

**CITY OF PORT ORFORD
REGULAR SESSION OF THE COMMON COUNCIL
THURSDAY, MAY 18th, 2023, AT 5:30 P.M.**

Please join this meeting from your computer, tablet or smartphone.

<https://meet.goto.com/519175589>

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United States (Toll Free): 1 (877) 309-2073

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AGENDA

1. Call to order/roll call
2. Additions to the Agenda
3. Presentations to the Council/Citizens – (Connie Hunter: Veterans and Brain Injuries)
4. Consent Calendar
 - a. Minutes of 4/20/23
 - b. Minutes of 5/4/23
 - c. Temporary OLCC License: Sea Wolf Books
 - d. OLCC License : Port Side Cafe + Market
5. Citizen Concerns (Speak Only for Old & New Business Items on the Agenda)
6. Departmental Reports –
 - a. Public works
 - b. Administration
 - c. Finance
 - d. Planning
 - e. Liaison Reports

Fire District - Burns	TLT - Pogwizd	Watershed - Vileisis
Port – Webb	Parks - Tidey	Emergency Mgmt. - Burns/Ward
School District - Rask	Main Street – Burns	
7. Old Business
 - a. Final Order on CUP 16-02 and 16-03 Appeal
8. New Business
 - a. Computer Server Purchase
 - b. AV system replacement funding source
 - c. Requests from Jubilee Committee
 - d. Budget Officer
 - e. Water Engineering Service

9. Continuing Action Items

10. Considerations

- a. Citizens
 - i. Guy Vernon on behalf of the Rotary Club: Community Center repairs/upgrades. (Discussion Only; No Documentation presently)
- b. Staff
- c. Council
- d. Mayor

11. Future Meetings

Thursday, May 18th 2023; Regular Meeting In the Gable Chambers and Online at 5:30 pm

12. Adjourn

PUBLIC: When you join the meeting (5-10 min. prior to the meeting)

- **If you plan to speak/comment during the meeting (when permissible to do so), please announce your name and “how: you are joining the meeting (computer, phone, in person). Speak slowly and clearly so the organizer may “find” you and identify your “caller” location**
- **Please wait to be called on to speak, to avoid talking over someone**
- **When you are not speaking, please mute yourself (so the organizer doesn’t have to do this)**
- **Please limit side conversations and multitasking while you are in the meeting**
- **Be aware even if you are not on camera, sound can be heard over unmeted phones and will be distracting. And if you are on camera “absences” will be noticeable and distracting**
- **To minimize feedback noise, we will only have the meeting host, Mayor and one other speaker unmuted at any time during the meeting.**
- **Please be aware that if poor etiquette is being observed, it may be called out so you have an opportunity to fix the situation.**

VETERANS BRAIN INJURY WORKSHOP & TOWN HALL

Keynote Presenter: Mr. Dave Kracke, Oregon's Brain Injury Advocate, Center for Brain Injury Research and Training

WHEN: MAY 19, 2023, 11 A.M. – 2 PM

WHERE: Southwestern Oregon Community College, Curry Campus, Community Room

You are cordially invited to join us for learning about brain injuries among our US Military Veterans, treatments and resources for you and yours!

We will also talk about the Hyperbaric Oxygen Therapy program for Veterans being developed for Curry County! A free lunch will be served! Virtual option also!

RSVP: Connie.Hunter@outlook.com

602-541-5903 or 541-661-7068

HBOT for Veterans Program

Development information: Hyperbaric oxygen therapy improves symptoms, brain's microstructure and functionality in veterans with treatment resistant post-traumatic stress disorder: A prospective, randomized, controlled trial.

Conclusions: HBOT improved symptoms, brain microstructure and functionality in veterans with treatment resistant PTSD.

LINK:

<https://pubmed.ncbi.nlm.nih.gov/35192645>

City of Port Orford
City Council Meeting
In the Gable Chambers / Virtual participants
Thursday, April 20, 2023 at 5:30 P.M.

Mayor and Council	Present	City Staff	Present
<i>Pat Cox, Mayor</i>	X	<i>CA Pro Tem Gary Milliman</i>	X
<i>Brett Webb</i>	X	<i>Shala Kudlac, City Attorney</i>	X
<i>Gary Burns</i>	X	<i>John Isadore, Public Works</i>	X
<i>Perri Rask</i>	X	<i>Joseph Harrison, Planning Tech.</i>	X
<i>Ann Vileisis</i>	X		
<i>Greg Tidey</i>	X		
<i>Tim Pogwizd</i>	X		

The minutes were prepared to the best of our ability considering the challenging quality of the audio for those attending in the Gable Chambers. Due to technical problems the meeting was not recorded.

Others Present: Penny Suess (appellant) & Jim Haley (applicant); 23 physically present + approx. 15 additional callers on Go-to-meeting

1. Call to Order (5:30)

Mayor Cox called to order this Meeting of the Common Council on March 16, 2023, at 5:36 p.m. Mayor Cox and attendees recited the Pledge of Allegiance.

2. Additions to the Agenda

- None

3. Citizen Considerations:

- None

4. Presentations to Council/Citizens

- None

5. Consent Calendar: (5:31)

a. Minutes of March 16th regular meeting:

Discussion: Two changes to the minutes; the minutes had incorrectly listed the date as the 15th instead of the 16th and Councilor Burns was the one who seconded the motion during the executive session.

b. Minutes of March 23rd special meeting:

Discussion: None

c. Curry Health Network Community Project Letter of Support:

Discussion: None

d. OLCC application for Tasty Kate’s Funky Town

Discussion: None.

e. Joyce Spicer for Historic Preservation Commission Application

Discussion: None.

f. Kathrine E. Sampel for Parks & Rec Committee application

Discussion: None.

Council President Vileisis motioned to approve the Consent Calendar with the following changes in the minutes for 3/16/2023:

- 1) correcting the date from the 15th to the 16th
- 2) Adding that Councilor Burns seconded the motion from the Executive session.

Councilor Burns Seconded

Motion carried unanimously. (5:33)

<i>Councilor Burns</i>	<u>Yes</u>	<i>Councilor Vileisis</i>	<u>Yes</u>	<i>Councilor Webb</i>	<u>Yes</u>
<i>Councilor Rask</i>	<u>Yes</u>	<i>Councilor Tidey</i>	<u>Yes</u>	<i>Councilor Pogwizd</i>	<u>Yes</u>

6. Citizens’ Concerns: (5:34)

i. Chris Hawthorn: Motion to approve additional hours for Daniel Kearn incorrectly lists Councilor Burns as voting in favor; he voted in opposition.

ii. Marget Truni: Voiced her approval as a citizen of item 10a. Water Resolution revisions as she feels it helps the citizens.

iii. No further Citizen Concern noted; Mayor Cox moved on to next item at (5:37)

7. Public Hearing: Appeal of CUP 16-02/16-03 (5:38)

i. Disclosure of Bias; Council members individually asked questions of staff member and citizens for clarification on CUP 16-02/16-03 prior to Public Hearing. None felt as though they had sufficient reason to recuse themselves from hearing; no challenges on Bias from the community. Similarly, there were no recusal or challenges on conflicts of interest. (5:40)

ii. Shala Kudlac Esq. specified that this procedure is for evaluating the potential approval of an extension, not the approval of the CUP itself; as well as explained the background of this case, including that LUBA had previously ruled in favor of allowing the Common Council to approve multiple extensions. (5:42)

- iii. **Councilors have brief discussion for clarification on what they are allowed to rule on and what ruling can be made. Once legal council sufficiently answered the councilors questions, Mayor Cox read intro script into record. (5:46)**
- iv. **Mayor Cox: [Intro Script]**
- v. **Appellant Testimony (Penny Suess):** Started off with a statement of Non-bias then reminded the Council that while LUBA ruled that the Council could allow as many extensions as it wants, it has the responsibility to deny extensions when pertinent. Why give an extension when; after 6 years and 5 extensions no noticeable progress has been made, significant changes have occurred to Port Orford, our water system is now failing and theres little to no economic or environmental benefit. Thanked the Councilors for their time. **(5:49)**
- vi. **Applicant Testimony (James M. Haley):** Been working 23 years on CUP, had internal problems that have been resolved, asks council if they have any questions and thanked them for their time. **(5:52)**
 - a. **Various Councilors asked questions of Mr. Haley and Shala Kudlac Esq;** most questions revolved around the cities obligations upon approving the CUP, which portions of the proposed line would be maintained by which party, potential costs to the City, and specifics about the process at this point and moving forward. **(5:55)**
- vii. **Citizen Testimony (6:06) – NOTE: this summarizes testimony provided verbally at the meeting and does not have all testimony submitted to the public record.**
- viii. **Tim Leslie:** All aspects of the construction were reviewed by the Planning Commission during the initial filing of the CUP; no surrounding properties would be effected. The original conditions, recommended by the Planning Commission, stated that the Pump Station would be fully financed by the Applicant. He also feels as though this will be a net benefit for the environment as less waste water is being pumped out to the ocean. **(6:09)**
- ix. **Chris Hawthorn:** Voiced approval since the benefits outweigh the costs **(6:10)**
- x. **Dana Gurnee:** There's no reason to allow a 6th extension, every reason to allow it also applies to denying and allowing them to reapply. It would be better to have them submit a new CUP. **(6:11)**
- xi. **Bret Cecil:** Sent email that barely missed the cut off to be entered into the public record. Testifying against the golf course as it removes the small town character of Port Orford and will not be good for the environment. **(6:13)**
- xii. **Chris Speed:** Local realtor who has applied and used many permits wanted to make note that this is a particularly large project that will likely take a decade or more to fully complete, that multiple extensions are like going to be necessary, but that she thinks the

Council should approve them. She approves of the extension and thanked the council for their time. (6:15)

- xiii. **Beverly Walter:** Reminds the Council that the COVID crisis was at its peak during the duration of the previous extension and that everything had to stop, so it would be reasonable to grant an extension. She also feels that the project is a net benefit to the environment. (6:17)
- xiv. **David Ray Tensioner:** Too much risk to the Community due to the current water moratorium and curtailments. Doesn't want the project to cause issues that the City would then be responsible for fixing. (6:20)
- xv. **Gayle Wilcox:** Attended the initial CUP and appeal 5-6 years ago and thinks allowing an additional extension creates too much liability for the city. Is against extension, favors reapplication. (6:22)
- xvi. **Linda Tarr:** Against the renewal due to the city's current administrative capacity. Wonders how the applicant will provide funding for administrative costs without creating a source of bias. (6:25)
- xvii. **Senator Smith:** Provided a letter that is in the public record; bringing forward a few points from it for his testimony. 1) there was a global pandemic that caused delays in supply chain and staffing issues 2) Senator Smith believes that repeated appeals by the appellant, Penny Suess, to various levels of government over specific verbiage is malicious in nature 3) Senator Smith believes that this project will save Port Orford millions of dollars (6:28)
 - a. By Consensus the Common Council agrees to give Senator Smith additional time to present his point due to technical lag and to answer Council questions (6:30)
 - b. **Questions for Senator Smith from Council : Council President Vilesis asked Senator Smith for clarification about how his bill to provide \$750,000 for water recycling would fit with this project – would it go to the city or the developer. Senator Smith stated it would go to the city for its part.**

xviii. **No further citizen testimony at (6:34)**

- b. **Final rebuttal from the Appellant (6:35) – Note; by appellant request, the Council and Senator Smith were able to immediately address some of the testimony, additionally there was an interruption from a virtual caller being unmuted. The following contains only content of Appellant testimony.**
 - i. **Penny Suess (appellant):** Raises concerns whether the bill that's granting some of the funding is actually going to pass or if it's being promised despite being dead in all but name. Voices confusion over having two proposed routes, raising concerns that the

applicant indicated that one of them no longer seems to be being considered and that only one of the CUPs should be renewed, not both. Thanks the Common Council for their time.
(6:40)

c. With no more testimony and the final rebuttal ended, the public hearing concluded at (6:40)

d. Council Deliberation

i. Discussion: Councilor Pogwizd indicated that he thinks this is getting something positive for Port Orford. Councilor Burns indicated that he didn't think that there should be endless renewals but that he was in favor of renewing this time. Councilor Webb expressed concerns about the specific route. Councilor Vileisis reiterated concerns about the liability to the city for long term maintenance and wanted clarification about when in the process there would be an actual operations contract. Councilor Rask explained that this vote was not the final decision.

