett, MMC, City Recorder

CONSENT AGENDA
March 2, 2015

TO: Mayor and City Council

FROM: Mark Alexander, Police Chief

THROUGH: Tori Barnett, Interim City Manager

**SUBJECT: LIQUOR LICENSE APPLICATION – ADDITIONAL PRIVILEGE
LIMITED ON-PREMISES SALES**

DATE: February 23, 2015

SUMMARY:

Ontario Mini Market & Produce located at 401 S. Oregon Street, Ontario, Oregon, currently holds an Off-Premises Sales liquor license with OLCC and is applying for the additional privilege of "Limited On-Premises Sales. They are also changing their business name from Ontario Mini Market and Produce to Ontario Mini Market.

All necessary paperwork has been approved through OLCC office and is awaiting approval through the Ontario City Council.

BACKGROUND/PREVIOUS COUNCIL ACTION:

June 2, 2014, Ontario City Council approved the New Outlet/Off-Premises Sales liquor license for the Ontario Mini Market and Produce located at 401 S. Oregon Street, Ontario, Oregon. Owners/managers Angel Solis Perez and Jimmy Ray Easley are now applying for the additional privilege of Limited On-Premises Sales. Both Mr. Perez and Mr. Easley have cleared the background check. The application forms have been filled out appropriately and required fees have been paid. All Permit requirements have been met.

RECOMMENDATION:

The Police Department has completed a review of this application information in accordance with the City of Ontario's ordinance regulating this license. Staff recommends the Council approve the application for the additional privilege of Limited On-Premises Sales liquor license for Ontario Mini Market.

CONSENT AGENDA
March 2, 2015

TO: Mayor and City Council

FROM: Mark Alexander, Police Chief

THROUGH: Tori Barnett, Interim City Manager

**SUBJECT: LIQUOR LICENSE APPLICATION – GREATER PRIVILEGE
FULL ON-PREMISES SALES/COMMERCIAL ESTABLISHMENT**

DATE: February 23, 2015

SUMMARY:

The Good Food Corporation, owner of Winner's Horseshoe Park located at 1888 N. Park Blvd., Ontario, Oregon, currently holds a Limited On-Premises Sales liquor license with OLCC and is applying for the greater privilege of Full On-Premises Sales/Commercial Establishment.

All necessary paperwork has been approved through OLCC office and is awaiting approval through the Ontario City Council.

BACKGROUND:

Winner's Horseshoe Park located at 1888 N. Park Blvd., Ontario, Oregon, under the ownership of The Good Food Corporation, has held a Limited On-Premises Sales liquor license through Oregon Liquor Control Commission since December 2006. The Good Food Corporation is now applying for the greater privilege of Full On-Premises Sales/Commercial Establishment. Criminal record process was completed on current owner/manager Mr. Joel Ruiz of The Good Food Corporation, which returned clear. The application forms have been filled out appropriately and required fees have been paid. All Permit requirements have been met.

RECOMMENDATION:

The Police Department completed a review of this application information in accordance with the City of Ontario's ordinance regulating this license. Staff recommends the City Council approve the application for the greater privilege of Full On-Premises Sales/Commercial Establishment liquor license for Winner's Horseshoe Park.

AGENDA REPORT
March 2, 2015

TO: Mayor and City Council

FROM: Cliff Leeper, Public Works Director
Betsy Roberts, City Engineer

THROUGH: Tori Barnett, City Manager Pro Tem

SUBJECT: MURRAY, SMITH & ASSOCIATES, INC., NOTICE TO PROCEED FOR PROFESSIONAL ENGINEERING SERVICES FOR FINAL DESIGN AND BIDDING PHASE OF THE WATER TREATMENT PLANT CHEMICAL FEED AND RAW WATER SUPPLY IMPROVEMENTS PROJECT

DATE: February 23, 2015

SUMMARY:

Attached are the following documents:

- Proposal for Professional Engineering Services for final design through bidding services including engineering cost
- Construction Cost Estimate
- Drawing Sheet List

The current project includes the final design and bidding services for the development of the chemical feed and raw water supply improvements developed through the preliminary engineering process.

This project will be funded through 105-160-719278 WTP Audit Projects.

PREVIOUS COUNCIL ACTION:

October 2014 Council approved the Preliminary Engineering Design phase by Murray, Smith, & Associates (MSA) for the referenced project. Around the same timeframe, the Council approved the development of a pilot program to review possible chemical use modifications in association with improvements to the Ontario Water Treatment Plant (WTP).

BACKGROUND:

The scope of work is based on the conclusions of the August 2014 Water Treatment Plant Audit Report. Preliminary Engineering has been completed and now final engineering design is needed to develop construction documents and to bid the project. MSA was selected in the spring of 2014 through a proposal process to be part of the City's roster for On-Call Engineering Services. Extension of the MSA Preliminary Engineering contract allows immediate action to begin on the final design phase for critical Water Treatment Plant improvements by a qualified engineering team with a deep understanding of the City's WTP challenges.

ALTERNATIVE:

The City Council could choose to not authorize the Notice to Proceed for Murray, Smith and Associates, Inc., and postpone needed improvements. If authorization is denied, options would include either "No Action" where no improvements would be designed at all or a Request for Proposal (RFP) could be developed and selection of a qualified engineering firm would follow.

FINANCIAL IMPLICATIONS:

Work will be billed on a time and materials basis, in accordance with the schedule of charges. MSA will manage the work identified to the aggregate total budget amount (\$202,500), which shall not be exceeded without prior written authorization from the City.

RECOMMENDATION:

Staff recommends issuing a Notice To Proceed for Professional Engineering Services.

PROPOSED MOTION:

I move that the City Council authorize a Notice To Proceed for Professional Engineering services for the Final Design and Bidding Phase of the Water Treatment Plant Chemical Feed and Raw Water Supply Improvements Project.

**MURRAY, SMITH & ASSOCIATES, INC.
TASK ORDER**

FOR

**2015 WATER TREATMENT PLANT RAW WATER MIXING BUILDING &
CHEMICAL FEED IMPROVEMENTS**

This Scope is for professional services between Murray, Smith & Associates, Inc. (MSA) and the City of Ontario, Oregon (City) for the design of improvements to the water treatment plant (WTP). The services provided under this scope will be the joint work product of MSA, CH2M HILL and Control Engineers. Contractually, CH2M HILL and Control Engineers are subconsultants to MSA, but this team will work collaboratively to complete the work described.

