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PROGRESSIVELY ENHANCING OUR QUALITY OF LIFE**



**COUNCIL MEETING AGENDA
CITY COUNCIL – CITY OF ONTARIO OREGON
TUESDAY, SEPTEMBER 17, 2019, 7:00 PM, MT**

Pursuant to the Public Meetings Laws and Rules within the Oregon Revised Statutes, the City Council has the authority, ability, and standing to take action on any items on the Agenda, or add items to the Agenda, during the Study Session or Regular Meeting, as long as all public meeting notice requirements have been met.

1) CALL TO ORDER

Roll Call: Freddy Rodriguez ____ Marty Justus ____ Ramon Palomo ____ Dan Capron ____
Michael Braden ____ Norm Crume ____ Mayor Riley Hill ____

2) PLEDGE OF ALLEGIANCE

This Agenda was posted on September 13, 2019. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

3) MOTION TO ADOPT THE AGENDA

4) PUBLIC COMMENTS Citizens may address the Council; however, Council may not be able to provide an immediate answer or response. Out of respect to the Council and others in attendance, please limit your comment to three (3) minutes. Please state your name and city of residence for the record.

5) CONSENT AGENDA

A) Minutes:
City Council Work Session - 08-08-2019
City Council Meeting - 08-20-2019

6) OLD BUSINESS

A) Resolution #2019-131: Border Board Incentive Program Participation
B) Resolution #2019-132: Council Rules Policy
C) Ordinance #2762-2019: Create OMC 7-7 "Public Smoking Restrictions" (First Reading)

7) NEW BUSINESS

A) Liquor License Application: Second & Vine Bistro

8) PUBLIC HEARING

A) Ordinance #2760-2019: An Ordinance Proclaiming the Annexation and Rezoning of 1918 Brady Circle on First Reading by Title Only
B) Ordinance #2761-2019: An Ordinance Proclaiming the Annexation and Rezoning of a Parcel Located in the 1100 Block of NE 3rd Avenue on First Reading by Title Only

9) DISCUSSION ITEMS

A) Petition for Sidewalk on Alameda Between 8th and 11th Avenue
B) Reload Center Letter of Support

10) HAND-OUTS

A) Check Register: August 1, 2019 to September 12, 2019

11) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

12) ADJOURN

The City Council may recess/adjourn to Executive Session under ORS 192.660(2) as follows: (a) Employment of Public Officers, Employees, or Agents; (b) Discipline of Public Officers, Employees, or Agents; (c) Labor Negotiations; (d) Real Property Transactions; (e) Exempt Public Records; (f) Trade Negotiations; (g) Litigation /Consult with Legal Counsel; (h) Performance Evaluation of Public Officers and Employees; (i) Trade Negotiations; and/or (j) Labor Negotiations.

The City of Ontario does not discriminate in providing access to its programs, services and activities on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, physical or mental disability, or any other inappropriate reason prohibited by law or policy of the state or federal government. Should a person need special accommodations or interpretation services, contact the City at 889-7684 at least one working day prior to the need for services and every reasonable effort to accommodate the need will be made.



CITY COUNCIL WORK SESSION MINUTES August 8, 2019

The scheduled Work Session of the Ontario City Council was called to order by Council President Dan Capron at 12:00 p.m. on Thursday, August 8, 2019, in the Council Chambers of City Hall. Council members present were Dan Capron, Michael Braden, Marty Justus, Norm Crume, and Freddy Rodriguez. Mayor Riley Hill was excused. Councilor Ramon Palomo arrived at 12:16 p.m.

Members of staff present were Adam Brown, Tori Barnett, Larry Sullivan, Dan Cummings, Terry Leighton, Kari Ott, Peter Hall, Steven Romero, Cliff Leeper, 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 August 6, 2019. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

Staff requested that Item 6D be moved to 6A and other items renumbered accordingly.

BRADEN moved, JUSTUS seconded, **TO ADOPT THE AGENDA AS AMENDED**. Roll call vote: Braden-yes; Justus-yes; Palomo-out; Crume-yes; Rodriguez-yes; Capron-yes; Hill-out. Motion carried 5/0/2.

OLD BUSINESS

Applications for Appointment to Marijuana Ad-Hoc Committee

Applications were received from Jim Mosier, Natalie Barlow, Eddy Thiel, Bruce Tuttle, and Stormy Ray.

CRUME moved, JUSTUS seconded, **TO APPOINT JIM MOSIER AND BRUCE TUTTLE TO THE CITY OF ONTARIO MARIJUANA AD-HOC COMMITTEE**. Roll call vote: Braden-no; Justus-yes; Palomo-out; Crume-yes; Rodriguez-no; Capron-yes; Hill-out. Motion carried 3/2/2.

Councilor Palomo arrived at 12:16 p.m.

NEW BUSINESS

Ontario Water Treatment Plant Electrical Services and Electrical Distribution System Evaluation and Control System Upgrade

Betsy Roberts, City Engineer, presented.

CRUME moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE THE TASK ORDER FOR THE ONTARIO WATER TREATMENT PLANT ELECTRICAL SERVICE AND ELECTRICAL DISTRIBUTION SYSTEM EVALUATION, AND CONTROL SYSTEM UPGRADE FOR \$14,500**. Roll call vote: Braden-yes; Justus-yes; Palomo-yes; Crume-yes; Rodriguez-yes; Capron-yes; Hill-out. Motion carried 6/0/1.

Hangar Lease Transfer: Michael Bues to Bryan Bair 334 Delta/347 Charlie

Dan Beaubien, Airport Manager, presented.

CRUME moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE THE LEASE TRANSFER FROM MICHAEL BUES TO BRYAN BAIR FOR AIRPORT HANGAR 347 CHARLIE/344 DELTA AS PRESENTED.** Roll call vote: Braden-yes; Justus-yes; Palomo-yes; Crume-yes; Rodriguez-yes; Capron-yes; Hill-out. Motion carried 6/0/1.

Hangar Lease Transfer: Leon James to Kevin Berg 331 Echo/326 Foxtrot

Dan Beaubien, Airport Manager, presented.

Councilor Crume noted that the square footage on the Lease stated 1800 square feet, but the insurance coverage indicated coverage of only 900 square feet.

Mr. Beaubien stated he would have that corrected. The true square footage of the hangar was 1,800.

CRUME moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE THE LEASE TRANSFER FROM LEON JAMES TO KEVIN BERG FOR AIRPORT HANGAR 331 ECHO/326 FOXTROT, WITH THE INSURANCE BEING CHECKED AND VERIFIED AND THE CORRECT SQUARE FOOTAGE INSURANCE COVERAGE BEING ATTACHED TO THE LEASE.** Roll call vote: Braden-yes; Justus-yes; Palomo-yes; Crume-yes; Rodriguez-yes; Capron-yes; Hill-out. Motion carried 6/0/1.

Housing Incentive Program: Agile Homes

Kari Ott, Finance Director, presented.

BRADEN moved, PALOMO seconded, **THAT THE CITY COUNCIL APPROVE THE APPLICATION BY AGILE HOMES FOR THE ONTARIO HOUSING INCENTIVE PROGRAM IN THE AMOUNT OF \$10,000.** Roll call vote: Braden-yes; Justus-yes; Palomo-yes; Crume-yes; Rodriguez-yes; Capron-yes; Hill-out. Motion carried 6/0/1.

Resolution #2019-129: Car Seat Grant

Kari Ott, Finance Director, presented.

BRADEN moved, PALOMO seconded, **THAT THE CITY COUNCIL APPROVE RESOLUTION #2019-129, A RESOLUTION TO APPROVE THE CAR SEAT GRANT AND INCREASE APPROPRIATIONS TO PURCHASE CAR SEATS.** Roll call vote: Braden-yes; Justus-yes; Palomo-yes; Crume-yes; Rodriguez-yes; Capron-yes; Hill-out. Motion carried 6/0/1.

Ordinance #2759-2019: An Ordinance Amending Ontario Municipal Code 3-23-6 for Collection of the Retail Marijuana Tax, and Declaring an Emergency

Larry Sullivan, City Attorney, presented.

CRUME moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE A FIRST READING BY TITLE ONLY OF ORDINANCE #2759-2019, AN ORDINANCE AMENDING SECTION 3-23-6 OF CHAPTER 23 OF TITLE 3 OF THE ONTARIO MUNICIPAL CODE FOR COLLECTION OF THE RETAIL MARIJUANA TAX, AND DECLARING AN EMERGENCY.** Roll call vote: Braden-yes; Justus-yes; Palomo-yes; Crume-yes; Rodriguez-yes; Capron-yes; Hill-out. Motion carried 6/0/1.

CRUME moved, BRADEN seconded, **THAT THE CITY COUNCIL WAIVE A SECOND READING OF ORDINANCE #2759-2019, AN ORDINANCE AMENDING SECTION 3-23-6 OF CHAPTER 23 OF TITLE 3 OF THE ONTARIO MUNICIPAL CODE FOR COLLECTION OF THE RETAIL MARIJUANA TAX, AND DECLARING AN EMERGENCY.** Roll call vote: Braden-yes; Justus-yes; Palomo-yes; Crume-yes; Rodriguez-yes; Capron-yes; Hill-out. Motion carried 6/0/1.

DEPARTMENT HEAD UPDATES**Financial Update: June, 2019 (Attached)**

Kari Ott, Finance Director, presented.



DISCUSSION ITEMS**Change of Time for City Council Work Sessions**

Adam Brown, City Manager, stated he was presenting both advantages and disadvantages to the meeting time. The daytime meeting gave citizens an opportunity to participate, and most things handled at the city involved professional services and contractors, but staff would accommodate whichever time frame the Council wanted. Department Heads were salaried employees, so there would be no financial impact. Should an hourly employee need to attend, it would not be a great impact to the budget over the course of the year. Following discussions with staff, they'd prefer to keep it at noon; however, if the Council wanted an evening meeting, then perhaps an earlier start time such as 5:30 or 6:00 would be an option.

Councilor Capron stated that he had talked with individuals interested in running for Council, and having a day meeting would, sometimes, knock some people out of the running. There were others who worked swing shift, but it seemed more people worked the typical 8-5 type hours. It would work out better for a few currently on the Council.

Councilor Crume asked why staff wanted to keep the meeting time at noon.

Mr. Brown stated it was primarily because it fit within the workday. The City Engineer commutes from Boise, and our Finance Director commuted from Burns. It was also when the Council received the department updates. That being said, staff would adapt to what the Council selected.

Councilor Crume stated when he first started as a Councilor, it was easier to attend the noon meetings because he had staff that covered his absence. Now, he was the only employee, so his wife covered when he was out. It was a large impact on him and his business to attend the noon work sessions. However, if the meetings needed to continue at that time, he'd continue to make it work. On a personal level, along with the public, some people could only attend in the afternoon, but it didn't appear to be a huge issue. He had found that if someone wanted, or needed, to attend a Work Session, they made it work. It also seemed that they had a larger audience turn-out in the evenings. In addition, the city had gone digital with their meetings, which were now streaming live and being uploaded post meeting, so many who didn't need or want to attend, could still see discussions about things. He was also an advocate to have both the City Council meeting and Work Session meeting have the same start time, regardless of what that was. An evening meeting wouldn't cause such a hardship, either, should it run long.

Councilor Rodriguez stated he had seen the largest attendance of audience members in the evening. The times should be for the convenience and ease of the citizens.

Councilor Capron stated he understood the 5:30 or 6:00 suggestion would be for those who would attend, but he also understood the need for consistency. However, it was on a different night.

Councilor Braden stated he had no preference. He wanted to do what was best for the largest amount of people.

Councilor Capron stated it would be for the public after hours, especially if someone wanted to run for office.

Councilor Palomo stated it appeared they were all in favor of moving it to after hours, but at what time? An earlier time would help out staff, and if a meeting ran long, they'd all still be out around 10:00 p.m. If they didn't start until 7:00 p.m. and the meeting ran long, they'd be there until midnight or 1:00 a.m.

Councilor Crume stated 5:30 was a bit early for him, and possibly Councilor Capron. It only allowed 30 minutes to close up, get home, change, maybe eat, and get to City Hall. That's if they closed at exactly 5:00 p.m. He'd be on board with a 6:00 p.m. start time.

