



Mirror Pond Siltation Project, Phase 1A  
Bend, Oregon

Steering Committee Meeting

SC Meeting: 006  
Meeting Date: 05.17.11 @ 2:00 PM

**MEETING MINUTES**

Subject: Project Status Meeting  
Location: City of Bend  
Awbrey Butte Conference Room, 2<sup>nd</sup> floor

Attendees: [x] denotes present-

Name/initials	Representing	Phone	Email
[X] Mel Oberst /MO	City of Bend	(541) 330-4017	<a href="mailto:moberst@ci.bend.or.us">moberst@ci.bend.or.us</a>
[X] Angela Jacobson /AJ	Pacific Power	(541) 633-2462	<a href="mailto:angela.jacobson@pacificcorp.com">angela.jacobson@pacificcorp.com</a>
[X] Don Horton /DH	Bend Park & Rec	(541) 280-0475	<a href="mailto:don@bendparksandrec.org">don@bendparksandrec.org</a>
[ ] Bruce Ronning	Bend Park and Rec	(541) 706-6113	<a href="mailto:bruce@bendparksandrec.org">bruce@bendparksandrec.org</a>
[X] Bill Smith /BS	William Smith Properties	(541) 382-6691	<a href="mailto:bill@wspi.net">bill@wspi.net</a>
[X] Matt Shinderman /MS	Bend 2030	(541) 693-2154	<a href="mailto:matt.shinderman@osucascades.edu">matt.shinderman@osucascades.edu</a>
[X] Michael McLandress	Brightwater Collaborative LLC	(541) 788-7591	<a href="mailto:michael@brightwatercollaborative.com">michael@brightwatercollaborative.com</a>

GENERAL NOTES: none

MEETINGS: **Scheduling & coordination:**  
Steering Committee meetings were established for next three months, typically on the 3<sup>rd</sup> Monday of each month at 2:00 PM, Awbrey Conference Room:  
➤ July 19<sup>th</sup> Regularly scheduled meeting  
➤ July 26<sup>th</sup> - Joint SC/Eval. Comm Meeting  
➤ August 16<sup>th</sup> – Regularly scheduled meeting

Management Board meeting has been established as follows, @ 3:30 PM, BP&R Conference Room:  
➤ Some time in mid-July to coincide with RFP issuance (was 6/28 but has been shifted due to RFP legal review and resulting delay.) **PENDING**

Date/No. Resp/Due Issue/Discussion/Required Action

**A. BUDGET:**



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Mike Riley issued this month's Financial Report to SC. (General note: B2030 asks for SC feedback on Financial Report every month.)

**05.17.01 on-going** *In accordance with practices established by the Steering Committee, the SC approves invoices based on Matt Shinderman's review and comment.*

**Matt Shinderman (Bend 2030) reviewed and subsequently approved payment of April's Invoice #6. Matt's comments subsequent to SC meeting were regarding Task 5- Funding Research and Planning. PM hours billed toward this task involve WRDA apps, Jt. Bureau letters, etc...**

**B. SCHEDULE:**

03.02.03 On-track for RFP issuance early-April

03.21.03 Schedule will be revised once RFP is issued. On track for early April, and may push for March 31, but MM suggested an individual legal review of RFP by all SC members' legal counsel. SC agreed but not to hold up issuance.  
*(See meeting note 03.21.05 below for Post Meeting Note).*

04.19.02 RFP issuance adjusted to later April or early May to accommodate legal review by MPSC

**05.17.02 MM/pending RFP issued May 4. Mandatory pre-proposal meeting May 23. Closing June 22.**

**C. PHASE 1A TASKS:**

12.17.05 **C.2 - Task #4A - Write RFP for SubK for Alternatives Analysis:**  
It is anticipated that the RFP will resemble in style and format much like the recent RFP issued for the Colorado Street/Whitewater Park. Similarly, the MP RFP will not be prescriptive in context or format, and will be written