BACKGROUND

In August of 2014, MSA completed an audit of the City's WTP that identified approximately \$12 million of short to long-term improvements. As a result of this audit, the City had MSA and CH2M HILL subsequently complete preliminary engineering and chemical feed pilot work on some of the WTP Audit's higher priority improvements areas (items 3 through 10, 17 and 31). This task order is for the design and bidding of these improvements with the following goals:

- Centralization/simplification of the WTP's chemical storage, handling and control systems.
- Providing independent chemical supply and control of the chemical feeds.
- Providing independent control of the raw water supply blend (groundwater to river water ratio) to the City's "old" and "new" portions of the WTP.
- Eliminating the use of the raw water supply line under a portion of the "old" WTP.
- Reduction/elimination of the calcium carbonate precipitation in the "old" plant.

SCOPE OF SERVICES

The design services are divided into the following major tasks:

- Task 1.0 - Project Management
- Task 2.0 – Concept Refinement
- Task 3.0 – 50% Design Review
- Task 4.0 – 90% Design Review
- Task 5.0 – Bid Document Preparation
- Task 6.0 – Bid Period Support

This scope of work does not include the preparation of record drawings and specification modifications to reflect addenda, change orders, and field modifications. This work, in addition to general construction phase support (answering RFIs, submittal review, spot inspection, etc.) will be performed under a subsequent task order for construction phase services.

Task 1.0 - Project Management

The purpose of this task is to provide management of the project team, schedule and budget. Included in this task are monthly invoicing, budget and schedule review, updates, weekly design team meetings and general administrative tasks.

As project manager, Craig Anderson will lead communication with the City and the team throughout the duration of the project, keep the City up-to-date on project issues or details and make sure the City's input is incorporated into the work product.

The project will be managed to maintain the scope, schedule, and budget. At a minimum, updates on project schedule and budget will be provided as part of the monthly invoicing process.

Assumptions

- Meeting facilitation will be limited to workshops or meetings specifically identified in this scope of work.

Deliverables

- Monthly invoices to the City
- Monthly project updates

Task 2.0 – Concept Refinement

MSA will perform additional field investigations in advance of initiating hard design, to better define the project. Work during this period includes the following activities:

- WTP visit to review and evaluate the instrumentation, control and electrical systems at the WTP.
- Geotechnical services. This work will consist of both a review of any past geotechnical information as well as a limited site investigation. A geotechnical engineer or geologist will spend up to one day on site (including travel time) to observe conditions at the site by logging materials exposed in up to two test pits.

- One round of review and refinement of raw water piping and control element configurations to reduce building size and project costs.
- Supplemental pump operation testing to address anomalies discovered in previous work.
- Project Permitting Impact Assistance. Includes code review of existing facilities to determine compliance with proposed chemical feed storage modifications. Also includes up to 8 hours of time to support the City in assessing project changes that may be necessary for Building, Landuse, Floodplain or other project permitting needs.
- Utility locate and site survey for development of project site plan base.

Substantive changes to the design concept will be documented and reviewed in a meeting with the City (no more than 2 hour duration assumed) prior to proceeding to Task 3.0.

A copy of the latest construction cost estimate (Attachment 1) and design package sheet count (Attachment 2) are included with this scope of work document for reference relative to the existing design concept.

Assumptions

- The City will provide MSA with existing geotechnical and site survey information that is readily available.
- Subsurface investigations using borings or geophysical methods will not be required. Test pits will be used and excavated utilizing a backhoe or excavator provided by the City.
- The City will be responsible for leading, paying for and obtaining necessary project permits and regulatory approval.
- No floodplain calculations or mitigation measures are included in this scope of work.
- This scope of work assumes that existing City facilities will meet code requirements associated with their proposed modified use.

Deliverables

- Documentation (memoranda, revised layout sketches, etc.) of substantive design concept changes in PDF electronic format

Task 3.0 – 50% Design Review

The purpose of this task is to further refine and develop the basic design elements identified in the previous tasks so that the design is agreed to before proceeding to Task 4.0.

MSA will prepare a 50% Design Review Package for City review that will include:

- Site Plans for Civil, Mechanical and Electrical Utilities
- Site Plans for Chemical Feed Improvements
- Plan and Section views of raw water supply piping
- Building Floor Plans and Elevations
- Process Instrumentation and Control Diagrams (P&IDs)
- Preliminary Electrical One-Line Diagrams
- Construction Cost Estimate (Class 3 with typical +30% to -20% accuracy)
- Technical Specifications (50%)

MSA will present a general overview of the 50% Design to the City in a half day workshop. At this review workshop, if not earlier, MSA will provide the City a “Front-End Document Questionnaire” for the purposes of gathering the City’s input on bidding and contracting requirements to use for this project.

Assumptions

- Within two weeks of the workshop, the City will provide summarized comments on their review.
- Within two weeks of the workshop, the City will return a completed copy of the “Front-End Document Questionnaire”.
- The design of the new raw water blending building will have a similar appearance to the building constructed for the “new” plant and conventional spread foundations or mat slabs will be acceptable.
- HVAC design in the new raw water blending building will not require air conditioning. Heating in the new building, if required, will be accomplished using unit heater only.
- At the completion of this task, all major design decisions are considered complete (“frozen”) and ready for final contract document development by the expanded design team. Significant design changes initiated by the City after this point will likely require a design budget adjustment.
- Cost estimates will be on the basis of experience and judgment, but because MSA and their subconsultants have no control over market conditions or construction proposal procedures, they cannot warrant that the estimates will not vary from these opinions.

- See “Bid Document Assumptions” immediately following Task 6.0

Deliverables

- 50% Design Review Package – Electronic PDF format and up to three (3) hard copies

Task 4.0 – 90% Design Review

MSA will prepare a 90 Percent Design Review Package, which will be the basis for the final Bid Document review. The 90 Percent Design Review Package is intended to be essentially complete pending final review from the City and the Design Team’s QA/QC staff. It will include the Bidding Requirements, Contract Forms, Conditions of the Contract, Specifications, and Drawings necessary for bidding the construction. Drawings and specifications will include the civil site work, architectural, structural, process mechanical, HVAC, plumbing, electrical, and instrumentation and control design necessary for bidding and construction. A final cost estimate for the project (Class 2 with typical +30% to -20% accuracy) will also be prepared.

MSA will present a general overview of the 90% Design to the City in a half day workshop.