CRUME moved, Justus seconded, **THAT THE CITY COUNCIL CHANGE THE TIME OF WORK SESSION MEETINGS FROM NOON TO 6:00 P.M. ON THE SAME SCHEDULED DAY.** Roll call vote: Braden-yes; Justus-yes; Palomo-yes; Crume-yes; Rodriguez-yes; Capron-yes; Hill-out. Motion carried 6/0/1.

Fire Hydrant Painting Project

Councilor Freddy Rodriguez stated it was scheduled for Saturday. He'd like to make this an annual thing, catching up on the hydrants annually. It was set to run for eight hours, but as this was the first one, that could fluctuate.

Mr. Brown stated it was set to begin at 8:00 a.m. Everyone was meeting at Lion's Park, on the concrete pad without a shelter.

Councilor Rodriguez stated there was a local business owner who would be providing snacks and water. Brushes, cups and/or trays were being provided by Maura Kirby Garcia from Kinney & Keele True Value. He was seeking an awning or tent for shade.

Mr. Brown stated he had a pop-up he could bring down.

Councilor Justus stated Revitalize Ontario had a plan in motion to repaint all the power boxes. They were working with a local art teacher on this, and had received a \$10K grant. He believed the idea was to go out to different age groups, including the schools, and then they'd be reviewed. The artwork selected would be vinyl, and grafted onto the power box.

Councilor Crume asked about the different colors of the hydrants.

Terry Leighton, Fire Chief, stated they were specified as red. There were no yellow hydrants in Ontario. However, there were some blue hydrants, and they were on the supply line. Some were red with white caps. Public Works had a specific color scheme, which Councilor Rodriguez had been given. The Fire Department's preference was to have them one color.

Public Smoking on City Campus, Public Parks, and Downtown

Adam Brown, City Manager, stated they had previously discussed downtown smoking issues, such as creating an ordinance prohibiting it due to some issues in that area. There were some businesses there stated they would leave if nothing happened, and we'd like to keep them here. He had also received some requests from City Council members about the possibility of creating an ordinance regarding smoking in public parks, and also city campus areas. Kirstin Hatch, Health Department, was in attendance, and she had offered to assist in creating the potential ordinances.

If the city had a resolution that stated there would be no smoking on city properties, which would be the campuses, so it would be the entire block that City Hall occupied, half of the Community Development Center block, and the Public Works buildings. The Health Department's priorities were the parks and the government campuses. Banning it downtown would receive support, but it was not their first priority. However, it was a priority to the downtown business owners and staff.

Councilor Rodriguez asked about the impact to some businesses, like bars.

Mr. Brown stated there would be an impact, mostly because smoking was not allowed inside the establishment. It was supposed to be 10 feet from the entrances. That created a challenge because a patron would come out of the bar and litter on the sidewalk, there had been problems with people smoking right in front of other businesses doors and leaving trash there, so that 10-foot rule was difficult. It was a state law, and the process for addressing it was that the city would call the state, who called the local health department, who then had to send someone out to try and witness the infraction, so the city couldn't really enforce it downtown. There had been three businesses stated if that type of behavior continued, they'd most likely leave the area.

Councilor Justus stated his issue was with enforcement. The city could pass as many ordinances as they wanted, but how would they be enforced? If they wanted to hire someone to be a "ticket writer", he'd be all for that, but if they were going to be passing ordinances without a way of enforcing them, then it was just one more ordinance that was not being enforced in the city. He was all for banning smoking downtown, and in city parks, and in municipal buildings, but if they couldn't enforce that, what was the point?

Councilor Capron asked Mr. Brown to get a report from Chief Romero on his opinion on enforcement.

Mr. Brown stated a local ordinance would give the city the ability to enforce it in a more timely manner. He also believed that once it was enforced multiple times, word would get out that the law was real, enforceable, and unpleasant.

Councilor Crume stated he was initially concerned about stepping on the rights of people; however, because of all the problems he'd been hearing about, and the city's inability to deal with it, and while there might not be enough man-power to deal with it, they should tie it together with code enforcement. Everyone knew they needed more code enforcement, but they had the rules and regulations in place. He'd like to see a draft ordinance on this issue.

Councilor Braden stated he'd like to hear from the downtown business owners, too.

Council consensus to bring back a draft ordinance.

Issues with Birds Downtown

Councilor Capron stated he had spoken with people in the downtown area, and there was a big issue with pigeons in the area. They wanted the city to look into removing the birds. There were a ton of birds down there, and they made a huge mess.

Adam Brown, City Manager, stated he had spoken with businesses that dealt with that type of issue, and there were human ways of dealing with it. One way was a bird banger, where a firework type object was shot up into the trees, scaring the birds away. No birds were hurt, and after a few days, they did not return. Might not be the approach for this area. He could obtain some quotes and bring it back to the Council for consideration.

Councilor Rodriguez stated he did not believe startling the birds would work in this case. That was mostly for birds that were just "hanging out". Pigeons were different. Once they consider an area their home, if an attempt to relocate happened, they'd just return.

Councilor Justus stated they had looked into this a few years ago, and found that there was a food product that contained pigeon birth control. They'd place the feeders around the area, the birds would consume it, and they'd stop multiplying. However, it was expensive. Back then, for eight feeders, it was \$500-700 per month. That being said, the Chamber of Commerce received \$10K a month from the TOT, so they might look into at least partially funding that project.

Councilor Capron asked why it had to be humane; couldn't they trap them and dispose of them?

Councilor Justus stated being inhumane would just bring controversy to the Council and the town. As a government, they needed to be humane.

Mr. Brown stated there were currently some businesses downtown that were attempting to fix this problem on their own.

Councilor Justus stated Revitalize Ontario! could send out an email to all the downtown businesses asking what they'd like to see done.

Marijuana Facility Employee Background Check Fee

Councilor Rodriguez stated he read on social media that some individuals were upset that the city charged a fee of \$220 for background checks for any employee a dispensary hired. It was his understanding that the state was already doing that, for \$100 per applicant. That fee had gone before the Marijuana Ad-Hoc Committee, who endorsed it. After speaking with officials at OLCC, he learned that this area was being robbed from all the money that Treasure Valley was putting into the area. The majority of the tax was going to the state, and the city only saw a small percentage of it. While he believed the check was needed, he also felt it was redundant. If the two were vastly different, then continue on, but if they were similar, it wasn't needed. He wanted to believe the local background was more in-depth.

Adam Brown, City Manager, stated staff designed a process for an approval. The city stated the background check would be completed within two days, and he and the Police Chief would sign off; however, his signature wasn't really needed. If they opted to revise the ordinance, he'd like to just see the Chief's signature on the document. Currently, based on the volume of applications, staff had to restrict how many could be submitted daily, to ensure the two-day turnaround was met. He was not aware of any complaints from business owners or employees. Following the results, the city would print out a card that would go with the state's employee card. The card was required to be renewed annually, and the state's requirement was every five years. The city could mirror the state's requirements, or keep it as written. Also, another issue that would precipitate a background check was if someone changed employers.

Councilor Rodriguez like this idea, but, he still had an issue. Ontario was one of the most impoverished cities in Oregon, so it was not easy to pay \$320 [sic] out of pocket to get employed. It was his understanding that the fees were all paid for by the potential employee.

Mr. Brown stated it was actually paid for by the business owner.

Councilor Rodriguez stated he spoke with one of the dispensary owners, and he clearly stated it was all eaten by the employee. Further, that particular owner was in support of it. He'd like to see the business owners pay that fee.

Mr. Brown stated there was one who asked to write a check for all the background checks for his business. On a side note, he had learned that day that Weedology was the highest grossing store in the State of Oregon.

Dan Cummings, Community Development Director, stated of the three establishments that had submitted applications and employees, the business had paid for all the employees' background checks. He had, however, been asked about the fee, and they'd probably file complaints, if the city continued to charge \$220 every year to make the same employees have the same background check. The current ordinance stated a business would be responsible for paying for all employees to do a background check every year. The state card was good for five years. He had asked the City Attorney about the wording in the ordinance, and unless the City Attorney stated it was clear enough, he'd suggest a rewording.

Larry Sullivan, City Attorney, stated it was perfectly clear. The language Mr. Cummings' was looking at was that if an employee came in at mid-year, they had to have a background check. That was the intention of that section.

Mr. Cummings stated as it was currently written, each employee had to have a background check redone every year, and that might not be a fair action, in his opinion.

Councilor Crume stated it was written to assist in expenses associated with marijuana, but the Council needed to be fair. He didn't recall hearing that the state's card was good for five years. In moving forward, he'd be amendable to keeping the cost the same, but having it match the state's five-year card, if that employee stayed in the business that long. Regarding the action of only allowing five background checks per day, and not knowing the influx of those being hired, but was the city capable of getting those checks done by the time the store was set to open?

Mr. Brown stated staff was trying to keep up, but were a bit behind. The city had not stopped any of them from opening. Mr. Cummings' had learned that it wouldn't prohibit any of them from opening or starting work.

Councilor Crume stated he hoped the city was doing their best to not prolong anything that needed to be done with regulations or restrictions the city was placing on the business, or slowing down the process.

Councilor Rodriguez asked how Mr. Brown came by the information that Weedology was the highest grossing store.

Mr. Brown stated he had spoken with a family member of Weedology, and was told they had to report their numbers to the state daily.

Councilor Rodriguez stated this region received one of the least percentages for distribution of state taxes.

Mr. Brown stated that 75% of the formula for the 10% that was remitted back to local government was based on population. The other 25% was based on the number of dispensaries. On the 25% number, Ontario was doing well, but using the 11,470 population as a denominator, when the city was actually serving 750,000 people, was very disadvantages for this area. Those numbers had been presented to the Ad-Hoc Committee, and when they met with OLCC, they also discussed it with them. While it was clear to them, but it was something that would have to be fixed legislatively.

Councilor Justus asked how much it cost for the city to run a background check.

Mr. Brown stated the fee itself was \$10, but the greater cost was the time involved, which also included the quarterly inspections of the facilities, and the ID badges.

Councilor Justus stated if the state was doing the background checks, the city could piggyback off that, and instead of having the city do the same thing, the city was charging an annual employee tax. He wasn't disagreeing with it, but just call it what it was. That fee would cover all the costs involved with employees, and list what that fee covered.

Mr. Sullivan stated the \$220 fee wasn't designated for background checks. The ordinance read that \$220 was per employee, but while a background check was done with the \$220, that fee wasn't for the cost of only doing that check. It only stated it was a fee per employee.

Councilor Justus suggested putting the city's stamp on the state's permit, and move forward. Free up the police department from doing all that.

Steven Romero, Police Chief, stated his department was doing a statewide Oregon only criminal history inquiry. They did not check the national data bases. OLCC only checked at the state level, not an FBI or NCIC check. He was not sure what the end game was for doing a city background check. He could do a review of the state's check, and either sign off or deny, but that would only be certifying what someone else did. If the Council wanted a safety net from Ontario, they needed to do their own background check. That would take someone legally certified to do the check, and then the results were forwarded to other personnel, such as the Police Chief, Fire Chief and City Manager.

Mr. Sullivan reiterated it was not a fee for a background check, it was an employee fee.

Mr. Cummings stated it was his understanding that all business owners and anyone that had a 10% monetary interest in that dispensary or any marijuana facility, the state would do a full background check through the FBI system. They were only doing random background checks on the employees. That's what triggered the city wanting to do checks on all employees.

Councilor Crume suggested they leave it status quo, and if a complaint was filed, then address it at that time.

Council consensus to review the various issues discussed and bring it back before Council.

Councilor Justus departed the meeting at 2:07 p.m.

HAND-OUTS

Department Stats: (Attached)

Fire & Rescue: July 2019

Police: June & July 2019

Code Enforcement: June & July 2019

Public Works: July 2019



Agenda: *(Attached)*

SREDA: August 6, 2019

Packet: *(Attached)*

V&C Board: August 1, 2019 w/Minutes of July 11, 2019

Minutes: *(Attached)*

SREDA: July 2, 2019

County Court: June 26, July 3, July 10, July 17, July 24, 2019

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Councilor Rodriguez reminded everyone of the upcoming hydrant project his coming Saturday. He invited everyone to come help.
- Councilor Palomo stated with regard to their shopping carts, was there anyway to have the store owners keep track of their carts? They just seemed to piled up everywhere. Maybe he could speak with the various businesses.

