AGENDA
CITY COUNCIL - CITY OF ONTARIO, OREGON
April 19, 2010, 7:00 p.m., M.T.

1) Call to order

A) Roll Call: Norm Crume ___ Charlotte Fugate ____ John Gaskill ____
Susann Mills ____ David Sullivan _____ Ron Verini ____
Joe Dominick ____

2) Pledge of Allegiance

This Agenda was posted on Wednesday, April 14, 2010, and a study session was held on Thursday, April 15, 2010. 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 04/05/10 1-3
B) Resolution #2010-123: Accept/Expend Grant from ODOT for Car Seats 4-5
C) Ordinance #2632-2009-C: Correct Annexation for Boston's Beef House (Final Reading) 6-14
D) Approval of the Bills

5) Public Comments: Citizens may address the Council on items not on the Agenda. Council may not be able to provide an immediate answer or response, but will direct staff to follow up within three days on any question raised. 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) New Business:

A) Resolution #2010-117: Transfer Funds to Complete Golf Course Remodel 15-17
B) Resolution #2010-121: Transfer Funds for SW 4th Street Tree Planting and Irrigation 18-20
C) Resolution #2010-122: Authorize Agreement w/Musgrove Engineering for Engineering Services for Design of City Hall HVAC and Lighting Project 21-32
D) Ordinance #2644-2010: Impose Mandatory Garbage Service for Repeat Nuisance Properties (1st Reading) 33-37
E) Bid Award: SW 4th Street Tree Planting and Irrigation Project (Decker Landscaping) 38-41

7) 7:30 Public Hearing:

A) Ordinance #2653-2010: Rezone E-5 to E-2 (Poole) (1st Reading) 42-45

8) Discussion Items: Thursday

A) Golf Course Restaurant Concessionaire Request for Proposal Process
B) Business Licenses
C) Community in Action Update

9) Correspondence, Comments and Ex-Officio Reports

10) Adjourn

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

The City of Ontario does not discriminate in providing access to its programs, services and activities on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, physical or mental disability, or any other inappropriate reason prohibited by law or policy of the state or federal government. Should a person need special accommodations or interpretation services, contact the City at 889-7684 at least one working day prior to the need for services and every reasonable effort to accommodate the need will be made. T.D.D. available by calling 889-7266.

COUNCIL MEETING MINUTES
April 5, 2010

The regular meeting of the Ontario City Council was called to order by Mayor Joe Dominick at 7:00 p.m. on Monday, April 5, 2010, in the Council Chambers of City Hall. Council members present were Norm Crume, Joe Dominick, Charlotte Fugate, John Gaskill, Susann Mills, David Sullivan and Ron Verini.

Members of staff present were Henry Lawrence, Tori Barnett, Larry Sullivan, Kathy Daly, Bob Walker, Marcy Skinner, Kenny Gather, Dave Stiefvater, and camera operator Hailey Skinner.

Charlotte Fugate led everyone in the Pledge of Allegiance.

AGENDA
Mayor Dominick stated there were requested changes to the Agenda. Under New Business, Item B would become Item A; Item A would become Item C; and a new Item B would be inserted to hold an Executive Session under ORS 192.660(2)(f).

John Gaskill moved, seconded by Ron Verini, to adopt the Agenda as amended. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

CONSENT AGENDA
Susann Mills moved, seconded by John Gaskill, to approve Consent Agenda Item A: Approval of Minutes of regular meeting of 03/22/2010; Item B: Proclamation – World Autism Awareness Day; and Item C: Approval of the Bills. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

Mayor Dominick read the proclamation into the record:

WHEREAS, autism affects all persons regardless of race, religion, socioeconomic status or geography; and

WHEREAS, the incidence of autism in the United States is 1 in 150 and 1 in 94 boys; and

WHEREAS, a child is diagnosed with autism every 20 minutes; and

WHEREAS, on December 18, 2007, the United Nations General Assembly adopted Resolution 62-139 World Autism Awareness Day, encouraging raising awareness about autism throughout society and to promote early diagnosis and early behavioral intervention; and

WHEREAS, the aims for World Autism Awareness Day are to inform the general public about the health crisis of autism, stress the importance of early diagnosis and early intervention, and to celebrate the unique talents and qualities of individuals with autism; and

WHEREAS, autism is a lifelong condition, creating an enormous economic impact.

NOW, THEREFORE, BE IT RESOLVED, that I, Joe Dominick, Mayor of the City of Ontario, do hereby proclaim April 2nd as Autism Awareness Day and encourage the citizens of Ontario to join in this observance.

PRESENTATIONS:
*Kenny Gather, Golf Course Manager, gave an update to the Council on the work being done at the Ontario Golf Course, as well as where they were at with golf pass sales.

*Dave Stiefvater, Traffic Safety Coordinator, gave a PowerPoint presentation on the Ontario Recreational Access property from the Malheur County Chapter of Pheasants Forever.

OLD BUSINESS

Ordinance #2640-2010: Amend OMC 9-3 to add Section 2(B) and Amend P&Z Code 10-57-16(B) Restricting Motor and Recreational Vehicle Parking in Front Yards and Setting Fines for Parking Violations (Final Reading)
Larry Sullivan, City Attorney, stated there had been no changes to the ordinance since the first reading.

Ron Verini moved, seconded by Charlotte Fugate, to adopt Ordinance #2640-2010, AN ORDINANCE RESTRICTING MOTOR AND RECREATIONAL VEHICLE PARKING IN FRONT YARDS AND SETTING FINES FOR PARKING VIOLATIONS, on Second and Final Reading by Title Only. Roll call vote: Crume-yes; Fugate-yes; Gaskill-no; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 6/1/0.

Ordinance #2641-2010: Amend OMC 5-3 Add Section 2 Prohibiting the Use of Fireworks in City Parks and on Public School Grounds (Final Reading)
Larry Sullivan, City Attorney, stated there had been no changes to the ordinance since the first reading.

Councilor Fugate reiterated her request to have signs posted with the prohibiting ordinance and the associated penalties.

John Gaskill moved, seconded by Susann Mills, to adopt Ordinance #2641-2010, AN ORDINANCE PROHIBITING THE USE OF FIREWORKS IN CITY PARKS AND ON PUBLIC SCHOOL GROUNDS, on Second and Final Reading by Title Only. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

Ordinance #2632-2009C: Correct Annexation for Boston's Beef House (1st Reading)
Marcy Skinner, Planning Technician, stated this was a clean-up item, based on the rejection by the Secretary of State's Office of the original ordinance due to an erroneous legal description.

Charlotte Fugate moved, seconded by John Gaskill, to adopt Ordinance #2632-2009C, AN ORDINANCE CORRECTING ORDINANCE #2632-2009 PROCLAIMING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF ONTARIO; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL ROAD ASSESSMENT DISTRICT NO. 3, on First Reading by Title Only. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

NEW BUSINESS

Resolution #2010-119: Support 8C School District Bond Measure
Mayor Dominick stated he had been approached by the 8C Bond Committee, as had other Councilors, requesting support for the school district and the bond measure. He believed supporting the issue followed the City's Mission Statement.

Joe Dominic moved, seconded by Ron Verini, to adopt Resolution #2010-119, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, OREGON, EXPRESSING SUPPORT OF THE ONTARIO SCHOOL DISTRICT 8C MAY 2010 SCHOOL BOND MEASURE. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

Executive Session: ORS 192.660(2)(f)
An executive session was called at 7:51 p.m. under provisions of ORS 192.660(1)(f). The Council reconvened into regular session at 8:10 p.m.

Action to Approve or Reject Bid Award: Golf Course Kitchen Remodel
Mayor Dominick stated the Council and staff had discussed this issue at the work session. The current bid on the table with submitted by William Toombs Builder, Ontario. Discussion included determining if the inclusion of the range hood and grill were necessary purchases now, as well as discussion surrounding doing some "prep work" or "rough out" for including those items at a later date.

Councilor Verini stated he had spoken with members of the community, who indicated they would rather have a full-service kitchen as opposed to a "vendor" type situation.

Councilor Sullivan stated his concern of being able to locate a vendor who could put up a full-service restaurant establishment at this late date. The comments of Mr. Jones at the work session gave a viable alternative for the short-term.

Councilor Crume stated they should move forward with the construction and equipment purchase, and use the suggestion by Mr. Jones in the interim.

Connie Nysingh, President of the Women's Golf Association, stated that Kenny [Gather] was already serving coffee, water, sandwiches, etc., so was it really necessary to have another vendor there?

Mr. Lawrence asked if the Council wanted him to begin the search for a concessionaire?

Council consensus to do so.

Joe Dominick moved, seconded by John Gaskill, to authorize the City Manager to execute a contract with Standard Restaurant Supply in the revised amount of $17,284 for the purchase of necessary kitchen appliances and equipment and to execute a contract with William D. Toombs Builder in the revised amount of $59,634 for both Schedule A (Kitchen Remodel) and Schedule B (Dining Room Remodel). Total project cost is $81,619. This includes the $3,165 required for asbestos abatement in the kitchen area, $336 for asbestos abatement air clearance, $750 for City Permit, and $450 for plan drafting and a PowerPoint presentation. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Councilor Crume stated he had cleaned up some graffiti at Beck-Kiwanis Park, and in doing so, he was made aware of the large number of geese on the pond. In walking around, he noticed a large degree of geese droppings, and wanted to know if the numbers could be trimmed down. He would like to receive some community feedback on the issue.

- Councilor Verini stated at the Veterans at Risk meeting at the Readiness Center, there had been a nice turn-out.

- Councilor Sullivan stated he had also visited Beck-Kiwanis Park and noticed the horrible conditions of the trash cans. They all needed to be replaced.

- Mayor Dominick stated the bid packets were out for the new fire substation.

- Mayor Dominick thanked the Malheur Education Service District for listening to the public and reversing their decision on the merger. He had pledged his support as Mayor to assist in whatever role necessary to voice opposition to the merger; also, the delegation from Osakasayama had departed. All had a great visit; and he reminded everyone of Serve Day, May 15th.

- Councilor Verini stated there were some representatives going to Walter Reed Hospital to visit some wounded soldiers who were returning from Iraq and Afghanistan. The group was looking for some letters, which would be hand delivered to the soldiers. Anyone interested in writing a letter could take it to him, and he would get it to the representatives.

ADJOURN

David Sullivan moved, seconded by Charlotte Fugate, that the meeting be adjourned. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

ATTEST:

Joe Dominick, Mayor

Tori Barnett, MMC, City Recorder

CONSENT AGENDA REPORT
April 19, 2010

TO: Mayor and City Council

FROM: Mark Alexander, Police Captain

THROUGH: Henry Lawrence, City Manager

SUBJECT: **RESOLUTION NO. 2010-123 A RESOLUTION ACKNOWLEDGING RECEIPT OF ODOT TRAFFIC SAFETY FUNDS AND APPROPRIATING EXPENDITURES FOR CHILD PROTECTION SEATING WITHIN THE GRANT FUND**

DATE: April 13, 2010

SUMMARY:
Attached is the following document:
- Resolution 2010-123

BACKGROUND:
On average, 90% of child safety seats in motor vehicles in Oregon are either improper for the age of the child, installed incorrectly or even under recall. Proper safety seat fitment reduces injuries and saves lives in the event of a motor vehicle crash.

Sheri Smith, the Police Department's office manager, is a Certified Child Protection Seat Technician Instructor and applied for a grant to be administrated through the police department. The Oregon Department of Transportation has awarded the grant in the amount of $4,000 to fund the purchase of child protection seats and technician training.

