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Regular City Council Meeting
November 8, 2021
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MINUTES

CITY COUNCIL MEETNG
NOVEMBER 8, 2021
5:30 p.m.

VIA ZOOM
LIVESTREAM VIA City website

PRESIDING: Mayor Richard Mays

COUNCIL PRESENT: Darcy Long, Tim McGlothlin, Rod Runyon, Scott Randall, Dan Richardson

COUNCIL ABSENT: None

STAFF PRESENT: City Manager Pro Tem Daniel Hunter, Legal Counsel Jonathan Kara, City Clerk Izetta Grossman, Finance Director Angie Wilson, Community Development Director Alice Cannon, Public Works Director Dave Anderson, Police Chief Tom Worthy

CALL TO ORDER

The meeting was called to order by Mayor Mays at 5:30 p.m.

ROLL CALL OF COUNCIL

Roll Call was conducted by City Clerk Grossman. All Councilors present.

PLEDGE OF ALLEGIANCE

Mayor Mays asked Councilor Long to lead the Pledge of Allegiance.

Councilor Long invited the audience to join in the Pledge of Allegiance.

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APPROVAL OF AGENDA

It was moved by Runyon and seconded by Long to approve the agenda as submitted. The motion carried 5 to 0; Runyon, Long, Randall, Richardson, McGlothlin voting in favor; none opposed.

CITY MANAGER REPORT

City Manager Pro Tem Daniel Hunter reported the seasonal janitor for Lewis and Clark Park would be laid off November 15, once the cruise ship season was over.

Hunter said he attended The Dalles Unhoused Task Force meeting where St. Vincent DePaul presented a budget for hiring seasonal employees to man the Warming Shelter. He said St. Vincent's had been unable to secure volunteers, as they had in the past.

Hunter said he intended to provide \$20,000 to St. Vincent DePaul from the Economic Recovery Fund, if Council had no objections. He said the budget had been sent to Council (attached).

Councilor Long said she would like the amount to be up to \$20,000, as the third source of funding for the Warming Shelter. She said she was recommending the wording due to Covid 19 funding they had received. She said she was in favor of having the Warming Shelter open.

CITY COUNCIL REPORTS

Councilor Runyon reported:

- Veterans Day Parade November 11, at 11 am – applications due to Chamber November 9th.

Councilor Runyon reported:

- Attending QLife meeting

Councilor Long reported:

- Executive Session with City Attorney
- Conversations with constituents regarding Design LLC infrastructure agreement

Councilor McGlothlin reported:

- Halloween event put on by Main Street with Lions Club assisting with traffic control was a great event

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CONSENT AGENDA

It was moved by Long and seconded by McGlothlin to approve the Consent Agenda as presented. The motion carried 5 to 0; Long, McGlothlin, Randall, Richardson, Runyon voting in favor; none opposed.

Items approved on the consent agenda were: 1) The minutes of the October 25, 2021 Regular City Council Meeting; 2) Resolution No. 21-025 Concurring with Mayor's Appointments to Various Commissions and Committees; 3) Surplus of 8 Apple iPhones from Police Department Returned to Service Provider for \$1,430.00 credit to Account; 4) Resolution No. 21-026 Amending Resolution 13-032 Which Set Forth The City's Policy Of Nondiscrimination On The Basis Of Disability Status; 5) Resolution No. 21-027 Amending Resolution 20-019 Which Supports The Fair Housing Amendments Act Of 1988 And Implemented A Fair Housing Program For The City Of The Dalles.

PUBLIC HEARING

General Ordinance No. 21-1387, an Ordinance Amending Title 5, by Adding Chapter 5.01 Legislative Subpoenas to The Dalles Municipal Code

Mayor Mays reviewed the process of the Public Hearing.

City Legal Counsel Jonathan Kara reviewed the staff report.

Mayor Mays asked for comments from the audience.

Debi Ferrer, 900 West 18th said she was in favor of the Ordinance. She said she had an Air BnB and was glad to see a compliance tool in place.