Assumptions

- Within two weeks of the workshop, the City will provide one set of summarized comments on their review of the 90% Design Review.
- Cost estimates will be on the basis of experience and judgment, but because MSA and their subconsultants have no control over market conditions or construction proposal procedures, they cannot warrant that the estimates will not vary from these opinions.
- See “Bid Document Assumptions” immediately following Task 6.0

Deliverables

- 90% Bid Documents (Draft for City review) - One PDF format electronic copy

Task 5.0 –Bid Document Preparation

Following receipt of the City’s review comments and completion of MSA’s internal quality assurance review on the 90% Contract Documents, MSA will incorporate the review comments, as appropriate, and prepare the Bid Documents.

Assumptions

- No changes are anticipated to the documents beyond the 90% City review comments provided in Task 4.

- See “Bid Document Assumptions” immediately following Task 6.0

Deliverables

- One PDF format electronic copy and up to 10 sets of signed and sealed Bid Documents (drawings and specifications). Drawings will be 11-inch by 17-inch format.

Task 6.0 - Bid Support Services

MSA will assist the City with the bidding and award of the Project. Specifically, MSA will complete the following items as part of this work.

- Attend the pre-bid meeting on-site
- Respond to questions and clarifications during the bidding process
- Produce addenda (no more than two assumed)
- Attend the bid opening
- Review the lowest responsive bid
- Recommend to the City a construction contract award.

Assumptions

- City will arrange and pay for bid notification in local paper and any other associated advertisements
- City will be responsible for the distribution and tracking of bidding documents
- City will prepare the bid results tabulation
- Budget for this task is based on up to 26 MSA labor hours and \$4,000 in subconsultant fees.

Deliverables

- Addenda
- Recommendation of Award Letter

BID DOCUMENT ASSUMPTIONS

The Bid Documents for construction of improvements at the City’s WTP shall consist of the following elements:

- Bidding Requirements (*consultant standard EJCDC format with minor adjustments per City response to Task 3.0 Front-End Document Questionnaire*)

- Contract Forms (*consultant standard EJCDC format with minor adjustments per City response to Task 3.0 Front-End Document Questionnaire*)
- Conditions of the Contract (*consultant standard EJCDC format with minor adjustments per City response to Task 3.0 Front-End Document Questionnaire*)
- Technical Specifications (*consultant standard CSI format*)
- Drawings (*consultant standard formatting*)

These documents and the associated scope of work is also based on the following:

- the work being performed by a single general contractor who will furnish all equipment, materials, and labor necessary to construct the project.
- If the pre-purchase of equipment is desired by the City, MSA will provide technical specifications to the City for their use in acquiring this equipment.
- a lump sum bid with award to the lowest responsive, responsible bidder.

BUDGET

The work provided in this Task Order will be billed on a time and materials basis with a total estimated budget of \$202,500 which shall not be exceeded without prior written authorization from the City.

When any budget has been increased or follow-on work contracted, MSA's excess costs expended prior to such an increase will be allowable to the same extent as if such costs had been incurred after the approved increase.

TIME OF PERFORMANCE

Assuming a Notice to Proceed by March 2nd, the work provided under this Task Order is anticipated to be completed per the milestone dates listed in Table 2. Due to potential City budgeting preferences, efforts will be made to expedite the delivery beyond the dates given, but initial design team discussions on this topic suggest that significantly quicker design delivery is unlikely.

Description	Approximate Milestone Date
Concept Refinement	March/April 2015
50% Design Package	April/May 2015
90% Design Package	June/July 2015
Bid Document Preparation	July/August 2015
Bid Phase	August/September 2015

MSA will make every effort to complete the work in a timely manner; however, it is agreed that MSA cannot be responsible for delays occasioned by factors beyond its control, nor by factors that could not reasonably have been foreseen at the time this scope was executed.

Sheet	Title	Lead
General		
G-001	Vicinity and Location Maps	MSA
G-002	Index to Drawings	MSA
G-003	Civil/Yard Piping/Water Mechanical Legend	MSA
G-004	Process Mechanical Legend	CH2M
G-005	Architectual Legend	CH2M
G-006	HVAC and Plumbing Legend	CH2M
G-007	General Structural Notes	CH2M
G-008	Statement of Special Inspections	CH2M
G-009	IC & E Legend	Control
G-010	WTP Flow Diagram	MSA
Civil		
C-001	Existing Conditions/Survey Control	MSA
C-002	General Grading/Erosion Control	MSA
C-003	Yard Piping/Site Civil Plan 1	MSA
C-004	Yard Piping/Site Civil Plan 2	MSA
C-005	Civil Details	MSA
C-006	Civil Details	MSA
Architectural/Plumbing/HVAC		
A-001	Floor & Roof Plans	CH2M
A-002	Elevations	CH2M
A-003	Sections	CH2M
A-004	Schedules and Details	CH2M
Structural		
S-001	Foundation & Roof Framing Plans	CH2M
S-002	Building Section/Details	CH2M
S-003	Building Section/Details	CH2M
S-004	Details	CH2M
Building Mechanical		
H-001	HVAC and Plumbing Plan/Details	CH2M
Mechanical		
M-001	Water Supply Building (WSB) Perspective View	MSA
M-002	WSB Plan View	MSA
M-003	WSB Sections	MSA
M-004	WSB Details	MSA
M-005	New Plant (NP) Chem Feed Plan View	CH2M
M-006	NP Sections/Details/Isos	CH2M
M-007	NP Sections/Details/Isos	CH2M
Electrical		
E-001	Electrical Site Plan	Control
E-002	WSB One-Line	Control
E-003	WSB Lighting Plan/Details	Control
E-004	WSB Power Plan/Fire Alarm/Details	Control
E-005	NP One-Line	Control
E-006	NP Power Plan/Details	Control
E-005	OP One-Line	Control
E-006	OP Power Plan/Details	Control
P&IDs		
N-001	Raw Water Supply	Control/MSA
N-002	NP housed Chemical Feed Systems (ACH, Ferric & Polymer)	Control/CH2M
N-003	OP housed Chemical Feed System (caustic)	Control/CH2M