Once a month, a fitting station is conducted in order to assure motorists have the correct child safety seat and that it is also being used correctly. The purchase of seats will be used during those fitting stations.

ALTERNATIVE:
The Council could decline the grant award.

FINANCIAL IMPLICATIONS:
It is proposed that the grant revenues and expenditures for supplies be budgeted as an increase within the City's Grant Fund.

RECOMMENDATION:
Staff recommends the Council adopt Resolution 2010-123.

RESOLUTION NO. 2010-123
A RESOLUTION ACKNOWLEDGING RECEIPT OF ODOT TRAFFIC SAFETY FUNDS AND APPROPRIATING EXPENDITURES FOR CHILD PROTECTION SEATING AND TECHNICIAN TRAINING WITHIN THE GRANT FUND

WHEREAS, the 2009-2011 Biennial Budget was adopted without the knowledge of funding for a traffic safety project; and

WHEREAS, the City was awarded an Oregon Department of Transportation grant thru its Police Department to purchase child safety seats and to fund technician training; and

WHEREAS, the City desires to modify the 2009-2011 Budget, acknowledging new grant revenue of $4,000 and appropriating expenditures within the Grant Fund to complete the project.

NOW THEREFORE, BE IT RESOLVED by the Ontario City Council to approve the following adjustments to the 2009-2011 Biennial Budget:

Line Item	Item Description	FY 09-11 Budget	Amount of Change	Adjusted Budget
GRANT FUND				
Revenue				
010-000-456182	Police SAFE Kids Project	$0	$4,000	$4,000
Expenses				
010-038-714182	Police SAFE Kids Project	$0	$4,000	$4,000

Effective Date: Effective immediately upon passage.

Passed and adopted by the Ontario City Council this _____ day of _____ 2010.

Ayes:

Nays:

Absent:

Approved by the Mayor this _____ day of _____ 2010.

_____
Joe Dominick, Mayor

ATTEST:

_____
Tori Barnett, City Recorder

CONSENT AGENDA
April 19, 2010

TO: Mayor and City Council

FROM: Marcy Skinner, Planning & Zoning Technician

THROUGH: Henry Lawrence, City Manager

SUBJECT: **ORDINANCE #2632-2009C: CORRECTION ORDINANCE FOR ORDINANCE #2632-2009; FINAL ORDER AND FINDINGS OF FACT IN THE MATTER OF PLANNING FILE 2009-04-04 AZ, STEVEN RAY WOOD, BOSTON'S BEEF HOUSE, DUE TO AN INCORRECT PROPERTY DESCRIPTION - SECOND AND FINAL READING**

DATE: April 12, 2010

SUMMARY:
Attached is the following document:

- Ordinance #2632-2009C

There have been no changes to the proposed ordinance since first reading.

PREVIOUS COUNCIL ACTION:
4/5/2010 Council passed the 1st reading of Ordinance # 2632-2009C

STAFF RECOMMENDATION:
Staff recommends approval of Ordinance #2632-2009C, on Second and Final Reading.

ORDINANCE #2632-2009-C
Original Instrument #2009-6678, Filed September 11, 2009

FINAL ORDER AND FINDINGS OF FACT IN THE MATTER OF PLANNING FILE 2009-04-04 AZ, THE ANNEXATION OF 2.34 ACRES OF PROPERTY INTO THE CITY OF ONTARIO AND TO REZONE SAID PROPERTY FROM UGA-INDUSTRIAL TO THE CITY I-2 HEAVY INDUSTRIAL. THE PROPERTY IS GENERALLY KNOWN AS TAX LOT 1500, ASSESSORS MAP 18S 47E-10, LOCATED AT 1515 SE 2ND STREET, ONTARIO

WHEREAS: The proposal complies with applicable provisions of the Ontario Comprehensive Plan, Title 10 and its zone and administrative sections 10A and 10B, and;

WHEREAS: Notice has been sent to the Department of Land Conservation and Development a minimum of 45 days prior to this formal procedure to annex and in particular, rezone the subject property in accord with State Administrative Rules, and;

WHEREAS: The subject site is within the City of Ontario Urban Growth Area and thus approved under the rules and regulations of the State of Oregon for annexation to the City, and;

WHEREAS: The subject Urban Growth Area is classified as industrial and the proposed zone is I-2 Heavy Industrial which is consistent with the UGA classification, and;

WHEREAS: The property owner has formally requested that the subject site be annexed, the primary purpose of the annexation is to connect to a recently installed City sewer line, and;

WHEREAS: The subject site is immediately adjacent to the City boundary, and;

WHEREAS: City emergency services are available to this site in a manner similar to other land in the City, and;

WHEREAS: All appropriate local notices have been given for this proposal and the public hearings it requires, and;

WHEREAS: The property is 2.34 acres in size and is known as Tax Lot 1500, Assessor's Map #18S 47E 10, and;

WHEREAS: Pursuant to the formal application, the Ontario Planning Commission held a properly noticed public hearing on August 10, 2009 and made a recommendation to City Council, and;

WHEREAS: The City Council held a properly noticed public hearing on August 17, 2009, and reviewed all evidence and testimony submitted at the City of Ontario hearings.

ATTACHMENTS: Consent to Annex; Zoning Map; Vicinity Map; Aerial Photo; Partition Plat.

PROPERTY DESCRIPTION:
Land in Malheur County, Oregon, as follows:

In Twp. 18 S., R. 47 E., W.M.:

Sec. 10: A parcel of land in the NE1/4SW1/4SW1/4, more particularly described as follows:

> **Parcel No. 1** of Partition Plat 2002-12, recorded December 17, 2002, Instrument No. 2002-9074, Slide 12.

CONCLUSIONS OF LAW:
The burden of proof is upon the applicant in proving the proposal fully complies with applicable Code criteria, Oregon State Statutes and Oregon Administrative Rules.
The City Council finds that, the Staff Report and exhibits attached hereto, and evidence and testimony presented at the hearings, address relevant comprehensive plan policies, standards of the Municipal Code, Statewide Planning Goals, Oregon Revised Statute and Oregon Administrative Rules sufficiently to support the burden of proof needed to approve the proposed decision.

NOW THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:
Based upon the Comprehensive Plan, the procedures and regulations provided in Title 10, of the Zoning Ordinance, and the above listed Findings, the Ontario City Council approves and adopts Ordinance 2632-2009C annexing and rezoning the 2.34 acre property identified as Tax Lot 1500, Assessor's Map #18S 47E 10 owned by Mr. Steven Wood, to I-2, Heavy Industrial.

PASSED AND ADOPTED by the Common Council of the City of Ontario this_____ day of_____, 2010 by the following vote:

AYES:

NAYS:

ABSENT:

APPROVED by the Mayor this _____day of _____, 2010.

ATTEST:

_____
Joe Dominick, Mayor

_____
Tori Barnett, MMC, City Recorder

CONSENT TO ANNEX

City of Ontario Planning and Zoning Application Form
444 SW 4th Street, Ontario, OR 97914
Permit Center Annex: 458 SW 3rd Street
Voice (541) 881-3224 / (541) 881-3222
Fax (541) 881-3251

CONSENT TO ANNEXATION

FILE # 2009-04-04 ANX **Date Received** 4/22/09

Fee: $330.00 + 2 cents per square foot + 2105 sq. ft. **Accepted as Complete** 4/22/09

Know all men by these presents, that we, the undersigned, being owners, contract purchasers, mortgagees, or security holders upon a portion of land described below and which is proposed to be annexed to the City of Ontario, do hereby give our irrevocable consent that such land be annexed to the City of Ontario, and that our consent may be filed with the City Council of Ontario Oregon and that no election shall be held in said territory or notices posted therein. This consent is given pursuant to ORS Section 222.170.

Name Steven Ray Wood	Signature [signature]
Name	Signature
Name	Signature
Name	Signature
Name	Signature
Name	Signature

The above signatures on the original consents were filed in the office of the City Recorder in accordance with State Statute. The above parties are all the property owners within the territory to be annexed.

City Recorder

Property information:

Address 1515 SE 2nd Street
Tax Map # 1S4710C Tax Lot #(s) 1500
Tax Map # Tax Lot #(s)
Lot size 2.34 acres Zoning UGA - Ind
Existing use Meat Processing
Proposed City zone I-2 Heavy Ind

Please provide a legal description on a separate sheet.

OFFICE USE ONLY

120 day time limit	Accepted as complete 4/22/09	Final decision by
DLCD 45-day notice required	Y/N X Date mailed	Date of first hearing
Notice of PC Hearing	Date mailed	Posted on site
Notice to media	Publication date	Emailed
Hearing dates	PC	CC
Notice of Decision	Date mailed	Appeal deadline
Legal description to DOR		
Associated applications		

#2632-2009: Boston's Beef House

SITE INFORMATION

STRUCTURES: Are any of the following structures present on the site? *(If so, please specify number)*

	Total	*Occupied*	*Vacant*	*Persons*
Single Family Structures				
Multifamily structures				
Mobile homes				

Total population of annexed area 0 Date of population count _____

Barn or other agricultural structure(s) _____

Industrial Building(s) _____

Commercial Building(s) Yes

Accessory building(s) Yes

Other _____

SERVICES

Water	City of Ontario _____	Well _____	None _____
Sanitary Sewer	City of Ontario _____	Septic _____	None _____
Fire	City of Ontario _____	Ontario RFD _____	
Streets	City of Ontario _____	Malheur County _____	

