

**CITY OF LINCOLN CITY  
LINCOLN CITY COUNCIL AGENDA**

**MONDAY MARCH 11, 2024, 6:00 PM**

**6:00 PM** - The Lincoln City Council will hold a regular meeting in the Council Chambers, 801 SW Highway 101 - 3rd Floor, Lincoln City, OR 97367.

If you wish to speak on an agenda or non-agenda item, please sign up on the sheet near the entrance door to the Council Chambers. You will be called to speak during the "Public Comment" section. Comments or testimony on agenda items listed under "public hearing/public comment" will be taken at that time.

Public comments can be submitted to [publiccomment@lincolncity.org](mailto:publiccomment@lincolncity.org), by attending the City Council meeting, or by telephone. Public comments submitted by email will be entered into the official record, distributed to the governing body, and summarized; however, due to personal privacy issues they are not generally published in the online agenda packet. **PUBLIC COMMENT VIA EMAIL WILL ONLY BE RECOGNIZED UPON RECEIPT OF AN EMAIL.**

Citizens requesting to give public comment via telephone must email [publiccomment@lincolncity.org](mailto:publiccomment@lincolncity.org) no later than noon on the meeting day. The request must include the person's name, the subject the person wishes to address, and the phone number the person intends to use for the meeting. Instructions will be sent to the person requesting prior to the meeting. Persons giving public comment via telephone will need to leave the microphone muted until the public comment portion of the meeting.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for a hearing-impaired device, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting. To request information in an alternate format or other assistance, please contact the City's ADA Coordinator, Kevin Mattias, at [541-996-1013](tel:541-996-1013) or [kmattias@lincolncity.org](mailto:kmattias@lincolncity.org). Visit the [ADA Accessibility | City of Lincoln City, OR](http://www.lincolncity.org/ada) webpage to view how the City continues to remain in compliance with Title II of the Americans with Disabilities Act regarding City programs, services, processes, and facilities.

The City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the meeting.

Agenda materials for this meeting are available at [www.lincolncity.org](http://www.lincolncity.org) under "Government", then select "Public Meeting Agendas, Packets & Videos". To stream the meeting in HD, please visit [www.lincolncity.org/government/streaming](http://www.lincolncity.org/government/streaming). This meeting will be televised live on Channel 4, and rebroadcast on Channel 4 multiple times a day.

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. PLEDGE OF ALLEGIANCE**

**D. CONSENT AGENDA**

1. Arbor Day 2024 Proclamation
2. Regular Meeting – Minutes of Regular Meeting – February 26, 2024, 6:00 PM
3. Regular Meeting – Minutes of Work Session – March 4, 2024, 5:00 PM

**E. COUNCIL DELIBERATIONS**

**F. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS**

Article I, Section 8, of the Oregon Constitution provides: No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right. Be advised: Comments by citizens under this Public Comments Section of the Agenda or under Public Hearings are solely the opinions and statements of the speakers and are not statements by the City of Lincoln City and do not represent the opinions of the City of Lincoln City, its officers and employees.

**G. PRESENTATIONS**

**H. PUBLIC HEARING / ORDINANCE**

**I. PUBLIC HEARINGS / PUBLIC COMMENTS**

1. Competitive Bidding Exemption D River Visitor Center
2. Competitive Bidding Exemption for radio read water meter installation

**J. ORDINANCES**

**K. RESOLUTIONS**

**L. SPECIAL ORDER OF BUSINESS**

3. Appointment to Arts Committee - Applicant Amanda Megyesi-McCave
4. Budget Committee Interview - Estle Harlan
5. Regatta Park Playground Upgrade Design Award

**M. CITY MANAGER/CITY ATTORNEY REPORTS**

**N. ACTIONS, IF ANY, BASED ON WORK SESSION, EXECUTIVE SESSION OR PUBLIC COMMENT**

**O. ADDITIONAL COMMENTS FROM CITIZENS PRESENT ON NON-AGENDA ITEMS**

Article I, Section 8, of the Oregon Constitution provides: No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right. Be advised: Comments by citizens under this Public Comments Section of the Agenda or under Public Hearings are solely the opinions and statements of the speakers and are not statements by the City of Lincoln City and do not represent the opinions of the City of Lincoln City, its officers and employees.

**P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL**

**Q. ADJOURNMENT**

# Council Communication

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## Arbor Day 2024 Proclamation

Meeting Date:	March 11, 2024	Primary Staff Contact:	Jeanne Sprague
Department:	Parks and Recreation	E-Mail:	JSprague@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	5 mins

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### Question:

Should the City Council proclaim April 18, 2024 as Arbor Day 2024 in the City of Lincoln City and invite all citizens to join in its celebration of the city's efforts to support healthy trees and forest ecology for the well-being of this and future generations?

### Staff Recommendation:

Staff recommends the Council proclaim April 18, 2024 as Arbor Day 2024 in the City of Lincoln City, so that we may continue with our 'TreeCity USA' designation for 2024, via the Arbor Day Foundation.

### Authority:

See attached document for the 4 criteria required for the TreeCity USA Program.

### Background:

The OR Dept of Forestry oversees the TreeCity USA program. One of their 4 mandatory standards for a City to be designated as a TreeCity USA is for the Mayor/City Council to proclaim a City 'Arbor Day'.

Lincoln City has been a designated TreeCity USA for 16 years.

Lincoln City Parks and Recreation will be hosting a public Arbor Day event on Thurs April 18, 4pm at the Community Center.

### Council Options:

Approve the proclamation of 4/18/24 as Lincoln City Arbor Day.

Reject the proclamation of 4/18/24 as Lincoln City

Arbor Day.

**Financial Impact**

Very limited staff time. One to two hours of the Parks & Recreation Director compiling application data for the Arbor Day Foundation.

**Potential Motions:**

Move to approve the proclamation establishing 4/18/24 as Arbor Day 2024 for Lincoln City, to celebrate trees and continue with our TreeCity USA designation.

**Attachments:****Attachments:**

TreeCity USA Standards (PDF)

PROCLAMATION Arbor Day 2024 (PDF)

# Tree City USA Standards

To qualify as a Tree City USA community, you must meet four standards established by the Arbor Day Foundation and the National Association of State Foresters. These standards were established to ensure that every qualifying community\* would have a viable tree management program and that no community would be excluded because of size.

## Four Standards for Tree City USA Recognition

■ Standard 1 | ■ Standard 2 | ■ Standard 3 | ■ Standard 4

### Standard 1

#### A Tree Board or Department

Someone must be legally responsible for the care of all trees on city- or town-owned property. By delegating tree care decisions to a professional forester, arborist, city department, citizen-led tree board or some combination, city leaders determine who will perform necessary tree work. The public will also know who is accountable for decisions that impact community trees. Often, both professional staff and an advisory tree board are established, which is a good goal for most communities.

The formation of a tree board often stems from a group of citizens. In some cases a mayor or city officials have started the process. Either way, the benefits are immense. Involving residents and business owners creates wide awareness of what trees do for the community and provides broad support for better tree care.

### Standard 2

#### A Tree Care Ordinance

A key section of a qualifying ordinance is one that establishes the tree board or forestry department—or both—and gives one of them the responsibility for public tree care (as reflected in Standard 1). It should also assign the task of crafting and implementing a plan of work or for documenting annual tree care activities.

Ideally, the ordinance will also provide clear guidance for planting, maintaining and removing trees from streets, parks and other public spaces as well as activities that are required or prohibited. Beyond that, the ordinance should be flexible enough to fit the needs and circumstances of the particular community.

For tips and a checklist of important items to consider in writing or improving a tree ordinance, see [Tree City USA Bulletin #9](#).

## Standard 3

### A Community Forestry Program With an Annual Budget of at Least \$2 Per Capita

City trees provide many benefits—clean air, clean water, shade and beauty to name a few—but they also require an investment to remain healthy and sustainable. By providing support at or above the \$2 per capita minimum, a community demonstrates its commitment to grow and tend these valuable public assets. Budgets and expenditures require planning and accountability, which are fundamental to the long-term health of the tree canopy and the Tree City USA program.

To meet this standard each year, the community must document at least \$2 per capita toward the planting, care and removal of city trees—and the planning efforts to make those things happen. At first this may seem like an impossible barrier to some communities. However, a little investigation usually reveals that more than this amount is already being spent on tree care. If not, this may signal serious neglect that will cost far more in the long run. In such a case, working toward Tree City USA recognition can be used to reexamine the community's budget priorities and redirect funds to properly care for its tree resources before it is too late.

## An Arbor Day Observance and Proclamation

An effective program for community trees would not be complete without an annual Arbor Day ceremony. Citizens join together to celebrate the benefits of community trees and the work accomplished to plant and maintain them. By passing and reciting an official Arbor Day proclamation, public officials demonstrate their support for the community tree program and complete the requirements for becoming a Tree City USA!

