

REGULAR MEETING

August 13, 2001

CALL TO ORDER:

A regular meeting of the Beaverton City Council was called to order by Mayor Rob Drake at the Beaverton Library, 12375 SW Fifth, Beaverton, Oregon, on Monday, August 13, 2001, at 7:00 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Fred Ruby, Evelyn Brzezinski, Dennis Doyle, Forrest Soth, and Cathy Stanton. Also present were City Attorney Mark Pilliod, Human Resources Director Sandra Miller, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Steve Baker, Police Chief David Bishop, Project Engineer Jim Brink, Engineer Mark Boguslawski, City Transportation Engineer Randy Wooley, Deputy Recorder Sue Nelson, and City Recorder Darleen Cogburn.

Mayor Drake announced that the presentation of shields and swearing in of new officers would precede the Citizen Communication portion of the evening agenda.

PRESENTATION:

01258 Presentation of Shields and Swearing In of New Officers to the Beaverton Police Department

Mayor Drake explained the reasons for the public presentation and asked Police Chief Bishop to come forward.

Bishop came forward and issued the oath to: Michelle Berry, Brian Gaunt, and Mark Groshong. He also welcomed the sheriff of Tillamook County, Sheriff Thomas Dye.

Mayor Drake presented the shields as Lt. Gary Dodson introduced the new officers and commented on their qualifications and past work experience.

Bishop commented that he was proud of these new officers who had competed with over 100 applicants. They were greeted with a warm round of applause.

Mayor Drake thanked the family members for their attendance and invited them to attend a reception for the new officers.

CITIZEN COMMUNICATION:

Mayor Drake noted that there were two testimony cards from people who wanted to talk about Agenda Bill 01261-Bid Award-Central interceptor projects 2 and 7 (Project No. 8001E).

Karry Rogers Barrett, Oregon City said she was present to protest the award of the bid to BCI Incorporated (BCI). She noted that a letter was faxed to Purchasing Agent Sharon Woodhouse that stated the reasons. She explained that she had received a response from BCI through Jim Brink, Project Engineer and she assumed that the Council also had a copy of that letter. She questioned BCI's bid and stated that it was not correctly submitted. She referred to the pre-qualifications and noted that BCI had not done any 36-inch or larger pipe at all on any previous project. She stated that she had a different interpretation of the sub-contractor disclosure form, which was that if a sub-contractor, or material supplier's bid was \$15,000.00 or more disclosure must be made at the time of the bid. She said BCI did not disclose the material supplier for the manholes, concrete pipe, the paving sub-contractor, and the gravel supplier or landscape contractor. She said this was in violation of the sub contractor disclosure, because all of those portions of the bid exceeded \$15,000.00.

Coun. Soth asked staff if the mere change of the name did not make it a new corporation or a new business. He stated that since the principles and the type of business were the same as before, the name change had no effect.

Tom Ramisch, Engineering Director, said that was correct

Coun. Soth said staff's position was that the disclosure of the sub-contractors was properly done in the bid documents.

Ramisch replied that was correct.

Coun. Brzezinski said that in the protest letter, it seemed like she (Barrett) was referring to the size of the pipe, and staff was referring to the size of the project. She asked whether it was significant if they had not worked with a 36-inch pipe.

Ramisch said staff based their decision on the value of the contracts that BCI had performed and also projects that related to drainage. He pointed out that they were comparable projects. He noted that he could not speak to the size of pipe on the other projects and if that was an issue that needed to be explored.

Mayor Drake asked if that was something Coun. Brzezinski needed to know.

Coun. Brzezinski said she just wanted to point out that it was a difference of apples and oranges.

Mayor Drake asked Ramisch or Mark Pilliod, City Attorney, if other public agencies had to follow such standards in terms of bidding.

Coun. Doyle referred to the bid standards the City followed. He asked if another public agency, like the Tualatin Hills Park and Recreation District (THPRD), would follow a bid process.

Ramisich said they had been following those procedures for several years and did not know if every agency handled it the same way.

Pilliod said that the state regulations had required that all government agencies establish requirements within their contracts and that the regulations set out a framework to do that. He said the exception would be the disclosure of sub-contractors where the threshold amount of \$15,000.00 was established, and that those sub-contractors with a contract amount of at least five percent of the contract, which according to Brink's memo would be roughly \$28,000.00. He said he disagreed with the protest regarding bidder qualification and the state law simply required that the bidder be established within the bid document. He explained that the City could vary certain broad parameters.