**City of Ontario, OR Water Treatment Plant Improvements
9-Jan-15**

No.	Name	Description	Construction Cost
1	Mixing Building	46'x16' CMU	\$205,000
2	Mixing Building Electrical	MCC and building electrical	\$42,500
3	Inline Mixer #1	24" Diameter Power Mixer	\$38,000
4	Inline Mixer #2	20" Diameter Power Mixer	\$35,000
5	Flow Meter #1	24" Diameter Mag Meter	\$20,000
6	Flow Meter #2	20" Diameter Mag Meter	\$18,000
7	Butterfly Valves #1	3 each, 24" diameter	\$31,500
8	Butterfly Valves #2	3 each, 20" diameter	\$28,500
9	Actuated BF Valve #1	1 each, 24" diameter	\$16,100
10	Actuated BF Valve #2	1 each, 20" diameter	\$15,100
11	Yard Piping #1	50' of 24" diameter	\$12,000
12	Yard Piping #2	225' of 20" diameter	\$45,000
13	Mecahnical Piping #1	70' of 24" diameter	\$8,500
14	Mecahnical Piping #2	70' of 20" diameter	\$8,200
15	Abandonment of Pipes	Abandon In Place	\$5,000
16	Hypochlorite Pump Skid #1	2 each, 60 gph pumps	\$15,000
17	Hypochlorite Pump Skid #2	2 each, 20 gph pumps	\$15,000
18	Ferric Chloride Pump Skid	2 each, 10 gph pumps	\$15,000
19	ACH Pump Skid	2 each. 1 gph pumps	\$8,000
20	Permanganate Pump Skid	2 each, 2.5 gph pumps	\$6,000
21	Caustic Pump Skid	2 each, 8 gph pumps	\$15,000
22	Polymer #1 Pump Skid	2 each, 0.2 gph pumps	\$6,000
23	Polymer #2 Pump Skid	2 each, 0.2 gph pumps	\$6,000
24	Chemical Feed Electrical	3 additional MCC buckets	\$16,500
25	Chemical Feed Piping	10 chem feed lines to mixing building	\$100,000
27	Lagoon Recycle Pump Station	500 gpm pump with VFD in Manhole	\$45,000
Subtotal			\$775,900
		Mobilization/Demobilization	\$39,000
		Contractor Overhead and Profit	\$116,000
		Contingency	\$233,000
		Subtotal	\$1,163,900
		Engineering and Admin	\$233,000
		Total	\$1,396,900

AGENDA REPORT
March 2, 2015

TO: Mayor and City Council

FROM: Cliff Leeper, Public Works Director
Betsy Roberts, City Engineer

THROUGH: Tori Barnett, City Manager Pro Tem

SUBJECT: CH2M HILL NOTICE TO PROCEED FOR PROFESSIONAL ENGINEERING SERVICES FOR FINAL DESIGN SERVICES AND SERVICES DURING CONSTRUCTION FOR EAST SIDE TANK REPAIR

DATE: February 23, 2015

SUMMARY:

Attached are the following documents:

- Proposal for Professional Engineering Services for Final Design and Services During Construction for East Side Tank Repairs
- Proposed Fee Estimate for Final Design Services and Services During Construction

We request the City of Ontario provide Notice to Proceed to CH2M HILL structural team to develop final design drawings for the repair of the leak at the East Side Tank #2. Final design drawings will be based on site investigation and tank evaluation conducted in January of this year. Notice to Proceed would also include time and budget for engineering services during construction (SDC).

PREVIOUS COUNCIL ACTION:

December 2014 Council approved the structural on-site inspection and evaluation of the East Side Tank #2 by CH2M HILL.

BACKGROUND:

The following summarizes the findings of the investigation:

- Nearly all of the prestressing wires exposed exhibited no corrosion and were in good condition.
- A moderate amount of cracking in the exterior shotcrete (exterior face of wall) was observed and a small number of locations were found where the shotcrete exhibits a hollow sound (characteristic of delamination or subsurface cracking).
- Local light corrosion was observed on wires observed near previously repaired crack (stained wires with no section loss).
- The exterior wall coating has failed in areas where water seepage is present.

- The coating on the roof slab has been weathered, notably the south side where the sunlight exposure is greatest.
- Significant interior liner separation from reservoir over much of the floor and concentrated areas on walls.

RECOMMENDATIONS:

Based on the investigation, CH2M HILL recommends the following repairs and actions be performed:

- Removal and reinstallation of the interior lining with investigation of interior concrete and shotcrete surfaces.
- Repair of leaking crack at diaphragm joint on south east side. Options for repair include but are not limited to the following:
 - Epoxy crack injection
 - Hydrophobic grout injection
 - Flexible tape waterstop
 - Consultation with concrete repair contractor to be performed during design phase of repair project
- Repair exterior coating at select locations on walls and entire roof slab
- Contractor to provide thorough sounding of the interior and exterior surfaces of the walls to check for delaminations.
- Repair of any interior concrete and shotcrete surface deficiencies
- City to consider possible seismic upgrade of reservoir

SCHEDULE:

The design team would start immediately with the plan to produce drawings and specifications for bid documents as quickly as possible (approximately 3 weeks). During design process, the design engineers will hold discussions with the liner suppliers to best understand the requirements of the liner materials being proposed (removal time, applications time, set/dry time etc.) to gain a better understanding of the duration required for construction.

If the project cost appears to be under \$100,000, it is possible the bid period could be shortened to an informal process in which the Public Works Department would approach 3 qualified bidders and solicit bids directly. If it appears to be more than \$100,000, then then formal bid process may be required.

Typically, an increased call for water begins in about April with the peak calls being about July and August. The Public Works Department would not be comfortable taking this reservoir off-line any time after about May 1, but that can still depend on how hot the weather has been. Schedule discussion will develop as the project progresses.

ALTERNATIVE:

The City Council could choose to not authorize the Notice to Proceed for CH2M HILL, and postpone needed improvements. If authorization is denied, options would include either "No Action" where no improvements would be designed at all or a Request for Proposal (RFP) could be developed and selection of a qualified engineering firm would follow.

FINANCIAL IMPLICATIONS:

Work will be billed on a time and materials basis, in accordance with the schedule of charges The City Engineer will manage the work identified to the aggregate total budget amount (\$20,000), which shall not be exceeded without prior written authorization from the City.

RECOMMENDATION:

Staff recommends issuing a Notice to Proceed for Professional Engineering Services for leak repair at the East Side Tank #2.

PROPOSED MOTION:

I move that the City Council authorize a Notice to Proceed for Professional Engineering Services for the Final Design and Services During Construction for the Repair of the Leak in East Side Tank #2.

LINE ITEM:

105-160-719279

Proposal for Professional Engineering Services

CITY OF ONTARIO STRUCTURAL REVIEW OF THE EAST SIDE TANK(S) SCOPE OF SERVICES

This task is authorized under the Professional Services Agreement between CH2M HILL Engineers, Inc. (Engineer), and the City of Ontario (City) dated June 6, 2014. Services authorized under this Task Order shall be for professional engineering services in support of the Structural Review of the East Side Tank(s) project as outlined below.