This is the least challenging—and probably most enjoyable—standard to meet. An Arbor Day celebration can be simple and brief or an all-day or all-week observance. It can include a tree planting event, tree care activities or an award ceremony that honors leading tree planters. For children, Arbor Day may be their only exposure to the green world or a springboard to discussions about the complex issue of environmental quality.

The benefits of Arbor Day go far beyond the shade and beauty of new trees for the next generation. Arbor Day is a golden opportunity for publicity and to educate homeowners about proper tree care. Utility companies can join in to promote planting small trees beneath power lines or being careful when digging. Fire prevention messaging can also be worked into the event, as can conservation education about soil erosion or the need to protect wildlife habitat.

Tree City USA is an Arbor Day Foundation program in cooperation with:



# TREE CITY USA

## 2024 ARBOR DAY PROCLAMATION

Whereas, Lincoln City celebrates Arbor Day every year to honor the important role trees play in our daily lives, and to maintain our TreeCity USA status, 16 years and counting; and

Whereas, Lincoln City residents have demonstrated their extraordinary support for trees in many ways, including a \$3 million bond issue passed in 1998 for the purpose of preserving forests and other sensitive land within the city limits, and efforts in the past 10 years to improve forest health in the city's open spaces; and

Whereas, on this Arbor Day, the city celebrates renewed efforts in our Parks and Open Spaces to educate the public on the importance of trees by offering naturalist-lead hikes and interpretive signage, along with new interpretive signage placed at 17 trailheads in 7 Open Spaces; and

Whereas, Lincoln City continues to improve the ecological health of the forests in the city's open spaces through removal of invasive species, restoration of native vegetation and tree-planting, with the successful partnerships of many local non-profits and volunteers. This raises public awareness and opportunities for passive recreation through trail creation and maintenance;

Now, therefore, I, Susan Wahlke, Lincoln City Mayor, do hereby proclaim the date of April 18, 2024 as Arbor Day 2024 in the City of Lincoln City and invite all citizens to join in its celebration and the city's efforts to support healthy trees and forest ecology for the well-being of this and future generations.

Dated this 26<sup>th</sup> day of February 2024.

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Susan Wahlke, Mayor

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF THE ETING

February 26, 2024, 6:00 PM

The final minutes for this meeting are supplemented by an electronic recording of the meeting, which may be viewed online at [www.lincolncity.org](http://www.lincolncity.org) under the tab "Agendas, Packets, and Videos". The staff reports, resolutions, ordinances, and other documents related to this meeting are also available at the same location. This meeting is rebroadcast on Cable Channel 4. (See Channel 4 guide on the hour at <http://www2.lincolncity.org/program-guide/>).

**APPROVED BY CITY COUNCIL**

**DATE:**

**A. CALL TO ORDER**

Mayor Wahlke called the meeting to order at 6:00 PM.

**B. ROLL CALL**

Attendee Name	Title	Status	Arrived
Marci Baker	City Councilor	Present	
Todd Barker	City Councilor	Present	
Judy Casper	Councilor Ward 3	Present	
Riley Hoagland	Councilor Ward 2	Present	
Rick Mark	Councilor Ward 3	Present	
Mitch Parsons	Councilor Ward 1	Present	
Susan Wahlke	Mayor	Present	

Staff Present: Daphnee Legarza, City Manager; Chief Broderick, Lincoln City Police Department; Alison Robertson, Economic Development and Urban Renewal Director; Seth Lenaerts, Project Manager; Kim Cooper Findling, Explore Lincoln City Director; Jeanne Sprague, Parks and Recreation Director; Stephanie Reid, Public Works Director; Richard Townsend, Interim Planning and Community Development Director; Tony LaSoya, I.T. Director; Jamie Young, City Recorder.

**C. PLEDGE OF ALLEGIANCE**

Mayor Wahlke led The Pledge of Allegiance.

**D. CONSENT AGENDA**

- 1. Regular Meeting – Minutes of Regular Meeting – February 12, 2024, 6:00 PM

**E. COUNCIL DELIBERATIONS**

NONE

**F. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS**

NONE

**G. PRESENTATIONS**

- 2. Explore Lincoln City Presentation

*Kim Cooper Findling, Explore Lincoln City Director, gave a presentation regarding Explore Lincoln City and the tourism funding. Ms. Cooper Findling reviewed the distribution of the funding and the comparison of tourism numbers. The Council and Staff had a discussion regarding the presentation.*

- 3. City of Lincoln City 2023 Opportunity to Recycle Report Presentation

*Lexi Howell with North Lincoln Sanitary gave a presentation regarding the recycling program. Ms. Howell also spoke regarding the Recycling Modernization Act. The Council and Staff had a discussion regarding the presentation.*

**H. PUBLIC HEARING / ORDINANCE**

NONE

**I. PUBLIC HEARINGS / PUBLIC COMMENTS**

NONE

**J. ORDINANCES**

NONE

**K. RESOLUTIONS**

- 1. Resolution 2024-03: Ad Hoc City Committee for EPA Brownfields Grant

<b>MOTION:</b>	<b>Motion to Approve Resolution 2024-03: Ad Hoc City Committee for EPA Brownfields Grant</b>
<b>MOVER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>SECONDER:</b>	<b>Rick Mark, Councilor Ward 3</b>
<b>AYES:</b>	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
<b>RESULT:</b>	<b>Passed via Voice Vote</b>

*Seth Lenaerts, Project Manager, spoke regarding the resolution.*

2.

**MOTION:** Motion to Approve Resolution 2024-05 Authorizing the Application for OPRD Local Government Grant  
**MOVER:** Mitch Parsons, Councilor Ward 1  
**SECONDER:** Riley Hoagland, Councilor Ward 2  
**AYES:** Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke  
**RESULT:** Passed by Roll Call Vote

3.

**MOTION:** Motion to Approve Resolution 2024-06 Adopting Countywide Five Year 2022-2027 Homeless Strategic Plan  
**MOVER:** Judy Casper, Councilor Ward 3  
**SECONDER:** Mitch Parsons, Councilor Ward 1  
**AYES:** Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke  
**RESULT:** Passed by Voice Vote

*Daphnee Legarza, City Manager read a statement from Lincoln County Commissioner Hall. The Council, Staff, and Commissioner Hall had a discussion regarding the information presented.*

## L. SPECIAL ORDER OF BUSINESS

4. Contract Award for NW 17th Street Restroom Replacement

**MOTION:** Move to Award the Best Value Construction Contract for NW 17th Street Public Restroom Replacement to Creative Contracting, Inc. in the Amount of \$574,411.96 with a Contingency Amount of \$57,500 (10% of the bid amount) for a Total Amount of \$631,911.96.  
**MOVER:** Rick Mark, Councilor Ward 3  
**SECONDER:** Todd Barker, Councilor Ward 1  
**AYES:** Barker, Casper, Mark, Wahlke  
**NAYS:** Baker, Hoagland, Parsons  
**RESULT:** Passed by Roll Call Vote

*Stephanie Reid, Public Works Director, and Jeanne Sprague, Parks and Recreation Director review the staff report for the bid award.*

5. SW 3rd Street and Hwy 101 Pavement Repair

**MOTION:** Motion to Increase the Approved Construction Funds to RK Construction for the SW 3rd Street and Hwy 101 Beacon Project from a Total Amount of \$522,901.66 to \$557,316.66  
**MOVER:** Rick Mark, Councilor Ward 3  
**SECONDER:** Mitch Parsons, Councilor Ward 1  
**AYES:** Baker, Barker, Casper, Hoagland, Mark, Parsons  
**RECUSED:** Wahlke  
**RESULT:** Passed by Roll Call Vote

*Mayor Wahlke recused herself due to an actual conflict of interest. Council President Casper took over. Stephanie Reid, Public Works Director, reviewed the staff report. Council and Staff had a discussion regarding the project.*

**M. CITY MANAGER/CITY ATTORNEY REPORTS**

*Ms. Legarza said she would get the NW 17th Street Restrooms in a work session. Ms. Legarza gave an update of current events.*

**N. ACTIONS, IF ANY, BASED ON WORK SESSION, EXECUTIVE SESSION OR PUBLIC COMMENT**

*NONE*

**O. ADDITIONAL COMMENTS FROM CITIZENS PRESENT ON NON-AGENDA ITEMS**

*Janet Knipe of Lincoln City sent an email in favor of the fireworks ban.*

**P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL**

*Councilor Hoagland gave an update on current events.*

*Councilor Casper an update on the Samaritan Coastal Treatment and Recovery Center and said they hope to be open Spring of 2025. Councilor Casper thanked the Planning Commission for the project updates at the last meeting and said it was very helpful. Councilor Casper thanked Public Works for a quick tree removal in the Nelscott area.*

*Councilor Barker spoke about the traffic lights going out with the power outages. Councilor Barker also spoke about the traffic control and pedestrian crossing at the new apartments on NE 25th and 101. Ms. Legarza said that she would bring information back to Council.*

*Councilor Mark updated Council with the information received at the meeting he attended for Cascade West Area Commission on Transportation.*

*Mayor Wahlke spoke about the naming of Memorial Park. Council and Staff had a discussion. Mayor Wahlke gave an update on current events.*

**6.**

<b>MOTION:</b>	<b>Motion to Direct Staff to Look at Potential Solutions to the Outdated City Council Equipment</b>
<b>MOVER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>SECONDER:</b>	<b>Riley Hoagland, Councilor Ward 2</b>
<b>AYES:</b>	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
<b>RESULT:</b>	<b>Passed by Voice Vote</b>

**7.**

<b>MOTION:</b>	<b>Motion to Direct Staff to Look into the Traffic Control Devices During the Power Outages</b>
<b>MOVER:</b>	<b>Todd Barker, Councilor Ward 1</b>
<b>SECONDER:</b>	<b>Riley Hoagland, Councilor Ward 2</b>
<b>AYES:</b>	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
<b>RESULT:</b>	<b>Passed by Voice Vote</b>

8.