Does the property have frontage along or access to City of Ontario streets? Yes

Does the property have frontage along or access to Malheur County streets? Yes

Does the property have frontage along or access to ODOT roads/highways? Yes

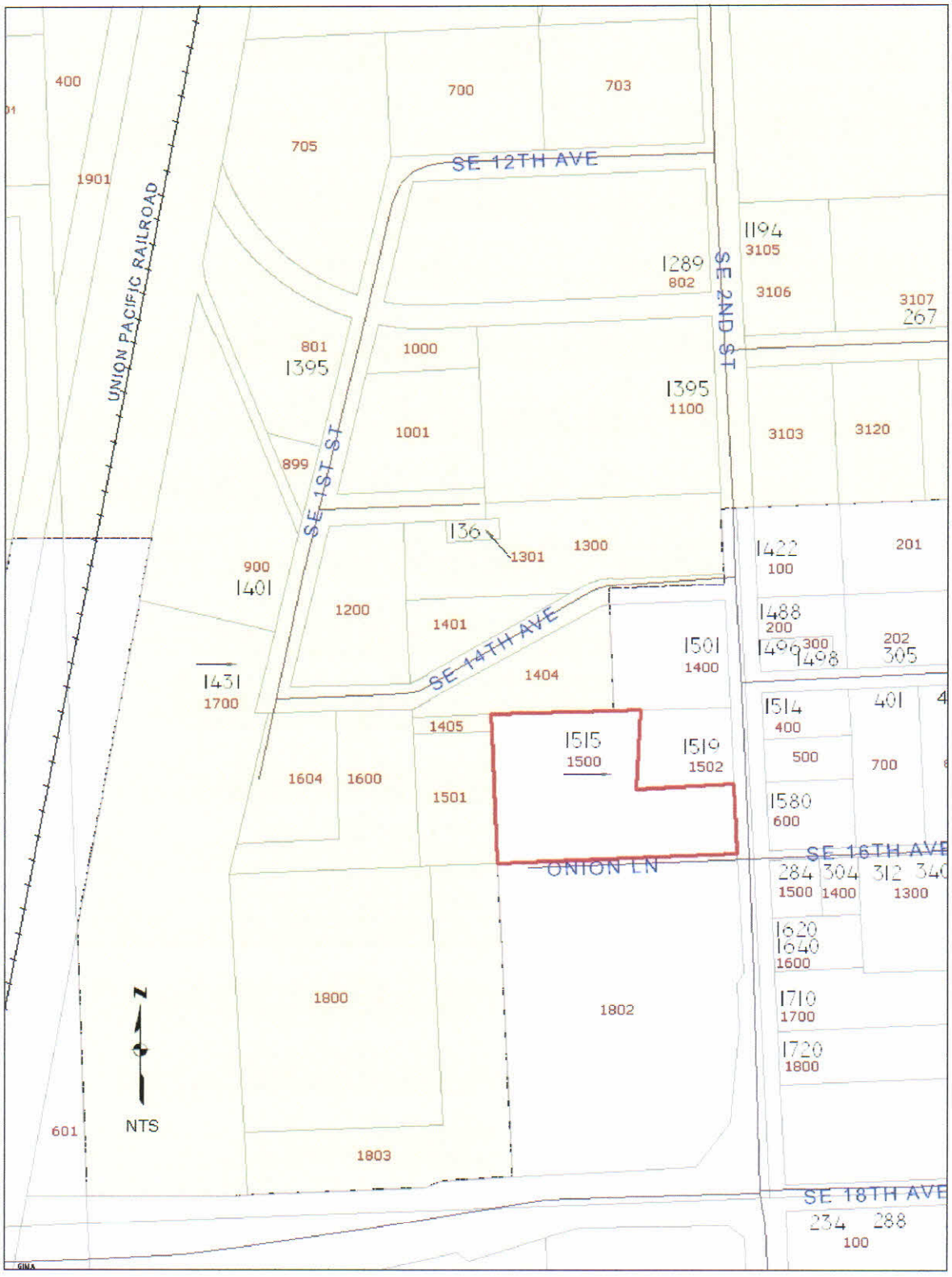
LIVESTOCK

Please list the number and type of all livestock currently present on the property None

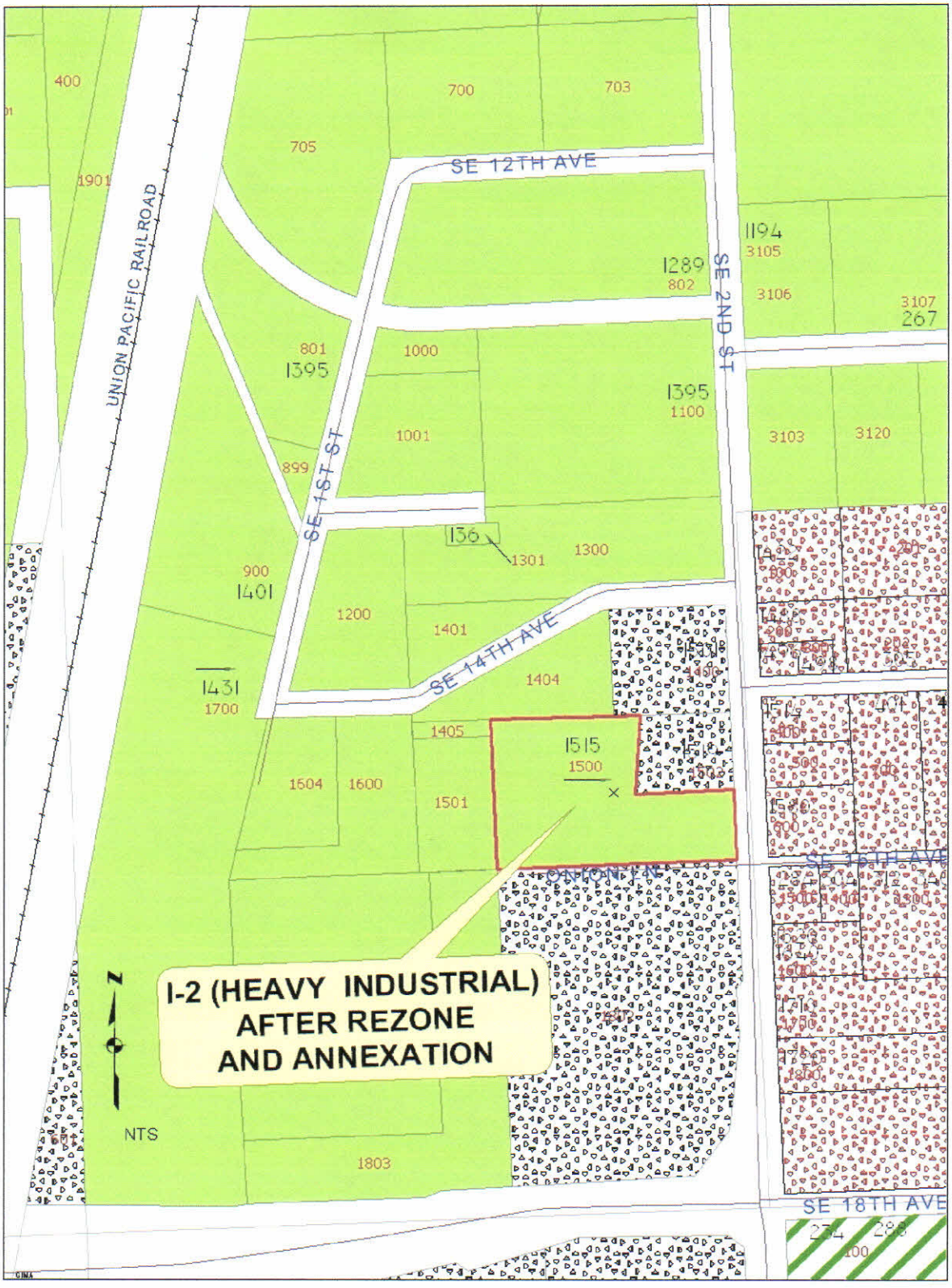
BUSINESSES

Are any businesses operating on the property? Yes

VICINITY MAP



ZONING MAP


UNION PACIFIC RAILROAD
SE 12TH AVE
SE 1ST ST
SE 2ND ST
SE 14TH AVE
SE 16TH AVE
SE 18TH AVE
400
1901
700
703
705
1194
3105
1289
802
3106
3107
267
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1395
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3103
3120
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136
1301
1300
900
1401
1200
1401
1404
1431
1700
1405
1515
1500
1504
1600
1501
1803
I-2 (HEAVY INDUSTRIAL)
AFTER REZONE
AND ANNEXATION
N
NTS

AERIAL PHOTO

#2632-2009: Boston's Beef House

PARTITION PLAT OF
A PORTION OF THE NE1/4SW1/4SW1/4, SECTION 10, T18S, R47E, W.M.
Malheur County, Oregon.

REFERENCES:

(1) PROPERTY LINE ADJUSTMENT SURVEY BY GASCHLER & CUMMINGS COUNTY SURVEY No. 18-47-0686

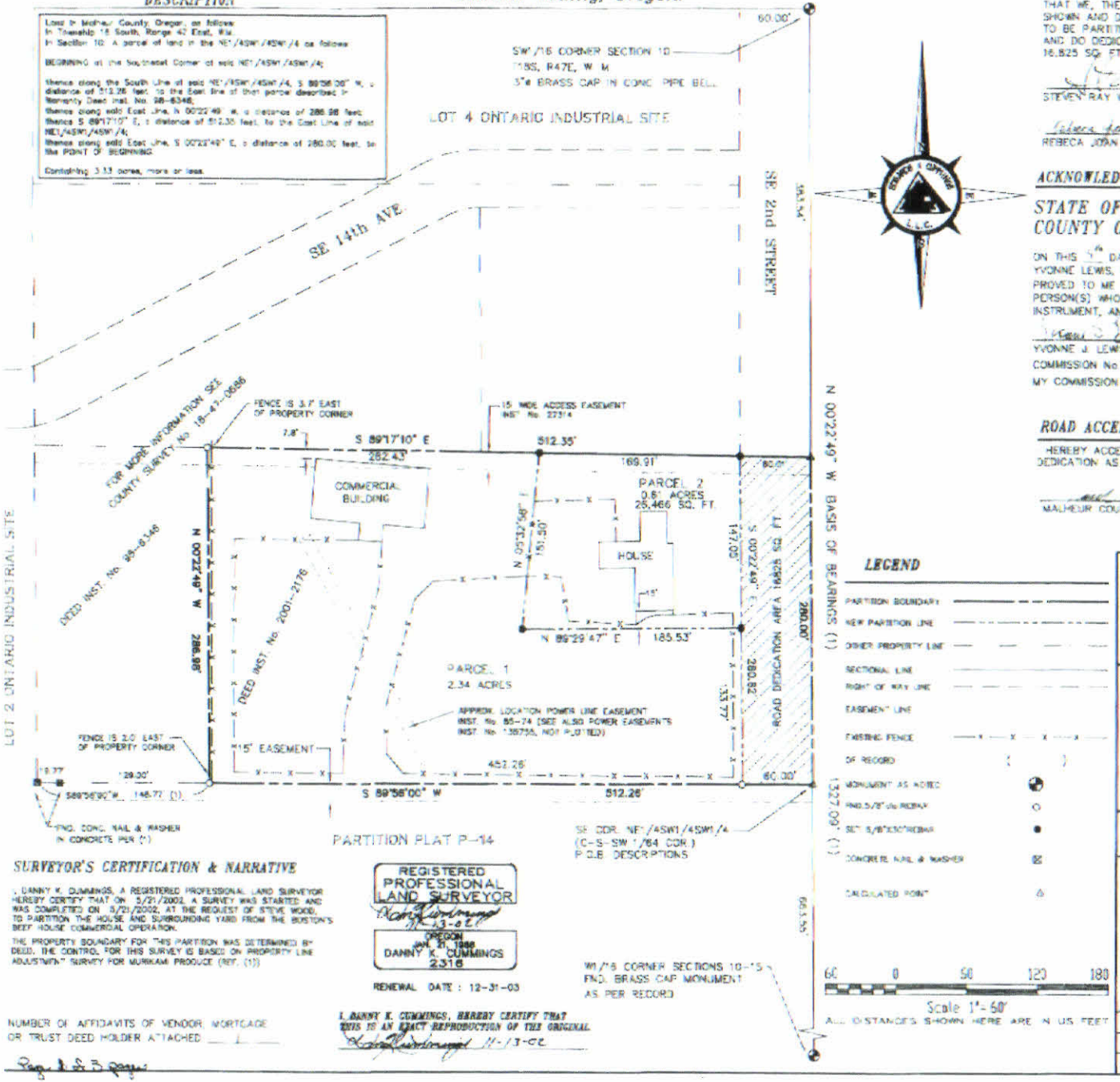
DESCRIPTION

Lost in Malheur County, Oregon, as follows:
In Township 18 South, Range 47 East, W.M.
In Section 10: A parcel of land in the NE1/4SW1/4SW1/4 as follows:

BEGINNING at the Southeast Corner of said NE1/4SW1/4SW1/4;

thence along the South Line of said NE1/4SW1/4SW1/4, S 89°58'00" W, a distance of 512.26 feet, to the East line of that parcel described in Warranty Deed Inst. No. 98-6346;
thence along said East Line, N 00°22'49" W, a distance of 286.98 feet;
thence S 89°17'10" E, a distance of 512.35 feet, to the East Line of said NE1/4SW1/4SW1/4;
thence along said East Line, S 00°22'49" E, a distance of 280.00 feet, to the POINT OF BEGINNING.

Containing 3.33 acres, more or less.