Mayor Mays asked if any Councilor wanted the Ordinance read in full, no one did.

Mayor Mays asked the City Clerk to read the Ordinance by title only.

City Clerk Grossman read the Ordinance by title only.

It was moved by Runyon and seconded by Long to adopt General Ordinance No. 21-1387, an Ordinance Amending Title 5, by Adding Chapter 5.01 Legislative Subpoenas to The Dalles Municipal Code by title only. The motion carried 5 to 0; Runyon, Long, McGlothlin, Randall, Richardson voting in favor; none opposed.

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ACTION ITEMS

Resolution No. 21-028 Authorizing the City Manager to Execute an Infrastructure Agreement with Moraine Industries, LLC and Design, LLC Related to Utilities for Future Development

Mayor Mays reviewed the order of comments for the item.

City Legal Counsel Jonathan Kara reviewed the Public Records Law Suit with the Oregonian. He told the Council that though the City did file a lawsuit, that is simply the mechanism for appeal to the circuit court. Kara explained the City is not suing the reporter that requested the records for any damages.

Kara said that when the City entered an agreement with Google in 2015 for existing developments, the parties agreed to cooperate in preserving confidentiality with no additional cost to the city. As a result, any fees associated with the appeal will be covered by Google.

Public Works Director Dave Anderson reviewed the staff report. He noted that there was an error on page 24 of the agenda packet, he said the correct numbers for water storage was 95% and 5% remaining in storage.

There were questions from citizens regarding why Google would give the water rights to the City. Anderson said running and maintaining a water system was not something Google had expertise in, while the City was well versed in running water systems.

Citizens also expressed concerns about Google getting first use of water. Anderson said public health and safety always comes first. Anderson said through the agreement Google was providing an additional 3.8 million gallons per day to the City of The Dalles water system.

In response to citizen requests for water discharge temperatures and copies of the three studies done, Mayor Mays referred citizens complete a Public Records Request through the City Clerk's Office.

In response to a question regarding who paid for the three studies, Anderson said Google paid for the studies. He said the City was at the table throughout the process and had worked with two of the firms previously.

Mayor Mays said several emails were received by Council members. (attached) He ask Anderson to answer true or false to the following issues that were raised by interested parties:

- 1) Water levels within the Ground Water Reservoir area have not gone down in recent years. In

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fact, they have increased.

- 2) As a result of this agreement, rural water users will not have any less water than they have now.
- 3) The improvements as described (new water lines, new water pump station, new wells, new sewer lines, new sewer lift station, new storage reservoir, new utility corridors, etc.) will cost approximately \$28.5 million and the entire cost will be paid for by Google.
- 4) These improvements will increase water capacity that will improve water services to not only Google, but to the rest of the City of The Dalles.
- 5) Google is currently paying and will continue to pay under this agreement the same water rates as all other commercial and industrial users.
- 6) Water that Google uses will be treated at the City's wastewater treatment plant, then discharged into the Columbia River and subjected to State of Oregon cleanliness and temperature standards.
- 7) Google is transferring water rights that they purchased from the old aluminum plant property to the City, not the other way around.
- 8) The fact that Google is transferring those water rights to the City makes it less likely that a drought would negatively affect the rest of the City because, theoretically, Google could use that 3.9 million gallons per day for themselves, for their own use.
- 9) The amount of water requested by Google is less than the amount of unused capacity in the aquifer.
- 10) Through the Aquifer Storage and Recovery program, the City will be adding water to the aquifer as opposed to drawing it down.
- 11) In case of a major drought or other water related emergency, the new water rights transferred to the City and the ASR program will help improve water supply for the community.

Anderson replied true to all of the questions.

Wasco County Commission Chair Scott Hege spoke in favor of the agreement saying the Commission had sent a letter of support.

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Hege said Google had a commitment to water stewardship replenish more water than they consume by 2030 and support water security in communities where we operate. He said the Google target was to replenish 120% of the water they consume. He said more information was available at <https://blog.google/outreach-initiatives/sustainability/replenishing-water/>.