<b>MOTION:</b>	<b>Motion to Remove Two Names from the Outside Agency Committee List-Lincoln County State Transportation Improvement Fund Advisory Committee and Oregon Coastal Zone Management Association (OCZMA)</b>
<b>MOVER:</b>	<b>Susan Wahlke, Mayor</b>
<b>SECONDER:</b>	<b>Rick Mark, Councilor Ward 3</b>
<b>AYES:</b>	Baker, Barker, Casper, Hoagland, Mark, Parsons, Wahlke
<b>RESULT:</b>	<b>Passed by Voice Vote</b>

**Q. ADJOURNMENT**

*Mayor Wahlke adjourned the meeting at 7:56 PM.*

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SUSAN WAHLKE, MAYOR

ATTEST:

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JAMIE YOUNG, CITY RECORDER

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF THE WORK SESSION MEETING

March 4, 2024, 5:00 PM

The final minutes for this meeting are supplemented by an electronic recording of the meeting, which may be viewed online at [www.lincolncity.org](http://www.lincolncity.org) under the tab "Agendas, Packets, and Videos". The staff reports, resolutions, ordinances, and other documents related to this meeting are also available at the same location. This meeting is rebroadcast on Cable Channel 4. (See Channel 4 guide on the hour at <http://www2.lincolncity.org/program-guide/>).

**APPROVED BY CITY COUNCIL**

**DATE:**

**1. CALL TO ORDER**

Mayor Wahlke called the meeting to order at 5:00 PM.

Mayor Wahlke moved Item f "New eScribe Software" to Item A.

Attendee Name	Title	Status	Arrived
Marci Baker	City Councilor	Present	
Todd Barker	City Councilor	Present	
Judy Casper	Councilor Ward 3	Present	
Riley Hoagland	Councilor Ward 2	Excused	
Rick Mark	Councilor Ward 3	Present	
Mitch Parsons	Councilor Ward 1	Present	
Susan Wahlke	Mayor	Present	

Staff Present: Daphnee Legarza, City Manager; David Robinson, Interim City Attorney; Abigail Edwards, Human Resources Director; Charree Slates, I.T. Support Specialist; Tony LaSoya, I.T. Director; Jamie Young, City Recorder

**2. DISCUSSION ITEMS**

**A. New eScribe Software Overview and Information**

Tony LaSoya, IT Director, gave a presentation on the eScribe software that will be implemented before July 2024. There was a video played giving a demonstration of the software. The Council and Staff discussed the software.

## **B. Lincoln City - City Charter**

*Daphnee Legarza, City Manager, spoke to the Council about the City Charter. The Council and Staff reviewed multiple chapters of the City Charter. David Robinson, Interim City Attorney reviewed public meetings law. The Council and Staff had a discussion regarding the information reviewed.*

## **C. Council Rules and Meetings**

*The Council and Staff had a discussion regarding the information reviewed.*

## **D. Council Employees**

*Abigail Edwards, Human Resources Director, reviewed the employees of the Council and the Council's roles with the employees. The Council and Staff had a discussion regarding the materials provided.*

## **E. Ethics Overview**

*Daphnee Legarza, City Manager, went over the ethics for the Council. The Council and Staff had a discussion on ethics. The Council and Staff also discussed executive sessions and being able to Zoom. Ms. Legarza is going to check into the process.*

## **F. Training and Educational Opportunities**

### **G. On-Going Current City-Wide Initiatives**

*Ms. Legarza gave a handout of the highlights of the training and ongoing city-wide initiatives and asked for the Council to reach out with questions.*

## **3. MISCELLANEOUS**

*Mayor Wahlke spoke about the LOC Conference and the City Attorney RFP. Mayor Wahlke spoke about the three concerns of the Roads End Improvement Association: the window for the short-term rental licenses ending November of 2024; Fireworks; and Maintenance of the beach accesses with recreational immunity. Mayor Wahlke spoke about the Small Cities meeting.*

## **4. ADJOURNMENT**

*Mayor Wahlke adjourned the meeting at 6:41 PM.*

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SUSAN WAHLKE, MAYOR

ATTEST:

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JAMIE YOUNG, CITY RECORDER

# Council Communication

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## Competitive Bidding Exemption D River Visitor Center

Meeting Date:	March 11, 2024	Primary Staff Contact:	Stephanie Reid
Department:	Public Works	E-Mail:	SReid@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	10 minutes

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### Question:

Should the City Council authorize an exemption to the competitive bidding process for the D-River Visitor Center Improvements?

### Staff Recommendation:

Staff Recommends the City Council authorize an exemption to the competitive bidding process for the D-River Visitor Center Improvements.

### Authority:

Exemptions are allowed under ORS 279C.335 (2) providing the agency seeking an exemption follow the required procedures including preparing findings for the exemption.

*Subject to subsection (4)(b) and (c) of this section, the Director of the Oregon Department of Administrative Services, a local contract review board or, for contracts described in [ORS 279A.050 \(Procurement authority\)](#) (3)(b), the Director of Transportation may exempt a public improvement contract or a class of public improvement contracts from the competitive bidding requirement of subsection (1) of this section after the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board approves the following findings that the contracting agency submits or, if a state agency is not the contracting agency, that the state agency that is seeking the exemption submits:*

(a)

*The exemption is unlikely to encourage favoritism in awarding public improvement contracts or substantially diminish competition for public improvement contracts.*

(b)

*Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the contracting agency or the state agency that seeks the exemption or, if the contract is for a public improvement described in [ORS 279A.050 \(Procurement authority\)](#) (3)(b), to the contracting agency or the public. In approving a finding under this paragraph, the*

*Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board shall consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract or class of public improvement contracts, the following:*

- (A) *How many persons are available to bid;*
- (B) *The construction budget and the projected operating costs for the completed public improvement;*
- (C) *Public benefits that may result from granting the exemption;*
- (D) *Whether value engineering techniques may decrease the cost of the public improvement;*
- (E) *The cost and availability of specialized expertise that is necessary for the public improvement;*
- (F) *Any likely increases in public safety;*
- (G) *Whether granting the exemption may reduce risks to the contracting agency, the state agency or the public that are related to the public improvement;*
- (H) *Whether granting the exemption will affect the sources of funding for the public improvement;*
- (I) *Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;*
- (J) *Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement;*
- (K) *Whether the public improvement involves new construction or renovates or remodels an existing structure;*
- (L) *Whether the public improvement will be occupied or unoccupied during construction;*
- (M) *Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; and*

- (N) *Whether the contracting agency or state agency has, or has retained under contract, and will use contracting agency or state agency personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the contracting agency or state agency will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.*
- (c) *As an alternative to the finding described in paragraph (b) of this subsection, if a contracting agency or state agency seeks an exemption that would allow the contracting agency or state agency to use an alternative contracting method that the contracting agency or state agency has not previously used, the contracting agency or state agency may make a finding that identifies the project as a pilot project for which the contracting agency or state agency intends to determine whether using the alternative contracting method actually results in substantial cost savings to the contracting agency, to the state agency or, if the contract is for a public improvement described in [ORS 279A.050 \(Procurement authority\)](#) (3)(b), to the contracting agency or the public. The contracting agency or state agency shall include an analysis and conclusion regarding actual cost savings, if any, in the evaluation required under [ORS 279C.355 \(Evaluation of public improvement projects not contracted by competitive bidding\)](#).*
- (3) *In making findings to support an exemption for a class of public improvement contracts, the contracting agency or state agency shall clearly identify the class using the class's defining characteristics. The characteristics must include a combination of project descriptions or locations, time periods, contract values, methods of procurement or other factors that distinguish the limited and related class of public improvement contracts from the agency's overall construction program. The agency may not identify a class solely by funding source, such as a particular bond fund, or by the method of procurement, but shall identify the class using characteristics that reasonably relate to the exemption criteria set forth in subsection (2) of this section.*
- (4) *In granting exemptions under subsection (2) of this section, the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board shall:*
- (a) *If appropriate, direct the use of alternative contracting methods that take account of market realities and modern practices and are consistent with the public policy of encouraging competition.*

