CITY COUNCIL MEETING MINUTES
June 18, 2019

The scheduled meeting of the Ontario City Council was called to order by Council President Dan Capron at 7:00 p.m. on Tuesday, June 18, 2019, in the Council Chambers of City Hall. Council members present were Dan Capron, Norm Crume, Michael Braden, Marty Justus, Freddy Rodriguez, and Ramon Palomo. Riley Hill was excused.

Members of staff present were Adam Brown, Tori Barnett, Terry Leighton, Kari Ott, Dan Cummings, Steven Romero, Larry Sullivan, Cliff Leeper, Peter Hall, Betsy Roberts, and Dan Beaubien.

The meeting was recorded and copies are available at City Hall.

Councilor Capron led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on June 14, 2019. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

CRUME moved, BRADEN seconded, **TO ADOPT THE AGENDA AS PRESENTED.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 6/0/1.

CONSENT AGENDA

BRADEN moved, JUSTUS seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED MAY 9, 2019, COUNCIL WORK SESSION MINUTES; AND MAY 21, 2019, COUNCIL MEETING MINUTES.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 6/0/1.

SPECIAL ACTION

Tori Barnett, City Recorder, gave the Oath of Office to incoming Police Chief Steven Romero.

PRESENTATION

South Oregon ADA Ramp and Intersection Options

Betsy Roberts, City Engineer, presented. (Report attached)

Consensus to move forward on this project in November.

OLD BUSINESS

Resolution #2019-119-C: Correcting Resolution #2019-119 Which Adopted the City of Ontario's Annual 2019-2020 Budget

Kari Ott, Finance Director, presented.

BRADEN moved, PALOMO seconded, **THAT THE CITY COUNCIL ADOPT RESOLUTION #2019-119-C, A RESOLUTION CORRECTING RESOLUTION #2019-119, TO CATEGORIZE APPROPRIATION CATEGORIES DIFFERENTLY PER ORS 294.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 6/0/1.

Resolution #2019-123: Establishing a Classification and Compensation Plan
Adam Brown, City Manager, presented.

CRUME moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE RESOLUTION #2019-123, A RESOLUTION ESTABLISHING A CLASSIFICATION AND COMPENSATION PLAN.** Roll call vote: Crume-yes; Rodriguez-no; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 5/1/1.

Councilor Braden stated the plan had been prepared over a month ago, and presented to the Council. He recalled reading through it, but the request was made for a few local independent agencies to review it and get feedback. That had been done. The plan was presented in a positive manner, so he believed the Council had done their due diligence. He did not think the Council was skipping any steps, and were not unnecessarily rushing things. This was the time to get it done.

NEW BUSINESS

Resolution #2019-124: Recognizing Unexpected Grant Revenues and to Transfer Budgeted Appropriations for Unexpected Items
Kari Ott, Finance Direct, presented.

JUSTUS moved, CRUME seconded, **THAT THE CITY COUNCIL APPROVE RESOLUTION #2019-124, A RESOLUTION TO RECOGNIZE UNEXPECTED GRANT REVENUES AND TO TRANSFER BUDGETED APPROPRIATIONS FOR UNEXPECTED ITEMS.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 6/0/1.

Lease with Ani-Care Animal Shelter for Public Works Shop
Adam Brown, City Manager, presented.

CRUME moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE THE LEASE WITH ANI-CARE ANIMAL SHELTER, INC.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 6/0/1.

Agreement with J-U-B Engineering for Professional Services
Dan Beaubien, Airport Manager, presented.

CRUME moved, BRADEN seconded, **THAT THE CITY COUNCIL ADOPT THE AGREEMENT FOR PROFESSIONAL SERVICES WITH J-U-B ENGINEERING AS PRESENTED.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 6/0/1.

Agreement with TVCC for Maintenance of the Treasure Valley Connector Trail
Adam Brown, City Manager, presented.

JUSTUS moved, BRADEN seconded, **TO ACCEPT THE NEW UPDATED CONTRACT FOR THE TREASURE VALLEY CONNECTOR TRAIL.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 6/0/1.

JUSTUS moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE THE EASEMENT AND MAINTENANCE AGREEMENT FOR THE TREASURE VALLEY CONNECTOR TRAIL, AS AMENDED.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 6/0/1.

Agreement with the Recreation District for Recreation Assets
Adam Brown, City Manager, presented.

PALOMO moved, JUSTUS seconded, **TO ACCEPT THE UPDATED AGREEMENT WITH THE RECREATION DISTRICT FOR RECREATION ASSETS.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 6/0/1.

BRADEN moved, CRUME seconded, **THAT THE CITY COUNCIL APPROVE THE INTERGOVERNMENTAL AGREEMENT REGARDING CERTAIN RECREATION STRUCTURES IN LIONS PARK, AS AMENDED.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 6/0/1.