ADJOURNCRUME moved, BRADEN seconded, **THAT THE MEETING BE ADJOURNED.** Unanimous voice agreement. (2:09 p.m.)**ACCEPTED:****ATTEST**_____
Riley J. Hill, Mayor_____
Tori Barnett, MMC, City Recorder



CITY COUNCIL MEETING MINUTES August 20, 2019

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 7:00 p.m. on Tuesday, August 20, 2019, in the Council Chambers of City Hall. Council members present were Riley Hill, Dan Capron, Norm Crume, Michael Braden, Freddy Rodriguez, Ramon Palomo, and Marty Justus.

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

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

Mayor Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on August 16, 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, CAPRON seconded, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

Mayor Hill passed the gavel to Council President Capron to conduct the remainder of the meeting.

CONSENT AGENDA

BRADEN moved, CRUME seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED JULY 3, 2019, COUNCIL WORK SESSION MINUTES; AND JULY 16, 2019, COUNCIL MEETING MINUTES**. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

SPECIAL ACTION

Mayoral Proclamation: Mental Health, Substance Use Disorder, and Problem Gambling Recover Month – September 2019

Councilor Capron read the Proclamation into the record. *(Copy attached)*

NEW BUSINESS

Remove Appointee from Airport Committee

Adam Brown, City Manager, presented.

PALOMO moved, RODRIGUEZ seconded, **THAT THE CITY COUNCIL REMOVE AMANDA VANSICKLE FROM THE AIRPORT COMMITTEE AND ALLOW FOR THE POSITION TO BE FILLED BY THE COMMITTEE ALTERNATE JERRY TROLARD, AND SEEK APPLICANTS TO REFILL THE ALTERNATE POSITION**. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

2017-2019 IGA #437-16, FIREFIGHTING FOAM TRAILER, AMENDMENT #1

Terry Leighton, Fire Chief, presented.

JUSTUS moved, CRUME seconded, **THAT THE CITY COUNCIL AUTHORIZE THE FIRE CHIEF TO SIGN THE AMENDMENT #1 TO INTERGOVERNMENTAL AGREEMENT #437-16 2017-2019 BETWEEN THE CITY OF ONTARIO AND THE OFFICE OF STATE FIRE MARSHAL.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

Housing Incentive Program: Rywest Homes Application #1 (72 Sunset Drive)

Kari Ott, Finance Director, presented.

CRUME moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE THE APPLICATION BY RYWEST HOMES AT 72 SUNSET DRIVE FOR THE ONTARIO HOUSING INCENTIVE PROGRAM IN THE AMOUNT OF \$10,000.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

Housing Incentive Program: Rywest Homes Application #2 (64 Sunset Drive)

Kari Ott, Finance Director, presented.

BRADEN moved, PALOMO seconded, **THAT THE CITY COUNCIL APPROVE THE APPLICATION BY RYWEST HOMES AT 64 SUNSET DRIVE FOR THE ONTARIO HOUSING INCENTIVE PROGRAM IN THE AMOUNT OF \$10,000.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

Financial Assistance for Permanent Supportive Housing Pilot Grant

Adam Brown, City Manager, presented.

Community in Action will be submitting an application for the Permanent Supportive Housing Development and Operational Team Technical Assistance Cohort. Oregon Housing and Community Services (OHCS) was trying to build a pilot cohort of communities across Oregon to become ready to build single-family homes and multifamily affordable housing developments. The pilot communities would be well positioned to receive commitments of capital and rent assistance following the pilot project.

Ontario has never had a homeless shelter. A day shelter with showers, meals, cooling and warming, and other amenities existed for several years, but was closed in 2017. A community church has operated a substitute facility for the past two years. The facility to date, has not had the resources to provide much more than meals; however, Community in Action was working with them to add services in the future. That funding source would not go to the extent of having an overnight facility. Having an overnight facility was still a need that must be resolved for our community. Community in Action had facilitated a group representing the agencies needed to provide wrap around support to support and solve issues of homeless individuals and families in our community. The most recent research had shown that intensive wrap around support was needed to solve homeless issues in communities.

The Oregon Housing and Community Services Department was the state's housing finance agency providing financial and program support for lower and moderate income individuals. Other things they administered were federal and state antipoverty, homeless, energy assistance, and community service programs. OHCS was administering the Permanent Supportive Housing (PSH) pilot project.

This proposal supported the city's Lifestyle goal and Housing and Affordability Strategy, specifically activities of building a variety of housing options. For the first time, there was a general community-wide census and desire to partner together to address the homeless issue in the city. Committing between \$2,000 and \$5,000 would be enough to demonstrate the city's participation at this point, with the contributions from other service providers. The money could be taken from the contingency budget, which currently had \$282,930. The grant would close on September 6th, so the Council would need to approve this proposal at the September 5, 2019, meeting. If the Council opted to not participate in funding of this project, it was unlikely that the city would be selected as one of the pilot communities, which would have an impact when funding became available to build out in these pilot communities.

Council consensus to add this item to the September Agenda.

HAND-OUTS

Check Register: Attached

July → August 15, 2019

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Councilor Crume stated after the previous meeting where the Council opted to change the meeting time for the Work Sessions to 6:00 p.m., he had been approached from members of the community to have the Tuesday night meeting begin at 6:00 p.m., also. That would make all meetings by the Council begin at 6:00 p.m.

Councilor Capron suggested placing this for discussion on the September Agenda.

Council consensus to add to the upcoming Agenda.

- Councilor Rodriguez stated the fire hydrant repaint event was awesome, and there was positive feedback from the community. They'd be doing it again on Saturday, September 14th. Anyone who wanted to help was welcome.
- Councilor Justus stated with regard to the Tater Tot Festival, the both at the Malheur County Fair was a great success. The booth gave away 1,100 t-shirts and 3,000 boats of Tater-Tots. Lots of people excited about the Festival coming to Ontario. Revitalize Ontario! had put together a proposal for Ore-Ida, and were waiting for their response. Revitalize was asking for a lot of money for the Festival.
- Councilor Braden stated he was thankful for the Splash Park. They all knew what work it took to get it in place, it had a great kick-off, and it had now been turned over to the Recreation District. His family was at the Park that night, having a great time. It added a lot of talking points and beauty points to this city, and everyone who worked on making it happen did a great job.
- Councilor Palomo stated his thanks for the Tater-Tot Festival! That was being talked about all over the place. And he spoke with people from Weiser, Payette, Fruitland, people who had been going to the Fruitland Splash Pad were now coming to the Ontario Pad. Thank you Ontario and Friends of the Aquatic Center, the whole community!
- Adam Brown stated yesterday he had received an email from Heinz to move forward with the trail easement and land swap, so it was a fist pump for him and Dan Cummings.
- Councilor Capron reminded everyone of the Annual Cardinal-n-Corn dinner August 24th.

ADJOURN

JUSTUS moved, PALOMO seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0. (7:35 p.m.)

ACCEPTED:

ATTEST

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder





**AGENDA REPORT
OLD BUSINESS
September 17, 2019**

To: Mayor and City Council

FROM: Adam J. Brown, City Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: **RESOLUTION #2019-131: BORDER BOARD INCENTIVE PROGRAM
PARTICIPATION**

DATE: September 13, 2019

PROPOSED MOTION:

THE EASTERN OREGON ECONOMIC DEVELOPMENT BORDER BOARD HAS FINALIZED SOME OF THEIR GRANT AND INCENTIVE PROGRAMS FOR HOUSING. BUY-IN FROM EACH TAXING DISTRICT IS NEEDED TO FUND THE PROGRAM.

SUMMARY:

I move that the Council adopt Resolution 2019-131, A resolution authorizing participation in the programs of the Eastern Oregon Border Economic Development Board.

BACKGROUND:

The Border Board was created in the 2017 legislative session and was formed in 2018. They have been given the responsibility of allocating approximately \$6 million, which is intended to make the Eastern Oregon Border Region more economically competitive.

Over the past year the Border Board has been researching the economic challenges of the area and developing strategies to deploy towards those weaknesses. These strategies were informed by presentations from community leaders and subcommittees with additional local involvement.

The Border Board is in the process of working with the State of Oregon to create administrative rules for their grant and loan programs. That administrative rule making is expected to conclude on September 26, 2019. The Ontario City Council received a presentation about the programs in July, 2019.

CURRENT SITUATION:

The Border Board has drafted a resolution with local feedback to officially participate in two of their programs. They are 1) Competitive Housing Incentive Program and 2) Property Improvement Rebate Program.

Competitive Housing Incentive Program - This program provides a \$6,000 cash incentive for new construction to the homeowner and a rebate of up to \$1,500 per year in property taxes for up to 10 years. In addition to other requirements spelled out in the program resolution and attachment, the newly constructed homes must have a minimum tax assessed property value of \$125,000 upon completion.

Property Improvement Rebate Program - This program incentivises rehabilitation of existing residential, commercial, and industrial properties within the Border Region. The incentive is the lesser of \$30,000 or 15% of the increased tax assessed value of the property with a cap of \$30,000.

ANALYSIS:

- A. **STRATEGIC PLAN** This fits the city's Expansion Strategy under the Growth Goal in the City's Strategic Plan.
- B. **FINANCIAL** We have seen a positive impact from the City's Housing Incentive Program over the two year period it has existed. Our first year we added two new construction single family homes. In the current year we have had seven applicants year to date. Builders are building spec housing and the homes are selling. Repayment of the first year's housing incentive program will begin this year.

The maximum foregone revenue under the Border Program is 10 years of property taxes. The benefit to the homeowner is up to \$1,500 per year in property taxes plus \$6,000 up front for a total maximum benefit of \$21,000. The \$6,000 incentive is paid back at a rate of \$300 per year. If all taxing districts participate in the program, the incentive can be paid in the 10 years for houses above \$130,000.

Stacking the city program on top of the Border Board program would increase the payback period, but provide an additional incentive only in Ontario. The City should review the options for stacking the housing incentive program on top of the Border Board's incentive after it is determined who is participating. The participation will dramatically determine the new rate of payback.

This program incentivises the buyer, but does not necessarily focus on the builders. Most of our applications have come from builders, so I would recommend we keep some level of incentive for builders.

Lastly, a multiplier effect on new single family home construction should be taken into consideration. There are impacts to long and short term job creation, fiscal revenues, and economic growth with each additional single family dwelling. Some economist estimate an additional job capacity of at least one job per household and a long term economic growth of \$11,000 annually.

- C. **TIMING** The Border Board is asking for commitments from taxing jurisdictions. Approval of the resolution is needed to participate in the program. A resolution to opt out of the program could reverse this action. Participation in the program is key. Broad participation will enhance the ability to share the impact of the incentive, while smaller participation will spread it more narrowly on a few. There is a great incentive for the free rider principal, that is to say, one or two districts opt out to receive their revenue, while everyone else pays for the incentive.
- D. **POLICY/LEGAL** Council approval of the resolution is required to participate in the program.

ALTERNATIVES:

Take No Action - The city's tax rate is 32% of the entire tax collection in the City. If the City did not participate in the program it is questionable as to whether the Border Board would offer incentives to citizens within Ontario. We would maintain our current housing incentive program or revise our current program to something different than presently constituted.

RECOMMENDATION:

The City Manager recommends participation in the Border Board Housing Incentive Program and Property Improvement Rebate Program. Additionally, I recommend that we pay closely attention to the other taxing entity's participation in the program. This will determine the length of payback and our ability to stack a program on top to make Ontario more attractive. Lastly we should maintain incentives for both the builder and buyer to continue to see building in Ontario.

ATTACHMENTS:

1. Reso #2019-131 EOBED draft resolution tax programs
2. SS_City_Border Board Incentive Program



RESOLUTION #2019-131

A RESOLUTION AUTHORIZING PARTICIPATION IN THE PROGRAMS OF THE EASTERN OREGON BORDER ECONOMIC DEVELOPMENT BOARD

- WHEREAS,** The City of Ontario is a municipal corporation located within the boundaries of Malheur County, Oregon; and
- WHEREAS,** The City of Ontario recognizes the many benefits of residential, commercial and industrial development in the City; and
- WHEREAS,** The City of Ontario finds that participation in the programs of the Eastern Oregon Border Economic Development Board will advance residential, commercial and industrial development in the City; and
- WHEREAS,** The City of Ontario finds that replenishment of the Eastern Oregon Border Economic Development Fund from new property tax proceeds generated by qualifying projects will advance residential, commercial and industrial development and tax base stabilization and growth in the City;
- WHEREAS,** The City of Ontario desires to memorialize its ten-year commitment to participate in the programs of the Eastern Oregon Border Economic Development Board in an intergovernmental agreement detailing the terms of participation.