- (b) *Require and approve or disapprove written findings by the contracting agency or state agency that support awarding a particular public improvement contract or a class of public improvement contracts, without the competitive bidding requirement of subsection (1) of this section. The findings must show that the exemption of a contract or class of contracts complies with the requirements of subsection (2) of this section.*
- (c) *Require a contracting agency or state agency that procures construction manager/general contractor services to conduct the procurement in accordance with model rules the Attorney General adopts under [ORS 279A.065 \(Model rules generally\)](#) (3).*
- (5) *Intentionally left blank —Ed.*
- (a) *A contracting agency or state agency may hold a public hearing before approving the findings required by subsection (2) of this section and before the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board grants an exemption from the competitive bidding requirement for a public improvement contract or a class of public improvement contracts.*
- (b) *Notification of a proposed exemption under subsection (2) of this section must be published in at least one trade newspaper of general statewide circulation a minimum of 14 days before the date on which the contracting agency intends to take action to approve or disapprove the exemption.*
- (c) *The notice must state that in response to a written request, the contracting agency or state agency will hold a public hearing for the purpose of taking comments on the draft findings for an exemption from the competitive bidding requirement.*
- (d) *If the contracting agency or state agency conducts a public hearing, the contracting agency or state agency shall offer an opportunity for any interested party to appear and comment.*
- (e) *If a contracting agency or state agency must act promptly because of circumstances beyond the agency's control that do not constitute an emergency, notification of the proposed exemption may be published simultaneously with the agency's solicitation of contractors for the alternative public contracting method, as long as responses to the solicitation are due at least five days after the agency intends to take action to approve or disapprove the proposed exemption.*

- (6) *The purpose of an exemption is to exempt one or more public improvement contracts from competitive bidding requirements. The representations in and the accuracy of the findings, including any general description of the resulting public improvement contract, are the bases for approving the findings and granting the exemption. The findings may describe anticipated features of the resulting public improvement contract, but the final parameters of the contract are those characteristics or specifics announced in the solicitation document.*
- (7) *A public improvement contract awarded under the competitive bidding requirement of subsection (1) of this section may be amended only in accordance with rules adopted under [ORS 279A.065 \(Model rules generally\)](#).*
- (8) *A public improvement contract that is excepted from the competitive bidding requirement under subsection (1)(a), (c), (d), (e), (f) or (g) of this section is not subject to the exemption requirements of subsection (2) of this section. [2003 c.794 §103; 2003 c.794 §§104,105a; 2005 c.103 §§12,13,14; 2005 c.625 §§58,59,60; 2007 c.70 §§69,70,71; 2007 c.764 §§14,15,17; 2013 c.522 §8; 2021 c.127 §1; 2021 c.630 §49a]*

**Council Options:**

City Council may authorize an exemption to the competitive bidding process for the D River Visitor Center Project based on the draft findings.

City Council may authorize an exemption to the competitive bidding process for the D River Visitor Center Project based on modifications to the draft findings.

City Council may disagree with the findings and direct staff to procure contracts under the competitive bidding process.

**Potential Motions:**

Move to approve the exemption to the competitive bidding process for the D River Visitor Center Project based on the draft findings.

Move to authorize an exemption to the competitive bidding process for D River Visitor Center Project with changes to the draft findings.

Move to reject the draft findings and direct staff to procure contracts under the competitive bidding process.

**Attachments:**

Exemption Public Notice

Draft Findings

**Attachments:**

D-River Findings (PDF)

Exemption Public Notice D-River (PDF)

# Findings in Support of Alternative Contracting Method

## For D-River Visitor Center Project

### Introduction

The Use of Alternative Contracting methods, such as the Progressive Design Build method, is made possible under ORS Chapter 279C, which permits certain contracts or classes of contracts to be exempt from competitive public bidding under strict procedural safeguards.

Pursuant to ORS 279C.335, a local contract review board may exempt specific contracts from traditional, competitive bidding by showing that an alternative contracting process is unlikely to encourage favoritism or diminish competition and will result in cost savings to the public agency. The Oregon Attorney General's Model Public Contract Rules provide for public notice and opportunity for the public to comment on draft findings in favor of an exemption before their final adoption.

ORS 279C.330 provides that: "findings" means the justification for a contradicting agency conclusion that includes, but is not limited to, information regarding:

- Operational, budget and financial data;
- Public benefits;
- Value engineering;
- Specialized expertise required;
- Public safety;
- Market conditions;
- Technical complexity;
- Funding sources

### Background

Oregon Parks and Recreation Department (OPRD) owns and operates the D River State Recreational Site (+/- 4 Acre) that is location along Hwy 101 and D-River. The 2021 Oregon Legislature approved funding for construction a welcome center, upgrading restrooms, landscaping, and improving beach access. The City has developed a preliminary Concept Plan for the Visitor Center that lays out the building size requirements and layout. The Design/Build team will take this preliminary concept plan and working with City Staff and ORPD to develop final construction plans and specification.

### Operational, Budget, and Financial Data

The project has budget limits and working within approved budget is critical. Using the Progressive Design Build contracting process will allow the City to price different d

options during design with a contractor involvement in the design. The Contractor will give the City a not to exceed price before construction is authorized.

### **Market Conditions**

The Progressive Design Build contracting process is a modern construction delivery method used by both public and private organizations. The team is tasked with knowing the latest construction techniques and products. The chosen contractor is given the opportunity to incorporate their knowledge of current market conditions, labor and materials availability, and construction methodologies and reduce construction time and costs.

### **Technical Complexity**

The options to construct a Visitor Center Building varies in the type of construction. The cost of each type of construction is difficult to estimate at the beginning given the site work, utilities, availability of materials. Having a civil engineer select a method and develop plans and then bid the contract does not offer the City the guaranteed lowest cost and most effective project.

### **Funding Sources**

The Progressive Design Build method of contracting provides the greatest cost controls for limited budgets and therefore benefits the City. This method allows the flexibility to be able to construct the phases as funding becomes available. The approach requires the contractor to compete with other proposals and present the most affordable and efficient method of project implementation.

### **Unlikely to Encourage Favoritism or Diminish Competition**

It is unlikely that the process of selecting a contractor through the Progressive Design Build method will encourage favoritism in the awarding of the public contract or substantially diminish competition for the public contract. Competition will not diminish because the Progressive Design Build contract will be awarded based on a competitive process, with clearly identified criteria. Any contractor/engineer team can propose.

### **Summary**

Using the Progressive Design Build method of contracting allows the City to determine the best building design with the best price. This method eliminates the uncertainty in construction costs because the contractor has been involved in the design process and the unknowns are removed from the construction process thereby reducing the contractor's price.

**NOTICE OF PUBLIC HEARING  
CITY OF LINCOLN CITY  
COMPETITIVE BIDDING EXEMPTION**

Notice is hereby given that the City Council of Lincoln City will hold a public hearing to take oral and written comments on the City's draft findings in support of an exemption from competitive bidding under ORS 279C.335 for the Design and Construction of the D-River Visitor Center.

The City is requesting the exemption from competitive bidding to allow the use of a procurement method that presents an alternative to the traditional low-bid method of contracting. The method known as Progressive Design-Build awards projects to the contractor offering the best combination of price, technical qualifications, technical approach. The City's evaluation and scoring of competing contractor's technical qualifications and technical approach components, combined with comparison of the contractor's price component will be the basis of award.

The project is located at 95 SW Hwy 101, Lincoln City, OR. The project will include replacing the existing parking lot and public restrooms with a new City Visitor Center with public restrooms and a new parking lot.

The draft findings may also be viewed on Lincoln City's website at [www.lincolncity.org](http://www.lincolncity.org). Copies of draft findings may be obtained at a cost of 30 cents per page.

**Public Hearing Information**

Date: March 11, 2024

Time: City Council Meeting, 6:00 PM\*

Place: City Council Chambers, 801 SW Highway 101, 3<sup>rd</sup> Floor  
Lincoln City, Oregon

*\*(This is a regularly scheduled City Council meeting, and the public hearing will not be the first item on the agenda.)* Comments must be submitted in writing by noon on March 6, 2024 to be included in the City Council packet. Written comments received after noon March 6, 2024 will be provided to City Council at the hearing. Any person may provide oral or written comments to the City Council at the March 11, 2024 hearing. Written comments should be addressed to:

Comments on the Draft Findings should be addressed to:

Stephanie Reid, Public Works Director/City Engineer  
Public Works Department  
P.O. Box 50  
Lincoln City OR, 97367

**Date of Publication: February 26, 2024      Daily Journal of Commerce**

# Council Communication

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## Competitive Bidding Exemption for radio read water meter installation

Meeting Date:	March 11, 2024	Primary Staff Contact:	Stephanie Reid
Department:	Public Works	E-Mail:	SReid@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	10 minutes

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### Question:

Should the City Council authorize an exemption to the competitive bidding process for installing water meters/radios as part of the City's AMI (Advanced Metering Infrastructure System)?