Fire Chief Bob Palmer read a letter of support from Mid-Columbia Fire and Rescue.

All Councilors said while they understood the concerns of the citizens, they had reviewed all information provided to them, and as the elected officials charged with making decisions based on the good of whole, they believed the infrastructure agreement with Google was in the overall best interest of the City of The Dalles. They Thanked Anderson and his Team for all the hard work put into the project.

It was moved by Randall and seconded by McGlothlin to adopt Resolution No. 21-028, a Resolution Authorizing the City Manager to Execute an Infrastructure Agreement with Moraine Industries LLC and Design, LLC. The motion carried 5 to 0; Randall, McGlothlin, Long, Richardson, Runyon voting in favor; none opposed.

ADJOURNMENT

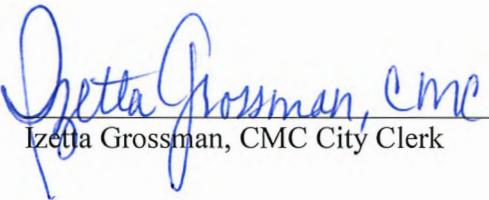
Being no further business, the meeting adjourned at 7:35 p.m.

Submitted by/
Izetta Grossman, CMC
City Clerk

SIGNED:


Richard A. Mays

ATTEST:


Izetta Grossman, CMC City Clerk

From: [Darcy Long](#)
To: [Izetta F. Grossman](#)
Cc: kryszka2@gmail.com
Subject: Fwd: Google Water Issue
Date: Monday, November 01, 2021 9:01:50 PM

Izetta,

Per the author's request, please add this email to the public record.

Thank you,
Darcy

----- Forwarded message -----

From: Christine Psyk <kryszka2@gmail.com>
Date: Nov 1, 2021 3:10 PM
Subject: Google Water Issue
To: Richard Mays <rmays@ci.the-dalles.or.us>, Timothy McGlothlin <TMcGlothlin@ci.the-dalles.or.us>, Darcy Long <dlong@ci.the-dalles.or.us>, Scott Randall <srandall@ci.the-dalles.or.us>, Dan Richardson <drichardson@ci.the-dalles.or.us>, Rod Runyon <rrunyon@ci.the-dalles.or.us>
Cc:

Dear Mayor Mays and City Councilmembers: I've been following the coverage about the upcoming vote on the water issue for the additional Google plants. As a homeowner in The Dalles and as a voter in a democracy, it seems incredible to me that you would have entered into a special agreement with Google to withhold their water usage because they want it held as a trade secret.

It's extremely condescending and patronizing to take the stance that voters don't have a right to know how a big company in their own town intends to use a public resource. That's pretty unbelievable.

Furthermore, it's quite astonishing that you would then sue the news media in state court to keep Google's water use a trade secret.

I hope you reverse that decision and reveal the water usage information to the public before you vote on Google's water deal on November 8. The idea that you are asking the public to simply go on trust is ridiculous. The public has a right to know based on actual data how this decision to give additional water rights to Google might play out in the future.

We live in a desert. Last summer had some of the highest temperatures on record for a prolonged period of time that caused severe drought. Climate change is real. Water resources will be affected by climate change and growth. Google is a major player who wants more water. I would think it would be pretty obvious that people in this town have a right to this information.

Please include this email in the public record. Thank you,

Christine Psyk
206-406-8712



BOARD OF COUNTY COMMISSIONERS

511 Washington St, Ste. 101 • The Dalles, OR 97058
p: [541] 506-2520 • f: [541] 506-2551 • www.co.wasco.or.us

Pioneering pathways to prosperity.

The Dalles City Council
The Dalles City Manager
The Dalles City Hall
313 Court Street
The Dalles, OR 97058
Sent via email: jkrueger@ci.the-dalles.or.us

November 3, 2021

Re: City of The Dalles Water System Agreement with Google

The Wasco County Board of Commissioners would like to express our support for the water system agreement coming before The Dalles City Council at their November 8, 2021 City Council Meeting. We believe this agreement will be of benefit to all of the citizens of The Dalles in that:

- The Agreement provides the City with control of millions of gallons of water daily.
- Google will be investing millions of dollars for added water infrastructure
- The result of the agreement will be an improved water system for the City of The Dalles

We support this agreement that will not only benefit thousands of residents for years to come; it will also bolster water conservation efforts by significantly contributing to the public aquifer.