LEGEND

- PARTITION BOUNDARY
- NEW PARTITION LINE
- OTHER PROPERTY LINE
- SECTIONAL LINE
- RIGHT OF WAY LINE
- EASEMENT LINE
- EXISTING FENCE
- OF RECORD ( )
- MONUMENT AS NOTED
- FND.5/8"ø/w REBAR
- SET 5/8"X30" REBAR
- CONCRETE NAIL & WASHER
- CALCULATED POINT

60 0 60 120 180
Scale 1"=60'
ALL DISTANCES SHOWN HERE ARE IN U.S. FEET

SURVEYOR'S CERTIFICATION & NARRATIVE

I, DANNY K. CUMMINGS, A REGISTERED PROFESSIONAL LAND SURVEYOR HEREBY CERTIFY THAT ON 5/21/2002, A SURVEY WAS STARTED AND WAS COMPLETED ON 5/21/2002, AT THE REQUEST OF STEVE WOOD, TO PARTITION THE HOUSE AND SURROUNDING YARD FROM THE BOSTON'S BEEF HOUSE COMMERCIAL OPERATION.

THE PROPERTY BOUNDARY FOR THIS PARTITION WAS DETERMINED BY DEED. THE CONTROL FOR THIS SURVEY IS BASED ON PROPERTY LINE ADJUSTMENT SURVEY FOR MURIKAMI PRODUCE (REF. (1))

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JAN. 21, 1986
DANNY K. CUMMINGS
2316
RENEWAL DATE: 12-31-03

I, DANNY K. CUMMINGS, HEREBY CERTIFY THAT THIS IS AN EXACT REPRODUCTION OF THE ORIGINAL.
11-13-02

NUMBER OF AFFIDAVITS OF VENDOR, MORTGAGE OR TRUST DEED HOLDER ATTACHED ___ 1 ___

Page 1 of 3 pages

DECLARATION

STATE OF OREGON
COUNTY OF MALHEUR
KNOW ALL MEN BY THESE PRESENTS

THAT WE, THE UNDERSIGNED, ARE THE OWNERS OF THE LANDS AS SHOWN AND DESCRIBED ON THIS PLAT AND HAS CAUSED THE SAME TO BE PARTITIONED AND SURVEYED IN ACCORDANCE WITH O.R.S. CHAP.92, AND DO DEDICATE TO THE PUBLIC A STRIP OF LAND CONTAINING 16,825 SQ. FT. TO THE PUBLIC FOR ROADWAY PURPOSES, AS SHOWN HEREON.

STEVEN RAY WOOD

REBECA JOAN WOOD

ACKNOWLEDGMENT

STATE OF OREGON
COUNTY OF MALHEUR } S.S.

ON THIS 5th DAY OF December, IN THE YEAR OF 2002, BEFORE ME, YVONNE LEWIS, PERSONALLY APPEARED STEVEN RAY AND REBECA JOAN WOOD, PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS (ARE) SUBSCRIBED TO THE ABOVE INSTRUMENT, AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME.

YVONNE J. LEWIS – NOTARY PUBLIC – OREGON
COMMISSION No.: 362443
MY COMMISSION EXPIRES: 11/16/2006

ROAD ACCEPTANCE

HEREBY ACCEPT, ON BEHALF OF THE PUBLIC, THE ROADWAY DEDICATION AS SHOWN HEREON, FOR PUBLIC ROAD PURPOSES.

MALHEUR COUNTY JUDGE

PARTITION PLAT No. 2002-12

CERTIFICATE OF COUNTY RECORDER

STATE OF OREGON)
COUNTY OF MALHEUR) INSTR.No. 2002-9024

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED AT THE REQUEST OF Steven Ray Wood AT 4:00 P.M. THIS 17 DAY OF Dec. 2002, A.D. IN THE CAB. SLIDE 12.

COUNTY CLERK _____ DEPUTY _____

MALHEUR COUNTY PLANNER & ASSESSOR PARTITION APPROVAL

PLANNER APPROVAL 12-9-02 DATE

ASSESSOR APPROVAL 12-9-02 DATE

MALHEUR COUNTY SURVEYOR

By: Jim Kimberling
Received: 6/13/02
Accepted: 12/06/02
Survey No. 18-47-0760
Dwg. No. B-00973

PARTITION FOR: BOSTON'S BEEF HOUSE

EDWARDS & CUMMINGS LLC

CIVIL/STRUCTURAL ENGINEERING & LAND SURVEYING, GPS SERVICES

156 S.E. 1ST AVE., SUITE 1 & 2, ONTARIO, OREGON 97914, OFFICE: (541) 889-5411, FAX: (541) 889-2274
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CHECKED BY: DKC	DRAWN BY: RDH	APPROVED BY: DKC
DATE: 11/13/2002	DRAWING No. 5002028 - 8933	REVISED:
SHEET 1 OF 1	JOB No. SC-02028	BK. D 201 PG. 30

Partition Plat

AGENDA REPORT
April 19, 2010

TO: Mayor and City Council

FROM: Bob Walker, Deputy Public Works Director
Yorick de Tassigny, Facilities Manager

THROUGH: Henry Lawrence, City Manager

SUBJECT: RESOLUTION #2010-117: A RESOLUTION AUTHORIZING A REALLOCATION OF EXPENDITURES WITHIN THE GOLF FUND TO COMPLETE THE GOLF COURSE KITCHEN AND DINING ROOM REMODEL PROJECT

DATE: April 12, 2010

SUMMARY:
Attached is the following document:

- Resolution # 2010-117

The purpose of this agenda item is for the approval of the City Council to authorize a reallocation of expenditures within the Golf Fund for remodeling the kitchen and dining room at the City of Ontario Golf Course Club House.

PREVIOUS COUNCIL ACTION:

Jun 2009 Council Adopted 2009-11 Biennial Budget Including $15,000 Golf Fund Capital for a Kitchen Range Hood and $25,000 for Fire Sprinkler Backflow Installation

Mar 2010 Deputy Public Works Director Bob Walker and Facilities Manager Yorick de Tassigny presented the Plans and Specifications plus bid results for the kitchen and dining room remodel at the Council Workshop. Council recommended that staff review prevailing wage rate laws to see how they apply to this project, confirm whether or not existing bathrooms needed to be ADA compliant, and re-bid the project if prevailing wage rates did not apply.

April 5, 2010 Council approved the City Manager to execute a contract with Standard Restaurant Supply, and with William D. Toombs Builder for the Golf Course Kitchen Remodel.

BACKGROUND:

The City of Ontario Golf Course Clubhouse Kitchen and Dining Room needs renovation in order to be more functional and to meet current regulations, to include:

1. Replacing majority of kitchen equipment.
2. Abating asbestos in the upper kitchen ceiling.
3. Demolishing existing walls and counters.
4. Constructing new walls, counters and ceiling in kitchen.
5. Installing stainless steel sheeting on portion of kitchen walls.
6. Repairing sub-floor in the kitchen and installing resilient sheet flooring.
7. Reconstructing a portion of the wall between the dining room and pro-shop including window.
8. Installing new glass door with sidelites between dining room and pro-shop.
9. Installing wainscoting in dining room.
10. Painting kitchen and dining room walls.
11. Installing required electrical, natural gas and plumbing facilities.

Some of the demolition and painting will be accomplished with volunteers.

ALTERNATIVE:

The Council could determine not to complete any project work outside of the existing Golf Fund capital budget and not reduce the Golf Fund contingency.

FINANCIAL IMPLICATIONS:

The 2009-2011 Biennial Budget included $15,000 for the range hood replacement, $10,000 for course site improvements, and $25,000 for the back flow device on the fire sprinkler system.

The balance of the costs for the Golf Course Kitchen and Dining Room Remodel Project, $75,000, are proposed to come from the $227,737 Golf Fund contingency line item. The contingency line item was originally intended for operational costs and not capital costs. Staff will therefore bring a budget adjustment cleanup resolution to the Council to replenish the golf course operating fund from the General Fund reserves at a later date. As a result, this budget adjustment will affect the General Fund contingency for an amount up to $75,000.

RECOMMENDATION:

Staff Recommends the City Council adopt Resolution #2010-117.

PROPOSED MOTION:

I move that the City Council adopt RESOLUTION #2010-117, A RESOLUTION AUTHORIZING A REALLOCATION OF EXPENDITURES WITHIN THE GOLF FUND TO COMPLETE THE GOLF COURSE KITCHEN AND DINING ROOM REMODEL PROJECT.

RESOLUTION #2010-117

A RESOLUTION AUTHORIZING A REALLOCATION OF EXPENDITURES WITHIN THE GOLF FUND TO COMPLETE THE GOLF COURSE KITCHEN AND DINING ROOM REMODEL PROJECT

WHEREAS, the City of Ontario adopted the 2009-2011 budget document based upon known or anticipated revenues and expenditures; and

WHEREAS, golf course capital purchases budgeted included replacing the kitchen hood and installing a backflow into the fire sprinkler system; and

WHEREAS, additional improvements to the kitchen and dining area are necessary to allow for use of the facility for restaurant sales; and

WHEREAS, the City Council desires now to formally modify the 2009-2011 Golf Fund budget by reducing Operating Contingency expense and increasing the Capital Project expense to complete the project.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council, to approve the following adjustments to the 2009-2011 Biennial budget:

Account Number	Account Name	Adopted 09-11 Budget	Proposed Change	Revised 09-11 Budget
GOLFFUND				
EXPENSES				
005-034-714120	SITE IMPROVEMENTS	$ 50,000	$ 75,000	$ 125,000
005-034-871000	OPERATING CONTINGENCY	$ 227,737	($ 75,000)	$ 152,737

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this _____ day of _____ 2010, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this ____day of _____, 2010.

ATTEST:

_____ _____

Joe Dominick, Mayor Tori Barnett, City Recorder

AGENDA REPORT
April 19, 2010

TO: Mayor and City Council

FROM: Dawn Eden, Engineering Tech.

THRU: Chuck Mickelson, Public Works Director
Henry Lawrence, City Manager

SUBJECT: **RESOLUTION No. 2010-121**
A RESOLUTION AUTHORIZING A TRANSFER WITHIN THE STREET FUND OPERATING CONTINGENCY FOR THE SOUTHWEST 4TH STREET TREE PLANTING AND IRRIGATION PROJECT.

DATE: April 12, 2010

SUMMARY:

- Resolution 2010-121

Bids were opened at 2:15 p.m. on Thursday, April 8, 2010, for the Southwest 4th Street Tree Planting and Irrigation Project. A total of three bids were received: Decker Landscaping of Redmond, Oregon; Howard Landscaping of Fruitland, Idaho; and Franz Witte of Boise, Idaho.

The apparent lowest responsive and responsible bidder is Decker Landscaping, with a bid in the amount of $30,785.00.

PREVIOUS COUNCIL ACTION:

June 1999	Council authorized Public Works Director to procure a LID 45 Director's Report for reconstruction of Southwest 4th Street and Sunset Drive.
Oct. 2001	Council adopted Resolution No. 2001-135, a resolution of intent to improve Southwest 4th Street and Sunset Drive.
Nov. 2001	Council adopted Resolution No. 2001-140, adopting the Director's Report for LID 45.
Nov. 2001	Council held a public hearing on LID 45, and directed Staff to solicit construction bids for the project.
June 2002	Council awards construction bid to Masco Inc. for reconstruction of Southwest 4th Street and Sunset Drive.
Jan. 2004	Council adopts Ordinance No. 2514-2003, an ordinance providing for and assessing the cost of improving Southwest 4th Street and Sunset Drive.

April 2004 Council adopts Resolution 2004-119, a resolution authorizing a supplemental budget for the Capital Projects Fund to acknowledge additional cash carry forward and appropriating carry forward capital expenses for the LID 45 Lighting Project.