### Staff Recommendation:

Staff recommends the City Council authorize an exemption to the competitive bidding process for installing water meters/radios as part of the City's AMI (Advanced Metering Infrastructure System).

### Background:

The City Council has approved installing the AMI (Advanced Metering Infrastructure Systems). The AMI System is a system where water meters are read by a radio rather than a meter reader visiting each meter on site. The system also provides a real time information about use of water. Currently our current contractor has installed 1,755 new meters. Staff is moving forward with Phase 1B with approximately 700 water meters to install. During the last Phase of installing meter the current Ferguson Waterworks subcontractor installing the water meters did not performed up the expectation and placed a huge demand on our water maintenance staff and issues with finance billing. To correct this issue Staff is requesting the ability to hire a installation contractor that Staff is familiar with their work products and trust their ability to perform and eliminate issues for water maintenance and finance staff.

### Authority:

Exemptions are allowed under ORS 279C.335 (2) providing the agency seeking an exemption follow the required procedures including preparing findings for the exemption.

Subject to subsection (4)(b) and (c) of this section, the Director of the Oregon Department of Administrative Services, a local contract review board or, for contracts described in [ORS 279A.050 \(Procurement authority\)](#) (3)(b), the Director of Transportation may exempt a public improvement contract or a class of public improvement contracts from the competitive bidding requirement of subsection (1) of this section after the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board approves the following findings that the contracting agency submits or, if a state agency is not the contracting agency, that the state agency that is seeking the exemption submits:

- (a) *The exemption is unlikely to encourage favoritism in awarding public improvement contracts or substantially diminish competition for public improvement contracts.*
- (b) *Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the contracting agency or the state agency that seeks the exemption or, if the contract is for a public improvement described in [ORS 279A.050 \(Procurement authority\)](#) (3)(b), to the contracting agency or the public. In approving a finding under this paragraph, the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board shall consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract or class of public improvement contracts, the following:*
  - (A) *How many persons are available to bid;*
  - (B) *The construction budget and the projected operating costs for the completed public improvement;*
  - (C) *Public benefits that may result from granting the exemption;*
  - (D) *Whether value engineering techniques may decrease the cost of the public improvement;*
  - (E) *The cost and availability of specialized expertise that is necessary for the public improvement;*
  - (F) *Any likely increases in public safety;*
  - (G) *Whether granting the exemption may reduce risks to the contracting agency, the state agency or the public that are related to the public improvement;*

- (H) *Whether granting the exemption will affect the sources of funding for the public improvement;*
- (I) *Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;*
- (J) *Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement;*
- (K) *Whether the public improvement involves new construction or renovates or remodels an existing structure;*
- (L) *Whether the public improvement will be occupied or unoccupied during construction;*
- (M) *Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; and*
- (N) *Whether the contracting agency or state agency has, or has retained under contract, and will use contracting agency or state agency personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the contracting agency or state agency will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.*
- (c) *As an alternative to the finding described in paragraph (b) of this subsection, if a contracting agency or state agency seeks an exemption that would allow the contracting agency or state agency to use an alternative contracting method that the contracting agency or state agency has not previously used, the contracting agency or state agency may make a finding that identifies the project as a pilot project for which the contracting agency or state agency intends to determine whether using the alternative contracting method actually results in substantial cost savings to the contracting agency, to the state agency or, if the contract is for a public improvement described in [ORS 279A.050 \(Procurement authority\)](#) (3)(b), to the contracting agency or the public. The contracting agency or state agency shall include an analysis and conclusion regarding actual cost savings, if any, in the evaluation required under [ORS 279C.355 \(Evaluation of public improvement projects not contracted by competitive bidding\)](#).*

- (3) *In making findings to support an exemption for a class of public improvement contracts, the contracting agency or state agency shall clearly identify the class using the class's defining characteristics. The characteristics must include a combination of project descriptions or locations, time periods, contract values, methods of procurement or other factors that distinguish the limited and related class of public improvement contracts from the agency's overall construction program. The agency may not identify a class solely by funding source, such as a particular bond fund, or by the method of procurement, but shall identify the class using characteristics that reasonably relate to the exemption criteria set forth in subsection (2) of this section.*
- (4) *In granting exemptions under subsection (2) of this section, the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board shall:*
- (a) *If appropriate, direct the use of alternative contracting methods that take account of market realities and modern practices and are consistent with the public policy of encouraging competition.*
- (b) *Require and approve or disapprove written findings by the contracting agency or state agency that support awarding a particular public improvement contract or a class of public improvement contracts, without the competitive bidding requirement of subsection (1) of this section. The findings must show that the exemption of a contract or class of contracts complies with the requirements of subsection (2) of this section.*
- (c) *Require a contracting agency or state agency that procures construction manager/general contractor services to conduct the procurement in accordance with model rules the Attorney General adopts under [ORS 279A.065 \(Model rules generally\)](#) (3).*
- (5) *Intentionally left blank —Ed.*
- (a) *A contracting agency or state agency may hold a public hearing before approving the findings required by subsection (2) of this section and before the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board grants an exemption from the competitive bidding requirement for a public improvement contract or a class of public improvement contracts.*
- (b) *Notification of a proposed exemption under subsection (2) of this section must be published in at least one trade newspaper of general statewide circulation a*

*minimum of 14 days before the date on which the contracting agency intends to take action to approve or disapprove the exemption.*

(c)

*The notice must state that in response to a written request, the contracting agency or state agency will hold a public hearing for the purpose of taking comments on the draft findings for an exemption from the competitive bidding requirement.*

(d)

*If the contracting agency or state agency conducts a public hearing, the contracting agency or state agency shall offer an opportunity for any interested party to appear and comment.*

(e)

*If a contracting agency or state agency must act promptly because of circumstances beyond the agency's control that do not constitute an emergency, notification of the proposed exemption may be published simultaneously with the agency's solicitation of contractors for the alternative public contracting method, as long as responses to the solicitation are due at least five days after the agency intends to take action to approve or disapprove the proposed exemption.*

(6)

*The purpose of an exemption is to exempt one or more public improvement contracts from competitive bidding requirements. The representations in and the accuracy of the findings, including any general description of the resulting public improvement contract, are the bases for approving the findings and granting the exemption. The findings may describe anticipated features of the resulting public improvement contract, but the final parameters of the contract are those characteristics or specifics announced in the solicitation document.*

(7)

*A public improvement contract awarded under the competitive bidding requirement of subsection (1) of this section may be amended only in accordance with rules adopted under [ORS 279A.065 \(Model rules generally\)](#).*

(8)

*A public improvement contract that is excepted from the competitive bidding requirement under subsection (1)(a), (c), (d), (e), (f) or (g) of this section is not subject to the exemption requirements of subsection (2) of this section. [2003 c.794 §103; 2003 c.794 §§104,105a; 2005 c.103 §§12,13,14; 2005 c.625 §§58,59,60; 2007 c.70 §§69,70,71; 2007 c.764 §§14,15,17; 2013 c.522 §8; 2021 c.127 §1; 2021 c.630 §49a]*

### **Financial Impact:**

This project was approved in the FY 2023/24 budget and award of the project was approved by Council in February 2023 awarding Ferguson Waterworks the contract to install and integrate the meters to a meter data management system owned by Ferguson Waterworks. We are proposing to remove the installation portion of their

contract and award the next phase of installation to a contractor that we select under this exemption. There will be no financial impact to the overall budget.

**Potential Motions:**

Move to approve the exemption to the competitive bidding process for the Water Meter/Radio Replacement based on the draft findings.

Move to authorize an exemption to the competitive bidding process for the Water Meter/Radio Replacement with changes to the draft findings

Move to reject the draft findings and direct staff to procure contracts under the competitive bidding process.

**Potential Motions:**

Move to approve the exemption to the competitive bidding process for the Water Meter/Radio Replacement based on the draft findings.

Move to authorize an exemption to the competitive bidding process for the Water Meter/Radio Replacement with changes to the draft findings

Move to reject the draft findings and direct staff to procure contracts under the competitive bidding process.

**Attachments:**

Exemption Public Notice  
Findings in Support of Alternative Contracting Method

**Attachments:**

Exemption Public Notice meter installation (PDF)  
Water Meter Findings (PDF)

**NOTICE OF PUBLIC HEARING  
CITY OF LINCOLN CITY  
COMPETITIVE BIDDING EXEMPTION**

Notice is hereby given that the City Council of Lincoln City will hold a public hearing to take oral and written comments on the City's draft findings in support of an exemption from competitive bidding under ORS 279C.335 for radio read meter installations.

The City is requesting the exemption from competitive bidding to allow the use of a procurement method that presents an alternative to the traditional low-bid method of contracting. The method known as Best-Value projects to the contractor offering the best combination of price, qualifications and technical approach. The City's evaluation and scoring of competing contractor's technical qualifications and technical approach components, combined with comparison of the contractor's price component will be the basis of award.