i. Vote: Motion to approve Extension for CUP 16-02/16-03 carries 5-1. (7:12)

<i>Councilor Burns</i>	<u><i>Yes</i></u>	<i>Councilor Vileisis</i>	<u><i>No</i></u>	<i>Councilor Webb</i>	<u><i>Yes</i></u>
<i>Councilor Rask</i>	<u><i>Yes</i></u>	<i>Councilor Tidey</i>	<u><i>Yes</i></u>	<i>Councilor Pogwizd</i>	<u><i>Yes</i></u>

Brief Recess for commission as a large number of citizens leave after the public hearing

8. Departmental Reports: (7:15)

a. Public Works: A written report has been provided to councilors by Jon Isadore; it is part of the public record and available in full on the Port Orford website.

b. Administration/Financial Report: Report delivered during orally by City Admin Pro Tem Milliman; the city office is currently working on getting the budget ready. Members of the previous budgetary committee have been reached out to and we are in the process of setting a date for the first meeting.

c. Planning: Written report provided by Joseph Harrison; it is part of the public record and available in full on the Port Orford website.

d. Liaison Reports: Liaison report assignments will be addressed in item 10c. Reports are part of the public record and can be read in full on website. Quick summaries will follow.

i. Fire District

ii. TLT

iii. Watershed: Written Report provided by Council President Vileisis; looking for volunteers, ongoing and upcoming projects may require council action, potential funding close to being secured and additional documents for the council are in the process of being drafted.

iv. Port

v. Parks

vi. Emergency Management

vii. School District

viii. Main Street: Written Report provided by Councilor Burns; 70% of bike rack project funding has been secured, TLT grant is requested for remainder. Unspent funds from previous year will spent on new Website. Additional TLT grant funding requested for landscaping projects.

9. Old Business

None

10. New Business:

a. Resolution 2023-04: The City council adopted Ordinance 2022-04 establishing regulations concerning water curtailment and establishing Port Orford Municipal Code (POMC) Chapter 13.05. POMC 13.05.100 establishes regulation of applications for new water service. In administering this section, staff has found that there has been some inconsistency in the interpretation of certain terms, such as “new” or “additional.” (7:30)

Discussion: Councilors raised concerns over specific verbiage being used within the resolution and its implications. Condition 3): Councilors confused by “production is at or above 350 million gallon per day” as a condition to declare risk level; confusion comes from both the “at or above” when the other conditions are “at or below” and millions of gallons per day instead of gallons per minutes.

Council President Vileisis moved to approve Resolution 2023-04 conditionally upon condition 3 being reworded to make it clearer and to change a mistake; GPM means Gallons Per Minute, not Millions of Gallons Per Day. Additionally, the terminology of “Draught Conditions” needs to be changed to “Emergency Conditions”. Additionally, Conditions need to include the language “include but not limited to” as to allow the Head of Public Works to retain some autonomy in water risk assessment.

Council Pogwizd as second. *Motion carried 6-0. (7:55)*

<i>Councilor Burns</i>	<u><i>Yes</i></u>	<i>Councilor Vileisis</i>	<u><i>Yes</i></u>	<i>Councilor Webb</i>	<u><i>Yes</i></u>
<i>Councilor Rask</i>	<u><i>Yes</i></u>	<i>Councilor Tidey</i>	<u><i>Yes</i></u>	<i>Councilor Pogwizd</i>	<u><i>Yes</i></u>

b. Janitorial Contract: The City has been operating without Janitorial Staff since December 2022; at this time city staff cleans their own work areas once a week and work together to clean common areas. The proposed contract is for \$2450 monthly with an additional \$12.50/hour should janitorial services be needed outside normal work hours and would become effective May 1st 2023 and remain in effect until May 1st 2024 unless renewed.

Discussion: Councilors began by asking questions about the application process and how we receive bids. This evolved into a discussion on why the current contract is for \$600 a month more than the previous one, it seems to be primarily based on insurance requirements changing and to address the discrepancy in amount of work between the seasons; Council split on whether this is high pay for janitorial staff. Chief Hobart confirmed that the applicant cleared criminal

background check and could work in PD and Public Works Head Isadore stressed the impact of needing to dedicate Public Works employees to cleaning public restroom facilities.

Councilor Tidey motioned to hire the employee.

Council President Vileisis seconded.

At this time, it is brought to the councils attention that the correct motion should be to approve the contract

Councilor Tidey rescinds his previous motion to hire.

Councilor Tidey motions to approve the contract.

Council President Vileisis seconded

Motion Carries 5-1 (8:17)

Councilor Burns	<u>Yes</u>	Councilor Vileisis	<u>Yes</u>	Councilor Webb	<u>Yes</u>
Councilor Rask	<u>No</u>	Councilor Tidey	<u>Yes</u>	Councilor Pogwizd	<u>Yes</u>

c. Liaison Reports: Two of the traditional liaison assignments are vacant; fire and school. Additionally, some council members wish to be reassigned. The Council assigned and confirmed the following roles:

- i.** Fire District - Burns
- ii.** TLT - Pogwizd
- iii.** Watershed - Vileisis
- iv.** Port - Webb
- v.** Parks - Tidey
- vi.** Emergency Management - Burns
- vii.** School District - Rask
- viii.** Main street – Burns

Discussion: Councilors assigned/resigned from roles; Mayor Cox relinquished Port Liaison to avoid conflict of interest. Police removed as a Liaison, none needed at this time. Councilors reviewed the list of Liaisons while assigning/confirming roles.

Commissioner Burns motioned to approve the assignments

Council President Vileisis seconded

Motion carries unanimously. **(8:28)**

Councilor Burns	<u>Yes</u>	Councilor Vileisis	<u>Yes</u>	Councilor Webb	<u>Yes</u>
Councilor Rask	<u>Yes</u>	Councilor Tidey	<u>Yes</u>	Councilor Pogwizd	<u>Yes</u>

d. Scheduling workshop: City Administrator Pro Tem Gary Milliman recommended a workshop to improve workflow for the Council agenda and packet.

Discussion: Minimally about setting a date

Councilor X Motions to approve workshop for May 4th at 4:30 pm
Councilor Y seconded.

Motion carries unanimously

<i>Councilor Burns</i>	<u><i>Yes</i></u>	<i>Councilor Vileisis</i>	<u><i>Yes</i></u>	<i>Councilor Webb</i>	<u><i>Yes</i></u>
<i>Councilor Rask</i>	<u><i>Yes</i></u>	<i>Councilor Tidey</i>	<u><i>Yes</i></u>	<i>Councilor Pogwizd</i>	<u><i>Yes</i></u>

e. Budget Officer Appointment: The City needs a Budget Officer. City Administrator Pro Tem Gary Milliman volunteered and recommended himself. Council agreed via consensus.

Councilor X motions to approve City Administrator Pro Tem Milliman as the budgetary officer.
Councilor Y seconded.

Motion carries unanimously

<i>Councilor Burns</i>	<u><i>Yes</i></u>	<i>Councilor Vileisis</i>	<u><i>Yes</i></u>	<i>Councilor Webb</i>	<u><i>Yes</i></u>
<i>Councilor Rask</i>	<u><i>Yes</i></u>	<i>Councilor Tidey</i>	<u><i>Yes</i></u>	<i>Councilor Pogwizd</i>	<u><i>Yes</i></u>

11. Continuing action Items.

- None

12. Considerations:

Citizens: (8:29)

- **Penny Suess:** Minutes not signed, packet was not available online until day of hearing, the notice that was sent out was defective, disagrees with policies of records requests will not be fulfilled for records more than 1 year old and will cost requester, site at 860 stagecoach is continuing to be build with no erosion control or site plan on file. **(8:35)**
- **Rhone Stetzen:** Took 22 months to get documentation that should have only taken 1 month, expressed desire to see a plan that keeps law enforcement officers honest and accountable, accused Corporal Perry and Chief Hobart of altering/forging documents. **(8:38)**
- **Ms. Larson (on same call as Rhone Stetsen):** Wants to know if the Council will respond to Rhone Stetsens concerns after citizen considerations. **(8:38)**

Staff: None.

Councilors: (8:40)

- **Councilor Rask:** Raised questions on process concerning Talus Way, questions answered by Mayor Cox.
- **City Admin. Pro Tem Milliman:** Be prepared for multiple special meetings/workshops in the near future to help with work flow

Mayor: Need to be doing more to show appreciation to the city staff.

13. Future Meetings:

Thursday, May 4th, 2023, Special Council Meeting + Workshop 4:30

Thursday, May 18th, 2023, Regular Council Meeting 5:30.

Councilor Vileisis motioned to Move to Executive Session under ORS-192.660(2)(a)

Councilor Rask seconded

It comes to the Councils attention that the ORS being called for Executive Session is incorrect.

Councilor Vileisis rescinds motion to Move to Executive Session under ORS-192.660(2)(a)

Councilor Vileisis motioned to Move to Executive Session under ORS-192.660(2)(f)

Councilor Rask seconded

Motion carried 5-1

<i>Councilor Burns</i>	<u><i>Yes</i></u>	<i>Councilor Vileisis</i>	<u><i>Yes</i></u>	<i>Councilor Webb</i>	<u><i>No</i></u>
<i>Councilor Rask</i>	<u><i>Yes</i></u>	<i>Councilor Tidey</i>	<u><i>Yes</i></u>	<i>Councilor Pogwizd</i>	<u><i>Yes</i></u>

Adjourn: There being no further business, Mayor Cox Adjourned the meeting at 9:00 p.m and moved into Executive session.

Attest:

Mayor, Pat Cox

City Recorder, Joseph Harrison

**City of Port Orford
City Council Meeting
In the Gable Chambers / Virtual participants
Thursday, May 4, 2023 at 5:30 P.M.**

Mayor and Council	Present	City Staff	Present
<i>Pat Cox, Mayor</i>	X	<i>CA Pro Tem Milliman</i>	X
<i>Brett Webb</i>	X	<i>Shala Kudlac, City Attorney</i>	X
<i>Gary Burns</i>	X	<i>John Isadore, Public Works</i>	X
<i>Perri Rask</i>	Absent	<i>Joseph Harrison, Planning Tech</i>	X
<i>Ann Vileisis</i>	X		
<i>Greg Tidey</i>	X		
<i>Tim Pogwizdt</i>	X		

The minutes were prepared to the best of our ability considering the challenging quality of the audio for those attending in the Gable Chambers. The beginning Executive session held immediately prior was not recorded.

Others Present: none

14. Call to Order: (4:30)

- a. Mayor Cox called to order this Executive session of the Common Council on May 4th, 2023, at 4:30 pm.