DISCUSSION ITEMS

Amending of Marijuana Ordinance

Adam Brown, City Manager, stated Councilor Justus had brought this up at the previous meeting about an error in the existing ordinance. The question posed by Councilor Justus was if the city was going to let that stand or would it be corrected. After speaking with several Councilors about the issue, Councilor Crume suggested that because this was so new, there could possibly be more errors found, so it might be wiser to wait another six months in case other errors were located. Then, when the corrections were made, if there were more, corrections could be done all at one time. It would have to go through the land use process, which could be approximately $2,000 and 90-days for action.

Councilor Justus stated if a permit had been issued, which was in opposition to the ordinance, then the ordinance needed to reflect what was happening. If another error was located, then they'd have to address it at that time.

Councilor Crume stated there had been several house-keeping items that the Council had to do over the years, where rules, laws, ideas had changed, Council had made mistakes, and it had been a simple task to fix those errors as the Council deemed necessary. He did not think there were any current Councilors who wanted to leave an error in an ordinance; however, it was new and there were not even any dispensaries open. It was an complicated process to establish the ordinance, spending months getting it put together between staff and Council. It was his recommendation to wait on this, as it would not change anything with the permit that had been applied for. Staff and Council were aware of the issues. He thought they needed to give it time to let the dispensaries in and open, to see how they worked in the community, to avoid having to do this very thing every six months. He agreed that it needed to be corrected –just in the future.

Councilor Justus stated the organization that made the application for the permit that found fault in the ordinance, ethically, should have disclosed that to the Council and should have....

Councilor Capron stated Councilor Justus was going in a direction that was out of the realm of what they were discussing. Keep it on topic - fixing the ordinance.

Councilor Justus stated the most important thing was that they, as Councilors, had an ordinance that was not in place, a Mayor that made application for a permit...

Councilor Capron again stated Councilor Justus was off topic, and asked him to stay with the issue before them.

Councilor Braden stated the more this was discussed, they were creating a public perception that the Council had made a large mistake that affected private entities and were not willing to act on it. However, the reality was that a complicated ordinance was created that put the ESD in one classification when it should have been in another. That had been challenged, and would probably see the Council moving ESD from one classification to another. He didn't see that having any effect on other applications. If it did, he'd be in favor of changing the ordinance now, but it was water under the bridge and the change would not make the ordinance any more effective going into the future.

CRUME moved that the City Council direct staff to table this issue at this point in time for future reference at a later date. Motion died for lack of Second.

JUSTUS moved, RODRIGUEZ seconded, **THAT THE CITY COUNCIL DIRECT STAFF TO GO THROUGH THE PROCESS TO CORRECT THE MARIJUANA ORDINANCE.** Roll call vote: Crume-no; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 5/1/1.

Discussion of Vacant Structure Task Force

Councilor Marty Justus stated the city had a movie theater that had been vacant downtown for 30+ years. It was full of vermin, rats, and pigeons. There were cracks in the walls and it was a nuisance building. They needed to create a Task Force that said something had to be done with those type of buildings. They needed to require engineering reports that stated they were structurally sound. The city couldn't force a lease or a remodel, but they could make sure they were structurally sound and that they didn't have vermin. He had the same issue with the mall. The vacant sections of the mall had structural issues due to Snowmageddon, and nothing was being done to force the owners to do something with the mall. They'd been fighting the mall for 20 years, and no one seems to know who the owners were. He knew that Yee Properties owned the old Kentucky Fried Chicken building and Jackson Stores owned the Jackson's Gas Station. it was not that hard to find out who owned property through the tax records. To let these issues go was a blight on the city and they needed to do something about. They could not allow it to keep going on and turning a blind eye to these continual problems.

Mr. Brown stated he believed this to be more a squatter issue than a derelict building issue. His suggestion was to provide time to Chief Romero to review the squatter ordinances, who had also requested time to ensure the city was using all the tools at their disposal for dealing with this type of situation. A secondary part of the issue, in determining if a structure was unsafe, was more complicated. The enforcement was difficult. On the mall, that was something they'd been working on to find a substitute tenant.

Councilor Capron stated he continually received inquiries about what the city's plans were for dealing with the homeless population. Did the city even have a plan? The count had gone from 50 up to 150+ of the homeless, and it would just continue to grow.

Councilor Rodriguez stated Ontario not only attracted the homeless, but created the homeless as well.

Dan Cummings, Community Development Director, stated with regard to the comments about the mall, he was working with the owner of the mall who owned the middle section. The owner of the remaining piece of the mall was maintaining his section. What was not being maintained, and what everyone was trying to blame on the mall owner, was on the west end was Tractor Supply, who was not maintaining their strip along Sunset Drive, or out front; the old Kentucky Fried Chicken building was owned by the Yee family, and that was not being maintained by them; and the other frontage that was not being maintained was owned by the Albertson's Corporation. It was not correct to pick on the one mall owner because his section actually was being maintained. It was the other owners who were not doing their part. All of them needed to be included when discussing the mall. He had recently spoken with the owner, and they were working on some plans to address some issues.