Sincerely,
Wasco County Board of Commissioners

Scott C. Hege, Chair

Kathleen B. Schwartz, Vice-Chair

Steven D. Kramer, County Commissioner

From: [warren waters](#)
To: [Izetta F. Grossman](#)
Subject: Water for the Google company
Date: Monday, November 08, 2021 1:10:55 PM

Is there a way to create a secondary self-contained water holding tank per se in or on some of the cliffs or empty fields surrounding The Dalles so that at least a million gallon's of water can be stored in it for future needs incase of a drought? You could ask Google to pay for the construction of the tank itself-(as I am very sure they can afford to do so) and The Dalles can foot the bill of blowing up the ground needed for the placement of the water holding tank. So why do this? First off all it is a great for of conservation for future needs. Secondly, this would be a great way for Google to give back to the community in exchange for being able to use more of the community water. But best of all it would give The Dalles a way to avoid any future water disasters. If anyone would have told the world in the 1980's that a disease was going to shut the world down literally I guarantee you no one would have believed them. But yet, here we are today experiencing a world pandemic of epic proportions. So why not be an informed community that believes that yes bad things can indeed happen in the future and lets plan for them as best as we can now. And with Google wanting more water at this moment in time; well it creates a great opportunity to prepare for any future water needs. And The Wise sees trouble and hides. Let this become an opportunity to exalt wisdom and not just play the get by game. M. Fanger

Sent from [Mail](#) for Windows

From: mradabaugh051@gorge.net
To: [Izetta F. Grossman](mailto:Izetta.F.Grossman@dalles.org)
Subject: The Dalles City Council meeting Nov. 8, 2021 / Item 10A
Date: Monday, November 08, 2021 3:48:17 PM

Dear Councilmembers:

The city council's rush to provide Approval of Resolution 21-028 runs several risks, as follows:

1. An infrastructure agreement that is inconsistent with the adopted and state acknowledged public facility plan is inconsistent with state planning law, and needs to be delayed until the public facility plan is updated and state acknowledged. Specifically, the city needs to update and have acknowledgement of the water portions of its plan.
2. There is considerable legal risk for the city in its challenge to the Wasco County District Attorney's ruling regarding the non-disclosure aspects of Google's water use.
3. The new demand for electricity created by successive Google expansions is unknown due to the city's non-disclosure position. The local public utility district is without a plan for large scale additional demand. Without such a plan, the impact on future supply and rate payer cost is not understood for any class of user, and it is impossible to estimate based on the city's non-disclosure position. The city's public utility plan amendments should also be amended to adequately address future energy use and demand. Energy use evaluation is a requirement of state planning law.
4. What evidence is there that a project-related water injection system will not adversely impact or mobilized any superfund site at or near the proposed area?

The city must address and flesh out each of the above issues before proceeding any further. It must complete its periodic review of these issues prior to any further approvals. The adverse cumulative impacts of the proposed are unknown.

Proposed Budget for Warming Place
Estimated 90 Nights of Operation without any Volunteers

PM Hosts (2ppl) 2hrs@\$20	\$ 80.00
Overnight Staff (2ppl) 23hrs @\$20	\$460.00
Janitorial 2hrs@\$20	\$ 40.00
TOTAL	\$580.00
Taxes,Accnt @18%	\$104.40
Cost per night	\$684.40
90 nights @\$684.40	\$61,596.
Project Manager 20hrs week@\$25.	\$500.00
20 weeks @\$500.	\$10,000.00
Taxes,Accnt @18%	\$ 1500.00
Total	\$11,500.00
Utilities, snacks, damage, etc	\$4000.00
Overflow Housing 90nights @ \$225.	\$20,250.00
Total	\$97,346.00