15. Call to Order: (5:46)

- a. Mayor Cox call to order this Meeting of the Common Council on May 4th, 2023, at 5:46 pm; ending the executive session

16. Action Items from Executive Session

- a. Councilor Webb motions to direct staff to enter negotiations with John Huttl to be next City Admin.
- b. Councilor Pogwizdt seconds.

Councilor Burns Yes *Councilor Vileisis* Yes *Councilor Webb* Yes
Councilor Pogwizdt Yes *Councilor Tidey* Yes

- c. Motion Carries Unanimously
- d. Discussion: Held during Executive Session

17. Resolution 2023-05: Temporary Suspension of Water Connection Requirement and Permit System for Hard Surface Washing (5:47)

- a. Councilor Pogwizdt motions to deny the resolution
- b. Councilor Tidey seconded

- c. **Discussion: Councilor Pogwidt there are multiple people in town who have wells, we shouldn't punish them for not hooking up to city water. Council President Vileisis we need to draw the line somewhere, we currently have over 70 wells in town; this reduces revenue to our City Water System and is a potential Health Hazard. Mayor Cox; this is two different conversations, one about not allowing wells, one about requiring City Water Hook-ups. Shala Kudlac-Law reads code showing that subdivisions can be accepted with domestic source of water.**
- d. **Councilor Pogwidzt rescinds his motion**
- e. **Councilor Pogwidzt motions adopt the power wash permit portion of the Resolution and table the well portion of the Resolution (6:15)**
- f. **Councilor Burns Seconded**
- g. **Vote:**

<i>Councilor Burns</i>	<u>Yes</u>	<i>Councilor Vileisis</i>	<u>Yes</u>	<i>Councilor Webb</i>	<u>Yes</u>
<i>Councilor Pogwidzt</i>	<u>Yes</u>	<i>Councilor Tidey</i>	<u>Yes</u>		

18. Brief Recess while councilors use restroom, stretch legs, and people enter/leave

19. Workshop: Council Agenda Preparation (6:20)

- a. **City Admin Pro Tem Gary Milliman begins by making the following suggestion on meeting**
 - i. **Do liaison and departmental reports once month instead of each regular session; holding one extra meeting will drastically cut down the amount of time spent at each meeting. This will also help with Councilor focus and participation in meetings. Additionally, there needs to be time between the construction of an item and its action.**
 - ii. **Put more items in the Consent Calendar, specifically previously agreed upon budget items, as spending time going over previously decisions removes time from more critical items.**
 - iii. **Include the financial impact of motions on the motions themselves; think about more than the immediate costs, there is always upkeep/maintenance.**
 - iv. **Keep backgrounds concise to the Who, What, When, Where and Why.**
 - v. **Limit the number of attachments; summaries of important documents are fine. The Council shouldn't be discussing measurements or code, those problems should be addressed to staff.**
 - vi. **Introduction of the "Look Ahead" system used in other, larger cities. Focuses on getting the items that consistently arise in on the correct meetings and prioritizes critical items. This allows everyone to know that their item will be discussed, but it may not be critical enough to be addressed at the subsequent meeting.**
- b. **Discussion: Councilors Webb and Pogwidzt discuss whether or not we should/could have workshops/special sessions/executive sessions back to back and the distinction between those types of meetings. Council President Vileisis brings up the importance of planning for the future and how it will stream line these meetings. Discussion ends with the Councilors thanking City Admin Pro Tem Gary Milliman for all the work he done for the city. (7:12)**

20. Schedule Budget Workshop

- a. City Admin Pro Tem Gary Milliman explained that we've overspent in several areas and underspent in several areas and agrees to provide either a working budget or a balanced budget at the next meeting.**
- b. Councilors agree by consensus to have a Budget Meeting on Friday May 12th 2023 at 3:00 pm.**

21. Adjourn:

- a. There being no further business, Mayor Cox Adjourned the meeting at 7: 12p.m.**

Attest:

Mayor, Pat Cox

Council President, Ann Vileisis



TEMPORARY SALES LICENSE – FOR-PROFIT (TSL-FP)

ELIGIBILITY FOR A TSL-FP

YES, if you are any person or organization who does not manufacture alcoholic beverages and who does not import or cause to be imported into Oregon an alcoholic beverage for sale or distribution in Oregon. The following OLCC licensees are also eligible: Full On-Premises, Limited On-Premises, Off-Premises, and Brewery-Public House.

NO, if you are a person or organization who makes alcoholic beverages within Oregon or who imports or causes to be imported into Oregon an alcoholic beverage for sale or distribution in Oregon. This includes the following OLCC licensees: Brewery, CERA, CERD, Distillery, Grower Sales Privilege, Warehouse, Wholesale Malt Beverage and Wine, and Winery. This also includes wineries, breweries, distilleries, and wholesalers in other states.

LICENSE PRIVILEGES OF A TSL-FP

- Sell at retail distilled spirits, malt beverages, wine, and cider by the drink for consumption in the special event licensed area.
- Sell at retail factory-sealed containers of malt beverage, wine, and cider meant for drinking off of the special event licensed area. Note: you may not sell bottles of distilled liquor.
- Sell at retail malt beverages, wine, or cider in a securely covered container (growlers) meant for drinking off of the special event licensed area. The container may not hold more than two gallons.
- Auction (but not raffle) at retail factory-sealed containers of malt beverage, wine, and cider (but not distilled liquor) for consumption off the premises.
- Auction (but not raffle) at retail open containers of alcohol for consumption on the premises.
- Delivery of malt beverages, wine, or cider. Deliveries must occur during the period of the special event license.
- Marijuana use is not allowed: The use of marijuana (both recreational and medical) is not allowed on your special event licensed premises.

****Before you submit an application for TSL-FP, read the [Special Event Guide for TSLs and Exempt Events](#). Use this guide to assist you in selecting the appropriate special event application and for completing the application.****

OTHER IMPORTANT INFORMATION

OLCC may refuse to process your application if it is not complete or is not submitted in sufficient time for the OLCC to investigate. Typically, an application that is accepted by the OLCC as complete at least two to four weeks before the event date is sufficient time to process most applications.

Managing Your Event - Not following your written plan for managing your event may result in liquor law violations and may cause the OLCC to deny your future TSL applications.

Marijuana use is not allowed: The use of marijuana (both recreational and medical) is not allowed on your special event licensed premises.



TEMPORARY SALES LICENSE – FOR-PROFIT (TSL-FP)

DIRECTIONS FOR COMPLETING THE TSL-FP APPLICATION

1. Fill out the TSL-FP application form completely.
2. Get your application signed by the local government where the event will take place before you submit it to your local OLCC office (the local government is either the local city if the event address is within the city's limits or the local county if the event address is outside the city's limits). The local government may charge you a fee.
3. To avoid a delay in processing your special event license application and to increase the likelihood that the OLCC will be able to approve your application in time for your event, please submit your special event license application to the OLCC office serving the county in which your special event will happen. Find the OLCC office here: [OLCC offices & the counties they serve](#).
 - a. Submit forms to your OLCC office at least two weeks before the date(s) of an event with 1,000 or fewer expected attendees and at least 30 days before the date(s) of an event with 1,001 or more expected attendees.
 - b. Submit the signed application form and the OLCC \$50 per day license fee (\$50 per license day or any part of a license day) and any other required documents to the OLCC. Make payment by check or money order, payable to OLCC. A license day is from 7:00 am to 2:30 am on the succeeding calendar day.

TSL-FP LICENSE PRIVILEGES:

- Sell distilled spirits, malt beverages, wine, and cider by the drink for consumption in the special event licensed area (provided you meet the food requirements).
 - Sell manufacturer-sealed containers of malt beverage, wine, and cider meant for drinking off of the special event licensed area. Note: you may not sell bottles of distilled spirits.
 - Sell malt beverages, wine, or cider in a securely covered container (i.e. growlers) meant for drinking off of the special event licensed area. The container may not hold more than two gallons.
 - Delivery of malt beverages, wine or cider. Deliveries must occur during the period of the special event license.
 - Auction (but not raffle) at retail factory-sealed containers of malt beverage, wine, and cider (but not distilled liquor) for consumption off the premises.
 - Auction (but not raffle) at retail open containers of alcohol for consumption on the premises.
- **Process Time:** Please read the instructions. OLCC needs your completed application in sufficient time to approve it. Sufficient time is typically 2 to 4 weeks before the first event date listed in #6 below (some events may need extra processing time). OLCC may refuse to process your application if it is not submitted in sufficient time for the OLCC to investigate it.
 - **OLCC License Fee:** \$50 per license day or any part of a license day. **Make payment by check or money order, payable to OLCC.** A license day is from 7:00 am to 2:30 am on the succeeding calendar day.
 - **License Days:** In #6 below, you may apply for a maximum of **seven** license days per application form.

APPLICATION ON THE FOLLOWING PAGE



TEMPORARY SALES LICENSE – FOR-PROFIT (TSL-FP)

APPLICATION: Page 1 of 2

1. Applicant Name: Sea Wolf Books
2. Contact Person: Charlie Stephens
3. Contact Phone: 4153106904
4. Contact E-mail: info@seawolfbooks.com
5. Event Name: Writers with Drinks Happy Hour
6. Date(s) of event (no more than **seven** days): June 2, 2023
7. Start/End hours of alcohol service: 5pm to 6:30pm (Include am/pm)
8. Address of Special Event: 324 6th Street (street) Port Orford (city) 97465 (zip code)
9. Is any part of the special event licensed premises outdoors? Yes No
 - **If yes, please submit a drawing** showing the licensed area and how the boundaries of the licensed area will be identified.
10. List the name(s) and service permit number(s) of alcohol manager(s) that will be on-duty and in the licensed area:
Charlie J. Stephens 7829WJ
11. What is the expected attendance per day in the area where alcohol will be sold or consumed? 20
 - If the expected attendance per day in the licensed area (where alcohol will be sold or consumed) is **501 or more**, please **submit a Plan to Manage** along with this application.
 - If the expected attendance is **301 or more** per day, the event must have at least \$300,000 of liquor liability insurance coverage (ORS 471.168) and you must also answer questions 12 and 13. If your answer is 300 or fewer per day, please skip questions 12 and 13.
12. Insurance Company: Hartford Insurance
13. Policy #: 308271662569305



TEMPORARY SALES LICENSE – FOR-PROFIT (TSL-FP)

APPLICATION: Page 2 of 2

GOVERNMENT RECOMMENDATION. Please read the instructions. You must obtain a recommendation from the local city or county named below in #14 before submitting this application to the OLCC.

14. Name of the **CITY** if the event address is within a city's limits: Port Orford

OR

Name of the **COUNTY** if the event address is outside the city's limits: _____

I affirm the following:

- Minors (people under the age of 21) and visibly intoxicated people will not be allowed to buy, possess, or consume alcohol.
- The only open containers of alcoholic beverage that may be taken off the licensed area are securely covered containers (growlers) of malt beverage, wine, or cider. I will not allow any other open container of alcoholic beverage to leave the licensed area.
- Marijuana (such as use, consumption, ingestion, inhalation, samples, give-away, sale, etc.) is prohibited on the special event licensed premises.
- The event will meet the food service requirements of a TSL-FP. (See the [Special Event Guide for TSLs and Exempt Events.](#))
- I am authorized to sign this application on behalf of the applicant.