BACKGROUND:

A portion of LID 45 was to plant landscaping along Southwest 4th Street, from Southwest 11th Avenue to Southwest 18th Avenue. There was $40,000 allocated for landscaping in the 2007-2009 budget, but the funding was not carried over. The 2009-2011 budget did not specify funds for completion of the LID 45 Landscaping project.

ALTERNATIVE:

The Council could choose to not finish the project, however, landscaping was a commitment made by Management Staff and City Council to the businesses along Southwest 4th Street at the time the LID was being formed. Due to budget constraints and other factors, the project was never finished. The cost of the landscaping project has not been assessed to the property owners along Southwest 4th Street, as the landscaping was the City's contribution to the LID.

FINANCIAL IMPLICATIONS:

The Operating Contingency for the Street Fund will be reduced from $96,299 to $56,299. The reason that we are recommending a $40,000 budget for this project is that there are unknowns as far as getting the irrigation lines under the driveways. This is a unit price contract and the contractor will be paid by the foot for boring under the driveways in order to install the irrigation lines. The total expense will not be known until each driveway is excavated to determine what conduit exists.

RECOMMENDATION:

City staff recommends the City Council adopt Resolution No. 2010-121.

PROPOSED MOTION:

I move the City Council adopt Resolution No. 2010-121, A RESOLUTION AUTHORIZING A TRANSER WITHIN THE STREET FUND OPERATING CONTINGENCY FOR THE SOUTHWEST 4TH STREET TREE PLANTING AND IRRIGATION PROJECT.

Resolution 2010-121

A RESOLUTION AUTHORIZING A TRANSFER WITHIN THE STREET FUND OPERATING CONTINGENCY FOR THE SOUTHWEST 4TH STREET TREE PLANTING AND IRRIGATION PROJECT

Whereas, A portion of LID 45 was to add landscaping along Southwest 4th Street, from Southwest 11th Avenue to Southwest 18th Avenue; and

Whereas, Due to budget constraints and other factors, the landscaping project was never finished; and

Whereas, The cost of the landscaping project has not been assessed to the property owners along Southwest 4th Street as the landscaping was the City's contribution to LID 45; and

Whereas, Landscaping was a commitment made by Management Staff and City Council at the time the LID was being formed; and

Whereas, The City wishes to fund the Southwest 4th Street Tree Planting and Irrigation Project from operating contingency.

NOW, THEREFORE, BE IT RESOLVED by the Ontario City Council, to approve the following adjustments to the fiscal year 2009-2011 budget:

Account No.	Account Name	Adopted FY 09-11 Budget	Proposed Change	Revised FY 09-11 Budget
Street Fund				
045-090-719165	SW 4th St Landscaping	$0	$40,000.00	$40,000.00
045-090-827000	Operating Contingency	$96,299.00	($40,000.00)	$56,299.00

EFFECTIVE DATE: Effective immediately upon passage.

Passed and adopted by the Ontario City Council this _____ day of _____, 2010.

Ayes:

Nays:

Absent:

Approved by the Mayor this _____ day of _____, 2010.

Attest:

_____ _____

Joe Dominick, Mayor Tori Barnett, City Recorder

AGENDA REPORT
April 19, 2010

TO: Mayor and City Council

FROM: Yorick de Tassigny, Facilities Manager

THROUGH: Henry Lawrence, City Manager

SUBJECT: **RESOLUTION #2010-122: A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF ONTARIO, OREGON AND MUSGROVE ENGINEERING OF BOISE, IDAHO FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF THE CITY HALL HVAC AND LIGHTING PROJECT**

DATE: April 12, 2010

SUMMARY:
Attached are the following documents:

- Resolution #2010-122
- Proposed Agreement for Engineering Services
- Musgrove Hourly Breakdown

This resolution approves an agreement with Musgrove Engineering of Boise, Idaho for the provision of design services for the City Hall HVAC and lighting upgrade project. The City was successful in securing federal grant funds from the Oregon Department of Energy awarding American Recovery and Reinvestment Act federal stimulus funds from the US Department of Energy to fund this project in its entirety. The project is needed to replace dated energy systems that have surpassed their useful lives and are very inefficient in providing comfort to occupants. These systems are also energy wasters.

PREVIOUS COUNCIL ACTION:
The Ontario City Council acknowledged receipt and authorized the expenditure of a $728,000 American Recovery and Reinvestment Act (ARRA) Energy Efficiency and Conservation Block Grant (EECBG) within the grant fund.

BACKGROUND:

In November 2009, staff applied for American Recovery and Reinvestment Act of 2009 (ARRA) Energy Efficiency and Conservation Block Grant (EECBG) funding to complete a lighting and HVAC (heating, ventilating and air conditioning) upgrade at City Hall. These projects were identified in a report compiled by McKinstry in October of 2008 following a level 1 energy audit of the facility. On January 29, 2010, ODOE issued a press release identifying the cities and counties to receive recovery act funds, and listing the Ontario City Hall lighting and HVAC project as one selected for funding. The City was awarded $728,000, the full amount for designing and completing the project less the estimated $10,000 in staff time that will be required for administering the work.

The project targets the two largest energy consuming systems in the facility: Lighting and HVAC. The lighting portion of the project, estimated at $103,000, includes a complete retrofit of interior and exterior lights and fixtures. The HVAC portion of the project, estimated at $625,000, will seek to completely dismantle and replace the existing variable air volume (VAV) system that is original to the building. The City will follow McKinstry's recommendation to design and install a variable refrigerant flow (VRF) system.

The project can be expected to cause some disruption to the normal flow of business but it is highly unlikely to cause any interruption of services or lengthy displacements of staff.

In February of 2010, Staff released a Request for Qualifications for engineering services to design the project. A total of four statements of qualifications were received and reviewed by a selection committee consisting of Council members David Sullivan and Norm Crume, Deputy Public Works Director Bob Walker, Facilities Manager Yorick de Tassigny and Grant Mechanical (City's mechanical contractor) Owner Matt Grant. Although all submitting firms were deemed to be qualified based on the high quality of their proposals, the committee was tasked with creating a "short list" identifying the top ranked respondents that would be selected to participate in the next phase of the selection process. Firms were ranked based on qualifications (ability to provide services based on the contemplated scope of work, experience of the firm and individual members, references and examples of relevant projects) as well as project understanding and approach, including schedule.

As a result of this selection process, the following firms were invited to take part in an interview: CK3 (Ontario) and Musgrove Engineering (Boise). The interview provided an opportunity for each firm to demonstrate their understanding of the project through a brief presentation followed by a question and answer session. It was also a good way for the selection committee members to interact with the potential managers of the project. Emphasis was placed on the HVAC portion of the project as it represents the greatest portion of the project cost. Despite having been around for thirty years and their growing popularity, VRF systems are a relatively new technology in this region. The committee felt that the City would be best served by selecting the design firm with the highest level of expertise and documented experience with VRFs.

Musgrove Engineering was identified as the top-ranked firm based on their more extensive experience designing VRF systems, both in new construction and in retrofit installations. Of particular significance was a project similar in size they completed in a building that had to remain occupied during the work meaning disruption had to be kept at a minimum.

The committee has since requested and received a proposed fee structure (attached) which equates to a lump sum of $73,000 for the design of the system, development of construction documents, bidding assistance and construction administration. The fee breakdown, including charge-out rates and hours per task, is attached as part of the supporting documents. The fee proposal and contract have been deemed acceptable and are now being brought forward to the Council for approval.

This resolution authorizes the City Manager to enter into a professional services contract with Musgrove Engineering on the City's behalf for the system design, as well as the provision of bidding assistance and construction administration for the project.

ALTERNATIVE:
The City Council could choose not to approve this agreement with Musgrove Engineering, which would bring this project to a halt. The City Council would then need to provide staff with direction as to whether they should continue negotiation with Musgrove Engineering, cease the pursuit of the project or engage in an alternate course of action. Choosing to not move forward with the project will result in the loss of grant funding.

FINANCIAL IMPLICATIONS:
Work under this contract will be funded in its entirety with federal grant funds from the Oregon Department of Energy awarding American Recovery and Reinvestment Act federal stimulus funds from the US Department of Energy.

RECOMMENDATION:
Staff recommends approval of Resolution Number 2010-122.

PROPOSED MOTION:
I move the City Council adopt Resolution Number 2010-122, **A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF ONTARIO, OREGON AND MUSGROVE ENGINEERING OF BOISE, IDAHO FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF THE CITY HALL HVAC AND LIGHTING PROJECT.**

RESOLUTION 2010-122

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF ONTARIO, OREGON AND MUSGROVE ENGINEERING OF BOISE, IDAHO FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF THE CITY HALL HVAC AND LIGHTING PROJECT.

WHEREAS, Federal grant funds from the Oregon Department of Energy awarding American Recovery and Reinvestment Act federal stimulus funds from the US Department of Energy were secured to fund in its entirety the upgrade of the City Hall HVAC and lighting systems; and

WHEREAS, The HVAC and lighting upgrade is needed to replace dated equipment and reduce energy consumption at City Hall; and

WHEREAS, Musgrove Engineering received the highest ranking by the selection committee assembled to review the qualifications of interested engineering firms; and

WHEREAS, The selection committee recommends Musgrove Engineering, of Boise, Idaho, to complete the design of this project.

NOW THEREFORE, BE IT HEREBY RESOLVED by the City Council for the City of Ontario to authorize the City Manager to enter into an agreement between the City of Ontario, Oregon and Musgrove Engineering of Boise, Idaho for professional engineering services for the design of the City Hall HVAC and Lighting Upgrade Project.

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this _____ day of _____ 2010, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this _____day of _____, 2010.

_____

Joe Dominick, Mayor

ATTEST:

_____

Tori Barnett, MMC, City Recorder

MUSGROVE ENGINEERING, P.A.

David O. Musgrove, P.E. ~ Principal
Charles E. Paulin, P.E. ~ Principal
Bill A. Carter, P.E. ~ Principal

April 13, 2010

City of Ontario
444 SW 4th Street
Ontario, OR 97914

Attention: Yorick de Tassigny, FMP

Re: Ontario City Hall EECGB Project

Please find attached two copies of the proposed contract for the above referenced project. If this meets your needs and your approval, please sign one and return it to us, and retain the other copy for your files. If there are any issues within this contract, please call to discuss and we will revise that issue accordingly and re-submit the contract back to you for approval and signature.

Note that the Department of Energy requested wording was added to the contract provisions under the last section of Article 7 – Other Provisions. I took the wording from an email and hopefully this will be satisfactory. We can include this wording in the plans and also the specifications, or either, where ever it will be necessary.

Looking forward to working with you and your crews.

Respectfully,

Charles E. Paulin, P.E.

234 S. Whisperwood Way
Boise, Idaho 83709
Ph 208.384.0585
Fax 208.384.0765
www.musgrovepa.com

AIA® Document B105™ – 2007

Standard Form of Agreement Between Owner and Architect *for a Residential or Small Commercial Project*

AGREEMENT made as of the First day of April in the year 2010
(In words, indicate day, month and year.)

BETWEEN the Owner:
(Name, legal status, address and other information)

City of Ontario
444 SW 4th Street
Ontario, OR 97914

Owner's Representative: Yorick de Tassigny, FMP, Facility Manager

and the ENGINEER:
(Name, legal status, address and other information)

Musgrove Engineering, P.A.
234 S. Whisperwood Way
Boise, Idaho 83709,

Engineer's Representative: Charles E. Paulin, P.E., Principal

for the following Project:
(Name, location and detailed description)

Ontario City Hall
EECBG Lighting and HVAC Upgradess

The Owner and Engineer agree as follows.

