



**PORT OF HOOD RIVER COMMISSION**  
**MEETING AGENDA**  
**Tuesday, July 9, 2019**  
**Marina Center Boardroom**

---

**5:00 P.M.**  
**Regular Session**

1. Call to Order
  - a. Modifications, Additions to Agenda
  - b. Oath of Office – Commissioners Kristi Chapman & Hoby Streich (*Jana Scoggins, Acting as Notary Public – Page 3*)
  - c. Election of Officers & Committee Assignments (*Genevieve Scholl – Page 7*)
2. Public Comment (5 minutes per person per subject; 30 minute limit)
3. Consent Agenda
  - a. Approve Minutes of June 18, 2019 Regular Session (*Maria Diaz – Page 13*)
  - b. Approve Reappointment of Columbia River Insurance as Insurance Agent of Record for FY 2019-20 (*Fred Kowell – Page 17*)
  - c. Approve Reappointment of Pauly Rogers and Company, P.C. as Auditor for FY 2019-20 (*Fred Kowell – Page 17*)
  - d. Approve Purchase of Mechanical Lift in the Amount of \$35,650 (*Fred Kowell – Page 19*)
  - e. Approve Amendment No. 1 to Task Order 8 with HDR Engineering for Bridge Engineering Services Related to Miscellaneous Repairs (*Michael McElwee – Page 27*)
  - f. Authorize Consent to Assignment of Contract with Stafford Bandlow Engineering, Subject to Legal Counsel Review (*Michael McElwee – Page 31*)
4. Reports, Presentations and Discussion Items
  - a. Bridge Approach Spans Deck Inspection Report, Mark Libby, HDR Engineering (*Michael McElwee, Page 37*)
  - b. Financial Report for the 11 months ending May 31, 2019 (*Fred Kowell – Page 61*)
  - c. Bridge Replacement Project Update (*Kevin Greenwood, Page 71*)
5. Director's Report (*Michael McElwee – Page 89*)
6. Commissioner, Committee Reports
7. Action Items
  - a. Approve Amendment No. 1 to Lease with Hood River Valley Parks & Rec District at the Dog Park (*Michael McElwee – Page 99*)
  - b. Approve Lease with Hood River Distillers in the Maritime Building (*Anne Medenbach – Page 103*)
  - c. Approve Task Order 9 with HDR Engineering for On-Call Bridge Engineering Services Not to Exceed \$30,000 (*Michael McElwee - 117*)
  - d. Approve Contract with Columbia Bank for Credit Card Merchant Services (*Fred Kowell– Page 123*)
  - e. Approve Contract with Summit Strategies Government Affairs, LLC for for Government Affairs Representation Not to Exceed \$90,000 (*Michael McElwee – Page 149*)
  - f. Authorize Amendment No. 11 to Employment Agreement with Executive Director Michael McElwee (*Hoby Streich – Page 157*)
8. Commission Call

---

9. Executive Session under ORS 192.660(2)(e) Real estate negotiations and ORS 192.660(2)(h) Consultation with legal counsel regarding current litigation or litigation likely to be filed.
10. Possible Action
11. Adjourn

If you have a disability that requires any special materials, services, or assistance, please contact us at 541-386-1645 so we may arrange for appropriate accommodations.

*The chair reserves the opportunity to change the order of the items if unforeseen circumstances arise. The Commission welcomes public comment on issues not on the agenda during the public comment period. With the exception of factual questions, the Commission does not immediately discuss issues raised during public comment. The Commission will either refer concerns raised during public comment to the Executive Director for a response or will request that the issue be placed on a future meeting agenda. People distributing copies of materials as part of their testimony should bring **10 copies**. Written comment on issues of concern may be submitted to the Port Office at any time.*

**PORT OF HOOD RIVER  
OATH OF COMMISSIONER**

**STATE OF OREGON    )**  
                                  **)ss.**  
**County of Hood River )**

I, HOBY STREICH, do solemnly swear that I will support the Constitution and laws of the United States of America and the State of Oregon, and will execute the duties of the office of Commissioner of the Port of Hood River to which I have been elected.