Coun. Soth said for clarification, according to the appellant, they were taking issue with the size of the pipe, and as he understood the City's position, it was the size of the project, regardless of the size of the material.

Ramisich replied that was correct.

Dave Porter, Portland, referred to the size of the pipe and said BCI had experience with 36-inch pipe, and the sub-contractor had twenty years of experience with underground and site work. He said they had pride in their work. He explained the upcoming project and said that throughout the construction process they would continue to communicate with the neighborhood. He commented that they went out of their way to give the best customer service possible.

Mayor Drake said it was a Contract Review Board Item and Council could act on it immediately (instead of waiting to move to the Consent portion of the meeting).

Coun. Stanton MOVED, SECONDED by Coun. Brzezinski, to approve AB 01261 Bid Award-Central Interceptor Projects 2 and 7 (Project No. 8001E) and deny the protest.

Coun. Brzezinski said she was satisfied with the responses to each of the points made by K & R Plumbing. She said their responses were made in the August 13, 2001, memo from Brink to Ramisich, in terms of both the qualifications of the successful bidder and the requirements for sub-contractor disclosure.

Coun. Soth said he thought it was another situation with two qualified people of good will that interpreted things differently, and he said the bid award should be carried out with respect to the firm that had protested.

Question called on the motion. Couns. Brzezinski, Doyle, Ruby, Soth, Stanton voting AYE, the motion CARRIED unanimously (5:0)

COUNCIL ITEMS:

Coun. Stanton commented that the National Night-Out event was very well attended and had been fun. She encouraged people to watch for it next year.

Coun. Soth complimented Darleen Cogburn, Beaverton City Recorder. He said this was the last Council meeting that she would officiate since she was leaving the City. He noted that she would be greatly missed.

Coun. Doyle invited everyone to watch for the grand opening of the Police Activities League facility. He said it would be an exciting event and there were some fun events planned.

Mayor Drake said he thought it would be on the last Saturday of September and the public would have an opportunity to attend. He explained that the old City library was being converted to the Beaverton Resource Center. The Beaverton School District would use part of it for a Welcoming Center; the Police Activities League would have some allocated space, and the remainder would be public meeting spaces.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

Coun. Stanton MOVED, SECONDED by Coun. Soth that the consent agenda be approved as follows:

Minutes of the regular meetings of April 16, April 23, May 7, May 14, and June 11, 2001

01259 CUP 2000-0030 Lanphere Auto Sales and Service at 4000 SW Hocken Avenue Conditional Use Permit

01260 Final Order for Traffic Control Board Issue 462 Regarding a Traffic Signal at SW Hart Road and 160th Avenue

Contract Review Board:

01261 Bid Award – Central Interceptor Projects 2 and 7 (Project No. 8001E) (Voted on earlier in the meeting.)

- 01262 Contract Award – Willow Creek Pedestrian Bridge Pile Driving Contract
- 01263 Ratification of Carpet Purchase for City Hall
- 01264 Authorize Contract Change Orders – Ratify Work Performed and Authorize Additional Work Under an Existing Personal Services Contract for Space-Planning, Architectural Design and Project Management Services for Fire Reconstruction and Third Floor Remodel

Coun. Stanton abstained from the May 14, 2001 minutes, because she was not present at that Council Meeting.

Coun. Stanton said although she originally voted against the Traffic Control Board Issue on Agenda Bill 01260 when it was a public hearing she would vote in favor of the final order.

Question called on the motion. Couns. Brzezinski, Doyle, Ruby, Soth, Stanton voting AYE, motion CARRIED unanimously with Coun. Stanton abstaining from the minutes of May 14, 2001. (5:0)

EXECUTIVE SESSION:

An executive session was deemed not necessary.

OTHER BUSINESS:

Coun. Stanton announced that Beaverton High School had posted a list of classes and students would have the opportunity to change their schedule.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 7:40 p.m.

Sue Nelson, Acting City Recorder

Approval:

Approved this 6th day of November, 2001

Rob Drake, Mayor