Name of individual signing (please print): Charlie J. Stephens

SIGNATURE (electronic signature acceptable): *Charlie J. Stephens* Date: 4/25/2023

CITY OR COUNTY USE ONLY The city/county named in #14 above recommends:

Grant Acknowledge Deny (attach written explanation of deny recommendation)

(Optional) City/County contact person and phone number or email: _____

City/County Signature: _____ **Date:** _____

FORM TO OLCC: This license is valid only when signed by an OLCC representative. Submit your special event application to the OLCC office regulating the county in which your special event will happen. Find the OLCC office here: [OLCC offices & the counties they serve.](#)

OLCC USE ONLY Fee Paid: _____ Date: _____ Receipt #: _____

License is Approved Denied

OLCC Signature: _____ **Date:** _____

LIQUOR LICENSE APPLICATION

Page 1 of 4

Check the appropriate license request option:

- New Outlet | Change of Ownership | Greater Privilege | Lesser Privilege | Additional Privilege

Select the license type you are applying for.

More information about all license types is available [online](#).

Full On-Premises

- Commercial
- Caterer
- Public Passenger Carrier
- Other Public Location
- For Profit Private Club
- Nonprofit Private Club

Winery

- Primary location
- Additional locations: 2nd 3rd 4th 5th

Brewery

- Primary location
- Additional locations: 2nd 3rd

Brewery-Public House

- Primary location
- Additional locations: 2nd 3rd

Grower Sales Privilege

- Primary location
- Additional locations: 2nd 3rd

Distillery

- Primary location
- Additional tasting locations: 2nd 3rd 4th 5th 6th

Limited On-Premises

Off Premises

Warehouse

Wholesale Malt Beverage and Wine

INTERNAL USE ONLY

Local Governing Body: After providing your recommendation, return this application to the applicant.

LOCAL GOVERNING BODY USE ONLY

City/County name:

Date application received:

Optional: Date Stamp



Recommend this license be granted

Recommend this license be denied

Printed Name

Date

APPLICANT INFORMATION	
Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.	
Name of entity or individual applicant #1: Gary Aiello	Name of entity or individual applicant #2: Michael Wells
Name of entity or individual applicant #3: Portside Market and Cafe LLC	Name of entity or individual applicant #4:

BUSINESS INFORMATION		
Trade Name of the Business (name customers will see): Portside Market and Cafe		
Premises street address (The physical location of the business and where the liquor license will be posted): 831 Oregon St		
City: Port Orford	Zip Code: 97465	County: Curry
Business phone number: 541-655-0715	Business email: PortsidePo@gmail.com	
Business mailing address (where we will send any items by mail as described in OAR 845-004-0065[1]): P.O. Box 849		
City: Port Orford	State: OR	Zip Code: 97465
Does the business address currently have an OLCC liquor license? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Does the business address currently have an OLCC marijuana license? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

AUTHORIZED REPRESENTATIVE – A liquor applicant or licensee may give a representative authorization to make changes to the license or application on behalf of the licensee or to receive information about a license or application.		
I give permission for the below named representative to:		
<input type="checkbox"/> Make changes regarding this license/application on my behalf.		
<input type="checkbox"/> Receive information about the status of this application, including information about pending compliance action or communications between OLCC and the licensee/applicant.		
Representative Name:		
Phone number:	Email:	
Mailing address:		
City:	State:	Zip Code:

APPLICATION CONTACT INFORMATION – Provide the point of contact for this application. If this individual is not an applicant or licensee, the Authorized Representative section must be filled in and the appropriate permission(s) must be selected.

Application Contact Name:

Michael Wells

Phone number:

541 366-1471

Email:

PortsidePo@gmail.com

TERMS

- “Real property” means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- “Common area” is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area’s designation as a “common area” is typically identified in the lease or rental agreement.

ATTESTATION – OWNERSHIP AND CONTROL OF THE BUSINESS AND PREMISES

- Each applicant listed in the “Application Information” section of this form has read and understands OAR 845-005-0311 and attests that:
 1. At least one applicant listed in the “Application Information” section of this form has the legal right to occupy and control the real property proposed to be licensed as shown by a property deed, lease, rental agreement, or similar document.
 2. No person not listed as an applicant in the “Application Information” section of this form has an ownership interest in the business proposed to be licensed, unless the person qualifies to have that ownership interest waived under OAR 845-005-0311.
 3. The licensed premises at the premises street address proposed to be licensed either:
 - a. Does not include any common areas; or
 - b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.
 - In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in “common areas” and that this requirement applies at all times, even when the business is closed.
 4. The licensed premises at the premises street address either:
 - a. Has no area on property controlled by a public entity (like a city, county, or state); or
 - b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) permission to exercise the privileges of the license in the area.



LIQUOR LICENSE APPLICATION

Page 4 of 4

• Each applicant listed in the "Application Information" section of this form has read and understands OLCC 845-006-0362 and attests that:

1. Upon licensure, each licensee is responsible for the conduct of others on the licensed premises, including in outdoor areas.
2. The licensed premises will be controlled to promote public safety and prevent problems and violations, with particular emphasis on preventing minors from obtaining or consuming alcoholic beverages, preventing over-service of alcoholic beverages, preventing open containers of alcoholic beverages from leaving the licensed premises unless allowed by OLCC rules, and preventing noisy, disorderly, and unlawful activity on the licensed premises.

I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application, are true and complete.

<u>Michael Wells</u> Print name	<u></u> Signature	<u>5-5-23</u> Date	 Atty. Bar Info (if applicable)
<u>Gary Aiello</u> Print name	<u></u> Signature	<u>5-5-23</u> Date	 Atty. Bar Info (if applicable)
 Print name	 Signature	 Date	 Atty. Bar Info (if applicable)
 Print name	 Signature	 Date	 Atty. Bar Info (if applicable)

**Watershed Liaison Report, May 2023
Submitted by Councilor Ann Vileisis**

On Thursday May 11, the Port Orford Watershed Council (POWC) organized volunteers to mechanically remove gorse seedlings and to plant grass seed mix around trees that were planted in January. Curry Soil and Water Conservation District staff person Erin Minster led this effort with help from POWC members.

On June 6 at 6:30pm, the POWC will hold an educational presentation at the Port Orford Library regarding the Forest Stewardship Plan and Fire Risk Reduction plan for our watershed. This presentation will provide information about our drinking water source area and what landowners who live in the watershed can do to help conserve our city's drinking water supply. At this event, new brochures about stewardship of watershed lands will be available. These have been funded by the same grant that we used to get the Forest Stewardship plan written.

The POWC has also purchased new signs for watershed lands (that say what previous signs said)—watershed lands, authorized personnel only—that can be used as needed. These are also funded as part of the watershed stewardship grant.

The educational event, brochures, and signs will be the last activities and items funded by our watershed forest stewardship grant.

The purchase of the 160-acre parcel in Port Orford's Drinking Water Source area from The Conservation Fund (TCF) (with the assistance of a half forgivable Clean Water State Revolving Fund loan is proceeding slowly but surely!)

To qualify for the SRF loan, we've had to complete some final paperwork. Most recently Councilor Vileisis and Linda Tarr worked with DEQ staff—with help from CA pro tem Milliman, staff and CW engineers—to complete a Cost Efficiency Analysis. We recently learned that this was approved!

In the meantime, the Mayor signed a purchase and sale agreement (with helpful input from Counsel McKenzie), and the city has entered into escrow, preparing to purchase the land, contingent, of course, on the final approval of the loan. The closing date is no later than August 30. We expect that DEQ will be able to finalize its paperwork in mid-June—and so we anticipate that Council will need to approve some final motions at its June meeting.

Linda Tarr plans to walk the TCF parcel sometime next week to see if gorse is sprouting in the fire break. If so, they will aim to plant grass seed there, also. The proposed work day for that is
May 22.

Members of the POWC toured the Nature Trail in Buffington Park and were troubled to find a lot of trash and vandalism of the brochure box and trail markers. Linda Tarr will repair the box.

They started picking up litter but soon found that there is more than a truck load, spread throughout. It appears that there are multiple abandoned campsites. They asked Public Works staff to ask if the City could pick up the garbage if volunteers bring it out to the street. They wanted to check first with the police. Staff said that people say that it is illegal to remove what we perceive as trash, if it includes possessions which homeless people need. The Chief thinks it is OK to pick up trash, but that it would be best to consult with police if people come across what looks like a "currently lived in tent" and also to be very careful about the potential for there to be hazardous trash. The POWC intends to coordinate with the Parks Commission regarding this situation.

POWC is still very interested to support efforts to repair the Wetland Walkway. They understand that it is now up to the City to pursue an insurance claim. They urge the City move forward on that as capacity allows since it is a wonderful and important community asset.

The POWC agreed that it is appropriate to start meeting in person again. They are looking into resuming their traditional meeting time at City Hall on the first Wednesday of the month.



TO: Mayor and City Council

FROM: City Administrator Pro Tem

DATE: May 18, 2023

RE: Final Order and Record of Decision Appeal of CUP 16-02 and CUP 16-03

ISSUE: Findings of Fact and uphold Planning Commission decision concerning the appeal of CUP 16-02 and 16-03

RECOMMENDATION: Adopt Findings of Fact and uphold Planning Commission decision concerning the appeal of CUP 16-02 and 16-03

BACKGROUND: At its meeting of April 20, 2023, the City Council conducted a public hearing on an appeal of the Planning Commission approval allowing an extension of time on two Conditional Use Permits, namely CUP 16-02 and CUP 16-03, and directed the City Attorney to prepare findings of fact in support of said decision for final approval by the City council at the meeting of May 18, 2023.

MOTION(S): Motion to adopt the Findings of Fact as presented in the Record of Decision prepared by the City Attorney and uphold the decision of the Planning Commission to allow the extension of CUP 16-02 and CUP 16-03 for a period of one year commencing May 18, 2023, which is the conclusion of the local appeals process.

Attachment:

- a. Record of Decision

**OF THE CITY COUNCIL
FOR THE CITY OF PORT ORFORD**

FILE NUMBER: CUP 16-02 and CUP 16-03

APPLICANT: Elk River Property Development, LLC

REQUEST: Appeal of Planning Commission decision dated January 10, 2023 which approved a request for extension of CUP 16-02 and CUP 16-03

REVIEWING BODY: Port Orford City Council

APPLICABLE CRITERIA: POMC (Port Orford Municipal Code) Chapters:
17.032.060 Time Limit on a permit for conditional uses

FINAL ORDER: Planning Commission allowing the extensions has been UPHELD

SIGNED: May 18, 2023

BACKGROUND

On January 10, 2023 the Port Orford Planning Commission approved a one-year extension of two Conditional Use Permits, 16-02 and 16-03. The extension approval has been appealed by Penny Suess to the City Council. The City Council conducted a public hearing on the appeal on April 20, 2023 in which public testimony was given. After hearing testimony and reviewing the record the Port Orford City Council voted 5 to 1 to affirm the Planning Commission decision allowing the extension of the two permits and directed staff to draft the following Findings.

Chapter 17.032.060 Time limit on a permit for conditional uses

Authorization of a conditional use shall be void after one year or such lesser time as the authorization may specify unless substantial construction has taken place. However, the Planning Commission may extend authorization for an additional period not to exceed one year, upon written application to the Planning Commission. (Ord. 278 6.050, 1977).

FINDING: Previous extensions of time for these permits have been granted by the City. A previous appeal to LUBA resulted in a decision affirming the City's ability to grant multiple extensions under this code provision. The issue of whether to grant an extension is solely within the discretion of the City. Construction has not yet started on the pipeline therefore another one-year extension is needed to keep the original permits active so they may move through the DEQ process. The applicant's request for an extension of time under POMC 17.032.060 is allowed under this code provision.