\_\_\_\_\_  
Hoby Streich

Subscribed and sworn to before me on this 9<sup>th</sup> day of July, 2019

\_\_\_\_\_  
Jana Scoggins  
Notary Public for Oregon  
My Commission Expires \_\_\_\_\_

This page intentionally left blank.

**PORT OF HOOD RIVER  
OATH OF COMMISSIONER**

**STATE OF OREGON    )**  
                                  **)ss.**  
**County of Hood River )**

I, KRISTI CHAPMAN, do solemnly swear that I will support the Constitution and laws of the United States of America and the State of Oregon, and will execute the duties of the office of Commissioner of the Port of Hood River to which I have been elected.

\_\_\_\_\_  
Kristi Chapman

Subscribed and sworn to before me on this 9<sup>th</sup> day of July, 2019

\_\_\_\_\_  
Jana Scoggins  
Notary Public for Oregon  
My Commission Expires \_\_\_\_\_

This page intentionally left blank.

# Commission Memo



Prepared by: Genevieve Scholl  
Date: July 9, 2019  
Re: Election of Officers for FY2019-20

---

Port Governance Policy requires the election of officers at the first meeting in July, or at a subsequent meeting at the discretion of the Commission.

Officers elected for FY 2018-19 were:

President – Hoby Streich (second term)  
Vice President – Brian Shortt  
Secretary – John Everitt  
Treasurer – Ben Sheppard

Staff recommends the Commission make nominations and hold elections for Commission officers for FY 19-20 during the July 9 meeting.

Commissioners will also need to consider committee membership appointments and nominations for both internal and external committees and organizations. The attached chart reflects the Commissioner assignments for all committees in FY 18-19, for information.

Following the election of officers, the Commission should discuss committee assignments with the President-elect who will then confirm appointments with staff for action at the either a second meeting in July or the first meeting in August.

**RECOMMENDATION:** Discussion.

This page intentionally left blank.



**Committee Membership and Term  
2018-2019**

*As indicated in Governance Policy*

<b>Committee</b>	<b>Staff</b>	<b>Commissioners</b>	<b>Public</b>	<b>Appointed Term</b>
Airport Advisory Committee	Medenbach, Kowell	Streich, Everitt	Dayle Harris, John Benton, Judy Newman, Ken Musser, James Stuart, Doug Roby, Jeremy Young (FBO)	3 years
Budget Committee	McElwee, Kowell	ALL	Laurie Borton, Judy Newman, John Benton, Larry Brown, (One vacancy to be filled)	3 years staggered
Waterfront Recreation Advisory	Stafford	Sheppard	TJ Gulizia, Pepi Gerald, Sam Bauer, Mark Hickock (HRV Parks & Rec), Adam Lapierre (CGKA), Bart Vervloet (CGWA)	3 years
Marina Committee	Stafford	Shortt	Josh Sceva, Steve Carlson, Steve Tessmer, Ted Lohr, Lisa Bloomster, Shawn Summersett	3 years
Finance* (Internal)	Kowell, McElwee	Streich (President), Sheppard (Treasurer)	N/A	1 year
Personnel* (Internal)	McElwee	Streich (President), Shortt (Vice President)	N/A	1 year

*\* Commission members determined by Governance Policy according to officer elections held annually at the first meeting in July.*

### Organizational Appointments

Organization	Staff	Commissioners	Other Members	Term
Bridge Replacement EIS Working Group	Greenwood	Shortt	Betty Barnes, David Poucher, Jon Davies, Lorrie DeKay, Marc Thornsbury, Tim Counihan, Matt Ransom, Rex Johnston, Rich McBride	TBD
Hood River Urban Renewal Agency	McElwee	Streich, Meriwether	Kate McBride, Paul Blackburn, Mark Zanmiller, Megan Saunders, Tim Counihan, Jessica Metta, Erick Haynie	4 years, staggered
Hood River County Economic Development Group	McElwee, Scholl		Gordon Zimmerman, Olga Kaganova, Rachel Fuller, Jeff Hecksel, MCEDD staff	
OneGorge Advocacy Group	Scholl		Informally organized group	N/A
Hood River County Chamber of Commerce (Ex-officio Port representative)	Scholl		Dillon Borton, Steve Seymour, Janet Davis, Grant Polson, Michael Barthmus, Edwina King, Susan Frost, Corina Farrar, Linda Brown	N/A
Pacific Northwest Waterways Assn. (PNWA)	McElwee (Executive Committee), Scholl	Everitt, Shortt	Large roster of members from throughout the PNW.	N/A