Structural Review

CH2M HILL will drain the tank(s) and conduct a physical inspection inside the tank(s). Inspection would include a complete internal and external review by a structural engineer. Destructive explorations (chipping of concrete or shotcrete) to expose prestressing wires/strands and diaphragm sheets would be conducted in several locations to determine what level of corrosion is present. The areas of shotcrete removed would be patched back with concrete repair material and the tank(s) would also be disinfected per requirements before being put back into service.

Deliverables

A report including detailed findings from the structural testing and inspections will be produced. The report will include general recommendations for repair as well as recommendations for timing and repair sequencing to accommodate water system needs.

If seismic evaluation is considered to be warranted, the report will also provide recommendations for potential seismic evaluation as a follow-on task.

Project Cost Estimate

A Project Cost Estimate will be developed that will include an estimate of final design costs and an estimate of probable construction cost.

Proposed Fee Estimate

	PM	Sr Struct	Jr Struct	Coatings	QC	Estimating	
	Roberts	Hodson	Bauder	Duppong	Henrikson	Jones	Expenses
Physical inspections, analysis, and alternatives analysis							
Records search/review	1	4					\$ 50
Physical inspections and destructive investigation	4	10	10		2		\$ 350
Analysis		8	4		2		
Alternatives/Memo		12	8		2		
Cost Estimating	1	1				6	
TOTAL (hours)	6	35	22	2	6	6	\$ 400
TOTAL (dollars)	\$ 708	\$ 3,756	\$ 1,372	\$ 335	\$ 719	\$ 530	\$ 400
							Total Cost - One Tank: \$ 7,900

If the City would like the structural engineer to perform an evaluation on both tanks, the total budget amount would be approximately twice that reported, or approximately \$15,800.

ONTARIO EAST SIDE RESERVOIR 3B REPAIRS DESIGN PROJECT

Scope of Work Summary

The following is a summary of the work to be performed by CH2M HILL for the repair design project for the Ontario East Side Reservoir 3B (also called East Side Tank #2). A more formal and complete Scope of Work will be provided hereafter.

Design Tasks

CH2M HILL will prepare drawings and specifications for construction of the following repairs to the East Side Reservoir 3B:

- Repair of leaking crack on the southwest side of the reservoir
- Removal and replacement or repair of the interior liner system
- Recoating of the exterior wall and roof surfaces
- Investigation and repair of any damaged shotcrete wall surfaces (interior or exterior)

In addition to these repairs to the structure, CH2M HILL will also design a gravel access road to allow construction and future maintenance access to the reservoir site without having to drive vehicles over the grass in the park.

Due to the City's desire to complete the design as quickly as possible, CH2M HILL will develop the design documents to a pre-final (90%) condition and a review set will be provided to the City for their review. A construction cost estimate will also be prepared for the City after the pre-final review set is produced. CH2M HILL will then incorporate City review comments and prepare a final (100%) bid-ready construction document set. It is anticipated that the construction document set will consist of 3 to 4 drawings and 12 to 20 specifications. The design time is expected to take up to one month.

CH2M HILL will coordinate with concrete repair system manufacturers and concrete tank lining system manufacturers during the design to develop the repair solutions.

Bidding Services

CH2M HILL will assist the City during the bidding period by answering technical questions from potential bidders and by preparation of up to one addendum. It is assumed that the City will be responsible for bidding document distribution and for direct communication and coordination with bidding contractors. It is furthermore assumed that the City will be responsible for evaluating and responding to bids received. If the City would prefer CH2M HILL to provide additional services during the bidding phase (such as distribution of documents, communication with bidders, bid evaluations & recommendations, etc.) these services can be provided as an amendment to this task order.

Services During Construction

CH2M HILL will respond to technical submittals and RFIs from the contractor (assumed 10 submittals and 10 RFIs). CH2M HILL will also make up to 4 site visits to observe the progress of construction activities. CH2M HILL's design team will not have a permanent presence at the site. The City will be responsible for day-to-day oversight of and communication with the Contractor.

PM	Civil Engr.	Sr Struct	Jr Struct	Coatings	QC	Specs	Drafting	Drafting	Estimating	Accounting	
Roberts	Thompson	Hodson	Bauder	Duppong	Henrikson	Iseri	Clegg	Tolman	Jones	Yang, Mia	Expenses

sign of Repair Project

Meeting with crack repair												
and liner rep	2		6	6								\$ 75
er product research			2	6	2							
in drawing - structural			4	16	1	2		16		4		
in drawing - civil		8							12	4		
tail structural drawing			4	12		2		12		4		
ecification compilation	3		2	12	1	2	12					
l assistance	4		4	4			4					
C - product submittals		4	4	8	1							
C - site visits	2		4	16								\$ 120
C - RFI response		4	4	8								
V/Accounting	4										4	
tal (hours)	15	16	34	88	5	6	16	28	12	12	4	\$ 195

AGENDA REPORT

March 2, 2015

TO: Mayor and City Council

FROM: Mark Alexander, Police Chief

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: RESOLUTION NO. 2015-107 GENERAL FUND BUDGET CHANGE

DATE: February 15, 2015

SUMMARY:

Attached is the following document:

- Resolution 2015-107

The Police Department has received unexpected revenue from donations and grant projects and would like to expend those funds. A budget change will be required to do so.

BACKGROUND:

The Police Department has recently received the following donations for police projects and our Citizens on Patrol Program:

- \$400 Ontario VFW
- \$200 Ontario American Legion
- \$50 Ontario American Legion Auxiliary
- \$100 Ontario Basque Club
- \$200 Ontario Rotary Club

The Police Department is a member of Malheur County Drug Free Communities Coalition and has the opportunity from the Coalition to reimburse the Police Department for the purchase of a mobile incinerator for the destruction of drugs and other evidence. The incinerator costs \$4,250 and will be utilized by law enforcement agencies within Malheur County.

The police department did not budget to receive and expend these funds and would like to make an adjustment in order to do so. It is proposed that the budget change for expenditures be recognized within the Police Department's General Supplies line item.

ALTERNATIVE:

The Council could decline the change and keep the donations without budgeting the expenditure.

FINANCIAL IMPLICATIONS:

It is proposed that the revenues and expenditures be recognized within the City's General Fund, Police Department.

RECOMMENDATION:

Staff recommends the Council adopt Resolution 2015-107.

PROPOSED MOTION:

I move that the City Council adopt Resolution 2015-107, A RESOLUTION ACKNOWLEDGING RECEIPT OF REVENUE FUNDS AND APPROPRIATING EXPENDITURES WITHIN THE GENERAL FUND.

