
**City of Newberg
City Council
September 19, 2022
Hybrid meeting format**

WORK SESSION –The Work Session was cancelled for lack of items.

BUSINESS SESSION –

Meeting called to order at 6:00 p.m.

Councilors Present: Mayor Rick Rogers, Councilors: Elise Yarnell Hollamon, Mike McBride, Jefferson Mildenberger, Stephanie Findley and Peggy Kilburg.

Absent: Denise Bacon

Staff Present: City Manager Will Worthey, City Attorney James Walker, City Recorder Sue Ryan, Police Chief Jeff Kosmicki, City Engineer Kaaren Hofmann, Administrative Specialist Zaira Robles Muniz, Intern Joshua Hren, Finance Manager Kady Strode, Library Director Korie Buerkle, Public Works Director Russ Thomas, and Information Technology Manager Ian Rodriguez.

PRESENTATIONS

Mayor Rogers proclaimed September 17-23, 2022 as Constitution Week.

CITY MANAGER’S REPORT

CM Worthey presented the monthly statistics for July 2022.

COUNCIL APPOINTMENTS

Action: To consent to the Mayor’s appointment of Casey Banks to the Affordable Housing Commission for a term of September 20, 2022 to December 31, 2024.

Motion: Councilor Findley

Second: Councilor Yarnell Hollamon

Vote: 6 Yes 0 No 0 Abstain 1 Absent [Bacon]

CONSENT CALENDAR

Action: To approve Resolution 2022-3824, A Resolution to authorize the City Manager to enter into a construction contract with Eagle-

Elsner, Inc. for the 2022 Pavement Improvements project in the amount of \$1,295,295.

Motion: Councilor Findley
Second: Councilor McBride
Vote: 6 Yes 0 No 0 Abstain 1 Absent [Bacon]

PUBLIC HEARINGS – Resolution 3844 CM/GC Project Delivery Method for New Groundwater Treatment Plant:

Mayor Rogers opened the public hearing. He asked for any conflicts of interest, bias, ex parte contacts, abstentions, or objections to jurisdiction. There were none.

City Engineer Hofmann gave the staff report (Exhibit A). She discussed the future of safe and resilient water for Newberg, ground water treatment plant history, modern, resilient treatment plant, community benefits from a new, modern facility, schedule, construction manager/general contractor method, exemption from public bidding, and use of CM/GC project method.

Proponents: None

Opponents: Bill Rosacker objected to the late notice to the public of the item.

Undecided: Robert Soppe asked the Council questions (Exhibit B)

Mayor Rogers closed the public hearing.

City Engineer Hofmann clarified all of the contracts that would be issued for the project would come to the Council for approval. She recommended approval of the resolution.

The Council discussed the delivery method and its pros and cons, design contract, location of the new building, funding options, rates, timeline, and protecting the City.

Action: To approve Resolution 2022-3844, A Resolution allowing use of the CM/GC Project Delivery Method for the new Groundwater Treatment Plant Project.

Motion: Councilor Mildemberger
Second: Councilor Yarnell Hollamon
Vote: 6 Yes 0 No 0 Abstain 1 Absent [Bacon]

NEW BUSINESS

Molly Olson, Newberg Downtown Coalition Executive Director, explained the request for financial support for NDC activities from the economic development fund and how NDC supported economic development.

The Council discussed Fund 14 and how the funding would be used.

Action: To approve Resolution 2022-3864, approving a disbursement from Fund 14 in support of the Newberg Downtown Coalition.


Motion: Councilor McBride
Second: Councilor Findley
Vote: 6 Yes 0 No 0 Abstain 1 Absent [Bacon]

COUNCIL BUSINESS

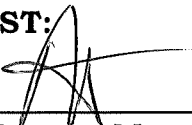
Mayor Rogers announced a meet the candidates event on October 6.

The Council gave their best wishes for recovery for Councilor Bacon.

Meeting adjourned at 7:52 p.m.