Oregon Economic Development Association (OEDA)	Medenbach		Large roster of EcDev agencies throughout the state	N/A
Oregon Public Ports Association (OPPA)	McElwee, Greenwood		Large roster of Ports throughout Oregon	N/A
Oregon Airport Managers Association	Medenbach		Large roster of GA airports throughout Oregon	N/A
Columbia Gorge Technology Alliance	McElwee, Scholl		Large roster of technology companies, service providers, and community partners	N/A
Hood River Rotary Club International	McElwee	Meriwether, Sheppard	Large roster of community business leaders	N/A

This page intentionally left blank.

*Port of Hood River Commission  
Meeting Minutes of June 18, 2019 Regular Session  
Marina Center Boardroom  
5:00 p.m.*

---

**THESE MINUTES ARE NOT OFFICIAL until approved by the Port Commission at the next regular meeting.**

---

**5:00 P.M.  
Regular Session**

**Present:** Commissioners John Everitt, Brian Shortt, Hoby Streich, Ben Sheppard, David Meriwether; Legal Counsel Jerry Jaques; from staff, Michael McElwee, Fred Kowell, Kevin Greenwood, Genevieve Scholl, Anne Medenbach, Daryl Stafford, John Mann, and Maria Diaz.

**Absent:** None.

**Media:** Emily Fitzgerald

- 1. CALL TO ORDER:** President Hoby Streich called the regular session to order at 5:03 p.m.  
**a. Modifications, Addition to Agenda: None.**

- 2. PUBLIC COMMENT:**  
**a. None**

**3. Recognition of Retirement of Rob Arnold-** John Mann, Maintenance Director recognized Rob Arnold as a great employee and how immaculate his work always was. Mann also stated that Arnold would be a hard employee to replace. Michael McElwee, Port Director stated that Arnold was known as “Ambassador Guido” within the waterfront recreation and Marina community during his work with the Port of Hood River for 7 ½ years. McElwee described Arnold as a problem solver and an excellent communicator. McElwee thanked Arnold for his contribution and commitment and recommended Spring Day/Opening Day for the Event Site parking booth to be recognized as “Rob Arnold Day.” Arnold was presented with a gift certificate from the Port. Arnold joked and stated that he enjoyed working at the Port except on the bridge. Brian Shortt and Hoby Streich thanked Arnold for his work on behalf of the Commission.

**4. Recognition of Brian Shortt-** Michael McElwee first presented Karen Shortt with a bouquet of flowers and thanked her for supporting Commissioner Brian Shortt. McElwee followed by recognizing Commissioner Shortt and stated that he had extensive experience, he was focused, and finally that he was impatient, but in a constructive way. McElwee told a story of the first time he talked to Shortt by phone and mentioned his Basin vision about removing sand to create property. McElwee, talked about Shortt’s faith and confidence in the Port’s staff and how Shortt was always supportive to staff. McElwee jokingly talked about Shortt’s visits to the Port Office and how he would say “I just stopped in to say HI”- but was never the case. McElwee described him as a kid at heart, creative, legislative “guru,” the expert in Marina issues and how he always left his personal touch at what he did. McElwee reported Commissioner Shortt was Commission President for two years, Hood River Bridge replacement champion and advocate. McElwee recommended June 2<sup>nd</sup> be known as “Brian Shortt Day.” Port staff presented Shortt with a gift card, a wooden bowl by Paul Thompson, a caricature of Shortt titled “Get’er Done”, and a bench made by Port maintenance crew using bridge scrap metal and guardrail. Commissioner Shortt thanked his wife and family for the support they gave him. Shortt also thanked Port staff and the Board for their time and work. Shortt lastly welcomed Kristy Chapman to the Commissioner’s Board and offered his mentorship.