The project is located throughout the Lincoln City Water District. The project will include replacing existing water meters with new radio read meters.

The draft findings may also be viewed on Lincoln City's website at [www.lincolncity.org](http://www.lincolncity.org). Copies of draft findings may be obtained at a cost of 30 cents per page.

**Public Hearing Information**

Date: March 11, 2024

Time: City Council Meeting, 6:00 PM\*

Place: City Council Chambers, 801 SW Highway 101, 3<sup>rd</sup> Floor  
Lincoln City, Oregon

*\*(This is a regularly scheduled City Council meeting, and the public hearing will not be the first item on the agenda.)* Comments must be submitted in writing by noon on March 6, 2024 to be included in the City Council packet. Written comments received after noon March 6, 2024 will be provided to City Council at the hearing. Any person may provide oral or written comments to the City Council at the March 11, 2024 hearing. Written comments should be addressed to:

Comments on the Draft Findings should be addressed to:

Stephanie Reid, Public Works Director/City Engineer  
Public Works Department  
P.O. Box 50  
Lincoln City OR, 97367

**Date of Publication: February 26, 2024      Daily Journal of Commerce**

# Findings in Support of Alternative Contracting Method

## For Water Meter/Radio Replacement Project

### Introduction

The Use of Alternative Contracting methods, such as the Best-Value method, is made possible under ORS Chapter 279C, which permits certain contracts or classes of contracts to be exempt from competitive public bidding under strict procedural safeguards.

Pursuant to ORS 279C.335, a local contract review board may exempt specific contracts from traditional, competitive bidding by showing that an alternative contracting process is unlikely to encourage favoritism or diminish competition and will result in cost savings to the public agency. The Oregon Attorney General's Model Public Contract Rules provide for public notice and opportunity for the public to comment on draft findings in favor of an exemption before their final adoption.

ORS 279C.330 provides that: "findings" means the justification for a contradicting agency conclusion that includes, but is not limited to, information regarding:

- Operational, budget and financial data;
- Public benefits;
- Value engineering;
- Specialized expertise required;
- Public safety;
- Market conditions;
- Technical complexity;
- Funding sources

### Background

The City Council has approved installing AMI (Advanced Metering Infrastructure System). The AMI System is a system where water meters are read by a radio rather than a meter reader visiting each meter on site. The System also provides real time information about the use of water. The City is currently plan to install water meter in Phase 2B which is approximately 700 meters. In Phase 2A the contracting company was Ferguson Waterworks and they used a subcontractor to install the equipment and this work caused City Staff all lot of extra work to resolve problems that arose about the installation. To resolve these installation issues, the City does not want to use a low bid subcontractor. The City wants to use a Contractor that has been successful in completing projects for the City.

## **Operational, Budget, and Financial Data**

In the previous phase of installing the AMI System City Staff has spent a lot of time managing and correcting problems with the installation of the equipment because the Subcontract was a low cost contractor. By using a contractor that has work well with City staff in the past and has the confidence of City staff will save City staff a lot of time and money.

## **Market Conditions**

The City does not want to advertise for these services and have to select a low bid contractor who the City may not know and how experience they are in installing the AMI System. Using a low cost contractor in Phase 2 has cost the City a lot of extra time managing their work and correcting problems that they created. It will save the City money and increase revenue to the City by installing this system as fast and efficiently as possible because most of the water meters are old and are not accurate in the monthly reading for billing. In the previous two phases the City has seen an increase in water revenue due to more accurate meter readings.

## **Technical Complexity**

The installation of the AMI System needs a contractor that is organize in keeping track of the meters being installed and the programming of each meter so that they will communicate with antenna site which collects the data. If this work is not done correctly that each meter incorrectly programmed than someone will need go back to the meter and reprogramed it. The City prefers to have a contractor that it can rely on to perform these services correctly the first time.

## **Funding Sources**

The City budgets each year for the installation of the AMI System. Staying with the budget is important and the contractor installing the system will submit a itemized cost for completing each type of service. This will assist the City is keeping the project within budget.

## **Unlikely to Encourage Favoritism or Diminish Competition**

The City primary purpose for requesting an exemption is to select a contract that the City has used in the past that always has performed very well and has the confidence of Staff to complete the work without a lot of staff time.

## **Summary**

In Phase 2A of installing a AMI System had a bad experience using a low cost contractor installing the water meters for the radio system. The City wants to hire a contractor that has successfully completed projects for the City.

## Council Communication

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### Appointment to Arts Committee - Amanda Megyesi-McCave

Meeting Date:	March 11, 2024	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	5 minutes

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#### Question:

Should the City Council approve the appointment of Amanda Megyesi-McCave for a LCSD- North position on the Public Arts Committee?

#### Staff Recommendation:

Ms. Megyesi-McCave was interviewed by Councilor Hoagland and Councilor Barker on February 13, 2024.

#### Authority:

LCMC 2.06.015 (F)

F. Appointment. At a regular or special meeting of the city council the question of appointment of one or more applicants for appointive bodies can be placed on the agenda for consideration. No applicant will be placed on the agenda until completion of the interview, background and reference check process. At the time the matter is considered the individual interviewers may give their recommendation, or, as applicable, an interview subcommittee member may give the recommendation of the subcommittee. The council may use the ballot nomination process to narrow the applicant field. Notwithstanding any other provision in the municipal code, all appointments shall be by motion, approved by majority vote of the governing body.

LCMC 2.64.020 Membership - Qualifications

The arts committee shall consist of seven members representing a broad perspective of arts and community interests, appointed by the city council. At least three of the members must be residents of the city. Three of the members may be residents within the boundaries of the Lincoln County School District – North Area even though not residents of the city. One member may be a representative of an "arts organization"

provided the “arts organization” is located within 30 miles of Lincoln City. Lincoln County voter registration records may be used to determine residency. To be eligible for appointment to and continued service on the arts committee, a person or organization at the time of appointment and throughout his or her term of service must meet the residency requirement. (Ord. 2017-05 § 10; Ord. 2016-11 § 1; Ord. 2013-02 § 1; Ord. 2004-14 § 2)

### **Background:**

The Public Arts Committee has one (1) vacant position. This vacant position has been advertised.

### **Council Options:**

Review and discuss the recommendation for appointment of Amanda Megyesi-McCave to a position on the Public Arts Committee for a partial term expiring December 31, 2026.

### **Potential Motions:**

- 1. I move to appoint Amanda Megyesi-McCave to the Public Arts Committee for a “LCSD- North” position with a partial three-year term. The term expires 12/31/2026.**

### **Attachments:**

Amanda Megyesi-McCave-Committee application\_Redacted (PDF)

Amanda Lincoln City Arts Reference (PDF)

MEMORANDUM TO CC--APPOINTED BODIES BG CHECK PASS\_FAIL DETERMINATION-Megyesi-McCave Amandadocx (PDF)



**CITY OF LINCOLN CITY**  
**Committee / Board / Commission Application**

Please indicate which committee/board/commission you are applying for:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Arts Committee          | <input type="checkbox"/> Parks and Recreation Board |
| <input type="checkbox"/> *Budget Committee                  | <input type="checkbox"/> Planning Commission        |
| <input type="checkbox"/> Community Sustainability Committee | <input type="checkbox"/> Library Board              |
| <input type="checkbox"/> URA Ad Hoc Committee               |   |

*\* If applying for the Budget Committee, you may not serve on any other City board or committee at the same time. Other City committee volunteer positions allow dual representation if it does not present a conflict of interest.*

<b>NAME:</b>	Amanda Megyesi-McCave	<b>DATE:</b>	01/25/2024
<b>HOME ADDRESS:</b>	[REDACTED]		
<b>MAILING ADDRESS:</b>	[REDACTED]		
<b>CITY, STATE, ZIP:</b>	Lincoln City, OR 97367		
<b>E-MAIL ADDRESS:</b>	[REDACTED]		
<b>HOME PHONE:</b>		<b>CELL PHONE:</b>	[REDACTED]

**RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA**

- Do you reside within the City limits:  Yes Length of Time \_\_\_\_\_
- Do you reside within the Urban Growth Boundary?  Yes Length of Time \_\_\_\_\_
- Do you reside within the Lincoln County School District North:  Yes  No
- Are you a registered voter in Lincoln County?  Yes  No
- Are you a Lincoln City business owner or Manager?  Yes  No
- If yes, please indicate which business you own/manage? First Interstate Bank



**QUALIFICATIONS/EXPERIENCE (Additional space is provided on back)**

Describe relevant qualifications (i.e. work or volunteer experiences) to include any applicable education and/or training. For example, if you are a hotel owner or operator and applying for the Visitor and Convention Committee; and highlight any skills, interests or hobbies that you believe would bring value to your ability to serve this position:

I ran Backyard theatre, volunteered at Western Heritage Center as a Docent, volunteered at Moss Mansion, NOVA Center for the Performing Arts,(all in Montana) and TheatreWest in Lincoln City. I have a degree in Communication Arts with an emphasis in Theatre.