DECISION: The Planning Commission Decision to allow the extension of CUP 16-02 and 16-03 for the period of one year is hereby UPHELD.

Pat Cox, City of Port Orford Mayor



TO: Mayor and City Council

FROM: City Administrator Pro Tem

DATE: May 18, 2023

RE: Replacing the City's Main Computer Server

ISSUE: Replacing the City's Main Computer Server

RECOMMENDATION: Appropriate funds for computer system server emergency replacement in the amount of \$18,275..

BACKGROUND: On April 4, the City Administrator Pro Tem was informed that several City computer system work stations had repeatedly "crashed" in recent weeks and that the City's IT consultant, Comp-U-Talk, had recommended an immediate replacement of the Tower Server in order to avoid a catastrophic failure of the utility system, police information system and other essential aspects of the City's computer network. Comp-U-Talk provided a proposal regarding this matter on March 15, 2023, but action was delayed due to a change in management. The total cost of this server replacement was quoted at \$18,275

The City Administrator Pro Tem issued an emergency purchase order for this equipment on April 4 and is requesting confirmation of the purchase by the City Council and authorization to allocate funds from the existing budget to cover the cost of this purpose.

The recommended source of funding is the General Fund Non Departmental budget, Repair and Maintenance City Hall line item which has an unexpended balance of just under \$20,000. No budget adjustment would be needed if the purchase was allocated as recommended.

MOTION(S): Motion to confirm the emergency purchase of a Tower Server in the amount of \$18,275 from the General Fund Non-Departmental account, City Hall Repair line item.

Attachment:

- a. Proposal from Compu-U-Talk



March 15, 2023

City of Port Orford
 PO Box 310
 555 W 20th Street
 Port Orford, OR 97465

Attn: Jessica
 541-655-0044 cell, 541-366-4568 office
 Regarding Servers

I have consulted with Tyler concerning your need for new servers. This is an updated bid based on their current server requirements, which are more robust than what I originally recommended in November.

Servers

Tower Server with redundant power supplies, 2-XEON 2.5 GHz CPU's, 128 GB RAM, 2-250 GB SSD boot drives (mirrored), 4-1.92 TB SSD data drives (striped, 1.92 TB capacity), Qty2-Windows Server 2022 Standard (with downgrade rights to 2019), 10 Client Access licenses, SQL Standard Server 2019, 5 CAL for SQL, 5 years Standard Server 24x7 Tech Support-US based. \$18,275

Notes: This system is sized to run 4 servers on one machine. This technique is called Hyper-V. It will allow 1 server to replace what you currently refer to as the app server, and also replace the SQL server. Best practices are recommending that we separate out the Active Directory/Domain server from the App Server which requires a 3rd Server and the need for an extra Server 2022 license. The standard Server 2022 license will cover up to 2 servers. Because we need to separate out Active Directory, we will need an additional license.

Off-Site Backups

Option 1: DATTO-Off-Site Backup and Local Backup Appliance, can backup both servers. Backups can be scheduled to happen once per day, or several times per day. If the server crashes, the appliance can be configured to replace the failed server and the office continues to function. This device can backup multiple servers.

		S5-2 TB of Backup Space	S5-3 TB of Backup Space
One Time Purchase	Device Cost w/o Contract	\$3079	\$3079
	Device Cost w/ 1 yr contract	\$2770	\$2770
	Device Cost w/ 2 yr contract	\$2465	\$2465
	Device Cost w/ 3 yr contract	Free While Supplies Last	Free While Supplies Last
Monthly Recurring	Data Cloud Storage Costs		
	Infinite Cloud Retention	\$584	\$735
	7 yr cloud retention	\$554	\$704
	1 yr cloud retention	\$509	\$599

Option 2: Acronis Cloud-Only Backup, Priced per server, no local appliance. You will need 3 subscriptions. These can be spun up in the cloud. They will be slow and cumbersome, but you will have access to your data.

Up to 1000 GB (compressed) of offsite backup \$149/month/per server
 Up to 1500 GB (compressed) of offsite backup \$189/month
 Up to 2000 GB (compressed) of offsite backup \$214/month

Comp-U-Talk, Inc.

2561 Broadway, North Bend, OR 97459 ☎ (541) 756-8770 ☎ fax (541) 756-8870 ☎ www.comp-u-talk.com

Alternatively, Tyler has a cloud service for their software. I requested a bid, which they have supplied and I will attach.

The advantage of using Tyler in the cloud would be:
They will maintain the software for you. I believe, but you will need to confirm, that all software upgrades are included. They maintain the backups. You would be able to purchase a less expensive server to hold the shared files. Tyler would be available to you from anywhere with internet access.

The cloud service is not cheap. After you gasp and wheeze at the price, I would call them and ask them to explain the benefits of cloud. I'm not familiar with the Tyler software and can only ask general questions. There might be other benefits that would make the cloud version more attractive and affordable.

Also, regardless of whether you move forward with replacing the aging servers, or if you move forward with moving to the cloud, you will want to know that working remotely with the app server, has become nonfunctional. This is going to make migrating Tyler, whether to a new server or to the cloud, very difficult. I can attempt to load other remote connection software but I can't guarantee success. I will do everything in my power to assist, but you need to be prepared for large labor bills. Our current labor rate is \$129/hr. I suspect Tyler charges for migration services as well, but you will want to confirm their rates when you talk to them about cloud services.

If you have questions or want to move forward with onsite servers, please call me.

Respectfully,

Janet Riley
janet@comp-u-talk.com
541-756-8770

Comp-U-Talk, Inc.

2561 Broadway, North Bend, OR 97459 ☎ (541) 756-8770 ☎ fax (541) 756-8870 ☎ www.comp-u-talk.com



Sales Quotation For:
City of Port Orford
555 W 20th St
Port Orford OR 97465-0310
Janet Riley
+1 (541) 290-2407
janet@comp-u-talk.com

Quoted By: Brandon Swanson
Quote Expiration: 09/17/23
Quote Name: SaaS Flip

Tyler Annual Software – SaaS

Description	Annual
ERP Pro 10: Financial Management Suite	\$ 9,264
Core Financials	\$ 3,266
Human Resources Management (Includes Position Budgeting)	\$ 2,155
Purchasing	
ERP Pro 10: Customer Relationship Management Suite	\$ 4,572
Utility Billing Water/Gas	\$ 1,306
Cashiering	\$ 579
Enhanced Utility Bill	

2023-394667-PS14P2

Original Notice provided by Provider:
 Municipal Justice 10 Suite
 Criminal Case Manager

\$ 3,266

\$ 24,408

TOTAL:

Summary	One Time Fees	Recurring Fees
Total SaaS		\$ 24,408
Total Tyler Services	\$ 0	\$ 24,408
Summary Total	\$ 24,408	
Contract Total		

Comments

- Work will be delivered remotely unless otherwise noted in this agreement.
 - Expenses associated with onsite services are invoiced according to Tyler's standard business travel policy.
- SaaS is considered a term of one year unless otherwise indicated.

Core Financials includes general ledger, budget prep, bank recon, AP, CellSense, a standard forms pkg, output director, positive pay, secure signatures.

Cashiering supports credit/debit cards via ETS, includes PCI Compliant, a cash collection interface, a cashiering receipt import)
Utility CIS System includes collections, tax lien process and import, a standard forms pkg., output director and one Utility handheld meter-reader interface.



November 4, 2022

City of Port Orford
PO Box 310
555 W 20th Street
Port Orford, OR 97465

Attn: Jessica
541-655-0044 cell, 541-366-4568 office
Regarding Server & Off-Site Backups

Servers

Option 1:

Tower Server with single CPU-E2378, 64 GB RAM, 2-250 GB SSD boot drives (mirrored), 2-2 TB SATA 7.2KRPM mechanical data drives (mirrored), Windows Server 2022 Standard (with downgrade rights to 2019), 10 Client Access licenses, 5 years Standard Server 24x7 Tech Support-US based. \$7,215

Notes: This closely matches the existing server. The data drive is double the size of the existing server. The drives are mechanical, which means they are slower than the recommended SSD drives.

Option 2:

Tower Server with single CPU-E2378, 64 GB RAM, 2-250 GB SSD boot drives (mirrored), 2-1.92TB SSD data drives (mirrored), Windows Server 2022 Standard (with downgrade rights to 2019), 10 Client Access licenses, 5 years Standard Server 24x7 Tech Support-US based. \$9071

Notes: This closely matches the existing server. The data drive is double the size of the existing server. The drives are SSD which means they are 10+ times faster than what is in the existing server.

Option 3:

Tower Server with redundant power supplies, single CPU-Silver 4208 with option to add a 2nd CPU, 64 GB RAM, 2-250 GB SSD Hot Swappable boot drives (mirrored), 2-2 TB SATA 7.2KRPM mechanical Hot Swappable data drives (mirrored), Windows Server 2022 Standard (with downgrade rights to 2019), 10 Client Access licenses, 5 years Standard Server 24x7 Tech Support-US based. \$10,800

Notes: This system has slower processor than option 1 or option 2. The Hard drives are SSD so the system will remain fast. The Hard Drives and power supplies are Hot Swappable, which means you don't have to turn the server off to replace them. Personally, I think, if we needed to replace a hard drive or a power supply, I would turn the system off anyway.

Option 4:

Tower Server with redundant power supplies, single CPU-Silver 4208 with option to add a 2nd CPU, 64 GB RAM, 2-250 GB SSD Hot Swappable boot drives (mirrored), 2-1.92TB SSD Hot Swappable data drives (mirrored), Windows Server 2022 Standard (with downgrade rights to 2019), 10 Client Access licenses, 5 years Standard Server 24x7 Tech Support-US based..... \$12,558

Notes: Same as Option 3, but with a second processor.

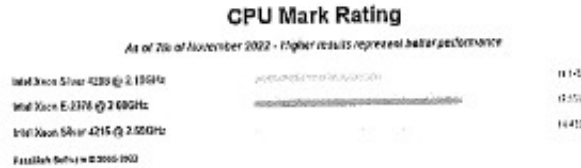
Comp-U-Talk, Inc.

2561 Broadway, North Bend, OR 97459 ☎ (541) 756-8770 ☎ fax (541) 756-8870 🌐 www.comp-u-talk.com

Option 5:

Tower Server with redundant power supplies, 2-CPU Silver 4215, 64 GB RAM, 2-250 GB SSD boot drives (mirrored), 2-1.92 TB SSD data drives (mirrored), Windows Server 2022 Standard (with downgrade rights to 2019), 10 Client Access licenses, 5 years Standard Server 24x7 Tech Support-US based. \$14,157
 Add additional 64 GB RAM..... +\$670

Notes: This system is sized to run 2 servers on one machine. This technique is called Hyper-V. It will allow 1 server to replace what you currently refer to as the app server, and also replace the Tyler server. A 2-for-1.



Off-Site Backups

Option 1: DATTO-Off-Site Backup and Local Backup Appliance, can backup both servers. Backups can be scheduled to happen once per day, or several times per day.

		S5-4 TB of Backup Space	S5-6 TB of Backup Space
One Time Purchase	Device Cost w/o Contract	\$2859	\$3699
	Device Cost w/ 1 yr contract	\$2573	\$3329
	Device Cost w/ 2 yr contract	\$2287	\$2959
	Device Cost w/ 3 yr contract	Free While Supplies Last	Free While Supplies Last
Monthly Recurring	Data Cloud Storage Costs		
	Infinite Cloud Retention	\$794	\$1124
	7 yr cloud retention	\$764	\$1079
	1 yr cloud retention	\$704	\$1019

Option 2: Acronis Cloud-Only Backup, Priced per server, no local appliance.