NOW, THEREFORE, BE IT RESOLVED by the Ontario City Council:

The City of Ontario authorizes the execution of an Intergovernmental Agreement binding the City of Ontario to participate in the the programs of the Eastern Oregon Border Economic Development Board involving partial replenishment of the Eastern Oregon Border Economic Development Fund from new property tax proceeds generated by qualifying projects. Be it further resolved that the City of Ontario elects to participate in the Competitive Housing Incentive Program and Property Improvement Rebate Program as described on Attachment A.

PASSED AND ADOPTED by the Ontario City Council this ____ day of _____, 2019, by the following vote:

Ayes:

Nays:

Absent:

Abstain:

APPROVED by the Mayor this ____ day of _____, 2019.

ATTEST:

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder

ATTACHMENT “A”

Eastern Oregon Border Economic Development Board Fund

Competitive Housing Incentive Program

- 1) New construction owner occupied residences within the Border Region receive \$6,000 at closing from the Border Fund after issuance of certificate of occupancy and paying their taxes in full, if any then due.
- 2) Upon payment of property taxes each year, homeowner can submit a paid receipt to the Border Fund and will be reimbursed up to \$1,500 per year for up to 10 years.
- 3) The payment by the County to the Border Fund is deducted from the tax proceeds otherwise payable for the qualifying properties to the participating taxing entities.
- 4) The incentive is not assignable.
- 5) Replenishment of Border Fund implemented through an intergovernmental agreement with the participating taxing entities and Border Board.
- 6) The Border Fund is then repaid that sum annually over 10 years by the county from property taxes proceeds from that property, plus \$300 per year over the following 10 years by the county from property taxes proceeds from that property.
- 7) The Border Board bills the county up to \$1,800 annually after receiving confirmation the property taxes on the subject property have been paid (up to \$1,500 for annual rebate, \$300 towards initial \$6,000).
- 8) Applicant must apply at least 30 days in advance of the sooner of closing on the residence and/or receiving a certificate of occupancy.
- 9) Open application cycle
- 10) Eligible projects include stick built, single family homes on a foundation as well as townhouses, duplexes, and multiplexes, as long as owner occupied. Manufactured homes are not eligible. Minimum tax assessed value of the property must be at least \$125,000 upon completion.

Property Improvement Rebate Program

- 1) Rebate on rehabilitation of existing residential, commercial and industrial properties and new development of multi-family residential, commercial and industrial properties within the Border Region.
 - a. The maximum cash rebate award is the lesser of \$30,000 or 15% of the increased tax assessed value of the property.
 - b. Minimum eligible tax assessed value increase is \$10,000.
- 2) A building permit is required and the property must be re-assessed after the improvements have been completed to document the increase in value attributable to the improvements.
- 3) Replenishment of Border Fund implemented through an intergovernmental agreement with the participating taxing entities and Border Board whereby the Border Fund is repaid in annual installments over 10 years from new property taxes proceeds from that property.
- 4) Applications will be reviewed quarterly. Applicant must apply no later than 90 days of completion of project.
- 5) Qualifying projects must be paying property taxes in full.



City Percentage of Total Taxes 32%

		Home Value											
	Taxing												
Taxing Unit	Authority	\$ 125,000	\$ 150,000	\$ 175,000	\$ 200,000	\$ 225,000	\$ 250,000	\$ 275,000	\$ 300,000	\$ 350,000	\$ 400,000	\$ 450,000	
Malheur County	2.5823	\$ 323	\$ 387	\$ 452	\$ 516	\$ 581	\$ 646	\$ 710	\$ 775	\$ 904	\$ 1,033	\$ 1,162	
Vector Control	0.2000	\$ 25	\$ 30	\$ 35	\$ 40	\$ 45	\$ 50	\$ 55	\$ 60	\$ 70	\$ 80	\$ 90	
Malheur ESD	0.3077	\$ 38	\$ 46	\$ 54	\$ 62	\$ 69	\$ 77	\$ 85	\$ 92	\$ 108	\$ 123	\$ 138	
Ontario Library District	0.5500	\$ 69	\$ 83	\$ 96	\$ 110	\$ 124	\$ 138	\$ 151	\$ 165	\$ 193	\$ 220	\$ 248	
Malheur AG Dist	0.2300	\$ 29	\$ 35	\$ 40	\$ 46	\$ 52	\$ 58	\$ 63	\$ 69	\$ 81	\$ 92	\$ 104	
Ontario School Dist 8	3.9293	\$ 491	\$ 589	\$ 688	\$ 786	\$ 884	\$ 982	\$ 1,081	\$ 1,179	\$ 1,375	\$ 1,572	\$ 1,768	
Ontario School Dist 8 Bd	1.0911	\$ 136	\$ 164	\$ 191	\$ 218	\$ 245	\$ 273	\$ 300	\$ 327	\$ 382	\$ 436	\$ 491	
TVCC	1.2235	\$ 153	\$ 184	\$ 214	\$ 245	\$ 275	\$ 306	\$ 336	\$ 367	\$ 428	\$ 489	\$ 551	
City of Ontario	4.8347	\$ 604	\$ 725	\$ 846	\$ 967	\$ 1,088	\$ 1,209	\$ 1,330	\$ 1,450	\$ 1,692	\$ 1,934	\$ 2,176	
City of Ontario Bd	0.0000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Total Tax Rate	14.9486	\$ 1,869	\$ 2,242	\$ 2,616	\$ 2,990	\$ 3,363	\$ 3,737	\$ 4,111	\$ 4,485	\$ 5,232	\$ 5,979	\$ 6,727	
Appreciation Yr 1*		\$ 1,897	\$ 2,276	\$ 2,655	\$ 3,035	\$ 3,414	\$ 3,793	\$ 4,173	\$ 4,552	\$ 5,310	\$ 6,069	\$ 6,828	
Appreciation Yr 2		\$ 1,925	\$ 2,310	\$ 2,695	\$ 3,080	\$ 3,465	\$ 3,850	\$ 4,235	\$ 4,620	\$ 5,390	\$ 6,160	\$ 6,930	
Appreciation Yr 3		\$ 1,954	\$ 2,345	\$ 2,735	\$ 3,126	\$ 3,517	\$ 3,908	\$ 4,299	\$ 4,689	\$ 5,471	\$ 6,253	\$ 7,034	
Appreciation Yr 4		\$ 1,983	\$ 2,380	\$ 2,777	\$ 3,173	\$ 3,570	\$ 3,966	\$ 4,363	\$ 4,760	\$ 5,553	\$ 6,346	\$ 7,140	
Appreciation Yr 5		\$ 2,013	\$ 2,416	\$ 2,818	\$ 3,221	\$ 3,623	\$ 4,026	\$ 4,429	\$ 4,831	\$ 5,636	\$ 6,442	\$ 7,247	
Appreciation Yr 6		\$ 2,043	\$ 2,452	\$ 2,860	\$ 3,269	\$ 3,678	\$ 4,086	\$ 4,495	\$ 4,904	\$ 5,721	\$ 6,538	\$ 7,355	
Appreciation Yr 7		\$ 2,074	\$ 2,489	\$ 2,903	\$ 3,318	\$ 3,733	\$ 4,148	\$ 4,562	\$ 4,977	\$ 5,807	\$ 6,636	\$ 7,466	
Appreciation Yr 8		\$ 2,105	\$ 2,526	\$ 2,947	\$ 3,368	\$ 3,789	\$ 4,210	\$ 4,631	\$ 5,052	\$ 5,894	\$ 6,736	\$ 7,578	
Appreciation Yr 9		\$ 2,137	\$ 2,564	\$ 2,991	\$ 3,418	\$ 3,846	\$ 4,273	\$ 4,700	\$ 5,128	\$ 5,982	\$ 6,837	\$ 7,691	
Appreciation Yr 10		\$ 2,169	\$ 2,602	\$ 3,036	\$ 3,470	\$ 3,903	\$ 4,337	\$ 4,771	\$ 5,205	\$ 6,072	\$ 6,939	\$ 7,807	
Net Income for all taxing districts													
Year 1		\$ 97	\$ 476	\$ 855	\$ 1,235	\$ 1,614	\$ 1,993	\$ 2,373	\$ 2,752	\$ 3,510	\$ 4,269	\$ 5,028	
Year 2		\$ 125	\$ 510	\$ 895	\$ 1,280	\$ 1,665	\$ 2,050	\$ 2,435	\$ 2,820	\$ 3,590	\$ 4,360	\$ 5,130	
Year 3		\$ 154	\$ 545	\$ 935	\$ 1,326	\$ 1,717	\$ 2,108	\$ 2,499	\$ 2,889	\$ 3,671	\$ 4,453	\$ 5,234	
Year 4		\$ 183	\$ 580	\$ 977	\$ 1,373	\$ 1,770	\$ 2,166	\$ 2,563	\$ 2,960	\$ 3,753	\$ 4,546	\$ 5,340	
Year 5		\$ 213	\$ 616	\$ 1,018	\$ 1,421	\$ 1,823	\$ 2,226	\$ 2,629	\$ 3,031	\$ 3,836	\$ 4,642	\$ 5,447	
Year 6		\$ 243	\$ 652	\$ 1,060	\$ 1,469	\$ 1,878	\$ 2,286	\$ 2,695	\$ 3,104	\$ 3,921	\$ 4,738	\$ 5,555	
Year 7		\$ 274	\$ 689	\$ 1,103	\$ 1,518	\$ 1,933	\$ 2,348	\$ 2,762	\$ 3,177	\$ 4,007	\$ 4,836	\$ 5,666	