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- based on desired outcomes necessary for an Alternatives Analysis process required of NEPA.
- 01.24.07 Draft RFP process will begin once Swirsky has completed her peer review, anticipated to being third week of February. Final Working Draft will be issued to SC for comment. Final Draft presented to MB prior to advertisement.
- 03.02.05 Draft RFP writing in progress, using TAC members K. Swirsky, J. Runyon and R. Houston; along with assist from Dave Crowther, BP&R Business Manager (Contract Specialist).
- MM will re-issue DRAFT RFP to SC members for comments and RFP refinement. Comments due back by Tues. 3/8.
- 03.21.05 Draft comments taking longer to get back from SC and TAC; DH away in DC. Suggestion to take our time to 'get it right' is better than operating on a self-imposed deadline, and issuing unnecessary addenda. MM's still shooting for issuance 3/31.
- BR suggested limiting hard copies of proposals to only two (2), and request 8 digital copies
- MM recommended SC members provide their own legal review; this would push the RFP issuance further out. BS believes we could issue RFP by 31<sup>st</sup> and if necessary respond via addenda with any legal concerns to consultants.
- (Post meeting note: After further consult with MPMB at the 3/28 MPMB meeting, it was recommended we wait for all legal reviews to be complete before final issuance of RFP for advertisement)
- 04.19.03 RFP Draft #3 in legal review. Legal approvals from City, Parks and WSPI. Bend 2030's legal review currently with Peter Hicks of Ball Janik. PPL has minor comments to be addressed under Hick's review pertaining to Bend2030's legal role relative to MPSC and describing that more clearly in



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RFP. Mike Riley will send over MOU to Peter that describes the roles. Once legal reviews are complete, and final approval received, MM will issue RFP.

**05.17.03 MM/pending Legal reviews complete.**

04.19.04 A mandatory pre-bid will be required for all interested proposers, to be held at BP&R building (date pending). Site visit to follow.

04.19.05 Proposal Evaluations:  
Evaluation Committee (EC): 7 scoring members total- Matt, Don, Mel, Mike are confirmed; MM will inquire with Karen Swirsky, Ryan Houston and Steve Johnson to join the committee. Bill and Angela will not score, but would act as ex-officio and sit in meetings and interviews to provide a “non-voting” opinion in the evaluation process.

Point distribution: through email correspondence with SC it was determined Price would weigh less than the Technical proposal by the following amounts: Technical proposal = 100pts; Price Proposal = 50 pts. This ensures that pricing does not overly influence the importance of selecting a consultant that can deliver the Outreach and Technical studies necessary to reach a selected alternative. However, SC asked for some amount of points attributed to a “wiggle room” criteria giving each evaluator an ability to score based on “best fit” for the overall project. MM will review and submit revised point distributions.

Evaluation process: as described in RFP. Further details of process to unfold; however, it’s understood once proposals are received proposals would be reviewed for conformance by MM, then distributed to the EC for scoring based on criteria set forth in RFP. Allow two to three weeks for this process, and then convene in joint SC/EC meeting for discussion and point tally. Once points are tallied, Price Proposals would be opened. Interviews would be scheduled thereafter, pending Price evaluations and overall EC scoring. More than one SC/EC meeting may be required. MS suggested a “tie-breaker” rule in case scores are tied.



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Interviews: SC/EC Committee will develop a set of pertinent questions to ask, with scoring values, only after proposals are fully evaluated and scored. Interviews to take place over two-week period.