Up to 1000 GB (compressed) of offsite backup.....\$149/month/per server
 Up to 1500 GB (compressed) of offsite backup.....\$189/month
 Up to 2000 GB (compressed) of offsite backup.....\$214/month

Respectfully,

Janet Riley
janet@comp-u-talk.com
 541-756-8770

Comp-U-Talk, Inc.

2561 Broadway, North Bend, OR 97459 ☎ (541) 756-8770 ☎ fax (541) 756-8870 ☎ www.comp-u-talk.com

Gary

From: Deana Lang <dlang@portorford.org>
Sent: Tuesday, May 2, 2023 4:38 PM
To: 'Gary Milliman'
Subject: Servers and Off Site Backup
Attachments: 20230502162705261.pdf; server & off-site backup.pdf

The attached documents are the pricing for the servers and off site backup. Jessica was supposed to present this to council back in November for approval. Shortly after Jessica was put on leave, Janet contacted me regarding it. I gave all the information to Pat to look over and he never got back to me. I spoke with Janet @ Computalk today regarding a backup failure on Tyler Software and she said that is paramount that we get these servers replaced ASAP, they could fail at any time. Janet said that if mayor or you have any questions to feel free to call her 541-756-8770. Below is the email from Janet trying to get in contact with Jessica. Hopefully this is something that we can get put on the Agenda to get approved soon.

Deana Lang
City of Port Orford
PO Box 310
Port Orford, OR 97465
Direct 541-366-4572
Fax 1-877-281-5307
dlang@portorford.org

Hi Deana,
I've been trying to get ahold of Jessica without success.
I told Levi I would pull together some info on replacing the server that did a face plant last month.
I'm attaching what the available options are.

I've also included options for offsite backup. While the server was up here, I took the liberty of installing a demo of Acronis Offsite backup. The demo period is almost up and we need to decide if we want to continue with an offsite backup, or do something else.

If you could pass this off to the appropriate people, I would appreciate it. My recommendations are highlighted in yellow.

Thank you.

Janet Riley

Comp-U-Talk, Inc.
2561 Broadway Ave.



TO: Mayor and City Council

FROM: City Administrator Pro Tem

DATE: May 18, 2023

RE: Replacing City Council Chamber AV System

ISSUE: Replacing City Council Chamber AV system.

RECOMMENDATION: Appropriate funds for Council Chambers audio/visual system replacement in the amount of \$13,000.

BACKGROUND: At an earlier meeting City Council authorized the replacement of the failing audio/visual system in the City Council Chambers. According to the draft Budget Message for fiscal 2022-23, the recommendation was to allocate \$2,132 from the Community Building Small Tools and Minor Equipment line item in the Parks Fund and \$8,893 from the American Legion Hall Small Tools and Minor Equipment line item in the Parks Fund, a combined total of \$11,025. for use in paying for the new system. According to a quote provided to the City's consultant for this project, Eric Feliciano of Media Nook, the total cost of equipment would be \$11,092.95. The City has also received an invoice from Media Nook in the amount of \$900 for consulting fees through April 28, 2023, and additional consulting fees would be charged in connection with the installation, perhaps another \$1,000. The total cost would be about \$13,000.

The "nexus" between this expenditure and the Parks Fund is unclear to the Administration at this time. The Administration recommends that funding be allocated from the General Fund Non-Departmental Budget "City Hall Repair" line item which currently has an unspent balance of \$75,000. No Budget Amendment would be needed to make this purchase under this recommendation.

MOTION(S): Motion to appropriate \$13,000 from the General Fund Non-Departmental account, City Hall Repair line item, for the purpose of purchasing a replacement audio/visual system for the City Council Chambers.

Attachment: a. Proposal from Media Nook



TO: Mayor and City Council

FROM: City Administrator Pro Tem

DATE: May 18, 2023

RE: Jubilee Requests

ISSUE: Requests from the Port Orford Jubilee

RECOMMENDATION: Review request and provide direction to staff.

BACKGROUND: The Jubilee Board of Directors has submitted the following requests for consideration by the City Council:

1. Fund the full \$15,000 cost of the fireworks for the July 4th 2023 event.
The Jubilee submitted a \$10,000 request for fireworks funding through the TLT allocation process. The City Council approved an ongoing annual allocation of \$5,000 to the Jubilee in 2022. The Jubilee reports that the \$5,000 grant in 2022 covered 33.0 per cent of the cost of the fireworks. The Jubilee is amending its TLT request to a total of \$15,000.
2. Advance approval of the Jubilee request to secure an OLCC permit to sell alcoholic beverages at the event on July 1, 2 and 4.
An OLCC permit application has not yet been submitted by the Jubilee. The Jubilee Committee reports they are discussing this matter with a local business who may sell alcoholic beverages from a food truck at Buffington Park on July 1-2 and at Battle Rock on July 4, using their existing license. Typically, OLCC will require that alcoholic beverage consumption be regulated to a certain area within the event to prevent access to minor. What the Jubilee Committee is seeking at this time is a concept approval for selling alcoholic beverages at both locations while the details are being worked out with potential vendors and the OLCC
3. Authorize use of Battle Rock and Buffington Parks for a vendor's fair.
The Jubilee is seeking to utilize Buffington Park and the entire parking lot at Battle Rock for the event. They are also seeking use of the A-Frame building for use in support of the event. They report that they have been in contact with the owners of Redfish, and the restaurant has no objection to closing the entire parking Battle Rock parking lot. The City has a lease agreement running through March, 2024, for use of the A-Frame with

Suskiyou Discovery School. A facilities use permit with insurance should be required. The Police Department should review and approve the plan for barricading the parking lot entrance.

4. Waiver of peddler's business license fee for all Jubilee vendors.
Staff understands that a \$5.00 per vendor fee was charged as a business license for the 2022 event. The Jubilee is seeking a waiver of this fee.
5. Provide two certified flaggers for the Fourth of July Parade.
The City does not have certified flaggers on staff. John Isadore provided contact information for a flagging company, Coast Flagging, in Coos Bay (541) 808-9363.
6. Provide a contact list for all business license holders in the City of Port Orford.
This list is available. Staff has modified the list so that it provides business name, address and contact information only. To document to whom the list has been released, a public records request should be submitted. Should we waive the nominal public records request fee?
7. Provide the Transient Lodging Tax Committees' media list.
According to Councilor Pogwizd, this information is maintained by the Main Street Program, not the City. The Jubilee leadership was referred to the Main Street Program leadership.
8. Approve the TLT funding request submitted by the Jubilee in addition to payment for the fireworks.
Attached is the Jubilee TLT funding request. That request is for \$10,000; they are amending their request to \$15,000.
9. Install exterior electricity at the Buffington Park A-Frame by July 1, 2023.
Public Works Superintendent John Isadore reports that significant work is needed to repair and possibly upgrade the Buffington Park electrical system, and that this work has not been initiated.
10. Undertake a parks cleanup project prior to July 1, 2023.
According Public Works Superintendent John Isadore the Public Works Department assists volunteers with this effort on a time-available basis.

TLT revenues are expected to exceed the amount budgeted for the current fiscal year by about \$50,000. Note also that the City also has expenses to support this event in the form of providing support services through the Police and Public Works Departments.

The Administration recommends that the City Council appoint two members of the City council to work with the City Administrator and the Jubilee Committee to develop an ongoing Memorandum of Understanding defining City/Jubilee roles and financial responsibilities for the conduct of this annual event. This would avoid the many questions and decisions necessary for pulling the various pieces together to support this program every year, which is time-consuming for everyone.

MOTION(S): One or more motions applicable to the above referenced requests, which may include:

- A. Allocating funds to the Jubilee Committee for fireworks and general event support in an amount determined by the City Council from TLT Revenues or other sources of funds, such as the Parks Fund advertising, which has an unexpended balance of \$50,000 as of this writing, and designating the fiscal year in which payments are to be made (i.e. current fiscal year, or fiscal 23-24.)

- B. Tentative approval for alcoholic beverage sales, beer and wine only, at Buffington Park and Battle Rock Parking Lot, pending receipt and approval of the OLCC license request.
- C. Authorize use of the Battle Rock Parking lot and Buffington Park for the conduct of the Jubilee event; waive the use fee; conditional upon receiving a facilities use application which describes how the event will be laid-out and how compliance with OLCC conditions will be accomplished. Due to existing lease agreements, staff recommends that the City require written permission from Redfish and the Siskiyou Discovery School for use of the facilities currently under lease agreement with them. The principal at Siskiyou has verbally consented to use of the A-Frame for the desired purpose, but would like to coordinate with the Jubilee.
- D. Waive the peddlers license fee?
- E. Retain contract services to provide two certified flaggers to flag for the parade? Who pays? Staff was unable to obtain an estimate from a contractor as of the preparation of this report.
- F. Waive the public records request fee for the business license list.

Attachments:

- a. Jubilee TLT application

CITY OF PORT ORFORD
City Beautification and Tourism Development Fund
Grant Application Instructions for 2022-2023

Grant projects are to be designed to 1) enhance and/or beautify the city; 2) promote the development of the city's tourism industry through promotion outside the city; or 3) support activities designed to attract tourists to the city. All projects must reflect the full diversity of Port Orford and benefit to the community.

I - Applying for a Grant – Illegible Applications will not be accepted.

1. Applicant must use current year's form for a grant to be considered. Any change in the form will disqualify an application.
2. Electronic applications are available by emailing a request to jginsburg@portorford.org or go to portorford.org, Government, Committees, TLT; click on the box at the right.
3. The application must be completed in full. Please be as detailed as possible.
4. Applicant must show they can match the amount of the grant. No grant shall exceed 50% of the total project cost. The 50% match may be in the form of volunteer hours, monies in the treasury, and/or monies expended for the grant project beyond the amount of the grant. Businesses require a full 50% cash match, only.
5. All applications are to be at City Hall on or before 4:00 p.m., February 20, 2023. City Hall is located at 555 W. 20th Street, P.O. Box 310, Port Orford, OR 97465. 541-332-3681 ext.240.
6. **Events funded by TLT grants should be advertised at least 100 miles from Port Orford, and at least 60 days before the event.** Tear sheets can be included in the final report. Also, all events should provide information regarding their event to the organizations on the Media List provided by the TLT Committee that offer free PR on their event calendars

II - The Review Process

1. All grant applicants will be notified of the time, date, and location of a meeting where the committee will review applications. It would be helpful to have a representative from your organization at that meeting to answer any questions if a follow up meeting is deemed necessary.
2. Applicants will be notified if their grant application is not accepted due to non-compliance.
3. The committee will submit the approved applications to the City Council for a vote
4. Grantees will be notified of the City Council's final approval.

READ THIS: below are the instructions for receiving the funds, as well as reporting requirements; please keep these instructions until a financial report is submitted to the City upon project completion.

III - Drawing Funds

1. **To receive the grant funds, your organization must submit a Check Request to City Hall** and mail it to City of Port Orford, P.O. Box 310, Port Orford, OR 97465 or hand deliver it to 555 West 20th Street

IV - Required Reports – To Be Considered for Future TLT Grants, You Must:

1. Within **sixty (60) days after the completion** of the funded project, provide a financial report, including copies of all invoices paid with grant funds as well as invoices or volunteer time for matching funds. Mail the report and substantiating materials to the City address.
2. If the project expenses are less than the grant money requested, those funds must be returned to the City by **June 15, 2023**, or the completion of your project.
3. If the project is not completed by **June 30, 2023**, a progress report must be sent to the City by that date, including reasons for extension of your grant period and estimated completion date.
4. We request two photos of your completed beautification project or event for the City's records.