RESOLUTION #2015-107

**A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET FOR THE
GENERAL FUND POLICE DEPARTMENT TO RECOGNIZE RECEIVED
FUNDS AND AUTHORIZING EXPENDTURE OF THOSE FUNDS**

WHEREAS, The Ontario Police Department occasionally receives unexpected revenue from donations and grant projects; and

WHEREAS, the General Fund Police Department budget for FY 2014-2015 was adopted without the knowledge of such funds; and

WHEREAS, the Ontario Police Department has received \$5200 in such funds; and

WHEREAS, the City desires to modify the 2014-2015 budget to receive and expend the funds.

NOW THEREFORE, BE IT RESOLVED by the Ontario City Council to approve the following adjustments to the fiscal year 2014-2015 budget:

Line Item	Item Description	FY 14-15 Budget	Amount of Change	Adjusted Budget
GENERAL FUND				
REVENUE				
001-000-469210	Misc Police Revenue	\$12,800	\$5,200	\$18,000
EXPENDITURE				
001-024-613500	General Supplies/Maint	\$2,210	\$950	\$3,160
001-024-712100	Equipment Purchase	\$ -	\$4,250	\$4,250

Effective Date: Upon adoption

Passed and adopted by the Ontario City Council this 2nd day of March, 2015.

Ayes:

Nays:

Absent:

Approved by the Mayor this 2nd day of March, 2015.

ATTEST:

Ronald Verini, Mayor

Tori Barnett, MMC, City Recorder

AGENDA REPORT
March 2, 2015

TO: Mayor and City Council

FROM: Mark Alexander, Police Chief

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: RESOLUTION NO. 2015-108: A RESOLUTION AUTHORIZING EXPENDITURES FOR RADIO EQUIPMENT FROM PUBLIC SAFETY RESERVE FUND

DATE: February 19, 2015

SUMMARY:

Attached is the following document:

- Resolution 2015-108

The Police Department is in need of public safety radio equipment and enhancements that have not been budgeted for. It is proposed the purchases come from the Public Safety Reserve Fund.

PREVIOUS COUNCIL ACTION:

The Council approved allocating 26.5% of Motel Occupancy Tax to a Public Safety Fund in October 2013.

BACKGROUND:

Effective and reliable radio communications for public safety is imperative. The Police Department has realized some recent needs relating to our radio equipment. The details of these needs should not be in a public record due to the sensitivity and nature of work performed and security issues relating to the radio systems.

Our Drug Task Force officer needs a new portable radio with enhanced technology to monitor new transmissions relating to the new HIDTA program.

The mobile radios in this officer's vehicle are in need of upgrades to include better installation, cabling and antennas.

- Portable Radio \$1,681.50
- Upgrades in mobile radios \$663.00

The Ontario Police Department's radio infrastructure has components about the city. A part of the system is on city property, but receives power from a building without city access. Recently, a breaker switch sustained failure and a responsible party to the building could not be located. The city's system was down over a weekend until access could be made to the building. It is recommended to install a new breaker switch and re-route power from an existing city building.

- New power source install and breaker switch \$800

Another location is in need of a new power UPS due to age and failure. Equipment is currently being used without a protected UPS system.

- UPS \$895

The Police Department has infrastructure equipment to cover one side of town and has been in place for several years. It has been realized the antenna system is not up to standards, resulting in decreased range and inaudible radio transmissions. A new antenna system is recommended.

- Antenna system \$1,000

Total Request: \$5,039.50

ALTERNATIVE:

The Council could decline to provide the financial support.

FINANCIAL IMPLICATIONS:

\$5,040 would be taken from the Public Safety Reserve Fund to fund the listed radio projects.

RECOMMENDATION:

Staff recommends the Council adopt Resolution 2015-108.

PROPOSED MOTION:

I move that the Council adopt Resolution 2015-108, A RESOLUTION AUTHORIZING EXPENDITURES FOR RADIO EQUIPMENT FROM PUBLIC SAFETY RESERVE FUND.

RESOLUTION NO. 2015-108

**A RESOLUTION AUTHORIZING EXPENDITURES FOR RADIO EQUIPMENT FROM THE
PUBLIC SAFETY RESERVE FUND**

WHEREAS, the Council approved allocating 26.5% of Motel Occupancy Tax to a Public Safety Reserve; and

WHEREAS, the Police Department has recognized public safety radio needs that have not been budgeted for; and

WHEREAS, a resolution is necessary to appropriate funds for the financial support from Contingency within the Public Safety Reserve Fund.

NOW THEREFORE, BE IT RESOLVED by the Ontario City Council to approve the following adjustments to the 2014-2015 budget:

Line Item	Item Description	FY 14-15 Budget	Amount of Change	Adjusted Budget
RESERVE FUND-PUBLIC SAFETY				
055-131-871000	Contingency	\$88,850	(\$5,040)	\$83,810
055-131-827000	Transfers Out	\$45,750	\$5,040	\$50,790
GENERAL FUND-POLICE				
001-024-615600	Radio Maintenance	\$11,560	\$5,040	\$16,870
001-000-458000	Transfer In	\$79,750	\$5,040	\$84,790

Effective Date: Upon adoption

Passed and adopted by the Ontario City Council this _____ day of _____ 2015.

Ayes:

Nays:

Absent:

Approved by the Mayor this _____ day of _____ 2015.

Ronald Verini, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder

AGENDA REPORT

March 2, 2015

TO: Mayor and City Council

FROM: Larry Sullivan, City Attorney

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: RESOLUTION 2015-109: A RESOLUTION INITIATING A ZONING AMENDMENT TO TITLE 10A TO PERMIT MEDICAL MARIJUANA DISPENSARIES AS A CONDITIONAL USE IN CERTAIN COMMERCIAL ZONES, AND TO PROHIBIT THOSE DISPENSARIES IN ALL OTHER ZONES

DATE: February 24, 2015

SUMMARY:

Attached is the following document:

- Resolution 2015-109 with Exhibit "1" attached

BACKGROUND:

In 2014, the Oregon legislature passed Senate Bill 1531, authorizing local governments to place reasonable time, place and use restrictions on medical marijuana dispensaries. In response to that legislation, Oregon cities have passed ordinances imposing such restrictions in the form of zoning ordinances and/or business license ordinances. If a city imposes those restrictions through an amendment to the city's zoning or development code, the city is required to provide a notice to the Department of Land Conservation and Development (DLCD) thirty five days before the first public hearing on the zoning ordinance.