ADDITIONS AND DELETIONS:
The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

State or local law may impose requirements on contracts for home improvements. If this document will be used for Work on the Owner's residence, the Owner should consult local authorities or an attorney to verify requirements applicable to this Agreement.

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User Notes:

ARTICLE 1 ENGINEER'S RESPONSIBILITIES

The Engineer shall provide engineering services for the Project as described in this Agreement and per the City of Ontario's Project Description as outlined in their Request for Qualifications – EECBG Lighting and HVAC Upgrade documents in a manner consistent with locally accepted standards for professional skill and care. The Engineer shall assist the Owner in determining consulting services required for the Project. The Engineer's services include the following consulting services, if any:

General:

1. Consultation with the city to confirm the scope and related requirements of the project.
2. Work with the City to develop sustainable, energy efficient value-added concepts and value engineering prior to the completion of schematic design to determine feasible option(s)
3. Ensure design is compatible with existing facility constraints and functions
4. Prepare CAD documents (which will become the property of the City) to describe the size and scope of the project, including architectural systems, sustainable energy systems and other elements as necessary. Consultant shall be responsible to update floor plans
5. Musgrove Engineering, P.A. will provide bidding assistance during the bidding phase including conducting a pre-bid meeting and preparing required addenda.
6. Define the plans and specification to require the Contractor to properly dispose and recycle all the removed equipment, lights, ceiling, etc. in an approved method per the ODOE and Federal Recovery Act requirements.
7. During the Construction Administration (CA) phase of the project the Engineer (Musgrove Engineering) will hold monthly onsite meetings at a minimum. Additional construction meetings will be held if determined by the Owner and/or Engineer. Additional site visits will be held at critical stages of the constructions to insure the installed systems are properly installed and operational prior to being concealed.
8. Incorporate the ARRA requirements into the Construction Documents and insure the Construction Process is in compliance with ARRA.
9. Develop a work plan for the phasing of the project to minimize the disruption to the occupants
10. Musgrove Engineering will document the as-built information provided by the Prime Contractor. Musgrove Engineering will provide one set of drawings and specifications on a CD-R to the City of Ontario.

Lighting:

1. Evaluate current lighting levels throughout the facility to be compared with existing needs and current generally accepted standards.
2. Replacement of existing fixtures with more efficient equivalents, such as those equipped with the T8 and T5 technology
3. Replace the existing exterior lights with a more efficient exterior lighting system.
4. The design will include the use of occupancy sensors and similar devices within the system to maximize efficiency.
5. Overall the lighting system will be an improved and more energy efficient system.
6. Design the power distribution system for the new mechanical systems

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User Notes:

HVAC:

1. Modification of the existing VAV system to be used for building ventilation in conjunction with the new VRF system

2. Design the repair and or replacement of all damaged ductwork in the facility as needed for the new HVAC system.

3. Complete design of a new variable refrigerant flow (VRF) system to best accommodate occupant needs, including thermostatic controls for each occupant area, as well as current and future equipment loads.

4. A system that includes features aimed at accommodating normal maintenance practices.

5. Building Automation system to provide a comprehensive control over the new HVAC systems.

6. Overall the HVAC system will be an improved and more energy efficient system.

Architectural:

1. Design a new acoustical ceiling system for the building (not including the apparatus bay).

2. Assist in new roof patching requirements.

3. Assist in the contract requirements and Division 1 preparation.

Structural:

1. Review the existing structure and provide all design modifications for the new mechanical systems.

Estimated Sheet Index:

Cover Sheet
General Note and Code Compliance Sheet
Energy Compliance Sheet
Architectural Ceiling Plan – Demolition
Architectural Ceiling Plan – New Work
Structural Roof Plan
Structural Details
Mechanical Demolition – First Floor
Mechanical Demolition – Second Floor
Mechanical Demolition – Roof
Mechanical New Work Sheet – First Floor
Mechanical New Work Sheet – Second Floor
Mechanical New Work Sheet – Roof
Mechanical Refrigerant Schematics (Multiple Sheets)
Mechanical Details
Mechanical Controls - (Multiple Sheets)
Mechanical Schedules - (Multiple Sheets)
Electrical Cover Sheet
Electrical Power and Lighting Plan – Demolition – First Floor
Electrical Power and Lighting Plan – Demolition – Second Floor
Electrical Power Plan – Demolition – Roof
Electrical Power Plan – New Work – First Floor
Electrical Power Plan – New Work – Second Floor
Electrical Power Plan – New Work – Roof

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User Notes: (1097821786)

Electrical Lighting Plan – New Work – First Floor
Electrical Lighting Plan – New Work – Second Floor
Electrical Lighting Plan – New Work – Roof
Electrical One Line
Electrical Details
Electrical Schedules

Billing Rates:

Services provided on an hourly basis shall be at the following hourly rates for 2010. Services provided beyond 2010 shall be at the rates in effect at the time of service.

Principal.....$130.00/hour

Project Manager.....$95.00/hour

Energy Modeling.....$95.00/hour

Project Engineer.....$85.00/hour

Project Designer.....$75.00/hour

CADD Operator..... $65.00/hour

Secretarial.....$55.00/hour

Expenses (mileage, printing, travel, deliveries)..Billed at Cost

During the Design Phase, the Engineer shall review the Owner's scope of work, budget and schedule and reach an understanding with the Owner of the Project requirements. Based on the approved Project requirements, the Engineer shall develop a design. Upon the Owner's approval of the design, the Engineer shall prepare Construction Documents indicating requirements for construction of the Project and shall coordinate its services with any consulting services the Owner provides. The Engineer shall assist the Owner in filing documents required for the approval of governmental authorities, in obtaining proposals and in awarding contracts for construction.

During the Construction Phase, the Engineer shall act as the Owner's representative and provide administration of the Contract between the Owner and Contractor. The extent of the Engineer's authority and responsibility during construction is described in AIA Document A105™–2007, Standard Form of Agreement Between Owner and Contractor for a Residential or Small Commercial Project. Generally, the Engineer's services during construction include interpreting the Contract Documents, reviewing the Contractor's submittals, visiting the site, reviewing and certifying payments, and rejecting nonconforming Work.

(Paragraphs deleted)

ARTICLE 2 OWNER'S RESPONSIBILITIES

The Owner shall provide full information about the objectives, schedule, constraints and existing conditions of the Project, and shall establish a budget that includes reasonable contingencies and meets the Project requirements. The Owner shall provide decisions and furnish required information as expeditiously as necessary for the orderly progress of the Project. The Engineer shall be entitled to rely on the accuracy and completeness of the Owner's information. The Owner shall furnish consulting services not provided by the Engineer, but required for the Project, such as surveying, which shall include property boundaries, topography, utilities, and wetlands information; geotechnical engineering; and environmental testing services. The Owner shall employ a Contractor, experienced in the type of Project to be constructed, to perform the construction Work and to provide price information.

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User Notes: (1097821786)

ARTICLE 3 USE OF DOCUMENTS

Drawings, specifications and other documents prepared by the Engineer are instruments of the Engineer's service and are for the Owner's use solely with respect to this Project. The Engineer shall retain all common law, statutory and other reserved rights, including the copyright. Upon completion of the Project or termination of this Agreement, the contract documents shall then become the Owner's property

ARTICLE 4 TERMINATION, SUSPENSION OR ABANDONMENT

In the event of termination, suspension or abandonment of the Project by the Owner, the Engineer shall be compensated for services performed. The Owner's failure to make payments in accordance with this Agreement shall be considered substantial nonperformance and sufficient cause for the Engineer to suspend or terminate services. Either the Engineer or the Owner may terminate this Agreement after giving no less than seven days' written notice if the Project is suspended for more than 90 days, or if the other party substantially fails to perform in accordance with the terms of this Agreement.

ARTICLE 5 MISCELLANEOUS PROVISIONS

This Agreement shall be governed by the law of the place where the Project is located. Terms in this Agreement shall have the same meaning as those in AIA Document A105–2007, Standard Form of Agreement between Owner and Contractor for a Residential or Small Commercial Project. Neither party to this Agreement shall assign the contract as a whole without written consent of the other.

Nothing contained in this Agreement shall create a contractual relationship with, or a cause of action in favor of, a third party against either the Owner or the Engineer.

The Engineer and Engineer's consultants shall have no responsibility for the identification, discovery, presence, handling, removal or disposal of, or exposure of persons to, hazardous materials in any form at the Project site.

ARTICLE 6 PAYMENTS AND COMPENSATION TO THE ENGINEER

The Engineer's Compensation shall be:

Construction Documents	$ 59,200.00
Construction Administration	$ 13,800.00
Project Total	$ 73,000.00

Fee Breakdown:

General Project Management through the Construction Document Process = $4,500.00
Energy Modeling as required for by ARRA = $2,800.00
ARRA Documentation Support = $4,800.00
Mechanical Construction Documents = $29,600.00
Electrical Construction Documents = $11,500.00
Structural Construction Documents = $2,500.00
Architectural Construction Documents = $3,500.00
Overall Construction Administration (Mechanical, Electrical, Structural, and Architectural) = $13,800

The Owner shall pay the Engineer an initial payment of Zero ($ 0.00) as a minimum payment under this Agreement. The initial payment shall be credited to the final invoice.

The Owner shall reimburse the Engineer for expenses incurred in the interest of the Project, plus Zero Percent Mark-up (0%).

Payments are due and payable upon receipt of the Engineer's monthly invoice. Amounts unpaid sixty (60) days after the invoice date shall bear interest from the date payment is due at the rate of one and one half percent (1 ½%) per month , or in the absence thereof, at the legal rate prevailing at the principal place of business of the Engineer.

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User Notes: (1097821786)

At the request of the Owner, the Engineer shall provide services not included in Article 1 for additional compensation. Such services may include providing or coordinating services of consultants not identified in Article 1; revisions due to changes in the scope, quality or budget; or evaluating changes in the Work and Contractors' requests for substitutions of materials or systems

(Paragraphs deleted)

ARTICLE 7 OTHER PROVISIONS

(Insert descriptions of other services and modifications to the terms of this Agreement.)

"This material is based upon work supported by the Department of Energy under Award Number DE-EE0000926."

Musgrove Engineering, P.A. will insure that the design documents and the construction process are done in compliance with the American Recovery and Reinvestment Act (ARRA) of 2009 and defined in the DOE agreement #EECBG 10-1536.

Work under this contract will be funded in its entirety with federal grant funds from the Oregon Department of Energy awarding American Recovery and Reinvestment Act federal stimulus funds from the US Department of Energy.

This Agreement entered into as of the day and year first written above.

OWNER	ENGINEER
(Signature)	*(Signature)*
(Printed name and title)	Charles Paulin Principal *(Printed name and title)*

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User Notes: (1097821786)

CONSULTANT NAME: Musgrove Engineering, P.A.
PROJECT NAME: Ontario City Hall EECBG Lighting & HVAC Upgrade
PROJECT NUMBER: 10052

Mechanical Schematic Design

		Hours		Hourly Rate		Labor Cost
1	Principal Engineer	8	@	$130.00	=	$1,040.00
2	Project Manager	16	@	$95.00	=	$1,520.00
3	Project Engineer	36	@	$85.00	=	$3,060.00
4	Project Designer	24	@	$75.00	=	$1,800.00
5	CADD Operator	36	@	$65.00	=	$2,340.00
6	Secretarial	8	@	$55.00	=	$440.00
TOTAL LABOR COST		128			=	$10,200.00

Charge-out rate includes payroll, fringe benefit costs, and overhead.