- 5. CONSENT AGENDA:**
- a. Approve Minutes of June 4, 2019 Regular Session
  - b. Approve Amendment No. 2 to Contract with HRT Security Services
  - c. Approve Amendment No. 2 to Contract with Stafford Bandlow Engineering for Bridge Lift Span Engineering Services
  - d. Approve Amendment No. 2 to Master Services Agreement with HDR Engineering for Bridge Engineering Services
  - e. Approve Amendment No. 4 to Lease with Wy’East Labs in the Timber Incubator Building

- Motion:** Move to Approve Consent Agenda
- Move:** Meriwether
- Second:** Shortt
- Discussion:** None
- Vote:** Unanimous

**6. REPORTS, PRESENTATIONS AND DISCUSSION ITEMS:**

**a. Connect VI Project Report**, Anne Medenbach reported an update to the Connect VI Project and stated that the last project update to the Commission was on May 21, 2019. Medenbach stated that per ODOT grant agreement project needed to be completed in five years or three years from bond sale. On May 29<sup>th</sup> ODOT informed staff that a bond sale had occurred on April 5, 2017 and that project needs to be completed by April 5, 2020. Medenbach confirmed that work should be 85% completed by April 5 deadline and also stated that if work runs past the April 5<sup>th</sup> deadline, a Change Order request would need to be submitted. Medenbach reports that USACE has not yet completed their EA review. USACE maintains their anticipated July timeline. DEQ and DSL permits are moving forward with anticipated dates of July or August. Medenbach noted that per the ODOT Connect VI manager, as long as the Port makes a concerted effort to complete the work within the timeframe, a Change Order request will likely be approved. Medenbach recommends the Port move forward with a Change Order request as soon as possible. Medenbach detailed four bidding timeframe options; 1. Bid all but the paving as soon as permits are in hand, 2. Wait to bid the entire option with the FAA project in February, 3. Bid entire project as soon as permits are in hand, give contractor until June 30, 2020 to complete all work, 4. Cancel project, return grant monies, and pay approximately \$300,000 in incurred cost. Medenbach recommends moving forward with option 3. **Commission consensus to move forward with option 3.**

**b. Lease Rate Methodology and Lease Template Review**, Anne Medenbach reported on the Lease Rate Methodology and Lease Template document updates. Medenbach seeks Commission direction from Strategy to Policy. **Commission consensus is that the Lease template is approved, subject to Legal Counsel review.** Medenbach reported The Lease Rate Methodology is the component of the lease that outlines a lease rate selection method for current and future leases. Medenbach reported the methodology provides a framework between property assets and consists of keeping current with market rates, evaluate condition and amenities, and rate setting. Medenbach reported that leases will be coming to Commission for lease approval and will be phasing over 3-year period.

**c. Bridge Replacement Project Update**, Kevin Greenwood reported that there are two items that are not in the meeting packet; 1. WSP Survey team has been approved to access 10 private properties for testing related to the EIS. Greenwood reported all property owners are in favor of bridge replacement and indicated that reaching out to property owners was a good communication path. 2. Project scope change log; continue to coordinate with ODOT on number of requested meetings, discuss with ODOT and FHWA possibly screening out EC-1 an EC-3 without spending time and design refinements, add 2 extra meetings with Gorge Commission. Greenwood reported that six different sets of technical reviews drafts are completed. Greenwood updated that one tribal government has responded as a participating agency.

**7. Director’s Report:** Michael McElwee reminded Commission of coming officer elections and committee assignments, highlighting the service of new Commissioner Kristy Chapman will begin July 9. McElwee reminded Commission of the SDAO Board Training opportunities and the PNWA Summer Conference. McElwee thanked Daryl Stafford and John Mann for their work regarding the electrical issues with Marina. McElwee reminded Commission of the IGA’s with Hood River County, and discussion of fuel expenses for the Sheriff’s Department marine patrols. McElwee informed irrigation system had been repaired at Hood River Museum. Commissioner Shortt informed the Roy Webster Swim would not be happening in Hood River. Commissioner Sheppard concerned that his questions regarding FORTH were not answered and would still like a response.