September 5, 2019			Border Board Housing Incentive Program and City Housing Incentive Program Analysis																			
Year 8	\$	305	\$	726	\$	1,147	\$	1,568	\$	1,989	\$	2,410	\$	2,831	\$	3,252	\$	4,094	\$	4,936	\$	5,778
Year 9	\$	337	\$	764	\$	1,191	\$	1,618	\$	2,046	\$	2,473	\$	2,900	\$	3,328	\$	4,182	\$	5,037	\$	5,891
Year 10	\$	369	\$	802	\$	1,236	\$	1,670	\$	2,103	\$	2,537	\$	2,971	\$	3,405	\$	4,272	\$	5,139	\$	6,007
Net Income for City First Ten Years																						
Year 1	\$	31	\$	154	\$	277	\$	399	\$	522	\$	645	\$	767	\$	890	\$	1,135	\$	1,381	\$	1,626
Year 2	\$	40	\$	165	\$	289	\$	414	\$	539	\$	663	\$	788	\$	912	\$	1,161	\$	1,410	\$	1,659
Year 3	\$	50	\$	176	\$	303	\$	429	\$	555	\$	682	\$	808	\$	935	\$	1,187	\$	1,440	\$	1,693
Year 4	\$	59	\$	188	\$	316	\$	444	\$	572	\$	701	\$	829	\$	957	\$	1,214	\$	1,470	\$	1,727
Year 5	\$	69	\$	199	\$	329	\$	460	\$	590	\$	720	\$	850	\$	980	\$	1,241	\$	1,501	\$	1,762
Year 6	\$	79	\$	211	\$	343	\$	475	\$	607	\$	739	\$	872	\$	1,004	\$	1,268	\$	1,532	\$	1,797
Year 7	\$	89	\$	223	\$	357	\$	491	\$	625	\$	759	\$	893	\$	1,028	\$	1,296	\$	1,564	\$	1,832
Year 8	\$	99	\$	235	\$	371	\$	507	\$	643	\$	779	\$	916	\$	1,052	\$	1,324	\$	1,596	\$	1,869
Year 9	\$	109	\$	247	\$	385	\$	523	\$	662	\$	800	\$	938	\$	1,076	\$	1,353	\$	1,629	\$	1,905
Year 10	\$	119	\$	259	\$	400	\$	540	\$	680	\$	821	\$	961	\$	1,101	\$	1,382	\$	1,662	\$	1,943
Year 11	\$	712	\$	854	\$	997	\$	1,139	\$	1,281	\$	1,424	\$	1,566	\$	1,709	\$	1,993	\$	2,278	\$	2,563
Year 12	\$	723	\$	867	\$	1,012	\$	1,156	\$	1,301	\$	1,445	\$	1,590	\$	1,734	\$	2,023	\$	2,312	\$	2,601
Year 13	\$	733	\$	880	\$	1,027	\$	1,173	\$	1,320	\$	1,467	\$	1,613	\$	1,760	\$	2,054	\$	2,347	\$	2,640
Year 14	\$	744	\$	893	\$	1,042	\$	1,191	\$	1,340	\$	1,489	\$	1,638	\$	1,787	\$	2,084	\$	2,382	\$	2,680
Year 15	\$	756	\$	907	\$	1,058	\$	1,209	\$	1,360	\$	1,511	\$	1,662	\$	1,813	\$	2,116	\$	2,418	\$	2,720
Year 16	\$	767	\$	920	\$	1,074	\$	1,227	\$	1,380	\$	1,534	\$	1,687	\$	1,841	\$	2,147	\$	2,454	\$	2,761
Year 17	\$	778	\$	934	\$	1,090	\$	1,245	\$	1,401	\$	1,557	\$	1,712	\$	1,868	\$	2,180	\$	2,491	\$	2,802
Year 18	\$	790	\$	948	\$	1,106	\$	1,264	\$	1,422	\$	1,580	\$	1,738	\$	1,896	\$	2,212	\$	2,528	\$	2,844
Year 19	\$	802	\$	962	\$	1,123	\$	1,283	\$	1,443	\$	1,604	\$	1,764	\$	1,925	\$	2,245	\$	2,566	\$	2,887
Year 20	\$	814	\$	977	\$	1,140	\$	1,302	\$	1,465	\$	1,628	\$	1,791	\$	1,953	\$	2,279	\$	2,605	\$	2,930
Year 21	\$	826	\$	991	\$	1,157	\$	1,322	\$	1,487	\$	1,652	\$	1,818	\$	1,983	\$	2,313	\$	2,644	\$	2,974
Year 22	\$	839	\$	1,006	\$	1,174	\$	1,342	\$	1,509	\$	1,677	\$	1,845	\$	2,013	\$	2,348	\$	2,683	\$	3,019
Year 23	\$	851	\$	1,021	\$	1,192	\$	1,362	\$	1,532	\$	1,702	\$	1,872	\$	2,043	\$	2,383	\$	2,724	\$	3,064

- Point at which \$10,000 incentive gets paid off
- Point at which \$8,000 incentive gets paid off
- Point at which \$6,000 incentive gets paid off
- Point at which \$4,000 incentive gets paid off

*1.5% Appreciation Assumed



**AGENDA REPORT
OLD BUSINESS
September 17, 2019**

To: Mayor and City Council

FROM: Adam J. Brown, City Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: RESOLUTION #2019-132: COUNCIL RULES POLICY

DATE: September 12, 2019

PROPOSED MOTION:

I MOVE THAT THE CITY COUNCIL ADOPT RESOLUTION #2019-132, A RESOLUTION AMENDING THE RULES AND PROCEDURES OF THE ONTARIO CITY COUNCIL.

SUMMARY:

Councilor Justus requested that the Council review the Council Rules and Procedures which were most recently adopted on June 1, 2015. The Council supported the request and asked that it be brought to the full Council for consideration. Staff reviewed the rules and compared it with other model rules and procedures and recommends some edits.

BACKGROUND:

Council requested that the Rules and Procedures of the City of Ontario be brought to a Council meeting back in June of 2019. The Rules and Procedures were reviewed by staff and brought before the Council on September 5, 2019, as a discussion item. Some edits have been made as a result of the review and subsequent comments from other City Council members.

CURRENT SITUATION:

The most recent edition of the Rules and Procedures of the Ontario City Council was passed on June 1, 2019. Staff and Council have recommended edits. Following presentation and discussion at the September 5, 2019, meeting, a resolution to approve edits has been created for your consideration.

ANALYSIS:

- A. **STRATEGIC PLAN** No strategic plan impact.
- B. **FINANCIAL** No financial impact.

- C. **TIMING** There is no imminent timing impact. Reviewing policies regularly is a best practice and helps the content remain relevant to sitting Councils.
- D. **POLICY/LEGAL** The Council amends it's Rules and Procedures manual by resolution.

ALTERNATIVES:

Take No Action - The existing rules will still be the operating rules of the Council. No edits will be approved.

Add or Take Away Recommended Edits - The Council can still add or remove content from the recommendations.

RECOMMENDATION:

The City Manager recommends adoption of Resolution #2019-132 to amend the Rules and Procedures of the Ontario City Council.

ATTACHMENTS:

1. CC Rules & Procedures re Work Sessions 09 17 2019
2. Reso 2019-132_CC_Rules and Procedures of the Ontario Cty Council_9 17 2019

Rules and Procedures of the Ontario City Council

**City of Ontario, Oregon
Adopted September 5, 1995
Updated May 16, 2011; and June 1, 2015; and
September [17](#), 2019**

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CITY COUNCIL RULES AND REGULATIONS

CITY OF ONTARIO, OREGON

PREAMBLE:

These rules and regulations are promulgated pursuant to the Charter of the City of Ontario.

SECTION I - RULES OF JOURNAL:

The Council shall determine its own rules, order of business, conduct of public meetings, and shall provide for keeping a journal of its proceedings. This journal shall include minutes of each and every open public meetings of the Council and shall be a public record.

Executive Sessions shall be advertised on the adopted Agenda, stating ORS authority, but no formal minutes will be taken. Members of the media are allowed to remain, but are strictly prohibited from reporting on any issues discussed. Copies of transcribed minutes may become available upon written request from an attorney when the minutes pertain to a pending or potential legal action. Availability of Executive Session minutes will be determined by the City's legal counsel. No formal action shall be taken during an executive session.

SECTION II - MEETINGS:

Regular Meetings shall be held at least once each month. Regular meetings will normally convene on the third and fourth Tuesdays of the month at 7:00 p.m. in the Council Chambers, or other properly noticed location. If a regular meeting day falls on a legal holiday, the meeting shall be held on the next following business day. Written communication can be attached into the record following submission of document(s).

Work Sessions will be ~~scheduled by minute action as needed~~ held two Thursdays prior to the first regular meeting at 6 pm, with at least 24-hours advance public notice. Formal action may be taken during a work session, at the Council's discretion and in compliance with the Oregon Public Meetings Law. Council may invite public comment during the work session.

Special Meetings may be called by minute action of the Council or upon request of the Mayor or City Manager on at least 24-hours' notice to each member of the Council. Simultaneous notice to the media shall be required for all special meetings.

Executive Sessions may only be held for the purposes allowed by ORS 192.660, Oregon Public Meetings Law. No formal action shall be taken during an executive session.

Notice of Meetings will include the time, place and agenda and will be provided to the media and posted in a public place at least 24-hours in advance of a scheduled meeting. In case of

an emergency, notice will be as long as is reasonable under the circumstances.

Excepting executive sessions, authorized to be closed pursuant to ORS 192.660, all meeting shall be public.

SECTION III - AGENDA:

The Mayor, Councilor, or the City Manager may place an item on the agenda. The Mayor, a Councilor, or the City Manager, may submit emergency items to the Council during the Council meeting at the time provided in the order of business. Excepting emergency actions necessary in the furtherance of the public health, safety, or general welfare, other than time-sensitive issues, no Council action shall be taken on any item not included on the published agenda.

The City Department Managers shall submit requests for items for consideration on the agenda to the City Recorder in such form and in accordance with the schedule established by the City Recorder. All reports, communications, ordinances, resolutions, contract documents, and other matters to be submitted to the Council shall be delivered to the City Recorder for submission to the City Manager for approval in accordance with the agenda schedule. The City Recorder shall list the matters according to the order of business and furnish each member of the Council, the City Manager, the media, and department heads with a copy of the agenda prior to the Council meeting via electronic distribution. No item shall be submitted to the Council, except through the City Manager and City Recorder; however, any member of the public, member of the Council, or the City Manager may submit emergency items to the Council during the Council meeting at the time provided in the order of business. Excepting emergency actions necessary in furtherance of the public health, safety, or general welfare, no Council action shall be taken on any item not included on the published agenda.

SECTION IV - CALL TO ORDER - PRESIDING OFFICER:

The Mayor, or in the Mayor's absence the President of the Council, shall call the Council meeting to order at the scheduled meeting time. In the absence of the Mayor or President of the Council, the City Recorder shall call the Council meeting to order. A temporary presiding officer shall then be elected by the members of the Council present. When the Mayor or President of the Council arrives, the temporary presiding officer shall relinquish the chair when the business immediately before the Council is finished.

The Mayor shall be the presiding officer of the Council. The presiding officer shall preserve strict order and decorum at the regular and special meetings of the Council. The Mayor shall state every question coming before the Council, announce the decision of the Council on all subjects, and decide all questions of order. Any decision or ruling of the Mayor may be appealed to the Council as a whole by request of any member. The Mayor shall call for a roll call vote to see if the chair shall be upheld; if the roll call vote loses, the Mayor's decision or ruling is reversed.

SECTION V - ROLL CALL:

Before proceeding with the business of the Council, the City Recorder shall call the roll of the members, and the names of those present shall be entered into the minutes.

SECTION VI - QUORUM:

A quorum shall consist of a majority of the members of the Council; however, excepting those actions where the minimum number of affirmative votes is specifically set forth in ORS or by City Charter, no action of the Council shall be valid or binding unless adopted by the affirmative vote of four or more members of the Council.

SECTION VII - ORDER OF BUSINESS (Regular Meetings):

The Mayor, on the Mayor's own initiative, or the Council by majority vote, may consider items out of sequence from the printed agenda.

- a) Consent agenda matters are routine and may be adopted by one motion. To make more efficient use of the meeting time, the City Manager may place resolutions, proclamations, and similar items that are routine in nature, have been discussed previously, or on which no debate is expected, on the consent agenda. There will be no discussion of separate items, unless members of the City Council, staff, or the public requests that a specific item be discussed or removed from the consent agenda for individual consideration. The Mayor or any Councilor may remove items from the consent agenda for individual discussion without a vote of the Council.
- b) Public Meetings Law does not require the Council to give opportunity for public input. Time for unscheduled public appearances may be provided at Council discretion to address matters not on the agenda. In such instances, the guidelines in Section X(b) and XI(b) shall apply. No Council response to such comments are allowed under State Statute.
- c) Procedure for public hearings are discussed in Section XIV.
- d) Procedures for submitting petitions are discussed in Section XV.
- e) If the City Council wishes to adjourn to a later time, the Council must pass a motion specifying the date and time to which the regular meeting is **being** adjourned. A motion to adjourn shall always be in order except during the attendance roll call vote. When a motion is made and seconded to adjourn, any member of the Council may state why it is improper for the Council to adjourn. That statement, however, shall not be debatable and shall not take more than two minutes.

SECTION VIII - PROCEDURES FOR DEBATE:

On those issues requiring debate, the presiding officer shall state the issue before the Council. Unless Council by consensus determines no request is necessary, staff shall have an opportunity to report on the issue and will respond to Council questions. Council members shall be allotted time to present their positions and concerns. Public Meetings Law does not require the Council give opportunity for public input. Interested members of the community may, at

Council discretion, also have an opportunity to express their positions on any issue coming before the Council. Council may limit the amount of time allotted for discussion.

A motion and second on the issue will be allowed after all interested parties have had an initial opportunity to express their views. Discussion can continue after the motion is made; however, after a motion is on the floor, except for questions from the Council, discussion shall be restricted to Council.