05.17.04 closed

**Revised scoring distribution: SC request add to scoring criteria to reflect evaluation of proposer’s ability to work as a “partner” with SC, MB and other multi-level stakeholder groups; an important trait not currently reflected in the scoring criteria.**

**Post meeting note: Through email correspondence, SC agreed to revise scoring as follows –  
160 pts total (not including interview scores –TBD); Technical Proposal = 120 pts [75% weighted value], adding in 10 pts for new criteria, “Strength as a Community Partner”; Price Proposal = 40pts [25% weighted value]**

C.3 - Task#5 – Funding Research and Planning:

05.17.05 MO,DH/on-going

**a. LID, PORT DISTRICT, and/or ‘NEW’ PARK’S SUB-DISTRICT:**  
Comments and discussion were had about creating an LID for partial funding of Design and Implementation once Alternative is selected, plus a Port District for long-term management funding. Another option to consider: possible new “sub” District within Parks and Rec. MO to ask Mary Winters (City’s legal counsel) on viability of LID vs Port District. DH to discuss new district idea with Park’s legal and planning.

***Post meeting note- follow up with Gary Firestone, Asst. City Atty:***

***Mel’s 5/18 email to Gary: “During our monthly Mirror Pond Steering Committee meeting yesterday, Bill Smith raised the question, in the context of any in-river work to remove sediment, who owns the river. Apparently, back in the early 1900’s the Bend Company platted both sides of the river and presumably held the river bed as a separate tract. We know of no known heirs to the Bend Company. Can you advise us on what approach to take to determine who owns the river bed, or in the absence of any legitimate owner, who can lay claim to***



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*ownership for the purposes of permitting the work to remove the sediments.*

*Second question, can an local improvement district, which may be formed around the Mill Pond, own assets. Can an LID be formed for the purpose of purchasing the river bed should an heir be found? I would like to have some information on these questions by our next steering meeting on June 21."*

**Gary's response:** "A local improvement district is not an entity and has no authority to own property. The ownership of the river is a much more difficult question. I have looked at the plats for the properties on each side of the river, and neither of them includes the river as being within the plat.... This may take a lot of effort."

b. BUREAU OF RECLAMATION-

- 03.02.07 Local Bureau Contact: MM to contact Scott Boelman, new Bureau of Rec. Manager, Central Oregon Field Office- to meet and discuss MP project, and Bureau's involvement.
- 03.21.07 Nothing to report. Scott Boelman has not returned calls. MM to follow up and arrange for meeting.
- 04.19.05 Meeting with Scott arranged for Tuesday May 3. DH, MS and MM attending from SC. Bureau to bring a geologist. Two-item agenda: Introduction of the MP project, and "ask how Bureau can help and work with us."
- 05.17.06 MO,MM/Pending **Reported on May 3 local Bureau meeting. See Bureau Meeting notes. In general, Bureau stated they couldn't engage with MP project unless Federally authorized. Scott expressed desire to be kept apprised of MP progress and will attend meetings if requested, but cannot offer formidable assistance until such authorization. Scott stated there is no evidence to support Bureau impact on MP. SC discussed possibly getting geo consultant involved to sample and characterize sediment to support argument for Bureau's involvement. MO to review City records for baseline studies already completed-Wendy Edde. (Of note: refer to Joint Letters to Delegation dated March 7, 2011).**



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- 05.17.07 MS/pending MS and DH discussed relevance of having USFS comment on MP's management, engaging them as a stakeholder. MS will contact John Allen and Tom Walker with USFS Supervisor's Office to arrange meeting and/or informal discussions.**
- 05.17.08 on-going MM reminded SC of earlier comments about SC partial funding to support Phase 1 of AA consultant's scope, thus allowing us to move into project and use those monies to support matching grant funding opportunities for Phase 2. DH stated need to have City and District meeting about funding, and then a specific meeting with SC only about funding of this project. City and Parks meeting to be arranged soon. MD stated he felt uncomfortable with idea that local public monies would be used for MP "fix".**

**D. OTHER BUSINESS:**

- 05.17.09 BS/on-going MIRROR POND ADJACENT PROPERTY BOUNDARY RESEARCH: Bill Smith has engaged AmeriTitle to research adjacent property boundaries along river. See Bend Downtown River Corridor map, dated 4/12/11. Finding thus far is 'The Bend Company' (circa '20's) owned by Mr. Drake once owned all land including the river-way. During subdividing, river way was not parceled out and therefore it appears river is 'still owned' by The Bend Company, though the company no longer exists. Title company's research to continue. Question raised: Who *now* owns the river?**

**D.1 - COMMUNITY OUTREACH:**

(Not part of the Phase 1A scope of work, but SC finds Community Outreach is being considered more as we progress in this phase.)