At its last work session on February 12, 2015, the consensus of the Council was to proceed with both a zoning ordinance and a business license ordinance regulating medical marijuana dispensaries. Resolution 2015-109 is intended to formally begin the process of amending City Code Title 10A, the City's substantive zoning ordinance, by giving DLCD notice of the changes in Title 10A that the City Council is considering making in a final zoning ordinance.

If the Council passes Resolution 2015-109, staff will forward it to DLCD to begin the 35-day waiting period. During that 35 day period, a formal ordinance will be prepared by staff. A public hearing after the running of the 35 day period will be scheduled before the Planning Commission to approve or recommend changes to the proposed ordinance. After that public hearing, the Planning Commission will be able to make any recommended changes in the zoning ordinance before it is submitted to the Council for its approval after another public hearing. At every step in the process, staff, the Planning Commission and the City Council will be able to make changes without having to resubmit those changes to DLCD. Upon passage, any zoning ordinance approved by the Council will have to be sent to DLCD for a final review.

Exhibit "1" to Resolution 2015-109 sets forth the changes proposed by staff to Title 10A. The Council should note that in the location restrictions in Exhibit "1", blanks have been left for the Council to determine whether to impose restrictions on locating medical dispensaries near residential zones and day care facilities. Oregon law requires that any restrictions be reasonable ones. Staff will need direction from Council on the distances to insert in Exhibit "1" prior to the final passage of Resolution 2015-109.

RECOMMENDATION:

Staff recommends the Council approve a first reading of Resolution 2015-109.

PROPOSED MOTION:

I move that the Mayor and Council approve Resolution 2015-109, A RESOLUTION INITIATING A ZONING AMENDMENT TO TITLE 10A TO PERMIT MEDICAL MARIJUANA DISPENSARIES AS A CONDITIONAL USE IN CERTAIN COMMERCIAL ZONES, AND TO PROHIBIT THOSE DISPENSARIES IN ALL OTHER ZONES.

RESOLUTION 2015-109

**A RESOLUTION INITIATING A ZONING AMENDMENT TO TITLE 10A
TO PERMIT MEDICAL MARIJUANA DISPENSARIES AS A
CONDITIONAL USE IN CERTAIN COMMERCIAL ZONES,
AND TO PROHIBIT THOSE DISPENSARIES IN ALL OTHER ZONES**

WHEREAS, Enrolled Oregon Senate Bill 1531 (2014) authorizes Oregon cities to impose reasonable restrictions on the operation and location of medical marijuana dispensaries; and

WHEREAS, The City Council intends to consider amendments to Title 10A (the Zoning Ordinance of the City of Ontario) to permit medical marijuana dispensaries in certain commercial zones and to prohibit that use in other zones.

NOW, THEREFORE, BE IT RESOLVED by the Ontario City Council as follows:

1. The City Council initiates an amendment to Title 10A, the Zoning Ordinance of the City of Ontario, in the form shown in Exhibit "1" attached hereto, that could potentially allow medical marijuana dispensaries as conditional uses in certain commercial zones, subject to the conditions and restrictions enumerated in Exhibit "1", and prohibit medical marijuana dispensaries in all other zones.

2. By initiating this amendment, the City Council does not commit to take any particular action on the amendment, but will consider potential amendments through a public hearing process. Any proposed Code amendment will be sent to the Planning Commission for a public hearing and recommendation, and then returned to the City Council for a public hearing and decision.

EFFECTIVE DATE: Immediately upon passage.

PASSED AND ADOPTED by the Ontario City Council this _____ day of _____, 2015.

Ayes:

Nays:

Absent:

APPROVED by the Mayor this _____ day of _____, 2015.

ATTEST:

Ronald Verini, Mayor

Tori Barnett, MMC, City Recorder

EXHIBIT "1" TO RESOLUTION NO. 2015-109
POTENTIAL ZONING AMENDMENT TO ONTARIO CITY CODE
CONCERNING MEDICAL MARIJUANA DISPENSARIES

SECTION 1. Ontario City Code Section 10A-57-220 is hereby added to Chapter 10A-57 ("General Provisions") of Title 10A of the Ontario City Code:

10A-57-220 MEDICAL MARIJUANA DISPENSARIES

1. Definition: For the purpose of this ordinance, a medical marijuana dispensary is defined as follows: "any facility registered with the Oregon Health Authority and designed, intended or used for purposes of delivering, dispensing, or transferring marijuana to Oregon medical marijuana registry identification card holders pursuant to ORS 475.300-475.346."

2. Prohibited Use. A medical marijuana dispensary is a prohibited use in all zones in Title 10A except in those zones in which it is specifically designated as a conditional use by Subsection 3 of this Ordinance.

3. Conditional Use. Unless lawfully prohibited by Section 3-20-2 and any amendments thereto imposing a moratorium on medical marijuana facilities within the jurisdiction of the City of Ontario, a medical marijuana dispensary is a conditional use in the following zones:

- a. C-2 (General Commercial zone) as provided in Chapter 10A-29;
- b. C-2-H (Heavy General Commercial zone) as provided in Chapter 10A-31;
- c. C-3 (Central Commercial zone) as provided in Chapter 10A-33; and
- d. UGA-C (Urban Growth Area Commercial zone) as provided in City Code Section 10A-52-40.

4. General and Special Conditions. A medical marijuana dispensary is subject to Chapter 10B-25 ("Conditional Use Permits") of this Title. A medical marijuana dispensary is also subject to the conditions generally imposed upon conditional uses in each zone. A medical marijuana dispensary is subject to the following special conditions:

- a. Location Restrictions. A medical marijuana dispensary is prohibited in the following locations, with distances measured from the closest points of the respective lot lines:
 - i. within 1,000 feet of a public or private elementary or secondary school, or a career school, or a Head Start school;
 - ii. within 1,000 feet of a public park;
 - iii. within 1,000 feet of another medical marijuana dispensary;

iv. within _____ feet of the residential zones designated in Chapter 11 (RS-50), Chapter 13 (RS-40), Chapter 17 (RM-10), Chapter 19 (R-MH), Chapter 21 (R-MHO), 23 (TRO) and Chapter 25 (UGA-R) of Title 10A;

v. within _____ feet of a day care facility licensed by the State of Oregon;

vi. on the same tax lot as a smoking club or marijuana grow site.

b. Other Restrictions. A medical marijuana dispensary is subject to the following additional land use restrictions:

i. Walk-through or drive-through windows or other delivery systems are prohibited;

ii. Dispensaries must utilize an air filtration and ventilation system which prevents the escape of objectionable odors from the dispensary;

iii. All doorways, windows and other openings shall be located, covered or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area;

iv. All buildings used for dispensing marijuana must be permanent structures;

v. The exterior of all buildings used for the dispensing of marijuana shall have an exterior consistent with other buildings on abutting lots in the neighborhood so as not to cause blight;

vi. A dispensary must install and maintain all security devices required by the Oregon Health Authority.