SECTION IX - RULES OF DEBATE:

- a) **PRESIDING OFFICER MAY DEBATE AND VOTE, ETC.:** While the primary role of the presiding officer is to facilitate deliberations, the Mayor or member of the Council who is presiding may move, second, and debate from the chair, subject only to such limitations of debate as are imposed on all members. The presiding officer shall not be deprived of any of the rights and privileges of the Council members.
- b) **GETTING THE FLOOR- IMPROPER REFERENCES TO BE AVOIDED:** Every member desiring to speak, upon recognition by the presiding officer, shall confine him or herself to the question under debate, avoiding all personalities and indecorous languages.
- c) **INTERRUPTIONS:** A member, once recognized, shall not be interrupted when speaking unless it is to call the member to order. If a member, while speaking, is called to order, the member shall cease speaking until the question of order is determined, and, if in order, shall be permitted to proceed.
- d) **PERSONAL PRIVILEGE:** The right of a Council member to address the Council on a question of personal privilege shall be limited to cases in which the member's integrity, character, or motives are questioned, or where the welfare of the Council is concerned. A Council member may interrupt another speaker if the Mayor recognizes the "privilege."
- e) **PRIVILEGE OF CLOSING DEBATE:** The Council member moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

SECTION X - ADDRESSING THE COUNCIL:

Oregon's Public Meeting Laws require the meeting be open to the public; however, nothing in those laws require that the public be allowed to speak or participate in a meeting. Any person wishing to address the Council shall first secure permission of the presiding officer to do so.

The Council may limit the length of time that a person is permitted to address the Council.

- a) **WRITTEN COMMUNICATIONS:** Interested parties or their authorized representatives may address the Council by written communications in regard to matters under discussion.
- b) **ORAL COMMUNICATIONS:** Citizens attending a regular meeting may address the Council on any matter concerning the City's business, or any matter over which the Council has control, provided there is time allotted on the Agenda. Each person addressing the Council shall read his or her name and city of residency

into the public record. Oral presentations shall not be repetitious and shall be confined to three minutes maximum duration.

- c) **AFTER MOTION MADE:** No person shall address the Council after a motion is made without first securing the permission of the Council to do so.

SECTION XI - DECORUM:

- a) **BY COUNCIL MEMBERS:** While the Council is in session, the members must preserve order and decorum. A member shall neither by conversation or otherwise delay or interrupt the proceedings or the peace of the Council, nor disturb any member while speaking, or refuse to obey the orders of the Council or its presiding officer, except as otherwise herein provided.
- b) **BY PERSONS:** Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous while addressing the Council, or who interferes with the order of business before the Council, and who fails, upon request of the presiding officer to cease such activity, shall be barred from further audience before the Council, unless permission to continue is granted by a majority vote of the Council.
- c) The Mayor or Presiding Officer has the authority to stop a personal attack on any Council member, person of the audience, or member of the public; stop all debate on any matter that is not pertinent to the issue currently before the Council; or stop any loud and/or obnoxious conduct from, or by, a Councilor or member of the public. If that person does not stop upon the Mayor or Presiding Officer's order, that individual will be removed from the Council meeting.

SECTION XII - ENFORCEMENT OF DECORUM:

The City Manager shall appoint a Sergeant-at-Arms at the Council meetings. The City Manager or the City Manager's designee(s) shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meeting. Upon instructions of the presiding officer, it shall be the duty of the Sergeant-at-Arms to remove any person or Councilor who violates the order and decorum of the meeting.

Any action identified in Section XI including any of the following, shall be sufficient cause for the Sergeant-at-Arms to, at the direction of the Presiding Officer, remove any person from the Council Chambers, or meeting hall, for the duration of the meeting:

- 1) Use of unreasonably loud, disruptive or threatening language
- 2) Making of loud or disruptive action
- 3) Engaging in violent or distracting action.
- 4) Willful injury of furnishings or of the interior of the Council Chambers or meeting hall.
- 5) Refusal to obey the rules of conduct provided within these rules, including the limitations on occupancy and seating capacity

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6) Refusal to obey an order of the Presiding Officer.

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Before the Sergeant-at-Arms is directed to remove any person from the meeting hall for inappropriate conduct, that person shall be given a warning by the Presiding Officer to cease the conduct.

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If a meeting is disrupted by members of the audience, the Presiding Officer or a majority of the Council present may order that the Council Chambers or other meeting hall be cleared and a recess called until order is restored.

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SECTION XIII - VOTING:

- a) **ROLL CALL:** All votes shall be by roll call.
- b) **PRECEDENCE OF MOTIONS:** When a motion is before the Council, no motion shall be entertained except (1) to limit comment; (2) to adjourn; (3) to fix hour of adjournment; (4) to lay on the table; (5) to call for the previous question; (6) to continue to a certain day; (7) to refer; (8) to amend; (9) to postpone indefinitely; or (10) to divide the question. These motions shall have precedence in the order indicated.
- c) **AMENDMENTS:** No more than one amendment to an amendment is permitted. When an amendment is before the Council, the Council shall vote first on the amendment. After the amendment has passed or failed, the Council shall vote on the main motion.
- d) **MOTION TO ADJOURN:** If the City Council wishes to adjourn to a later time, the Council must pass a motion specifying the date and time to which the regular meeting is being adjourned. A motion to adjourn shall always be in order except during attendance rollcall vote. When a motion is made and seconded to adjourn, any member of the Council may state why it is improper for the Council to adjourn. That statement, however, shall not be debatable and shall not take more than two minutes.
- e) **MOTION TO TABLE:** The purpose of this motion is to temporarily by-pass the subject. A motion to lay on the table is undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion prevails, the matter may be "taken from the table" at any time prior to the end of the next regular meeting. A matter taken from the table cannot be acted upon if it does not appear on the published agenda.
- f) **MOTION TO CONTINUE:** The purpose of this motion is to delay consideration of a subject until a future time. A motion to continue shall include the specific date when the subject shall again be considered.
- g) **MOTION FOR PREVIOUS QUESTION:** The purpose of this motion is to close debate on the main motion. It is undebatable, and no further discussion shall

be permitted until the motion is acted upon. If the motion fails, debate is reopened; if motion passes, then the Council shall vote on the main motion.

- h) **DIVISION OF THE QUESTION:** This may be used when a motion or resolution contains several parts, and the group wishes to vote on each part separately.
- i) **WITHDRAWAL OF MOTION:** When a motion is made and seconded, it shall be so stated by the Chair before debate commences. A motion may not be withdrawn by the mover without the consent of the member seconding it.
- j) **CONFLICT OF INTEREST:** Council members shall abide by the provisions of ORS 244.010. When a Council member determines that he or she has a conflict of interest, the member shall announce such conflict and refrain from discussing or voting upon the matter. Council members shall step down from the dais and join the audience until action is completed, when they shall return to their seat.
- k) **EX-PARTE CONTACT:** Council members shall abide by the provisions of ORS 227.180 regarding pre-hearing or ex-parte contacts.
- l) **COUNCIL MEMBER REQUIRED TO VOTE:** Council members are required to vote on all issues placed before them unless excused under provisions of subsection (j) above.
- m) **RECORDING VOTE - THE VOTES:** The journal of the proceedings of the Council shall record each individual Council member's vote on all ordinances, resolutions, and franchises. In the case of a tie in votes on any motion, the motion shall be considered lost; however, in the case of a tie vote the questions shall automatically be placed on the next regular meeting agenda.
- n) **MOTION TO RECONSIDER:** A motion to reconsider any action taken by the Council may be made only on the day the action was taken or at the next regularly scheduled meeting following the day when the action was taken. It may be made during the same session or at an adjourned session. A motion to reconsider must be made by one of the prevailing side, but may be seconded by any member. A question failing by virtue of a tie vote may be reconsidered by motion of any member of the Council. The motion may be made at any time. It shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or any other motion at a subsequent meeting of the Council, except that no action shall be taken on any subject not included in the published agenda.

SECTION XIV - PROCEDURES FOR DEBATE DURING THE PUBLIC HEARING:

The following shall be the procedure during public hearings:

- 1) Presiding officer asks members of the Council to state for the record any instance of ex- parte contact, any conflicts of interest, or if there are any

objections to the Council's jurisdiction over the action that could be pertinent to the public hearing.

- 2) A staff report will be given by the appropriate staff member, followed by relevant questions by Council members.
- 3) Presiding officer opens the public hearing.
- 4) Brief opening statement by the proponent initiator, if any, explaining and advocating the item (of approximately five (5) minutes, or such time as is stipulated by the presiding officer).
- 5) Testimony by members of the public who support the item the time limit for such testimony to be determined by the Council as reasonably necessary to elicit testimony concerning the matter under consideration.
- 6) Testimony by members of the public who oppose the item, the time limit for such testimony to be determined by the Council as reasonably necessary to elicit testimony concerning the matter under consideration.
- 7) Written communication filed with the City Recorder read into the record.
- 8) Brief closing statements by the proponent initiator, if any, (limited to approximately five (5) minutes).
- 9) Presiding officer closes the public hearing.
- 10) Discussion by Council members: The order of recognition of Council members desiring to speak shall be determined by the presiding officer. Each Council member shall be allowed at least one opportunity to speak. The Council member shall limit his or her comments to a reasonable period of time. Any comments of a member in excess of five minutes may be limited by a motion to limit comment and immediate majority vote of the members present.
- 11) Motion and second.
- 12) Vote.

SECTION XV - PETITIONS:

Any citizen may appear before the Council at any regular meeting and present a written petition. The petition shall be acted upon by the Council, in the regular course of business, within thirty days. Petitions, remonstrances, communications, and comments or suggestions from citizens present shall be heard by the Council. All such remarks shall be addressed to the Council as a whole, and not to any member thereof. No person other than the individual speaking shall enter into the discussion without the permission of the presiding officer. No question shall be asked of a Council Member except through the presiding officer. Absent an emergency, the Council shall neither deliberate toward a decision, nor vote on any matter not included on the printed agenda.

SECTION XVI - SPECIAL COMMITTEES:

When the Council determines that a board, commission, task force, or citizen's committee is needed, the following procedure shall be used:

- a) The party proposing the creation of the board, commission, task force, or citizen's committee will prepare the appropriate Council action (either an ordinance or a resolution) defining the purpose, duties and objectives of the committee and whether it is to be an ad hoc or continuing committee. If proposed as an ad hoc committee, the Council action shall specify when the committee's work is to begin and to conclude.
- b) The ordinance or resolution will be submitted to the City Recorder for placement on an agenda for Council discussion.
- c) The Council shall approve, modify, or reject the ordinance or resolution.
- d) Once a board, commission, task force, or citizen's committee is approved, the City Recorder shall publish notice soliciting interested and qualified volunteers to file letters of interest for appointments.
- e) The Council shall interview all applicants and announce its selections and appointments at a regular meeting.
- f) Terms of appointment to any board, commission, task force, or citizen's committee shall not exceed five years. Council may, by ordinance, establish a limitation on the number of terms appointees may serve. All permanent boards and commissions including advisory and appeal boards shall be created by ordinance which ordinance shall set forth the policies and duties delegated to such boards and commissions. Temporary and ad hoc committees may be created by resolutions.
- g) Upon completion of action necessary by an appointed Ad-Hoc Committee, said Committee will cease to be active and shall become obsolete.

SECTION XVII - ABSENCE / ATTENDANCE:

- 1) ___ Councilors shall endeavor to attend all noticed meetings of the City Council.
- 2) Members of the Council may be excused from attending a City Council meeting by contacting the Mayor prior to the meeting and stating the reason for their inability to attend. If the member is unable to contact the Mayor, the member shall contact the City Manager or City Recorder, who shall convey the message to the Mayor. If they Mayor is to be absent she or he shall conact the Council President. Absent Councilors or the Mayor who do not follow the above process will be considered unexcused, which shall be so noted in the minutes.

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SECTION XVIII - VACANCIES - FORFEITURE OF OFFICE:

- 1) A Council office shall become vacant upon a Councilor's:
 - a) Death;

- b) Adjudicated incompetence;
- c) Conviction of a crime pertaining to the office, conviction of a felony, or conviction of a crime involving moral turpitude;
- d) Unlawful destruction of public records;
- e) Resignation;
- f) Recall from office;
- g) Ceasing to possess the qualifications for office;
- h) Failure, following election or appointment to the office, to qualify for the office within 10 days after the time for the term of office to commence;
- i) Violation of any provision of the City Charter;
- j) Un-excused absence from three consecutive noticed meetings, including any special meetings called pursuant to these rules.

2) The Council shall judge when a Council office has become vacant.

SECTION XIX- USES OF STAFF:

Except for the purpose of accessing public information, Council members shall deal with the City's administrative services solely through the City Manager. No Council member shall request from the City Manager any staff project that entails over two hours of staff work without first seeking approval of the full City Council.