CITY OF PORT ORFORD
City Beautification and Tourism Development Fund
2022-2023 GRANT APPLICATION FORM

BUDGET:

Project/Program Expenses

Line Item	Total Cost	TLT Funds	Other Revenue Source
2023 Port Orford Jubilee Fireworks	\$15,000	\$10,000	\$5,000
Total	\$	\$	\$

Other Revenue Sources: include source, amount, and status (i.e. planned, pending, secured)

Source (Amount)	Status	Source (Amount)	Status
Port Orford Jubilee (\$5,000 - \$7,500)	secured		

Is the project/program budget included in your organization's operating budget? Yes

You may change the number of rows in the tables above as needed. However, all information must be included and the project/program budget is limited to one single sided page

As described in the TLT Ordinance;

No grant shall exceed fifty percent (50%) of the total project cost. No funds shall be disbursed until the grant recipient shows, to the satisfaction of the City, that it has the matching funds in cash or cash equivalent.

CITY OF PORT ORFORD
City Beautification and Tourism Development Fund
 2022-2023 GRANT APPLICATION FORM

Grant project design requirements: 1) your project must enhance and/or beautify the city; 2) promote the development of the city's tourism industry through promotion outside the city; or 3) support projects designed to attract visitors to the city. All projects must reflect the full diversity of the Port Orford community.

1. Project Name: 2023 Port Orford Jubilee Fireworks
2. Organization or Business Name: Port Orford Jubilee
3. Contact Name(s) and Title: Teri Hughes, President
4. Phone Number(s): 541.214.3374 E-mail: info@portorfordjubilee.org
5. Is organization a non-profit? Yes Number: 37-1549773
6. Previous recipient of TLT Grant Funds? Yes No if yes, when and how were the funds used?
2022 Fireworks, plus prior years of funding.
7. Grant Project Narrative: A detailed description of the proposed project or the activity and how it will help the City regarding Tourism and Beautification must be included with the application. (Limit to attached page)
8. Projected start date: 3/1/2023 Projected completion date: 8/1/2023
9. Amount requested in this application: \$ \$7,500 - \$10,000
10. Budget (use attached sheet) a 50% match is required. Businesses must match 50% in cash.

Signature Teri Hughes Date 2-20-2023

Send or deliver application to City of Port Orford, P.O. Box 310, 555 West 20th Street, Port Orford, OR 97465 or e-mail to jginsburg@portorford.org

CITY OF PORT ORFORD
City Beautification and Tourism Development Fund
 2022-2023 GRANT APPLICATION FORM

Grant Narrative: please include why this will benefit Port Orford and promote tourism.

The Port Orford Jubilee is a 501(c)(3) nonprofit organization responsible for putting on the Fourth of July celebration in Port Orford, Oregon. The Jubilee is the highlight of the year, bringing together the local community and providing a boost to local businesses. The Jubilee is the key tourist event for Port Orford, attracting out-of-town visitors who return to the area on more trips. In 2022, the Jubilee was the opportunity for a major volunteer beautification/cleanup effort of Highway 101/Oregon Street and Buffington Park, spearheaded by Main Street Port Orford, the Parks Commission and the Jubilee. We expect the same for 2023.

After the Jubilee was cancelled in 2020 and 2021, the organization came very close to dissolving by the beginning of 2022. In anticipation of dissolution, the Jubilee fireworks savings had been transferred to the Port Orford Fire Department for safe-keeping. There was expected to be enough money there to cover the cost of two to three years of the fireworks program. In January 2022, a last-ditch community meeting resulted in four new volunteers committed to revitalizing the Port Orford Jubilee. This new Board of Directors started with less than \$400 in the bank. In February, without any prior budget history, we requested \$5,000 in Port Orford TLT funds, matching the amount we believe was granted to the Jubilee in 2019. A fortuitous one-time donation of \$10,000 from Curry County's Tourism Promotion Committee bootstrapped the organization, enabling us to begin fund-raising efforts. We sold merchandise and put on fundraising events throughout 2022.

The Jubilee Fireworks is the primary project of the Port Orford Jubilee, the focus of our year-around fundraising. The cost of fireworks has gone up significantly due to the pandemic. In 2019, the fireworks cost \$8,600. In 2022, the cost went up to \$15,000. The Jubilee savings would only cover one year's worth of fireworks, with a bit to spare, not the "two to three years" we had expected.

In 2019, \$5,000 in Port Orford TLT funding would have covered 58% of the cost of the fireworks. In 2022, the same \$5,000 covered just one-third the cost of the fireworks. In 2023, the fireworks will again cost \$15,000. We are requesting \$7,500 to \$10,000 in TLT funding, for one-half to two-third the cost of the 2023 Port Orford Jubilee Fireworks. We suggest this range because we don't have insight into the Port Orford TLT budget and we recognize the efforts of other applicants. However, covering a substantial portion of the cost of the 2023 fireworks would be of great benefit to our organization at this critical time. We need to build up our savings again, as we can't start ground zero each year, to ensure the long-term stability of the Jubilee celebration and fireworks. We plan further investments in our ability to raise funds more effectively, purchasing equipment and supplies to hold more fundraising events and to reach out to more potential donors. Ensuring that the 2023 Jubilee Fireworks is fully funded will make this possible. Thank you for your consideration!



TO: Mayor and City Council

FROM: City Administrator Pro Tem

DATE: May 18, 2023

RE: Budget Officer

ISSUE: FY 2023-24 Budget Officer

RECOMMENDATION: Appoint City Administrator Pro Tem John Huttl as Budget Officer for FY 2023-24.

BACKGROUND: At its April regular meeting, the City Council appointed City Administrator Pro Tem Gary Milliman as the Budget Officer for fiscal 2023-24. Milliman is leaving the position of City Administrator Pro Tem effective May 12 and is being succeeded by John Huttl.

MOTION(S): Motion to appoint City Administrator Pro Tem John Huttl as the Budget Officer for the FY 2023-24 budget preparation effective May 12, 2023.



TO: Mayor and City Council

FROM: City Administrator Pro Tem

DATE: May 18, 2023

RE: Professional Services Agreement for Water Project Management

ISSUE: Retain professional services to assist with managing existing water engineering contract services and assist Public Works staff with addressing short term alternatives to improve water reliability

RECOMMENDATION: Retain Engineering Support Services LLC for water project management services.

BACKGROUND: The most critical issue facing the City at this time is the water shortage emergency. Not only is the water shortage impacting new development, but it is placing public safety at risk and is overtaxing the City's small water system maintenance staff.

The City is in a transitional period with a City Administrator Pro Tem and contracts City Engineering services to Civil West Engineering. Efforts are underway to apply for grant funding for critical water infrastructure projects which include a distribution system experiencing greater than 40% average water loss as well as sediment issues at the water intake facility. There is a need for a city-contracted representative to oversee the city water project management functions and assist operational staff with assessing future projects.

Consultant to provide the following materials and efforts;

- Assist the City Administrator Pro Tem in all aspects of management of engineering services and operations of the municipal water system.
- Provide administrative oversight and monitor the progress of contract engineering services. Review all technical work and provide comments to City Engineer, staff and Council.
- Explore alternatives with the Army Corps of Engineers and Oregon Health Authority to address water intake sedimentation issues and re-use of existing concrete water storage

tank, dredging of the intake pond and utilizing other existing City facilities to increase the quantity of available potable water.

- Assist in preparing and making presentations to State/Federal regulatory officials and legislative representatives.
- Obtain options for temporary dredging and permitting if needed.
- Review and scope short-term and long-term projects.
- Review the proposed water meter replacement contract and advise on options and recommendations.
- Assist with pursuing alternative funding sources and managing grant/loan programs.

These services will not be duplicative of, or in conflict with, current engineering agreements with Civil West Engineering. Services provided by ESS will assist the City Administrator Pro Tem in managing the Civil West contracts, and will assist City staff in pursuing near-term improvements to facilities and operating systems to improve water production. ESS has experience in working with small cities in project development and securing funding, and working with operations staff in developing practical solutions.

The ESS rate for project management is \$80.00 hourly and the proposed contract is for an amount not to exceed \$8,000. The work would be performed by Loree Pryce, a registered engineer with extensive experience in water systems...and who also served as City Administrator in Lakeside, and as Public Works/Community Development Director in Brookings.

MOTION(S): Authorize Mayor to execute a professional services agreement with Engineering Support Services LLC for water project management services at a cost not to exceed \$8,000.

Attachments:

- a. Contract for professional services
- b. Loree Pryce resume

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT, made and entered into on this _____ day of _____, 20____, by and between City of Port Orford hereinafter called the "CLIENT," and the consulting firm Engineering Support Services, LLC whose address is, 678 Lower Garden Valley Road, Roseburg, Oregon 97471 at which work will be available for inspection, hereinafter called the "CONSULTANT."

PROJECT NAME: Port Orford Water System Improvements

WHEREAS, the Client deems it advisable to engage the professional services and assistance of a qualified professional consulting firm to do the necessary storm mapping data collection work for the project.

WHEREAS, the Consultant will perform the work set forth in this Agreement upon the terms and conditions set forth below and in the following Exhibits:

NOW THEREFORE, in consideration of the terms, conditions, covenants and performances contained herein below, the parties hereto agree as follows:

SCOPE OF WORK

The Consultant shall perform the work described in Exhibit B which is attached hereto and incorporated into this Agreement. The Consultant shall make minor changes, amendments, or revisions in the detail of the work as may be required by the Client, provided those changes, amendments, or revisions do not affect the attached Estimate of Time and Expense. Such changes, amendments, or revisions shall not constitute "Extra Work" as related to the "Extra Work" section of this Agreement. To reduce redundancy in effort, the Consultant is entitled to rely on the accuracy and completeness of any data, information, or materials provided by the Client or others in relation to the work.

STANDARD OF CARE

The Consultant shall be held to the same standard of care as is ordinarily practiced by other similar design professionals in that discipline for comparable work provided in a similar locality.

DESIGN CRITERIA

The Client will designate the basic premises and criteria for the work needed. Reports and plans, to the extent feasible and reasonable, shall be developed in accordance with the latest edition and amendments of applicable local and State regulations, guidelines, and specifications.

TIME OF BEGINNING AND COMPLETION

The Consultant shall not begin work under the terms of this Agreement until authorized in writing by the Client. If, after receiving Notice to Proceed, the Consultant is delayed

in the performance of its services by factors that are beyond its control, the Consultant shall notify the Client of the delay and shall prepare a revised estimate of the time and cost needed to complete the Project and submit the revision to the Client for its approval. Time schedules are subject to mutual agreement for any revision unless specifically described as otherwise herein.

PAYMENT

The Consultant shall be paid by the Client for services rendered under this Agreement as provided hereinafter and as specified in Exhibit A. Such payment shall be full compensation for work performed or services rendered and for all labor, materials, supplies, equipment, and incidentals necessary to complete the work. All billings for compensation for work performed under this Agreement will list actual time (days and/or hours) and dates during which the work was performed and the compensation shall be figured into the rates in Exhibit A. Payment for the work shown in Exhibit B shall not exceed \$8,000.00 without a written amendment to the contract, agreed to and signed by both parties. Payment for the work stated in Exhibit B will be calculated based on the Consultant's hourly rates stated in Exhibit A.

