



Mirror Pond Siltation Project, Phase 1A  
Bend, Oregon

Steering Committee Meeting

SC Meeting: 007  
Meeting Date: 06.27.11 @ 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>
[ ] 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@wsppi.net">bill@wsppi.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- “Funding” focused  
➤ July 26<sup>th</sup> - Joint SC/Eval. Comm Meeting  
➤ August 16<sup>th</sup> – Regularly scheduled meeting – **(pending interviews)**

Management Board meeting has been established as follows, @ 3:30 PM, BP&R Conference Room:  
➤ Some time in mid-September to coincide with proposal evaluations and selection process - **pending**

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

**A. BUDGET:**



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Mike Riley has not yet issued this month's Financial Report to SC. Forthcoming. (General note: B2030 asks for SC feedback on Financial Report every month.)

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

**06.27.01** **Matt Shinderman (Bend 2030) reviewed and subsequently approved payment of May's Invoice #7. 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:**

05.17.02 RFP issued May 4. Mandatory pre-proposal meeting May 23. Closing June 22.

**06.27.02 on-going** **The following schedule was issued which outlines the Proposal Evaluation process; (EC= Evaluation Committee)**  
**June 28 thru July 18 – Scoring period (EC)**  
**July 18 – Scores due back to MM**  
**July 18 – Scores summarized**  
**July 26 - Joint SC/EC meeting @ City Hall, Awbrey Room, 3 hrs allotment**  
**August 22 thru Sept 2 - Conduct interviews (tentative)**  
**Sept 6 thru 9 - call references and score**  
**Sept 9 - Summarize all scores (Tech + Price+ Interview + References)**  
**Week Sept 12<sup>th</sup> – final selection, highest combined score**  
**Sept 19 – Notification of results, and commencement of 7-day protest period**

**C. PHASE 1A TASKS:**

**C.2 - Task #4 – Scope of Work, Budget and RFP/proposals evaluations:**  
**(Meeting items 12.17.05 thru 04.19.04 closed)**



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04.19.05

Item 4.4: Evaluate and Score Proposals:

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.

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

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.



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*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]*

**06.27.03**                    **The following proposals were received by the 2:00 RFP closing, June 22, and are in good order:  
Cascade Environmental Group- Portland  
McMillen- Wallace- Portland**

**A third proposal was received from Environ (Portland), but the proposal was turned in at 3:10 PM. It was “late” and was declared non-compliant.**

**06.27.03      pending      Evaluation Committee – Matt Shinderman received notice that he will be out of the country from July 20 thru August 1, and he will be unable to attend the July 26<sup>th</sup> meeting. Steve Jorgenson also will be away July 26<sup>th</sup>. The following outlines how the EC will accommodate their scoring:**

**Matt- will write a narrative with any comments for each of the proposers and submit with his scores by the 18<sup>th</sup>; it will be shared with the EC at the meeting on 26<sup>th</sup>. He will have no proxy.  
Steve- will score and Don, who is attending the meeting anyway on the 26<sup>th</sup>, will serve as Steve’s proxy. He will brief Don with the results of his evaluation in advance of the meeting, and report any comments.**

**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**



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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 ownership for the purposes of permitting the work to remove the sediments. Second question, can local improvement districts, 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."*

06.27.04 pending

**SC decided to hold a "funding" meeting at the next SC meeting July 19 where we will continue to play out various funding mechanics available. City and Parks atty's may be present, as well as representative of Bend 2030 (assuming Matt cannot make the meeting...) Meeting will look at both short term funding needs of the AA feasibility study, as well as long-range planning options.**

b. BUREAU OF RECLAMATION-



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|----------|---------------|---|
| 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. <u>See Bureau Meeting notes</u> . 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). |
| 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".   |

c. USFS



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06.27.05	MS/pending	<b>MS spoke with John Allen of USFS to possibly assist with sedimentation characterization of MP as part of the “Blue Print for Restoration of Upper Deschutes River”. MS to follow up with Allen, and utilize the assistance of a colleague at OSU- Cascades. This partnership could assist with MP funding.</b>
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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 <u>Bend Downtown River Corridor</u> 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 riverway. During subdividing, riverway was not parceled out and therefore it appears riverway portion of Mirror Pond is ‘still owned’ by The Bend Company, though the company no longer exists. Title Company’s research to continue. Question raised: Who <i>now</i> owns the river? AmeriTitle is researching.
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06.27.06	BS/on-going	<b>Bill clarified that if the “owner” of the river cannot be identified, <del>then the Feds would “own” it.</del> In addition, or if an owner is ID’d but would not cooperate with supporting a MP project, then we could take legal action to secure the property.</b>
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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.)

a. Local Stakeholders

b. Media/Outreach

c. Bend 2030 Board

END OF MEETING



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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: 7/08/11**  
Submitted by:  
**Brightwater Collaborative, LLC**  
Michael McLandress  
Project Manager  
Mirror Pond Siltation Project