SECTION XX - SUSPENSION OF THE RULES:

These rules may be suspended or amended by majority vote of the Council members.

SECTION XXI - RULES OF ORDER:

All cases not specifically provided for herein or in the Charter of the City of Ontario shall be governed by Robert's Rules of Order.



RESOLUTION # 2019-132

A RESOLUTION AMENDING THE RULES AND PROCEDURES OF THE ONTARIO CITY COUNCIL

WHEREAS, The Rules and Procedures of the Ontario City Council were adopted on September 5, 1995; and

WHEREAS, The Rules and Procedures were amended on March 21, 2015, May 16, 2011, and June 1, 2015; and

WHEREAS, Rules and Procedures provide a system for good governance between council members, staff, and the public.

NOW, THEREFORE, BE IT RESOLVED, that the City of Ontario amends the Rules and Procedures of the Ontario City Council as shown in Attachment A.

EFFECTIVE DATE: Immediately upon passage.

PASSED AND ADOPTED by the Ontario City Council this ____ day of _____, 2019, by the following vote:

AYES:

NAYS:

EXCUSED:

ABSENT:

APPROVED by the Mayor this ____ day of _____, 2019.

ATTEST:

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder

Attachment A: Amended Rules and Procedures of the Ontario City Council



**AGENDA REPORT
OLD BUSINESS
September 17, 2019**

To: Mayor and City Council

FROM: Adam J. Brown, City Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: **ORDINANCE #2762-2019: CREATE OMC 7-7 "PUBLIC SMOKING RESTRICTIONS"
(FIRST READING)**

DATE: September 12, 2019

PROPOSED MOTION:

I MOVE THE CITY COUNCIL ADOPT ORDINANCE #2762-2019, AN ORDINANCE CREATING CHAPTER 7 UNDER TITLE 7 OF THE ONTARIO MUNICIPAL CODE CALLED "PUBLIC SMOKING RESTRICTIONS" TO PROVIDE A LOCAL SMOKING RESTRICTION TO BE ENFORCED BY THE ONTARIO POLICE DEPARTMENT ON FIRST READING BY TITLE ONLY.

I MOVE THE CITY COUNCIL ADOPT ORDINANCE #2762-2019, AN ORDINANCE CREATING CHAPTER 7 UNDER TITLE 7 OF THE ONTARIO MUNICIPAL CODE CALLED "PUBLIC SMOKING RESTRICTIONS" TO PROVIDE A LOCAL SMOKING RESTRICTION THAT CAN BE ENFORCED BY THE ONTARIO POLICE DEPARTMENT, EXCLUDING CITY PARK AREAS SECTIONS 7-7-4, ON FIRST READING BY TITLE ONLY.

I MOVE THE CITY COUNCIL ADOPT ORDINANCE #2762-2019, AN ORDINANCE CREATING CHAPTER 7 UNDER TITLE 7 OF THE ONTARIO MUNICIPAL CODE CALLED "PUBLIC SMOKING RESTRICTIONS" TO PROVIDE A LOCAL SMOKING RESTRICTION THAT CAN BE ENFORCED BY THE ONTARIO POLICE DEPARTMENT, EXCLUDING CITY FACILITIES SECTIONS 7-7-5, ON FIRST READING BY TITLE ONLY.

I MOVE THE CITY COUNCIL ADOPT ORDINANCE #2762-2019, AN ORDINANCE CREATING CHAPTER 7 UNDER TITLE 7 OF THE ONTARIO MUNICIPAL CODE CALLED "PUBLIC SMOKING RESTRICTIONS" TO PROVIDE A LOCAL SMOKING RESTRICTION THAT CAN BE ENFORCED BY THE ONTARIO POLICE DEPARTMENT, EXCLUDING CITY PARK AREAS AND CITY FACILITIES SECTIONS 7-7-4 AND 7-7-5, ON FIRST READING BY TITLE ONLY.

I MOVE TO WAIVE THE SECOND READING OF ORDINANCE #2762, 2019, AN ORDINANCE CREATING CHAPTER 7 UNDER TITLE 7 OF THE ONTARIO MUNICIPAL CODE CALLED "PUBLIC

SMOKING RESTRICTIONS” TO PROVIDE A LOCAL SMOKING RESTRICTION THAT CAN BE ENFORCED BY THE ONTARIO POLICE DEPARTMENT.

SUMMARY:

The Council has discussed smoking bans on several occasions and has asked staff to bring back ordinances for consideration. This ordinance would create a local ordinance that copies the current state restrictions and includes City Park Areas and City Facilities. This ordinance allows areas, as described in the ordinance, where smoking is banned to be locally enforced.

BACKGROUND:

City staff and law enforcement have received continuous complaints from businesses downtown about persons not respecting the state prohibition of smoking within 10 feet of entrances. Said persons have purposely littered cigarette butts and other objects at the doorsteps of complaining businesses.

The process for enforcing the state prohibition on smoking is not efficient or effective. Calls must be made to the state who then contacts the County Health Department. The County Health Department has to then observe the offense before anything can be done. Most of the complaints come after normal business hours, which has made it difficult to enforce.

The City Council discussed options for dealing with complaints downtown in April of 2019 and in August of 2019. The City Council asked staff to bring back options for consideration.

CURRENT SITUATION:

Having a local ordinance for smoking allows the Ontario Police Department to enforce the same smoking ban that is currently in place by the state. Staff believes this would improve the city's ability to handle the issue.

Ordinance #2762-2019 has been drafted for the Council's consideration. This ordinance copies the state limits so that they can be locally enforced. It also includes, as written, a ban on City Park Areas and City Facilities.

All three items were requested to be considered by Council. Following discussion on September 5, 2019, the Council requested that the three options, including the 10-foot ban, City Park Areas, and City Facilities, be combined into one ordinance. Also, the definition of City Facilities has been amended to only include specifically identified facilities by name which includes City Hall, the Community Development Center, the City Water Plant, the City Wastewater Plant, and the Public Works Building.

Four motions have been drafted to give the Council options for consideration. The first motion would pass the 10-foot local ban, which is merely a means to give police the ability to enforce the state ban of 10 feet from entrances and also includes City Park Areas and City Facilities.

Also, the Council requested that a survey be taken to measure community opinions on the matter, specifically downtown. The Council could choose to extend the 10-foot smoking ban to 20 feet to all businesses on South Oregon Street from Idaho to 5th Avenue, South Oregon and the alleyways behind each side of South Oregon, or an expanded area between West Idaho and 5th Avenue and Depot Lane and SW 3rd Street.

The second motion includes the 10-foot state ban, but excludes City Park Areas. The third motion includes the 10-foot state ban, but excludes City Facilities. The last motion includes the 10-foot state ban, but excludes both City Park Areas and City Facilities.

ANALYSIS:

- A. **STRATEGIC PLAN** This action supports the Council's Beautification strategy and Cleanliness goal.
- B. **FINANCIAL** This ordinance will create no new financial impact to the city.

If patrons of businesses are in compliance with state law the financial impact on business owners would be negligible. The state law applies to any business entrance. It has been observed that the biggest offenders are patrons from some bars and social gaming businesses.

- C. **TIMING** Staff has been observing these complaints for the past nine months. Some downtown business owners have said that they will move their businesses if something is not done about the failure to respect the smoking state laws. If the ordinance is adopted, the Ontario Police Department will enforce the local law. Staff expects that it may take greater enforcement attention at first until we receive general voluntary compliance.
- D. **POLICY/LEGAL** This local ordinance requires approval by the City Council.

ALTERNATIVES:

Take No Action - If the Council takes no action the state ban will continue to be the only means of enforcing the state 10-foot ban. City staff will not be able to address complaints.

Alternative Two - Pass local 10-foot ban and the City Park Areas ban.

Alternative Three - Pass local 10-foot ban and the City Facilities ban.

Alternative Four - Pass local 10-foot ban and the City Park Areas and City Facilities ban.

RECOMMENDATION:

The City Manager recommends approval of Ordinance #2762-2019, an Ordinance creating Chapter 7 under Title 7 of the Ontario Municipal Code called "Public Smoking Restrictions" to provide a local smoking restriction to be enforced by the Ontario Police Department on First Reading by Title Only.

ATTACHMENTS:

1. ORD #2762-2019 Public Smoking2-LAS REVISION9.12.2019



ORDINANCE #2762-2019

AN ORDINANCE CREATING CHAPTER 7 UNDER TITLE 7 OF THE ONTARIO MUNICIPAL CODE CALLED "PUBLIC SMOKING RESTRICTIONS" TO PROVIDE A LOCAL SMOKING RESTRICTION THAT CAN BE ENFORCED BY THE ONTARIO POLICE DEPARTMENT

- WHEREAS,** This policy affirms the state prohibition on smoking laws and allows for local enforcement; and
- WHEREAS,** The US Surgeon General has determined there is no safe level of exposure to secondhand smoke; and
- WHEREAS,** Smoking is an individual choice and the choice not to smoke or inhale second hand smoking should also be an individual choice; and
- WHEREAS,** The City of Ontario wishes to enforce a respectful boundary between second hand smoke and those who do not smoke.

Now, Therefore, the City of Ontario Ordains as follows:

Section 1. Chapter 7, as written in Attachment A and entitled "Public Smoking Restrictions" is hereby added to Title 7 of the Ontario Municipal Code.

EFFECTIVE DATE: 30 days from passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this ____ day of _____, 2019, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this ____ day of _____, 2019.

ATTEST

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder

Attachment A – Ordinance 2762-2019

TITLE 7 - HEALTH AND SANITATION

Add new Chapter 7 under Title 7 to read as follows:

CHAPTER 7 Public Smoking Restrictions

7-7-1 – Definitions.

CITY PARK AREAS shall include all parcels of land, beaches, or bodies of water owned, leased, controlled or administered by the City of Ontario for recreation or open space purposes which have been designated by the city as a “park,” “linear park,” “greenway,” “open space,” “playground,” “recreation facility” or as “natural areas.”

CITY FACILITIES For the purpose of this ordinance, the term City Facilities shall include all City-owned interior spaces; vehicles; and the following parcels of real property commonly referred to as:

- 1) City Hall,
- 2) Community Development Center,
- 3) City Water Plant,
- 4) City Wastewater Plant, and
- 5) Public Works Building,

including the grounds, plazas, and walkways, sidewalks and surface parking lots immediately surrounding and serving the facilities listed above.

ENCLOSED AREA means all space between a floor and a ceiling that is enclosed on three or more sides by permanent or temporary walls or windows, exclusive of doors or passageways, which extend from the floor to the ceiling. If no ceiling is present, “enclosed area” means all space that is included by three or more sides by permanent or temporary wall or windows, exclusive of doors or passageways.

INHALANT means nicotine, a cannabinoid or any other substance that is in the form that allows the nicotine, cannabinoid or substance to be delivered into a person’s respiratory system by inhalation and is not approved by, or emitted by a device approved by, the United States Food and Drug Administration for a therapeutic purpose.

INHALANT DELIVERY SYSTEM means a device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device.

PLACE OF EMPLOYMENT means every enclosed area under the control of a public or private employer that employees frequent during the course of employment, including but not limited to work areas, employee lounges, vehicles that are operated in the course of an employer’s business that are not operated exclusively by one employee, rest rooms, conference rooms, classrooms, cafeterias, hallways, meeting rooms, elevators and stairways. “Place of employment” includes privately owned enclosed areas where volunteers perform work typically done by employees. “Place of employment” does not include a private residence unless it is used as a child care facility as defined in ORS 329A.250 or a facility providing adult day care as defined in ORS 410.490.

PUBLIC PLACE means an enclosed area that is open to the public.

SMOKING means inhaling, exhaling, burning, holding or carrying any lighted cigarette, cigar, cigarillo, pipe or other lighted smoking device for burning tobacco or any other plant product in any manner or in any form. Smoking also includes use of electronic cigarettes (electronic tobacco delivery systems) and hookahs.

- (A) “Electronic cigarette” means any electronic device that provides a vapor of liquid nicotine and/or other substances to the user as they simulates smoking. The term shall include such devices whether they are manufactured or referred to as e-cigarettes, e-cigars, e-pipes or under any product name.
- (B) “Hookah” means glass or metal water pipes shaped somewhat like a bottle with long, flexible hoses with tips that people put into their mouths to inhale tobacco smoke.
- (C) “Plant product” includes marijuana, synthetic marijuana, and any plant product intended for smoking.