**8. COMMISSIONER, COMMITTEE REPORTS:**

a. None

**9. ACTION ITEMS:**

**a. Approve Resolution No. 2018-19-3 Adopting the Approved Budget for Fiscal Year 2019-2020**

Motion: Approve Resolution No. 2018-19-3 adopting the approved FY 2019-2020 budget.  
 Move: Shortt  
 Second: Meriwether  
 Discussion:  
 Vote: Unanimous

**b. Approve Resolutions No. 2018-19-4 Approving the Budget Transfer for Fiscal Year 2018-2019**

Motion: Approve Resolution No. 2018-19-4 authorizing the budget transfer for the FY 2018-19 budget.  
 Move: Everitt  
 Second: Sheppard  
 Discussion:  
 Vote: Unanimous

**c. Approve New Lease Policy, Including Lease Rate Methodology and Lease Template**

Motion: Adopt new Lease Policy including the Master Lease Template, subject to legal counsel review, and Rate Methodology.  
 Move: Everitt  
 Second: Meriwether  
 Discussion: Master Lease Template subject to legal counsel review  
 Vote: Unanimous

**d. Approve Amendment No. 1 to Task Order 5 with Century West Engineering for Services Related to the ConnectOregon VI Project Not to Exceed \$83,555.41**

Motion: Approve Amendment No. 1 to Task Order No. 5 with Century West Engineering for services related to the ConnectOregon VI project not to Exceed 83,555.41  
 Move: Everitt  
 Second: Shortt  
 Discussion: Medenbach reported the significant changes; Extended wetland mitigation process, redesign of Stormwater system, Hood River sewer system final connection location requirements for additional analysis design and permitting, change on electrical plan due to relocation and design.  
 Vote: Unanimous

**e. Approve of Spring Day/Opening Day be known as Rob Arnold Day**

Motion: Approve of Spring Day/Opening Day be Known as Rob Arnold Day  
 Move: Everitt  
 Second: Shortt  
 Discussion: None  
 Vote: Unanimous

**f. Approve June 2<sup>nd</sup> to be known as Brian Shortt Day**

Motion: Approve June 2<sup>nd</sup> to be known as Brian Shortt Day  
 Move: Everitt  
 Second: Shortt  
 Discussion: None

Vote: Unanimous

**10. COMMISSION CALL:** Commissioner Sheppard thanked Brian Shortt for time and work. Commissioner Everitt described Commissioner Shortt as an excellent mentor. Commissioner Meriwether expressed to Commissioner Shortt that he enjoyed the time and work together. President Streich thanked Commissioner Shortt for time and work. Commissioner Shortt described his time with Port as exciting times and interesting chapters.

**11. EXECUTIVE SESSION:** President Hoby Streich recessed Regular Session at 7:15 p.m. to call the Commission into Executive Session under ORS 192.660(2)(e) Real Estate Negotiations, ORS 192.660(2)(h) Consultation with legal counsel regarding current litigation or litigation likely to be filed.

**12. POSSIBLE ACTION:** None.

**13. ADJOURN: 7:15 p.m.**

- Motion:** Motion to adjourn the meeting.
- Move:
- Second:
- Discussion: None
- Vote: Unanimous
- MOTION CARRIED**

The meeting was adjourned at 7:15 p.m.

Respectfully submitted,

\_\_\_\_\_  
Maria Diaz

**ATTEST:**

\_\_\_\_\_  
Hoby Streich President, Port Commission

\_\_\_\_\_  
John Everitt, Secretary, Port Commission



# Commission Memo



Prepared by: Fred Kowell  
 Date: July 9, 2019  
 Re: Annual Reappointments – Legal Counsel, Auditor, Insurance Agent of Record

**Legal Counsel Reappointment** -- Section 15 of the Port's Governance Policy states an attorney shall be selected by the Commission and that the adequacy and cost/benefit of legal counsel shall be reviewed every five years (or fewer if circumstances so dictate). The Commission approved a Legal Services Agreement with Jaques Sharp Attorneys at Law ("Jaques") at the January 6, 2015 meeting and this Agreement is valid until terminated by either party. No action is required at this time to reappoint Jaques.