SECTION 2. This ordinance shall become effective within 30 days.

AGENDA REPORT

March 2, 2015

TO: Mayor and City Council

FROM: Larry Sullivan, City Attorney

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: **ORDINANCE NO. 2699-2015, AN ORDINANCE AMENDING CITY MUNICIPAL CODE SECTION 3-20-2 BY EXTENDING THE MORATORIUM ON MEDICAL MARIJUANA FACILITIES UNTIL SEPTEMBER 1, 2015 -FIRST READING**

DATE: February 23, 2015

SUMMARY:

Attached is the following document:

- Ordinance No. 2699-2015

BACKGROUND:

In 2014, the Oregon legislature passed Senate Bill 1531, authorizing local governments to place a one-year moratorium on the licensing of medical marijuana dispensaries within their jurisdictions. The one year moratorium expires on May 1, 2015.

There are bills pending in the 2015 Oregon legislative session dealing with the state and local regulation of marijuana which, if passed, could affect the regulation of medical marijuana dispensaries by Oregon cities. At the work session on February 12, 2015, the consensus of the Council was to extend the moratorium through August 31, 2015. Ordinance No. 2699-2015 accomplishes that. Stephanie Williams, the attorney for Malheur County, informed the City Attorney that the County would honor that moratorium in the Ontario Urban Growth Area outside the City Limits.

RECOMMENDATION:

Staff recommends the Council approve a first reading of Ordinance No. 2699-2015.

PROPOSED MOTION:

I move the City Council approve Ordinance No. 2699-2015, AN ORDINANCE AMENDING CITY CODE SECTION 3-20-2 BY EXTENDING THE MORATORIUM ON MEDICAL MARIJUANA FACILITIES UNTIL SEPTEMBER 1, 2015, on First Reading by Title Only.

ORDINANCE NO. 2699-2015

**AN ORDINANCE AMENDING CITY CODE SECTION 3-20-2
BY EXTENDING THE MORATORIUM ON
MEDICAL MARIJUANA FACILITIES UNTIL SEPTEMBER 1, 2015**

- WHEREAS,** Ordinance 2689-2014, passed by the City Council on April 7, 2014, with an emergency clause, placed a moratorium on the establishment of medical marijuana facilities for all areas within the jurisdiction of the City as authorized by Senate Bill 1531, approved by the Oregon legislature in 2014; and
- WHEREAS,** Section 3-20-2 of that ordinance provided that the moratorium would expire on May 1, 2015, in compliance with Section 3 of SB 1531; and
- WHEREAS,** There are bills pending in the 2015 Oregon legislative session dealing with the State and local regulation of marijuana which, if passed, could affect the regulation of medical marijuana facilities by Oregon cities; and
- WHEREAS,** The City of Ontario has the authority through its charter as a home rule jurisdiction to extend the moratorium indefinitely, which authority is not preempted by state law; and
- WHEREAS,** 21 USC § 801, et seq, the federal Controlled Substances Act, prohibits the manufacture, distribution, and possession of marijuana, and imposes criminal penalties for violating the Act; and
- WHEREAS,** Federal law prohibiting the distribution of marijuana preempts and voids Section 3 of SB 1531 requiring Oregon home rule cities to accommodate medical marijuana facilities on and after May 1, 2015; and
- WHEREAS,** It is in the best interests of the City to extend the moratorium on medical marijuana facilities through August 31, 2015, after the conclusion of the 2015 legislative session.

NOW THEREFORE, The Common Council For The City Of Ontario Ordains As Follows:

Section 1. Section 3-20-2 of Chapter 20 of Title 3 of the Ontario City Code is hereby amended by deleting that portion that is stricken and adding that portion that is underlined:

3-20-2 - Duration of moratorium.

The moratorium imposed by this ordinance shall be effective until ~~May 1, 2015~~ September 1, 2015, unless rescinded sooner.

Section 2. This ordinance shall become effective on May 1, 2015.

PASSED AND ADOPTED by the Common Council of the City of Ontario this ____ day of _____, 2015, by the following vote:

- AYES:
- NAYS:
- ABSENT:

APPROVED by the Mayor this ____ day of _____, 2015.

Ronald Verini, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder

Discussion/Information /Hand-Out Items

City Council Meeting
March 2, 2015

MALHEUR COUNTY COURT MINUTES

FEBRUARY 11, 2015

County Court met with Judge Dan Joyce presiding with Commissioner Don Hodge and Commissioner Larry Wilson present. Staff present was Administrative Officer Lorinda DuBois.

ROAD ACCEPTANCE

Surveyor/Engineer Tom Edwards met with the Court and presented a partition plat with a road dedication for the Court's consideration. Commissioner Hodge moved to accept road dedication from Jimmy Simpson's partition plat #15-02 a portion of Owyhee Avenue. Commissioner Wilson seconded and the motion passed unanimously. See instrument # 2015-0450

COURT MINUTES

Commissioner Wilson moved to approve Court Minutes of February 4, 2015 as written. Commissioner Hodge seconded and the motion passed unanimously.

DEED - KINCADE

Commissioner Hodge moved to approve Statutory Bargain and Sale Deed to Mike Kincade for Ref. #12416. Commissioner Wilson seconded and the motion passed unanimously. This is for property bought at the 2014 County Land Sale. See instrument # 2015-0449

LETTER - SECOND AMENDMENT

Commissioner Wilson moved the Court sign a letter to Oregon legislators regarding Citizens Right and legislator responsibilities in regards to the Second Amendment right to bear arms. The Court requests our legislators oppose any additional restrictive laws that encroach on this fundamental constitutional right. Commissioner Hodge seconded and the motion passed unanimously. See instrument # 2015-448

SHERIFF'S OFFICE

Undersheriff Travis Johnson met with the Court regarding staffing in the Patrol Division of the Sheriff's Office. There is a current vacancy in the Patrol Division. Discussions are to fill the vacancy and place someone from within the division in the Civil Deputy position. The Court had no objections to filling the vacancy.

COURT ADJOURNMENT

Court was adjourned.