- 12.17.07**
- a. Local Stakeholders  
MM suggested pulling together a "local" Public Stakeholder meeting comprised of just the landowners adjacent to MP. It is felt this meeting is important to partner with and provide a voice to these key public



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- stakeholders during the refinement process. SC agreed, and MM will arrange and inform SC of that meeting.
- 01.24.10 MM met with Mike Hollern. He suggested not meeting with local/adjacent property owners now; rather keep them informed through a simple mailing. Only meet once alternatives are being vetted, and outreach process is underway. This will strengthen our position with those more protective of the Mirror Pond.
- 03.02.08 DH to contact Hollern about further ideas on best approach. SC recognizes the importance of the adjacent property-owner Stakeholder Group. The context of the engagement, and timing is such, is important to consider. Pat Egan suggested we be sure to have a fully developed project prior to issuing a letter or meeting with them. Otherwise, this would be a challenge to manage the public opinion.
- 03.21.09 DH/pending DH not present to report.  
04.19.07 DH/pending DH not present to report.  
**05.17.10 closed M. Hollern contact – Don, no report**
- 01.24.11 **b. Media/Outreach**  
Recent Bulletin Articles and Editorials prompt questions of media and outreach at this early stage. MM has discussed with Jan Taylor of BP&R the importance of getting out our message and beginning to craft the community’s perception and understanding of our project. Domain name is secured: [www.mirropondbend.org](http://www.mirropondbend.org). MS states outreach begins in next phase of the project and will need the proper funding, as it will be relatively costly and take more time than budgeted in Phase 1A. Until then, SC agrees use City of Bend’s MP Link for meeting minutes and general information until consultant is on-board and outreach is necessary, at which time the website will be developed.
- 01.24.12 MO will inquire with City’s PR Director Justin Finestone to assist in updating website. MM would manage updates
- 03.02.09 Post-meeting note: Apparently City decided prior to Phase 1A to use the B2030 website to manage information for MP, rather than continuing with





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- City's website. MM to follow up with B2030's website manager, Donna Jacobsen. There may be a fee involved for Donna's assistance.
- 03.21.10 MM meet with Donna and arranged for Bend2030 website to be new link to the Mirror Pond Project. She will add to B2030 website to allow for a direct link to a new blog website ("Blogspot") to be created (with Donna's assistance) and managed (by MM) for all current and new (Phase 1A) updates. The B2030 site will direct to the City of Bend's website for all historical MP info. City's site would refer to B2030 site for the new info.
- 04.19.08 MM/pending Upon further review of idea to create *another* web-link, MM asked MO if city would reconsider using the City's website to house the MP documents and updates. MO thought if it did not take a lot of time from Gina, who has been given access to website to modify, then this would be workable.
- 05.17.11 closed **Per MO, MP records (documents, minutes and various proceedings, etc) can be posted on City website until further web development is necessary to support project.**
- 04.19.09 c. Bend 2030 Board  
MM reports he provided an update and status report to Bend 2030 Board at their April 1<sup>st</sup> Board meeting.
- 05.17.12 closed **Quarterly status report to Bend 2030 suggested, August - pending**

END OF MEETING

These Meeting Notes shall be considered an accurate account of the issues discussed and decisions reached unless written notification is received within three (3) days of date of issuance noted below. Modifications to the project record are shown in italics.

**Date of issuance: 6/27/11; revised 6/29/11**

Submitted by:

**Brightwater Collaborative, LLC**

Michael McLandress



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Project Manager  
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