TOTAL = $10,200.00

50% Mechanical Construction Docs

		Hours		Hourly Rate		Labor Cost
1	Principal Engineer	8	@	$130.00	=	$1,040.00
2	Project Manager	16	@	$95.00	=	$1,520.00
3	Project Engineer	30	@	$85.00	=	$2,550.00
4	Project Designer	36	@	$75.00	=	$2,700.00
5	CADD Operator	36	@	$65.00	=	$2,340.00
6	Secretarial	4	@	$55.00	=	$220.00
TOTAL LABOR COST		130			=	$10,370.00

TOTAL = $10,370.00

100% Mechanical Construction Docs

		Hours		Hourly Rate		Labor Cost
1	Principal Engineer	8	@	$130.00	=	$1,040.00
2	Project Manager	16	@	$95.00	=	$1,520.00
3	Project Engineer	24	@	$85.00	=	$2,040.00
4	Project Designer	36	@	$75.00	=	$2,700.00
5	CADD Operator	24	@	$65.00	=	$1,560.00
6	Secretarial	3	@	$55.00	=	$165.00
TOTAL LABOR COST		111			=	$9,025.00

TOTAL = $9,025.00

Mechanical Design Documents $29,595

Electrical Schematic Design

		Hours		Hourly Rate		Labor Cost
1	Principal Engineer	2	@	$130.00	=	$260.00
2	Project Manager	8	@	$95.00	=	$760.00
3	Project Engineer	16	@	$85.00	=	$1,360.00
4	Project Designer	16	@	$75.00	=	$1,200.00
5	CADD Operator	16	@	$65.00	=	$1,040.00
6	Secretarial	4	@	$55.00	=	$220.00
TOTAL LABOR COST		62			=	$4,840.00

Charge-out rate includes payroll, fringe benefit costs, and overhead.

TOTAL = $4,840.00

50% Electrical Construction Docs

		Hours		Hourly Rate		Labor Cost
1	Principal Engineer	2	@	$130.00	=	$260.00
2	Project Manager	6	@	$95.00	=	$570.00
3	Project Engineer	8	@	$85.00	=	$680.00
4	Project Designer	12	@	$75.00	=	$900.00
5	CADD Operator	14	@	$65.00	=	$910.00
6	Secretarial	2	@	$55.00	=	$110.00
TOTAL LABOR COST		44			=	$3,430.00

TOTAL = $3,430.00

100% Electrical Construction Docs

		Hours		Hourly Rate		Labor Cost
1	Principal Engineer	1	@	$130.00	=	$130.00
2	Project Manager	6	@	$95.00	=	$570.00
3	Project Engineer	16	@	$85.00	=	$1,360.00
4	Project Designer	8	@	$75.00	=	$600.00
5	CADD Operator	8	@	$65.00	=	$520.00
6	Secretarial	1	@	$55.00	=	$55.00
TOTAL LABOR COST		40			=	$3,235.00

TOTAL = $3,235.00

Electrical Design Documents $11,505

32

Project Management

		Hours		Hourly Rate		Labor Cost
1	Principal Engineer	14	@	$130.00	=	$1,820.00
2	Project Manager	10	@	$95.00	=	$950.00
3	Project Engineer	10	@	$85.00	=	$850.00
4	Project Designer	0	@	$75.00	=	$0.00
5	CADD Operator	0	@	$65.00	=	$0.00
6	Secretarial	16	@	$55.00	=	$880.00
TOTAL LABOR COST		50			=	$4,500.00

Charge-out rate includes payroll, fringe benefit costs, and overhead.

TOTAL = $4,500.00

Energy Modeling for ARRA

		Hours		Hourly Rate		Labor Cost
1	Principal Engineer	1	@	$130.00	=	$130.00
2	Energy Modeler	24	@	$95.00	=	$2,280.00
3	Project Engineer	2	@	$85.00	=	$170.00
4	Project Designer	0	@	$75.00	=	$0.00
5	CADD Operator	0	@	$65.00	=	$0.00
6	Secretarial	4	@	$55.00	=	$220.00
TOTAL LABOR COST		31			=	$2,800.00

TOTAL = $2,800.00

ARRA Documentation Support

		Hours		Hourly Rate		Labor Cost
1	Principal Engineer	12	@	$130.00	=	$1,560.00
2	Energy Modeler	4	@	$95.00	=	$380.00
3	Project Manager	10	@	$95.00	=	$950.00
3	Project Engineer	4	@	$85.00	=	$340.00
5	CADD Operator	14	@	$65.00	=	$910.00
6	Secretarial	12	@	$55.00	=	$660.00
TOTAL LABOR COST		56			=	$4,800.00

TOTAL = $4,800.00

Overall Construction Administration

		Hours		Hourly Rate		Labor Cost
1	Principal Engineer	16	@	$130.00	=	$2,080.00
2	Project Manager	80	@	$95.00	=	$7,600.00
3	Project Engineer	12	@	$85.00	=	$1,020.00
4	Project Designer	20	@	$75.00	=	$1,500.00
5	CADD Operator	6	@	$65.00	=	$390.00
6	Secretarial	22	@	$55.00	=	$1,210.00
TOTAL LABOR COST		156			=	$13,800.00

TOTAL = $13,800.00

General Administration Fee $25,900

Direct Costs

						Costs
1	Structural Engineering					$2,500.00
2	Architectural Services					$3,500.00

TOTAL = $6,000.00

Direct Costs $6,000

Total Design Fee $74,000

AGENDA REPORT
April 19, 2010

TO: Mayor and City Council

FROM: Larry Sullivan, City Attorney

THROUGH: Henry Lawrence, City Manager

SUBJECT: ORDINANCE NO. 2644-2010: AN ORDINANCE IMPOSING MANDATORY GARBAGE SERVICE FOR REPEAT NUISANCE PROPERTIES (1st Reading)

DATE: April 12, 2010

SUMMARY:
Attached is the following document:

- Ordinance 2644-2010

Proposed Ordinance 2644-2010 authorizes the City Manager to require certain properties that have had repeated nuisance abatement notices to have mandatory garbage service.

PREVIOUS COUNCIL ACTION:
None.

DISCUSSION
Ordinance 2644-2010 supplements the City's enforcement tools for nuisance abatement. If a real property address is within the definition of a "repeat nuisance property", the City Manager or his designee is authorized to impose weekly mandatory garbage service at that address. A repeat nuisance property is one that has had two or more abatement notices within a 12-month period, whether or not the property has been cleaned up within the 14 day abatement period. This is intended to target people who repeatedly wait to clean up their property until they get an abatement notice.

The ordinance applies only to certain categories of nuisances, dealing with accumulations of garbage, debris and similar items that could be rectified by mandatory garbage service. For instance, it does not apply to weeds, storage of automobile parts, etc.

The City will bill the cost of mandatory garbage service on the water and sewer bill for that address. The bill will include a $10 per month administrative fee. Otherwise the charge is the same amount charged by Ontario Sanitary Service.

Subsection (F) of the ordinance describes the circumstances under which mandatory garbage service may be terminated, including the lapse of 12 months from the last abatement notice.

If the Council approves Ordinance 2644-2010, a contract will be prepared between the City and Ontario Sanitary Service to handle mandatory garbage service, including billing and collection issues. Staff met with Scott Wilson of Ontario Sanitary Service to review a draft of the ordinance and discuss the terms of a contract, and there appear to be no areas of disagreement about these issues. Scott Wilson anticipated no problems for Ontario Sanitary Service in providing mandatory garbage service under the ordinance.

STAFF RECOMMENDATION:

Staff recommends the Council approve a first reading of Ordinance No. 2644-2010.

PROPOSED MOTION:

"I move that the Mayor and City Council approve **ORDINANCE 2644-2010, AN ORDINANCE IMPOSING MANDATORY GARBAGE SERVICE FOR REPEAT NUISANCE PROPERTIES**, on First Reading by Title Only."

ORDINANCE NO. 2644-2010

AN ORDINANCE IMPOSING MANDATORY GARBAGE SERVICE FOR REPEAT NUISANCE PROPERTIES

WHEREAS, City Code provisions for nuisance abatement require a written notice or a posting of nuisance abatement; and

WHEREAS, Some owners or occupants receiving abatement notices have temporarily cleaned up their real property within the time required for nuisance abatement but have repeatedly caused garbage, debris and refuse to accumulate on the property until another abatement notice is sent; and

WHEREAS, Garbage collection service through the City of Ontario's garbage service franchisee is discretionary with the property owner; and

WHEREAS, The City Council finds that for property owners and occupants that have been subject to repeated nuisance abatement notices, the imposition of mandatory garbage service will encourage them to use the garbage collection service to keep their property clean.

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

Section 1. Ontario City Code Section 7-1-4 is amended by adding the following underlined subsection (h) to 7-1-4(A)3.:

3. The initial notice to abate shall contain:

*****

<u>(h) A statement that the delivery or posting of more than one nuisance abatement notice within a 12 month period may result in the imposition of mandatory garbage service under City Code Section 7-1-6.</u>

Section 2. Section 7-1-6 of the Ontario City Code is added to Chapter 1 of Title 7 of the Ontario City Code:

7-1-6 Mandatory Garbage Service for Repeat Nuisance Properties

(A) Definitions. For the purpose of this Ordinance, the following definitions apply:

(1) City Manager: The City Manager or the City Manager's designee.

(2) Repeat Nuisance Property: A real property address that, within a twelve (12) month period, has been the subject of two or more nuisance abatement notices or nuisance abatement postings under City Code Section 7-1-4(A), for violating one or more of the following provisions of the Ontario City Code: Section 7-1-2(C), (O), or (Q); or Section 7-1-3 (D) or (E).

(B) Imposition of Mandatory Garbage Service. In addition to any other remedies authorized by this Chapter, the City Manager may impose mandatory garbage service for a repeat nuisance property.

(C) Notice. Written notice of the imposition of mandatory garbage service shall be sent by certified mail to the water and sewer billing address shown in the City's records for the repeat nuisance property.

(D) Commencement of Service. Mandatory garbage service shall commence thirty (30) days after the date of mailing of the notice.

(D) Weekly Service. Mandatory garbage service shall consist of the collection of one garbage container every week. Properties with mandatory garbage service shall be subject to the garbage collection franchisee's rules, regulations and procedures for weekly garbage collection.

(E) Billing and Enforcement. The cost of mandatory garbage service shall be the same charge as that imposed by the City's garbage service franchisee for weekly garbage collection service, plus an administrative fee of $10 per month. The charge for mandatory garbage service shall be included as a separate line item in the City's monthly bill for water and sewer service. Upon notification by the franchisee, the City shall impose surcharges for excess or additional loads at the same rate charged by the franchisee. A failure to pay for the mandatory garbage service shall be subject to the same enforcement procedures as a failure to pay for water and sewer service, including but not limited to the imposition of a lien on the real property and termination of water service.

(F) Termination. The City Manager may terminate mandatory garbage service for one or more of the following reasons:

(1) The owner or the occupant of the repeat nuisance property requests termination and more than twelve (12) months have passed since the last nuisance abatement notice or nuisance abatement posting; or

(2) The person or persons causing the nuisance condition on the repeat nuisance property no longer own or occupy the property; or

(3) The garbage service franchisee requests that mandatory garbage service at that address be discontinued; or

(4) In the City Manager's judgment, the purpose for imposing mandatory garbage service at that address is no longer being served.

PASSED AND ADOPTED by the Common Council of the City of Ontario this ____ day of _____, 2010, by the following vote:

AYES:
NAYS:
ABSENT:

APPROVED by the Mayor this ____ day of _____, 2010.