List names of volunteer/work supervisors:

Sandy Gruber, Jack Baird, Marlene McCave, Dodie Rife

Please provide any previous experience with committees, boards or commissions and positions held:  
Worked as an AmeriCorps VISTA with the Montana Alliance of Boys and Girls Clubs

State the name, title and any relationship you have to a City Council member, Commissioner, board member or city employee:

My son works for the community center

Explain why you would like to serve on this board, commission, or committee:

I appreciate growing arts in communities not only in theatre, but visual arts, dance, and music. I want to become more involved in my community and connect with people that have the same interests in bettering our community.

List the name, phone number, and e-mail address (if possible) of two personal or professional references:

Name: Tiffany Lawrence Phone: 

Name: Sandy Gruber Phone: 

**My signature affirms that all information contained herein is true and correct to the best of my knowledge, and that I understand that any misstatement of fact, or any misrepresentation of credentials may result in this application being disqualified and is cause for removal from any appointed body. Shaded information will not be released due to personal privacy protection laws.**



1-25-24  
DATE



City Recorder  
City of Lincoln City  
PO Box 50  
Lincoln City, OR 97367

**COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM**

<b>FULL NAME:</b>	Amanda Megyesi-McCave
<b>START DATE:</b>	
<b>NAME OF COMMITTEE, BOARD, OR COMMISSION:</b>	Arts committee
<b>CITY STAFF REPRESENTATIVE:</b>	
<b>HOME ADDRESS:</b>	[REDACTED]
<b>MAILING ADDRESS:</b>	[REDACTED]
<b>HOME PHONE:</b>	
<b>CELL PHONE:</b>	
<b>PERSONAL E-MAIL ADDRESS:</b>	

<b>EMERGENCY CONTACT NAME/RELATIONSHIP:</b>	[REDACTED]
<b>HOME PHONE:</b>	[REDACTED]
<b>CELL PHONE:</b>	[REDACTED]

<b>DATE:</b>	1/29/2024
<b>VOLUNTEER SIGNATURE:</b>	[REDACTED]

**ALL PERSONAL INFORMATION WILL BE KEPT STRICTLY CONFIDENTIAL**



**FAIR CREDIT REPORTING ACT (FCRA) ACKNOWLEDGEMENT AND AUTHORIZATION FOR BACKGROUND CHECK FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED BODY**

**PLEASE READ CAREFULLY BEFORE SIGNING!**

I acknowledge receipt of the separate document entitled "DISCLOSURE REGARDING BACKGROUND INVESTIGATION and a SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT", and certify that I have read and understand both of those documents. I hereby authorize the obtaining of "consumer reports" and/or "investigative consumer reports" by Lincoln City ("City") at any time after receipt of this authorization and throughout my employment, if applicable.

To this end, I hereby authorize, without reservation, any law enforcement agency, administrator, state or federal agency, institution, school or university (public or private), information service bureau, employer, or insurance company to furnish any and all background information requested by **Pinnacle Investigations, 920 North Argonne Road, Suite 200, Spokane Valley, WA, 99212; Telephone Number 1-800-955-5306; [www.pinnacleprof.com](http://www.pinnacleprof.com)** and or "City". I agree that a facsimile ("fax"), electronic or photographic copy of this Authorization shall be as valid as the original.

SIGNATURE

[Redacted signature]

DATE

1/25/24

February 7, 2024

To Whom It May Concern:

I would gladly recommend Amanda McCave for the Lincoln City Arts Committee. I have known Amanda for the last three years, and I think this is a good fit for her.

Amanda is very involved with the local theater with acting and directing. She has also brought others on to help at the theater. She is dedicated to the things she does and learns quickly. Amanda puts a smile on the face of those she is around.

She would be an asset to any organization, but I know she is particularly passionate about the Arts.

Sincerely,

A handwritten signature in black ink, appearing to read "Tiffany A. Lawrence". The signature is fluid and cursive, with the first name being the most prominent.

Tiffany A. Lawrence



## MEMORANDUM

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**To: City of Lincoln City Mayor and Council**

**From: Human Resources Department**

**Date: February 8, 2024**

**Re: Council Volunteer Appointment—Background Report and References**

To the Honorable Mayor and City Council:

Human Resources has conducted a background investigation and reference check for a volunteer application for City Appointed Bodies as set forth in the Lincoln City Municipal Code, Section 2.06.015(D).

No adverse information was found for the following applicant, and they have *passed* the background check.

Name: Amanda Megyesi-McCave

Position Applied For: Arts Committee

Human Resources was unable to complete all reference checking due to the following:

- One reference has been unresponsive to the request for information.

Reference responses have been returned to the City Recorder for your review. Thank you.

Respectfully,

Abigail Edwards

HR Director

# Council Communication

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## Appointment to the Budget Committee- Estle Harlan

Meeting Date:	March 11, 2024	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	15 Minutes

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### Question:

Should the City Council appoint Estle Harlan to a position on the Budget Committee?

### Staff

### Recommendation:

Staff recommends that Council conduct a public interview of Estle Harlan for the Budget Committee

### Authority:

Appointment to the Lincoln City Budget Committee is authorized under LCMC Chapters 2.06 and 2.70.

### Background:

There are two City Resident positions on the Budget Committee that have become vacant. Ms. Harlan successfully completed the background check and residency requirements.

### Council

### Options:

After the public interview process is complete, you can make a motion to appoint, if you choose.

### Possible Motions:

I move to appoint Estle Harlan to the City Resident position on the Budget Committee for a partial term ending 12/31/27.

I move to appoint Estle Harlan to the City Resident position on the Budget Committee for a partial term ending 12/31/26.

**Attachments:**

Harlan, Estle\_Budget Committee\_Redacted (PDF)

MEMORANDUM TO CC--APPOINTED BODIES BG CHECK PASS\_FAIL DETERMINATION-

Estle Harlandocx (PDF)

Ref completed-Commission applicant-Estle Harlan 2-9-24 (PDF)

Budget committee questions (PDF)



# CITY OF LINCOLN CITY Committee / Board / Commission Application

Please indicate which committee/board/commission you are applying for:

- Arts Committee
- \*Budget Committee
- Community Sustainability Committee
- URA Ad Hoc Committee
- Parks and Recreation Board
- Planning Commission
- Library Board

*\* If applying for the Budget Committee, you may not serve on any other City board or committee at the same time. Other City committee volunteer positions allow dual representation if it does not present a conflict of interest.*

<b>NAME:</b>	ESTLE HARLAN	<b>DATE:</b>	1/25/2024
<b>HOME ADDRESS:</b>	[REDACTED]		
<b>MAILING ADDRESS:</b>	[REDACTED]		
<b>CITY, STATE, ZIP:</b>	Lincoln City OR 97367		
<b>E-MAIL ADDRESS:</b>	[REDACTED]		
<b>HOME PHONE:</b>	[REDACTED]	<b>CELL PHONE:</b>	[REDACTED]

### RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA

- Do you reside within the City limits:  Yes Length of Time 30 yrs
  - Do you reside within the Urban Growth Boundary?  Yes Length of Time \_\_\_\_\_
  - Do you reside within the Lincoln County School District North:  Yes  No
  - Are you a registered voter in Lincoln County?  Yes  No
  - Are you a Lincoln City business owner or Manager?  Yes  No
- If yes, please indicate which business you own/manage? \_\_\_\_\_



**QUALIFICATIONS/EXPERIENCE (Additional space is provided on back)**

Describe relevant qualifications (i.e. work or volunteer experiences) to include any applicable education and/or training. For example, if you are a hotel owner or operator and applying for the Visitor and Convention Committee; and highlight any skills, interests or hobbies that you believe would bring value to your ability to serve this position:

Doctorate in Business Admin, Master in Public Admin; 35 years Consultant in business mgmt.; represent clients regulated by local govt.; Bd. of Ed 20+ yrs Classroom Ctr & Budget Comm, 10 yrs Geo For 21 Bd of Trustees, incl. budget oversight

List names of volunteer/work supervisors:

Rotary Club of Lincoln City Exec. Dir.; Chair LC Young Life Comm; North Lincoln Hosp Foundation Sp LNDistrict Bd; Church Session Chapel by the Sea Presb. Church

Please provide any previous experience with committees, boards or commissions and positions held:

(See above) plus extensive experience in the past on Metro DEQ Advisory Bds; appt. by Gov. Relate to Workforce Qual. Council

State the name, title and any relationship you have to a City Council member, Commissioner, board member or city employee:

None

Explain why you would like to serve on this board, commission, or committee:

Served in past on Budget Comm but left last yr. for travel conflicts; now want to return to serve on the Budget Comm. My professional & ext. experience qualifies my service

List the name, phone number, and e-mail address (if possible) of two personal or professional references:

Name: Nick Lupo Phone: [Redacted]  
Name: Dave Price Phone: [Redacted]

My signature affirms that all information contained herein is true and correct to the best of my knowledge, and that I understand that any misstatement of fact, or any misrepresentation of credentials may result in this application being disqualified and is cause for removal from any appointed body. Shaded information will not be released due to personal privacy protection laws.