**Auditor Reappointment** -- Section 16 of the Governance Policy states an auditor shall be selected and appointed by the Commission and retained on a yearly retainer fee; and that the adequacy and cost/benefit of the auditor shall be reviewed every five years or fewer if circumstances dictate. Pauly Rogers and Company, P.C. was retained in 2012 to audit the Port's financial statements for the fiscal years ending June 30, 2012 through June 30, 2014, with options to audit financial statements for each of the three subsequent fiscal years. The reappointment provides an opportunity for the Commission to have a discussion with staff regarding audit services that are provided to the Port. Action to reappoint Pauly Rogers and Company, P.C. as the Port's audit firm for FY 2019-20 is recommended. Staff seeks Commission approval to begin negotiations for another two-year contract with options for three subsequent year audits.

**Insurance Agent of Record Reappointment** – Section 17 of the Governance Policy states an Insurance Agent(s) of Record shall be selected and appointed by the Commission. The section further states that Requests for Proposals ("RFP") shall be solicited every five years. Columbia River Insurance ("CRI") has served as the Port's insurance agent for many years. During this fiscal year, the Commission will need to consider giving direction to the Executive Director and/or the President regarding an RFP solicitation. Until that direction is received, staff recommends reappointing CRI as the Port's insurance agent for FY 2019-20. Scott Reynier, President of Columbia River Insurance, will be in attendance at the July 9 meeting to provide an update on insurance coverages.

## RECOMMENDATIONS:

1. Approve reappointment of Columbia River Insurance as Insurance Agent-of-Record for FY 2019-20.
2. Approve reappointment of Pauly Rogers and Company, P.C. as Auditor for FY 2019-20.

This page intentionally left blank.

# Commission Memo



Prepared by: Fred Kowell  
Date: July 9, 2019  
Re: Facilities Lift Purchase

---

Please find attached a quote sheet which depicts the quotes we received from several vendors for a Dual Boom Lift. Although there was a lower quote from Washington Hoist and Crane, the added delivery cost and higher usage (i.e., hours) made the best choice to be Peterson CAT, with a price of \$35,650. The approved budget for this piece of equipment is \$45,000.

**RECOMMENDATION:** Approve the purchase of a Dual Fuel Boom Lift for \$35,650.

This page intentionally left blank.











4. The seller reserves the right to accept or reject this order and shall not be required to give any reason for non-acceptance.
5. This order when accepted by seller shall become a binding contract but shall be subject to strikes, lockouts, accidents, fire, delays in manufacture or transportation, acts of God, embargoes, or government action or any other causes beyond the control of the seller whether the same as or different from the matters and things hereinbefore specifically enumerated; and any of said causes shall absolutely absolve the seller from any liability to the purchaser under the terms hereof.  
This order when accepted by the seller shall be further subject to such changes in price, terms, delivery, priorities and other conditions varying from the terms hereof as may be current when the within ordered machinery, equipment, attachments, and parts are ready for delivery.
6. It is understood and agreed that title to and right of possession of said equipment shall remain vested in seller until obligations of purchaser hereunder and payment of all other sums which may be due or are to become due from purchaser to seller, whether evidenced by notes, book account, judgment, or otherwise, shall have been fully paid at which time ownership will pass to the purchaser.
7. The seller's responsibility for shipments ceases upon delivery to a transportation company; and any claims for shortages; delays, or damages occurring thereafter shall be made by the purchaser directly to the transportation company. Any claims against the seller for shortages in shipments shall be made within fifteen days after receipt of shipment.
8. The purchaser agrees that this order shall not be countermanded by him, that when it is accepted (and until the execution and delivery of the contracts and note or notes required to consummate the sale as above specified), it will cover all agreements between the parties relative to this transaction, and that the seller is not bound by any representations or terms made by any agent relative to this transaction which are not embodied herein.
9. When the machines necessary to fill this order are available, the purchaser agrees on demand to execute and deliver to the seller such notes and contracts as may be required by the seller to evidence the transaction. In the event that the purchaser fails to execute and deliver said notes and contracts to the seller, the entire balance of the purchase price shall at the seller's option become immediately due and payable.
10. In the event this machine is equipped with Product Link, I understand data concerning this machine, its condition, and its operation is being transmitted by Product Link to Caterpillar Inc., its affiliates (Caterpillar), and/or its dealers to better serve me and to improve upon Caterpillar products and services. The information transmitted may include: machine serial number, machine location, and operational data, including but not limited to: fault codes, emissions data, fuel usage, service meter hours, software and hardware version numbers, and installed attachments. Caterpillar will not sell or rent collected information to any other third party and will exercise reasonable efforts to keep the information secure. Caterpillar Inc. recognizes and respects customer privacy. I agree to allow this data to be accessed by Caterpillar and/or its dealers.
11. The seller shall not be held liable or responsible for any costs or expenses or for any damages on account of personal injuries to property or otherwise, suffered or sustained in the operation of any machinery or equipment, the subject of this order, nor for any damages alleged to result to purchaser by reason of any delays or alleged failure of said machinery or equipment to operate.
12. The purchaser agrees that damages arising from failure to consummate the sale contemplated by this agreement may be difficult to measure and that a reasonable measure of damages will be the difference between the price set forth herein and the amount for which the equipment can be sold to another party, plus any costs, charges, and related expenses that may be incurred by the seller to hold, store, and maintain the equipment until a sale can be made.
13. Purchaser and seller agree that in the event it becomes necessary to undertake legal action to enforce any of the terms of this agreement, the prevailing party shall be entitled to recover reasonable attorney's fees and costs. "It is agreed by and between the customer and Peterson that all disputes and matters whatsoever arising under, in connection, or incident to this agreement shall be litigated, if at all, in or before a Court located in the State of incorporation of the seller to the exclusion of the Courts of any other state or country."
14. **WARRANTY:** It is understood that no other warranties of any kind, whether expressed or implied, including any warranty of merchantability or fitness for a particular purpose, are or have been made or authorized by Peterson with respect to any machinery, equipment or other products described herein unless endorsed herein and signed by the parties hereto. No adjustments, repairs, or replacements of any items sold hereunder, or assistance given by seller to buyer in connection with same, shall be deemed to be a waiver of any of the provisions of the aforesaid warranty.