ATTEST:

_____
Joe Dominick, Mayor

_____
Tori Barnett MMC, City Recorder

AGENDA REPORT
April 19, 2010

TO: Mayor and City Council

FROM: Dawn Eden, Engineering Tech.

THRU: Chuck Mickelson, Public Works Director
Henry Lawrence, City Manager

SUBJECT: BID AWARD: SOUTHWEST 4TH STREET TREE PLANTING AND IRRIGATION PROJECT

DATE: April 8, 2010

SUMMARY:

- Bid Tabulation

Bids were opened at 2:15 p.m. on Thursday, April 8, 2010, for the Southwest 4th Street Tree Planting and Irrigation Project. A total of three bids were received: Decker Landscaping of Redmond, Oregon; Howard Landscaping of Fruitland, Idaho; and Franz Witte of Boise, Idaho.

The bid amounts were as follows:

Southwest 4th Street Tree Planting and Irrigation Project	
Bidder	**Total**
Clint Decker, Decker Landscaping	*$30,785.00*
Michael King, Howard Landscaping	$34,222.86
Dan Turner, Franz Witte Landscaping	$32,139.22
City Staff Estimate	**$37,350.00**

The apparent lowest responsive and responsible bidder is Clint Decker of Decker Landscaping, with a bid in the amount of $30,785.00.

PREVIOUS COUNCIL ACTION:

June 1999 — Council authorized Public Works Director to procure a LID 45 Director's Report for reconstruction of Southwest 4th Street and Sunset Drive.

Oct. 2001 — Council adopted Resolution No. 2001-135, a resolution of intent to improve Southwest 4th Street and Sunset Drive.

Nov. 2001 — Council adopted Resolution No. 2001-140, adopting the Director's Report for LID 45.

Nov. 2001 — Council held a public hearing on LID 45, and directed Staff to solicit construction bids for the project.

June 2002 Council awards construction bid to Masco Inc. for reconstruction of Southwest 4th Street and Sunset Drive.

Jan. 2004 Council adopts Ordinance No. 2514-2003, an ordinance providing for and assessing the cost of improving Southwest 4th Street and Sunset Drive.

April 2004 Council adopts Resolution 2004-119, a resolution authorizing a supplemental budget for the Capital Projects Fund to acknowledge additional cash carry forward and appropriating carry forward capital expenses for the LID 45 Lighting Project.

BACKGROUND:

A portion of LID 45 was to plant landscaping along Southwest 4th Street, from Southwest 11th Avenue to Southwest 18th Avenue. The work consists of construction of an irrigation system including pipe valves, drip systems, topsoil, weed barrier, 21 Chanticleer Pear trees and 24 Crimson Spire Oak trees.

This project was supposed to be funded from the 2002-03 budget, and was not re-budgeted for the following year. The 2009-2011 budget did not specify funds for completion of the LID 45 Landscaping project.

The whole project includes traffic control, mobilization/demobilization, trees, boring and installation of conduit beneath Southwest 14th Avenue, irrigation, weed barrier, tree wrap, weed barrier staples, T-posts, tree ties, and tan and white decorative gravel in the beds.

Although the contract gives Decker Landscaping a month to complete the project, Mr. Decker anticipates the project will take about two weeks to finish. The Chanticleer Pear trees and Crimson Spire Oak trees he found on the other side of the state are much older and more established tree than we originally priced for this project. We were looking at trees that were 1.75" to 2" caliper and Mr. Decker found trees that are 3" caliper. Andrews Seed in Ontario was instrumental in selecting trees for this project, and the Chanticleer Pear trees and Crimson Spire Oak trees are columnar trees which are designed to not grow high into power lines or grow out over the roadway. These columnar trees will have roots that will grow downward and will not grow out into the sidewalk and street and cause damage to City infrastructure.

ALTERNATIVE:

The Council could choose to not finish the project, however, landscaping was a commitment made by Management Staff and City Council to the businesses along Southwest 4th Street at the time the LID was being formed. Due to budget constraints and other factors, the project was never finished. The cost of the landscaping project has not been assessed to the property owners along Southwest 4th Street, as the landscaping was the City's contribution to the LID.

FINANCIAL IMPLICATIONS:

Yearly maintenance cost is estimated at $5,700 for a City employee to perform routine tree pruning and weed control.

RECOMMENDATION:

City staff recommends the City Council award the Southwest 4th Street Tree Planting and Irrigation Project to Clint Decker, Decker Landscaping, the lowest responsive and responsible bidder, in the amount of $30,785.00 and authorize the City Manager to be signatory to an agreement with Clint Decker of Decker Landscaping.

PROPOSED MOTION:

I move we award the Southwest 4th Street Tree Planting and Irrigation Project to Clint Decker, Decker Landscaping, the lowest responsive and responsible bidder, in the amount of $30,785.00 and authorize the City Manager to be signatory to an agreement with Clint Decker of Decker Landscaping.

Bid Tabulation
SW 4th Street Tree Planting and Irrigation Project
04/08/10 2:15 PM

				Contractor **Decker**		Contractor **Franz Witte**		Contractor **Howards**	
Bid Item	Description	Unit	Amount	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Mob/Demob	LS	1	$1,406.80	$1,406.80	$1,340.00	$1,340.00	$0.00	$0.00
2	Chant Pear	EA	21	$125.00	$2,625.00	$235.00	$4,935.00	$224.00	$4,704.00
3	Crim Oak	EA	24	$145.00	$3,480.00	$235.00	$5,640.00	$234.00	$5,616.00
4	Bore	LF	100	$37.50	$3,750.00	$18.00	$1,800.00	$22.00	$2,200.00
5	Irrigation	FL	2757	$2.00	$5,514.00	$2.35	$6,478.95	$2.94	$8,105.58
6	Weed Barrier	SQ FT	9104	$0.50	$4,552.00	$0.29	$2,640.16	$0.17	$1,547.68
7	Tree Wrap	EA	45	$10.00	$450.00	$13.67	$615.15	$15.60	$702.00
8	Staples	LS	1	$150.00	$150.00	$485.00	$485.00	$1,040.00	$1,040.00
9	T Posts	EA	90	$10.00	$900.00	$13.18	$1,186.20	$16.64	$1,497.60
10	Tree Ties	EA	90	$5.00	$450.00	$10.42	$937.80	$7.80	$702.00
11	Rock	SQ FT	9104	$0.55	$5,007.20	$0.49	$4,460.96	$0.75	$6,828.00
12	Traffic Control	LS	1	$2,500.00	$2,500.00	$1,620.00	$1,620.00	$1,280.00	$1,280.00
					$30,785.00		$32,139.22		$34,222.86

PUBLIC HEARING
April 19, 2009

TO: Mayor and City Council

FROM: City of Ontario Planning Commission

THROUGH: Henry Lawrence, City Manager
David Richey, Planning & Zoning Administrator

SUBJECT: ORDINANCE #2643-2010, AN ORDINANCE IN THE MATTER OF PLANNING FILE 2010-02-03 Z, THE REZONE OF AN APPROXIMATE 9 ACRES OF PROPERTY FROM EMPLOYMENT 5 (E-5) TO EMPLOYMENT 2 (E-2); THE PROPERTY IS LOCATED AT 1030 NW WASHINGTON AVENUE, ONTARIO, AND IS ALSO GENERALLY KNOWN AS TAX LOTS 3600 AND 3700, ASSESSORS MAP 17S 47E-33C (FIRST READING)

DATE: April 13, 2010

SUMMARY:
Attached are the following documents:

- Ordinance # 2643-2010
- Planning Commission Staff Report, including maps

PREVIOUS COUNCIL ACTION:
None

BACKGROUND:
The applicant, Ralph Poole, has requested a zone change to the above reference property in order to permit the approximate nine acre parcel to be subdivided into four parcels rather than remain a single ownership as with the current 5 acre minimum lot size.

The requested zone change makes the greater number of parcels a possibility, but does not create those desired lots. A partition/subdivision with attendant public utilities and facilities must be built in order to complete readiness for commercial activity.

The change in land use is so slight that no impact upon the transportation system plan is anticipated.

RECOMMENDATION:
Staff recommends approval of the Findings of Fact, and the adoption of Ordinance 2643-2010.

PROPOSED MOTIONS:

1) I move that the City Council accept the Findings of Fact as presented in the staff report.

2) I move that the City Council adopt Ordinance # 2643-2010, AN ORDINANCE ADDRESSING THE FINAL ORDER AND FINDINGS OF FACT FOR THE REZONE OF APPROXIMATELY 9 ACRES OF PROPERTY FROM EMPLOYMENT 5 (E5) TO EMPLOYMENT 2 (E2) FOR PROPERTY LOCATED AT 1030 NW WASHINGTON AVE, TAX LOTS 3600 AND 3700, ASSESSOR'S MAP 17S 47E-33C, PLANNING FILE 2010-02-03 Z, on First Reading by Title Only.

ORDINANCE # 2643-2010

AN ORDINANCE REZONING APPROXIMATELY NINE (9) ACRES OF PROPERTY FROM EMPLOYMENT 5 (E5) TO EMPLOYMENT 2 (E2). THE PROPERTY IS GENERALLY KNOWN AS TAX LOTS 3600 AND 3700, ASSESSORS MAP 17S 47E-33C, LOCATED AT 1030 NW WASHINGTON AVENUE, ONTARIO.

FINDINGS OF FACT:

Whereas: The proposal is reasonably consistent with the applicable provisions of the Ontario Comprehensive Plan, Title 10 and its zone and administrative sections 10A and 10B; and

Whereas: Notice has been sent to the Department of Land Conservation and Development a minimum of 45 days prior to this formal procedure to annex and in particular, rezone the subject property in accord with State Administrative Rules, and;

Whereas: All appropriate local notices have been given for this proposal and the public hearings it requires; and

Whereas: The subject site is within the City of Ontario Corporate limits; and

Whereas: The subject site is bordered by urban growth area lands labeled for future Employment 5 uses; and

Whereas: The property owner has formally requested that the subject site be rezoned to a kindred classification permitting more parcels but a lesser number of allowed uses; and

Whereas: City emergency services are available to this site in a manner similar to other land in the City; and

Whereas: The property is 9 acres in size and is known as Tax Lots 3600 and 3700, Assessor's Map #17S 47E 33C; and

Whereas: Pursuant to the formal application, the Ontario Planning Commission held a properly noticed public hearing on April 12, 2010, approved findings of fact, and made a recommendation to City Council; and

Whereas: The City Council has held a properly noticed public hearing and reviewed all evidence and testimony submitted at the City Council hearing; and

Whereas: The City of Ontario Planning Commission, at its regular and properly noticed public hearing of April 12, 2010 considered and recommended approval of the rezone from E-5 to E-2 as described in this ordinance.

NOW THEREFORE, THE CITY OF ONTARIO COUCIL ORDAINS AS FOLLOWS:

Based upon the Comprehensive Plan, the procedures and regulations provided in Title 10, of the Zoning Ordinance, and the above listed Findings, the Ontario City Council approves and adopts Ordinance #2643-2010 rezoning the nine (9) acre property identified as Tax Lots 3600 and 3700, Assessor's Map #17S 47E 33 owned Ralph Poole from Employment 5 (E-5) zone to the Employment 2 (E-2) zone.

PASSED AND ADOPTED by the Common Council of the City of Ontario this_____ day of _____, 2010 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINED:

APPROVED by the Mayor this _____day of _____, 2010.

_____
Joe Dominick, Mayor

ATTEST:

_____
Tori Barnett, MMC, City Recorder