Payment for extra work performed under this Agreement shall be paid as agreed to by the parties in writing at the time the extra work is authorized. (See "EXTRA WORK").

CHANGES IN WORK

The Consultant shall make revisions and changes in the completed work of this Agreement as are necessary to correct the Consultant's errors, when required to do so by the Client, without additional compensation.

Should the Client find it desirable for its own purposes to have previously completed work or parts thereof revised, the Consultant shall make revisions, if requested and as directed by the Client in writing. This work shall be considered as "Extra Work" and will be paid for as provided in the Section "Extra Work."

EXTRA WORK

The Client may desire to have the Consultant perform work or render services in connection with the Agreement in addition to or other than work provided for by the expressed intent of the Scope of Work. Such work will be considered as Extra Work and will be specified in a written supplement which will set forth the nature and scope thereof. Work under a supplement shall not proceed until authorized in writing by the Client. Any dispute as to whether work is Extra Work or work already covered under this Agreement shall be mutually resolved by the parties before the work is undertaken.

EMPLOYMENT

The Consultant shall not engage on a full-time, part-time, or other basis, during the period of the contract, any professional or technical personnel who are, or have been at

any time during the period of this contract, in the employ of the Client except regularly retired employees, without written consent of the Client.

The Consultant's relation to the Client shall be at all times as an independent contractor.

NONDISCRIMINATION

The Consultant will not discriminate against any person because of race, creed, color, national origin, gender, marital status, sexual orientation, age, or mental, emotional, or physical disability, except for a bona fide occupational qualification with regard to, but not limited to the following: employment; promotions; demotion or transfer; recruitment or any recruitment advertising; layoff or terminations; rates of pay or other forms of compensation; selection for training; and rendition of services. The Consultant is an equal opportunity employer.

TERMINATION OF AGREEMENT

Either Client or Consultant may terminate this Agreement by giving ten (10) days' written notice to the other party. In such event, the Client shall pay in full for all work previously authorized and performed prior to the effective date of termination. If no notice of termination is given, relationships and obligations created by this Agreement shall be terminated upon completion of applicable requirements of this Agreement.

DISPUTES

The parties shall make a good faith effort to resolve disputes concerning questions of facts in connection with work prior to initiating legal action. In the event that either party institutes legal action or proceedings to enforce any of its rights in this Agreement, both parties agree that any such action shall be brought in the courts of the State of Oregon, situated in Clackamas County.

LEGAL RELATIONS

The Consultant shall comply with federal, state and local laws and ordinances directly applicable to the work to be done under this Agreement. This contract shall be interpreted and construed in accordance with the laws of Oregon.

The Consultant agrees to indemnify and hold harmless the Client, its officers and employees from claims, demands or suits at law or equity directly resulting from Consultant's negligent acts, errors, or omissions under this Agreement, provided that nothing herein shall require the Consultant to indemnify the Client against and hold harmless the Client from claims, demands, or suits resulting from the conduct of the Client, its officers or employees. Provided further, if the claims or suits are caused by or result from the concurrent negligence of (a) the Consultant, its agents, or employees, and (b) the Client, its agents, officers, or employees, this provision with respect to claims or suits based upon such concurrent negligence shall be valid and enforceable only to the extent of the Consultant's negligence or the negligence of the Consultant's agents or employees except as limited below.

The Consultant shall secure general liability, property damage, auto liability, and professional liability coverage in the amount of \$1.0 million, with a General Aggregate in the amount of \$2.0 million, unless waived or reduced by the Client. The Consultant shall submit to the Client a completed Standard ACORD Certification Form as proof of insurance. This Form shall name the Client as an additional insured for Consultant's applicable insurance policies.

All coverages provided by the Consultant shall be in a form and underwritten by a company acceptable to the Client. The Client will normally require carriers to have a minimum A.M. Best rating of A VII. The Consultant shall keep all required coverages in full force and effect during the life of this project, and a minimum of thirty (30) days' notice shall be given to the Client prior to the cancellation of any policy.

SUBLETTING OR ASSIGNING OF CONTRACTS

The Consultant shall not sublet or assign any of the work covered by this Agreement without the express consent of the Client.

COMPLETE AGREEMENT

This document and referenced attachments contain all covenants, stipulations, and provisions agreed upon by the parties. Any supplements to this Agreement will be in writing and executed and will become part of this Agreement. No agent or representative of either party has authority to make, and the parties shall not be bound by or liable for, any statement, representations, promise, or agreement not set forth herein. No changes, amendments, or modifications of the terms hereof shall be valid unless reduced to writing and signed by the parties as an amendment or "Extra Work" authorization to this Agreement.

The invalidity or unenforceability of any provision in this Agreement shall not affect the other provisions hereof, and this agreement shall be construed in all respects as if such invalid or unenforceable provision were omitted.

EXECUTION AND ACCEPTANCE

This Agreement may be simultaneously executed in several counterparts, each of which shall be deemed to be an original having identical legal effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

CITY: CITY OF PORT ORFORD

CONSULTANT: Engineering Support Services, LLC

By: _____

By: _____

Name: _____

Name: Loree Pryce, PE

Title: _____

Title: President

Date: _____

Date: _____

EXHIBIT A

**ENGINEERING SUPPORT SERVICES, LLC
2023 SCHEDULE OF HOURLY RATES AND CHARGES**

Principal Engineer	\$135 (PE and insurance required)
Project Engineer	\$110
Project Manager	80
Drafter	\$95
Administrative/Clerical	\$60
Reproductions/Prints	at cost
Travel time	Billed at an administrative rate R/T from Roseburg
Mileage	\$0.656 per mile or current IRS rate
GPS survey	\$110/hr
GPS Equipment Rental	\$110/hour
GIS Mapping	\$75/hr
Subconsultants	Rate + 15% overhead

EXHIBIT B

SCOPE OF WORK

Port Orford, Oregon, Project Management

The City of Port Orford is in a transitional period with a City Administrator Pro Tem and contracts City Engineering services to Civil West Engineering. Efforts are underway to apply for grant funding for critical water infrastructure projects which include a distribution system experiencing greater than 40% average water loss as well as sediment issues at the water intake facility. There is a need for a city-contracted representative to oversee the city water project management functions and assist operational staff with assessing future projects.

Consultant to provide the following materials and efforts;

- Assist the City Administrator Pro Tem in all aspects of management of engineering services and operations of the municipal water system.
- Provide administrative oversight and monitor the progress of contract engineering services. Review all technical work and provide comments to City Engineer, staff and Council.
- Explore alternatives with the Army Corps of Engineers and Oregon Health Authority to address water intake sedimentation issues and re-use of existing concrete water storage tank, dredging of the intake pond and utilizing other existing City facilities to increase the quantity of available potable water.
- Assist in preparing and making presentations to State/Federal regulatory officials and legislative representatives.
- Obtain options for temporary dredging and permitting if needed.
- Review and scope short-term and long-term projects.
- Review the proposed meter replacement contract and advise on options and recommendations.
- Assist with pursuing alternative funding sources and managing grant/loan programs.

City staff to provide;

- Historical data and technical reports
- Direction and operational information
- Correspondence with City Engineer and touch base meetings as needed



Loree Pryce, PE

*Principal
Engineering Support Services, LLC*



Ms. Loree Pryce is a graduate of California Polytechnic State University San Luis Obispo and a registered engineer in California and Oregon with more than 25 years of experience featuring achievements in engineering, delivery, and management of projects in several municipalities throughout Oregon and California. Having served in capacities of City Engineer, City Manager, Public Works Director among others, she provides her clients the inherent knowledge of their budgetary and maintenance needs and with engineering-minded obtainable solutions. She has the versatility in outsourcing additional resources amongst different firms to provide the highest quality, timely and most affordable deliverables.

REGISTRATION

Professional Engineer: OR [85845PE], CA [#62113]

Minority/Woman Business Enterprises (MWBE)

EDUCATION

BS Environmental Engineering, Cal Poly State University

MEMBERSHIP

OCCMA, SWACT committee delegate

ADDITIONAL EXPERIENCE

- Engineer of record, Powers, OR 2020
- Expert witness, CIS Insurance, OR 2022
- City Manager, Lakeside, OR 2020-2021
- City Engineer, Roseburg, OR 2019
- Contract City Engineer, Westlake Village, CA 2018
- Design and Construction Manager, City of Ventura, CA 2013-2017
- Public Works and Development Services Director, Brookings, OR 2009-2013
- Principal Engineer, Santa Clarita Water, Castaic, CA 2008
- Supervising Land Development and Water Resources Engineer, Santa Barbara, CA 2003-2008
- Civil Engineer, Casitas Water District, Ojai, CA 1999-2003

REPRESENTATIVE PROJECT EXPERIENCE

City of Powers, OR. 2020-current Collection System I/I Reduction Project (in progress) Contracted to provide a comprehensive stormwater reduction project which included CCTV inspection, analysis of results, prepare and construction manage bid specifications for a \$3,000,000 curout and CIPP rehabilitation project to begin in late Spring, 2023.

Engineer of Record since 2020 – assist in the preparation of grants and costs estimates, in-house design of sidewalk improvements at City Hall. Manage other consultant contracts.

City of Oakland, OR. 2020-current Facility Plan Update (in progress) Contracted to provide a comprehensive wastewater facility plan update from a previous 1994 evaluation in compliance with DEQ standards. Efforts included DMR analysis and existing facility condition assessment. Partnered with Keller and Associates for final report preparation which includes NPDES permit update requirements. As needed engineering assistance, GPS mapping, in-house design and construction management of SCA grant projects including Fifth Street and Third Street Improvements,

City of Lakeside, OR. 2020-2021 As City Manager, prepared CIP and citywide budget evaluating wastewater infrastructure. Facilitated completion of Facility Master Plan. Obtained over \$15 million in grants which included a new wastewater treatment plant, K-12 program, Airport fencing, and SCA sidewalk improvement projects.

City of Ventura, CA . 2016-2019 As design and construction manager, responsible for a technical staff of 12 and an annual CIP budget of \$63 million for all public works projects including wastewater treatment and collection systems. Wastewater Treatment Plant Dewatering Facility. Ms. Pryce was the construction manager for a \$4 million dollar treatment process improvement which required the contractor to avoid impacts on the operations of the plant. Resolved significant design omissions while maintaining project schedule and budget. Thomas Fire response and hazard mitigation efforts. Ms. Pryce secured and managed emergency contracts to protect residents from post-fire debris runoff and infrastructure impacts from the fire that destroyed over 500 homes.

City of Brookings, OR. Public Works/Development Services Director/ City Engineer 2011-2016 Emergency Storm Repairs and Mitigation: As City Engineer, evaluated, budgeted and directly methods of repair for storm damages exceeding \$1.7 million. Represented the City in a storm damage lawsuit; City was found not liable for any monetary damages. Design Standards: Engineer of record for updated design specifications used to bid in-house capital improvement projects, emergency repairs and land development projects. Evaluated and budgeted for infrastructure improvements.

City of Santa Barbara, CA. Water Resources Supervising Engineer 2003-2010 Managed and in-house designed water resource projects representing \$10+ million in budgeted capital improvements per year. Projects included in-house sewer collection and lift station designs, and extensive I/I reduction projects. As Engineering Supervisor for the Land Developing Section (2.5 years) she oversaw public improvements exceeding \$20 million in expenditures, infrastructure plan review, development review for future projects, and all right-of-way permits.