# Commission Memo

Prepared by: Michael McElwee  
Date: July 9, 2019  
Re: HDR Bridge Contract- Task Order No. 8  
Amendment No. 1



---

On June 16, 2015, the Commission approved a master contract (“Contract”) with HDR Engineering (HDR) for a variety of bridge engineering tasks. On June 18, 2019 the Commission approved Amendment No. 1 to the Contract extending it through June 30, 2021.

Task Order No. 8 was previously authorized by the Commission and covers several tasks including evaluation of structural retainage solutions at the bank below the south approach ramp. HDR was not able to complete this “S. Abutment Revetment Task” by July 30, 2019 as planned and will require additional time. The work entails a straightforward memorandum describing revetment/retainage options to consider. Amendment No. 1 to Task Order No. 8 is a simple time extension.

**RECOMMENDATION:** Approve Amendment No. 1 to Task Order No. 8 to the Master Services Agreement with HDR Engineering, Inc. for engineering services associated with the South Abutment Revetment.

This page intentionally left blank.

**TASK ORDER 08 – AMENDMENT 1**

**SCOPE OF SERVICES  
for  
Miscellaneous Repairs**

July 2, 2019

This Task Order pertains to a **Personal Services Master Service Agreement**, (“**Agreement**”) by and between **Port of Hood River**, (“**Port**”), and **HDR Engineering, Inc.** (“**Consultant**”), dated June 17, 2015 (“the Agreement”), and as amended on July 28, 2017. The Port and Consultant agree to extend the Period of Service as indicated below for this Task Order. Upon execution, this Task Order shall supplement the Agreement as it pertains to the Services described below.

**PART 4.0 PERIODS OF SERVICE:**

All work shall be completed by August 31, 2019.

This Task Order is executed this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

PORT OF HOOD RIVER  
“Port”

HDR ENGINEERING, INC.  
“Consultant”

BY: \_\_\_\_\_

BY: \_\_\_\_\_

NAME: Michael S. McElwee

NAME: Zak Toledo

TITLE: Executive Director

TITLE: Vice President

ADDRESS: 1000 E. Port Marina Drive  
Hood River, Oregon 97031

ADDRESS: 1001 SW 5<sup>th</sup> Ave  
Suite 1800  
Portland, OR 97204

This page intentionally left blank.