[Redacted Signature]

1/25/2024

**SIGNATURE**

**DATE**



City Recorder  
City of Lincoln City  
PO Box 50  
Lincoln City, OR 97367

COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM

FULL NAME:	Estle Harlan
START DATE:	2024 if appt.
NAME OF COMMITTEE, BOARD, OR COMMISSION:	Budget Committee
CITY STAFF REPRESENTATIVE:	
HOME ADDRESS:	[REDACTED]
MAILING ADDRESS:	Same
HOME PHONE:	[REDACTED]
CELL PHONE:	[REDACTED]
PERSONAL E-MAIL ADDRESS:	[REDACTED]

EMERGENCY CONTACT NAME/RELATIONSHIP:	[REDACTED]
HOME PHONE:	[REDACTED]
CELL PHONE:	[REDACTED]

DATE:	1/25/24
VOLUNTEER SIGNATURE:	[REDACTED]

ALL PERSONAL INFORMATION WILL BE KEPT STRICTLY CONFIDENTIAL



**FAIR CREDIT REPORTING ACT (FCRA) ACKNOWLEDGEMENT AND AUTHORIZATION FOR  
BACKGROUND CHECK FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED  
BODY**

**PLEASE READ CAREFULLY BEFORE SIGNING!**

I acknowledge receipt of the separate document entitled "DISCLOSURE REGARDING BACKGROUND INVESTIGATION and a SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT", and certify that I have read and understand both of those documents. I hereby authorize the obtaining of "consumer reports" and/or "investigative consumer reports" by Lincoln City ("City") at any time after receipt of this authorization and throughout my employment, if applicable.

To this end, I hereby authorize, without reservation, any law enforcement agency, administrator, state or federal agency, institution, school or university (public or private), information service bureau, employer, or insurance company to furnish any and all background information requested by **Pinnacle Investigations, 920 North Argonne Road, Suite 200, Spokane Valley, WA, 99212; Telephone Number 1-800-955-5306; [www.pinnacleprof.com](http://www.pinnacleprof.com)** and or "City". I agree that a facsimile ("fax"), electronic or photographic copy of this Authorization shall be as valid as the original.

SIGNATURE

DATE

1/25/2024



## MEMORANDUM

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**To: City of Lincoln City Mayor and Council**

**From: Human Resources Department**

**Date: February 20, 2024**

**Re: Council Volunteer Appointment—Background Report and References**

To the Honorable Mayor and City Council:

Human Resources has conducted a background investigation and reference check for a volunteer application for City Appointed Bodies as set forth in the Lincoln City Municipal Code, Section 2.06.015(D).

No adverse information was found for the following applicant, and they have *passed* the background check.

Name: Estle Harlan

Position Applied For: Budget Committee

Human Resources was unable to complete all reference checking due to the following:

- One reference has been unresponsive to the request for information.

Reference responses have been returned to the City Recorder for your review. Thank you.

Respectfully,

*Nina Graham*

Niña Graham  
HR Supervisor



## Human Resources

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### REFERENCE CHECK- COMMITTEES

**Reference regarding:** Estle Harlan (**Budget Committee**)

**Reference:** Nick Lupo [REDACTED]

**Reference taken by; date / time:** February 9, 2024

- What is your professional relationship with the applicant?
  - I work with Estle Harlan as the Rotary President of Lincoln city
- How long have you known him/her?
  - I have known Estle for the past 5 years as a member of the Rotary Club
- How long have you worked / served with him/her?
  - I have worked and served with her for 5+ year through Rotary
- Did you hire or select him/her? If not, would you hire/select him/her given the opportunity to do so?
  - Each year the board is elected for Rotary. Estle is the Rotary Secretary and has been since I have been a part of the club.
- Do you have personal knowledge of the applicant serving on any boards? If so, please describe. If not, would serving on our Budget Committee be a good match based on your knowledge of the applicant? Would you recommend him/her for the Budget Committee? Does the applicant possess good decision making / reasoning skills?
  - Estle is an integral part of the Rotary club of Lincoln city. She organizes, researches, plans and plays a distinct role in forming the budget each year. She is the foundation of the club with her organization, record keeping, communication and documentation.
- Does the applicant have good communication / interpersonal skills?
  - Estle provides weekly communication via email to all Rotary members around programming, fundraising, service projects and the Rotary budget
- Is he/she responsible and reliable?
  - Estle is one of the most reliable people that I know.
- What are his/her strongest skills? On time, thinks clearly and very organized. Does he/she possess any special skills?
  - Estle strongest skill is organizing, communication and planning. She excels in many areas but I would not be able to run the Rotary club without her.



## Human Resources

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- If applicable, what was his/her reason for leaving the position he/she held when you worked / volunteered together?
  - I do not know of her leaving any positions.
  
- Are there any areas he/she could use help in developing (i.e. written communication, organization)? What do we need to provide to help him/her succeed on the Budget Committee?
  - Communication – If you are able to provide her with the details of the project and with your expected outcome may be she would be able to contribute.
  
- Do you have any other feedback you could provide that would help us make a decision?
  - Estle is a fabulous person and a joy to work with.

**BUDGET COMMITTEE APPLICANT QUESTIONS**

- 1) Tell us about yourself and why you are interested in serving on the budget committee.
- 2) If you could eliminate one Lincoln City service, what would it be?
- 3) How can Lincoln City better engage the public in the budget process?
- 4) When one reads the budget, what should it tell them?
- 5) How do you know if the City is spending too much or too little on a City service?
- 6) What are the biggest opportunities and challenges facing Lincoln City?
- 7) How do you prioritize where the City spends its funds?

## Council Communication

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### Regatta Park Playground Upgrade Design Award

Meeting Date:	March 11, 2024	Primary Staff Contact:	Stephanie Reid
Department:	Public Works	E-Mail:	SReid@lincolncity.org
Secondary Dept:	Parks and Recreation	Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	15 minutes

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#### Question:

Should the City Council award the Progressive Design-Build Services for Regatta Park Playground Upgrade to K&E Excavating, Inc?

#### Staff Recommendation:

Staff recommends the City Council award the Progressive Design-Build Services for Regatta Park Playground Upgrade to K&E Excavating, Inc.

#### Project Background:

The Sandcastle Playground in Regatta Park was built in 1992 and has been very well cared for over the years. At 32 years old, the playground has lasted beyond its life expectancy. While a renovation could correct some of the safety issues, this is not recommended by the original builder, and the slope will require the site to be terraced. Terracing the site would make it ADA compliant and eliminate the migration of the safety surfacing (wood chips). To properly grade the site, 50%-60% of the structure would need to be removed. A complete new playground is more cost effective and will allow us to design a new and exciting playground that will comply with the current version of ASTM (American Society for Testing and Materials) ASTM F1487 and CPSC (Consumer Product Safety Commission) CPSC Pub. 325.

#### Authority:

LCMC 2.05.060. (Public improvement contracts shall be awarded by competitive bid or as provided by the Public Contracting Code or these rules) In this case, the Council approved the exemption from competitive bid.

#### Advertisement:

The Public Works Department advertised the "Invitation to Submit Proposals for Progressive Design-Build" on January 15, 2024. We received three proposals on February 15, 2024 from:

1. K&E Excavating, Inc,
2. Grasstains, LLC
3. Allplay Systems

The proposal was reviewed by staff based on:

1. Design-Build Profile
2. Project Team
3. Experience
4. Project Approach
5. Design-Build Contract Markup
6. Fee and Rate Proposal

Staff recommends moving forward with K&E Excavating, Inc. for this project

**Financial Impact:**

The project is funded through Parks & Recreation Operation-Park Improvements (265-165-6330301) and has a budget for FY 23-24 of \$900,000.00. Phase 1 budget for conceptual design is \$74,643.00. The estimated budget for Phase 2 for (80% design) is \$119,969.00. The amount we are requesting to be awarded includes Phase 1 budget for conceptual design and Phase 2 for 80% design and a ten percent contingency for a total of \$214,073.00.

For Phase 3, the K&E Project team will develop a not to exceed cost for construction paid at direct cost plus 10% for labor and 10% for materials. We will bring Phase 3 recommendation to Council for approval.

**Council Options:**

City Council can award the Progressive Design-Build Services for Regatta Park Playground Upgrade to K&E Excavating, Inc. or not award the project to K&E Excavating, Inc.

**Potential Motions:**

Move to award the Progressive Design-Build Services for Regatta Park Playground Upgrade to K&E Excavating, Inc. in the amount of \$214,073.00.