Councilor Justus stated those owners might not even realize they were responsible for the parking lot. It did not appear anywhere in the deeds he had read.

Mr. Cummings stated they were well aware.

Councilor Justus stated on the mall, and the lack of maintenance, it wasn't made clear that it was theirs to maintain. If there was no common area agreement in place, then no one would maintain it.

Mr. Cummings stated each parcel was responsible for maintaining their own landscaping sections.

Mr. Brown asked to bring this back on July 3rd, to allow him the opportunity to give the Task Force some thought and who might be on it. He welcomed any suggestions from the Council. He'd also like to give Chief Romero the opportunity to review the squatter's laws and the criminal trespassing laws.

Councilor Braden requested an outline on what the duties of membership would be.

Consensus to bring issue back to the July 3, 2019, Work Session.

Loan to Recreation District

Adam Brown, City Manager, stated Chair Evers from the Recreation District asked a couple weeks ago if the city would consider a short-term loan for operations. That was something that was included in the letter of support to the County Court when they were asked to put the formation of a Recreation District on the ballot. It was legal to give an intergovernmental loan. The District was aware that the city could charge the federal interest rate, which was around 2.75%, however, that's an annual rate so it wouldn't be that full amount. This issue was just up for discussion. If the Council was supportive of the idea, staff would draft an agreement. It was suggested by the Finance Director to take the funds from the Business Loan Fund. The District was looking at is a repayment in November of this year, as that's when they'll get their first proceeds from the taxes assessed.

Councilor Braden asked if it would be the full balance or over time.

Mr. Brown stated he believed it would the full balance in November. They were bringing on staff pretty quickly and it's just obviously a timing problem for them. Their first revenue wouldn't come in until November.

Councilor Rodriguez asked if there was a website for the District, other than the Facebook page?

Mary Jo Evers, Recreation District Chair, stated they were working on that. They did have a website that currently allowed for online registrations, but they didn't have staff members yet.

Councilor Rodriguez asked for the best outlet for the general public to get updated as to what's going on or what's coming, because there were a lot of rumors and he couldn't find anything that would give the general public better answers.

Ms. Evers stated part of that was because they'd just been doing setup because everything had been run by the city until now, and didn't want to step on any toes and say 'well, we're going to do it this way'.

Councilor Rodriguez stated he understood that, but the constituency out there was asking a lot of questions, and he, as could be seen online, was constantly redirecting them to where the answers were probably going to be coming from and there were a lot of questions. Where could he direct them to, to get answers from the Recreation District?

Councilor Capron stated they needed to get back to the loan discussion.

Councilor Crume stated he was good with the loan option. He'd suggested it months ago, because he knew that they were going to have to have some money to get moving. That way there would be no drop in services; they could keep it going and get it done.

Councilor Rodriguez agreed it sounded like the best case, based on his conversation with Adam that day. He just felt if they were going to be helping in this situation, they should be at least trying to help the community as well by giving them some answers that were missing at this point.

Councilor Justus stated he was the one in the Budget Committee meetings that suggested the $100K loan from the Business Fund, so he definitely supported the loan.

Councilor Braden stated he supported the loan. One step further was regarding the interest. Adam had said that they'd be amenable to charging interest. He didn't know if that was creating a bad precedent, but did the city need to charge the District interest on the loan? That's a discussion question he had. They were doing a great service and it was a short term loan, so no interest, to him, would be acceptable.

Mr. Brown stated in their discussion that afternoon, they were under the impression that the city might be required to. Staff could answer that question by July 3rd.

Councilor Ramon stated he was good with it.

Councilor Capron stated he was good with it.

HAND-OUTS

Minutes: Attached
Public Works Committee 04-15-2019 *(Approved)*
Public Works Committee 05-14-2019 *(Draft)*

Check Register: Attached
May 1, 2019 → June 12, 2019

CORRESPONDENCE/COMMENTS

Councilor Crume stated he would not be at the July 3rd Work Session.

Councilor Justus informed everyone that Revitalize Ontario was working on a Tat Tot Festival downtown for October 2020. To kick it off, they would have a booth at the Malheur County Fair this summer, and were in need of volunteers to cover 54 shifts. They'd like volunteers to cover two shifts each.

EXECUTIVE SESSION

ORS 192.660(2)(e)
An executive session was called at 9:06 p.m. under provisions of ORS 192.660(1)(e) to discuss real property.

Councilor Justus declared a direct conflict of interest in the matter up for discussion in Executive Session, recused himself, and departed the Council Chambers.

The Council reconvened into regular session at 9:28 p.m.

ADJOURN

CRUME moved, BRADEN seconded, **THAT THE MEETING BE ADJOURNED**. Unanimous voice vote to adjourn.

ACCEPTED:

Councilor

Michael Braden, City Councilor

ATTEST

Tori Barnett, MMC, City Recorder