Sue Ryan, City Recorder

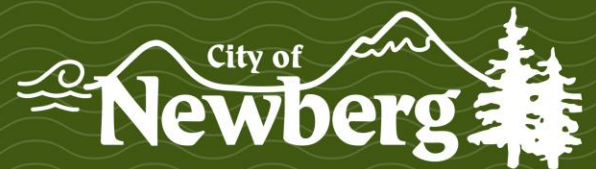
ATTEST:


Rick Rogers, Mayor

September 19, 2022
Council Minutes
Exhibit A

Groundwater Treatment Plant

Alternative Project Delivery Hearing
September 19, 2022



How We Got Here - What We've Learned



Ground Water Treatment Plant History

- Constructed in 1953
 - 1953 population: 4,000
 - 2021 population: over 25,000
 - 2035 est. population: over 38,000
- Expanded and upgraded in 1961, 1970, 1980, 1997, 2006
- Vulnerable to severe damage – seismic upgrades due
- OHA requires covers for filters and basins
- Many parts aging and near end of life
- Can't support full capacity



Modern, Resilient Treatment Plant

- Modern facility and treatment
- Designed and built to current requirements and code
- Build what we need now
- Expandable and flexible for community's growth
- Efficient. 25-50% reduction in Operations & Maintenance Costs



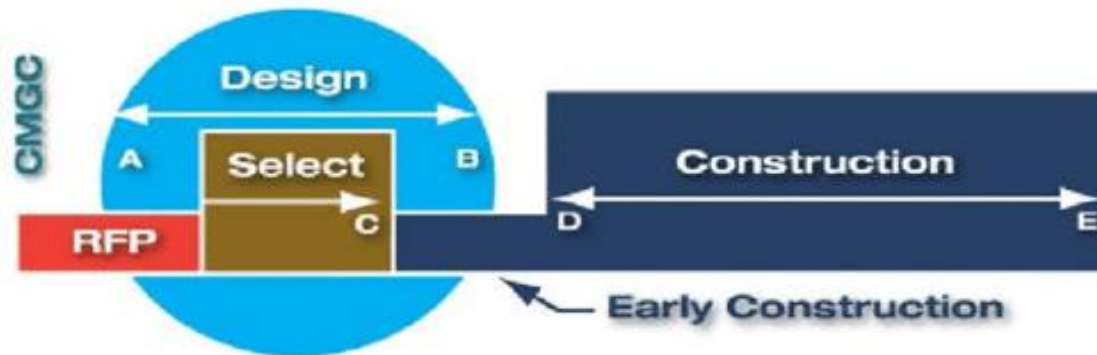
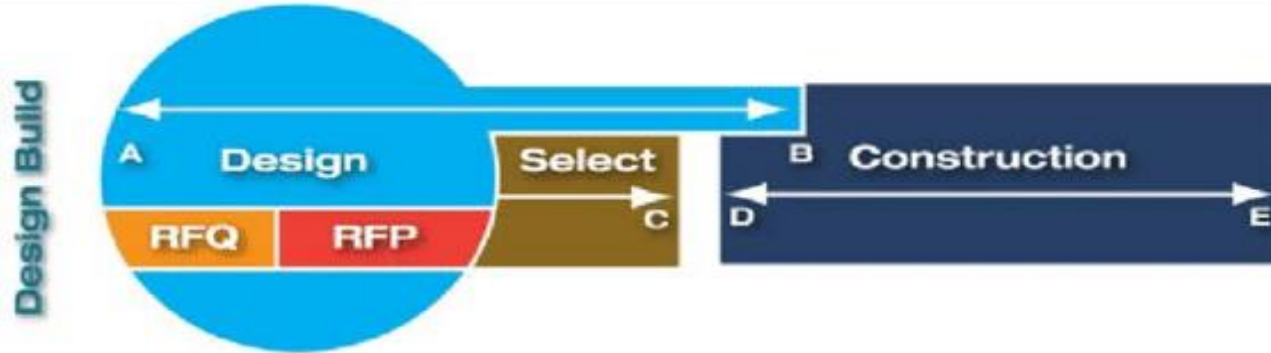
**Proposed new facility with
30- to 50-year
design life**

Community Benefits from a New, Modern Facility

- Delivers **best value for investment**
- Provides **safe, high-quality water**
- Plans for **water use in the future**
- Ensures **reliable water treatment** after an earthquake or other disasters

Schedule

- Oregon Health Authority – Drinking Water Section has agreed to give Newberg time to build a compliant water plant.
 - Must be operational by **September 1, 2027**
- Council Awards design contract on October 3, 2022.



In order to meet the State's 2027 deadline, the traditional design – bid – build process will not be feasible.

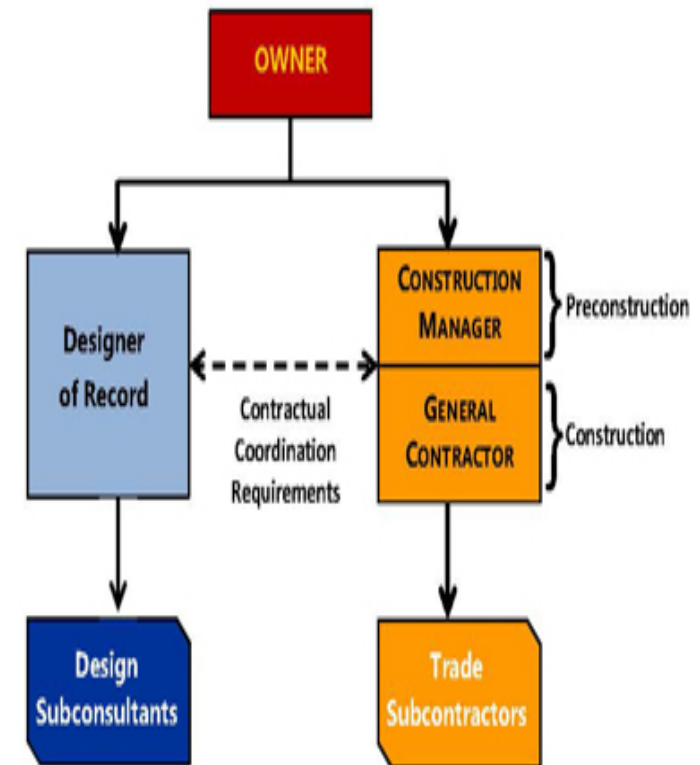
Construction Manager/General Contractor (CM/GC)

What is the Construction Manager/General Contractor (CM/GC) Method?

The CM/GC project delivery method consists of two phases-design and construction.

When the owner considers the design to be complete, the construction manager then has an opportunity to bid on the project based on the completed design and schedule. If the owner, designer and independent cost estimator agree that the contractor has submitted a fair price, the owner issues a construction contract and the construction manager then becomes the general contractor.

The contractor acts as the consultant during the design process and can offer constructability and pricing feedback on design options and can identify risks based on the contractor's established means and methods. As noted earlier, this process also allows the owner to be an active participant during the design process and make informed decisions on design options based on the contractor's expertise.



Exemption from Public Bidding Use CM/GC Project Method

- A competitive RFP process will be used to solicit the CM/GC
- The process is unlikely to encourage favoritism in public contracts or substantially diminish competition
- Will result in substantial cost savings to the City
 - Participation of the contractor in the design of the plant in the CM/GC process more easily incorporates quality materials and equipment.
 - Selections based on performance, integration with current systems, and cost of entire life-cycle rather than the lowest initial price
- Will result in a shorter schedule
- The required notice have been published in the Daily Journal of Commerce on September 2, 2022

Recommendation

- Adopt Resolution No. 2022-3844 to allow the use of the CM/GC Project Delivery Method for the New Groundwater Treatment Plant

Written testimony for the 9/19/2022 City Council meeting:

I am writing with regard to Resolution number 2022-3844 regarding the Water Treatment Plant. I have two questions:

- 1) In the Executive Summary, it states that the owner, designer, and independent cost estimator can decide that the contractor has submitted a fair price and award the contract to that contractor. Is the City Council included in this process as “owner”? More specifically, will the eventual decision to award the construction contract be brought before the Council for their approval?
- 2) The Resolution lists the funding sources, but does not mention water SDCs. Is the capacity of the new plant expected to be greater than the capacity of the existing plant? If so, why are SDCs not planned to be used to fund the additional capacity?

I do expect to attend the meeting virtually and raise these two questions. I’m providing them in advance with the hope that answers will be provided.

Thank you.

Robert Soppe