SMOKING INSTRUMENT means any cigar, cigarette, pipe or other instrument or inhalant delivery system used to smoke tobacco, marijuana or any other inhalant.

7-7-2 Public Space

A person may not smoke, as defined in 7-1-1, within 10 feet of the following parts of places of employment or enclosed areas open to the public:

- (A) Entrances;
- (B) Exits;
- (C) Windows that open;
- (D) Ventilation intakes that serve an enclosed area; and
- (E) Outdoor dining areas.

An employer must provide a place of employment that is free of tobacco smoke for all employees and must post signs that provide notice of the provision of ORS 433.835 to 433.875.

7-7-3 – City Facilities

A person may not smoke, as defined in 7-1-1, within or upon any City Facility.

7-7-4 City Park Areas

A person may not smoke, as defined in 7-1-1, within or upon any City Park Areas.

The activities described in ORS 433.850(2) are exempt from the provisions of this section.

7-7-5 – Penalties.

Penalties for Violation. Violation of any provision of this chapter is a Class D violation pursuant to ORS 153.012.



**AGENDA REPORT
NEW BUSINESS
September 17, 2019**

To: Mayor and City Council

FROM: Jason Cooper, Police Lieutenant

THROUGH: Adam J. Brown, City Manager

SUBJECT: LIQUOR LICENSE APPLICATION: SECOND & VINE BISTRO

DATE: September 12, 2019

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE GREATER PRIVILEGE FULL ON-PREMISES LIQUOR LICENSE APPLICATION FOR VINO BESO, LLC.

SUMMARY:

Vino Beso LLC, owner of Second & Vine Bistro located at 228 SW 2nd Avenue, Ontario, Oregon, has completed the "greater privilege of Full On-Premises Sales application through the Oregon Liquor Control Commission.

All necessary paperwork has been approved through the Oregon Liquor Control Commission office and is awaiting approval through the Ontario City Council.

BACKGROUND:

Second & Vine Bistro, located at 228 SW 2nd Avenue, Ontario, Oregon, under the ownership of Vino Beso, LLC has held a Limited On-Premises Sales liquor license through the Oregon Liquor Control Commission and acknowledged by the City of Ontario since February 2016. Vino Beso, LLC is now applying for the greater privilege of Full On-Premises Sales license which will allow them to serve spirits.

Criminal Record process was completed on Vino Beso, L.L.C. owner / Second & Vine Bistro manager Terry Dols. All records returned meeting state and local requirements. The application forms have been filled out appropriately and required fees have been paid. All Permit requirements have been met. This business has also completed all necessary requirements through the City of Ontario Planning Department.

CURRENT SITUATION:

Second & Vine Bistro currently has a license to provide beer, wine, and various food items. They have been in business since February 2016 with no negative law enforcement contacts. This venue has been a positive addition to the businesses located within the City of Ontario.

ANALYSIS:

- A. **STRATEGIC PLAN** This meets the Council's adopted Strategic Plan for Desirability and Lifestyle. With the approval of this license, Second & Vine Bistro will be able to cater to an additional group of clientele that makes Ontario a desirable place to visit and live. Lifestyle is achieved as it will give a variety of different types of people a relaxing and comfortable place to enjoy not only beer, wine and good food, but a limited selection of top shelf spirits.
- B. **FINANCIAL** There is no financial impact for this action.
- C. **TIMING** Approval required prior to allowing the additional sale of spirits at this location.
- D. **POLICY/LEGAL** All legal steps have been followed to completion, with no negative feedback.

ALTERNATIVES:

Not approve the license application.

This has no true effect on the process, as the Oregon Liquor Control Commission may take the city's objections to the action into consideration, but are not obligated to do so. They are the ultimate authority on the issuance of the license.

RECOMMENDATION:

Staff recommends that the City Council approve the greater privilege on-premises liquor license for Vino Beso, LLC's Second & Vine Bistro.

ATTACHMENTS:

None



**AGENDA REPORT
PUBLIC HEARING
September 17, 2019**

TO: Mayor and City Council

FROM: Dan Cummings, Community Development Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: **ORDINANCE #2760-2019: AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONING OF 1918 BRADY CIRCLE ON FIRST READING BY TITLE ONLY**

DATE: September 12, 2019

PROPOSED MOTION:

A.APPROVAL:

I MOVE THE CITY COUNCIL ACCEPTS THE FINDS OF FACTS AND RECOMMENDATION OF THE PLANNING COMMISSION ON PLANNING ACTION 2019-04-45AZ AND APPROVE ORDINANCE #2760-2019, AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONING OF CERTAIN TERRITORY TO THE CITY OF ONTARIO, BEING A PARCEL WITHIN THE SW1/4NE1/4 SECTION 5, TOWNSHIP 18 SOUTH RANGE 47 EAST, W.M.; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT 7-302 AND THE ONTARIO RURAL ROAD ASSESSMENT DISTRICT NO. 3. ON FIRST READING BY TITLE ONLY.

I MOVE TO WAIVE THE SECOND READING OF ORDINANCE #2760-2019, AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONING OF CERTAIN TERRITORY TO THE CITY OF ONTARIO, BEING A PARCEL WITHIN THE SW1/4NE1/4 SECTION 5, TOWNSHIP 18 SOUTH RANGE 47 EAST, W.M.; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT 7-302 AND THE ONTARIO RURAL ROAD ASSESSMENT DISTRICT NO. 3.

B.DENIAL:

I MOVE THAT THE CITY COUNCIL DENY THE REQUEST FOR ANNEXATION AND REZONE OF THE SUBJECT PROPERTY AS SET FORTH IN ACTION 2019-04-45AZ AND ORDINANCE #2760-2019, BASED ON THE FOLLOWING REASONS AND FINDS OF FACTS: (STATE REASONS AND FINDINGS).

SUMMARY:

The applicants own a lot in the Ridgeview Subdivision, known as 18S4705AC, Tax lot #9400. The applicant wishes to connect to city water and sewer. In order to connect to city water and sewer, annexation into the city is necessary. This application, if approved, will result in the annexation of 8,599 square feet into the city and a rezone of the property from Urban Growth Area Residential (UGA RS-50) to City Single Family Residential (RS-50).

BACKGROUND:

This request for annexation and rezone needs a recommendation for approval or rejection from the Planning Commission to the City Council. The Ontario Municipal Code (OMC) designates the Planning Commission as the decision making body for a request for rezone, without City Council participation. The OMC designates the City Council as the decision making body for a request for annexation, without Planning Commission participation. State Law requires an Ordinance be adopted by the local governing body to accomplish a rezone. The city's governing body is the City Council, and they are the only body that may adopt an ordinance; therefore, a request for rezone should go before the Council for a final decision. Staff feels that the best procedure is consistency with State Law; therefore, this matter needs a recommendation from the Planning Commission, and then will be forwarded to the City Council for their decision.

On September 9, 2019, at a Public Hearing the Planning Commission heard testimony on Planning Action 2019-04-45AZ and made a motion to approve the findings of facts as presented and sent a recommendation for the City Council to Approve the request for Annexation into the city and rezone the property from UGA Residential to City Single Family Residential (RS-50).

CURRENT SITUATION:

The last action by the Planning Commission and City Council was Planning Action 2017-04-04AZ, which included annexing in the Right of Way of Brady Circle which is contiguous to this parcel.

The proposed development must comply with applicable provisions of the OCC (City of Ontario Zoning Ordinance as set forth in the Ontario City Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is considered to be consistent with the Comprehensive Plan.

A. Rezone

1. *Section 10B-20-30 REQUIRED FINDINGS, DECISION CRITERIA. In preparing findings to support a quasi-judicial zoning map amendment decision, the following findings shall be addressed except when alternatives are set forth or*

where a required findings clearly does not apply to the current action:

- a. The zoning map amendment is in conformance with statewide planning goals and guidelines.*
- b. The zoning map amendment is in conformity with the acknowledged comprehensive plan.*
- c. The applicant has demonstrated a mistake or error in the original zone designation or the applicant has demonstrated a change in physical, social or market conditions generally affecting the area which make the proposed change appropriate.*
- d. A public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small group of properties.*
- e. The property effected by the change is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.*
- f. The property effected by the proposed change of zone is properly related to streets and public facilities and with services adequate to meet the demands of the uses allowed in the new zone.*
- g. The proposed zoning map change will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.*

Findings of fact:

a. The City of Ontario Municipal Code Implements policies contained in the City of Ontario Comprehensive Plan, which conforms to the Statewide Planning Goals; if a proposed rezone meets all criteria and standards contained in the OMC, the request will be consistent with Comprehensive Plan Policies and therefore conform to the Statewide Planning Goals.

b. The subject property is currently zoned UGA RS-50 and the request is to rezone to the companion City Single Family Residential (RS-50) Zone as per the city comprehensive plan. The requested zone allows basically the same use as the UGA zone, and is reflected in the Comprehensive Plan. No Comprehensive Plan amendment is necessary for this rezone; therefore, the proposal is consistent with, and conforms to, the Comprehensive Plan.

c. The applicant has requested annexation into the City of Ontario concurrent with the request for rezone; a City Zone must be applied to the property once within City Limits. The existing zone is not a mistake, and there is no need to demonstrate a change in conditions in the surrounding area; the change in zone is necessary and

appropriate.

d. This request is legally necessary due to the annexation of the property; granting of this request is not a special privilege and no public need has to be demonstrated.

e. The subject property is adequate in size and shape for the proposed use to be rezoned from UGA Residential to City Single Family Residential RS-50.

f. The property owner of tax lot 9400 proposes development at this time into a single-family dwelling and has presented a plot plan showing adequate room for structures, parking, landscaping, etc. City Water and Sewer are available near the boundary of the property. City fire and police services will be available upon annexation for both properties.

City streets, right-of-ways, including curb, gutter and sidewalks are in place and have been developed to city standards.

g. Uses allowed by the current zone are basically identical to the proposed zone. No significant difference in allowed uses will occur as a result of the rezone. Requirements in the OMC applicable to uses in the residential zone will ensure that impacts from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land are minimized.

Conclusion: The proposed rezone is consistent with all applicable criteria and standards.

B. Annexation:

1. *10B-45-10 INITIATION OF ACTION. When a person, authorized by statute, wishes to extend the city's boundaries, an application on forms supplied by the city shall be filed with the Planning Director and which include: annexation consent forms, by the property owners, and by tenants if required by law or court decision; request for a change in zoning map designation, or plan change if required; request for other quasi-judicial action if required; fees, and other exhibits and requirements for a quasi-judicial action as set forth in this Title. All land use actions associated with the annexation shall be consolidated, as feasible, and one fee paid.*

2. *Oregon Revised Statute 222.125: Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the*

annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

Findings:

1. The applicants have paid the fees and provided the proper application with signatures.
2. The property is annexable because it lies inside the Urban Growth Boundary and is contiguous with current city limits and Subdivision Plat (Exhibit "F") was approved and recorded in 1998.
3. The property is currently zoned for Residential use in the Urban Growth Area; the requested zone, City Single Family Residential RS-50, is consistent with property in the area and the Comprehensive Plan.
4. Findings from preceding sections of this report are herein included by this reference. A change to the comprehensive plan map or text is not necessary to annex the property; however, the annexation of the property must be consistent with all applicable Comprehensive Plan Policies.
5. Annexation would benefit the city by increasing tax revenue, and, by providing more potentially developable residential land.

Conclusion: All criteria and standards applicable to a request for annexation have been met. The property may be annexed.

A request for annexation and rezone of property may be recommended for approval or denial by the Planning Commission to the City Council if all applicable decision criteria and standards are found met, or able to be met through appropriate conditions of approval. In this case, findings must be made by the Planning Commission that the specific criteria are either met, able to be met through conditions of approval, or not met; options and discussion are provided under "**Findings:**" and "**Conclusion:**" for each criterion. All of the criteria and standards must be met in order for the request to be recommended for approval.

Conditions of Approval:

1. The approval of the annexation and rezone granted herein is valid for a period of one year from the date the decision of the Council is final; that final decision date shall be the date of expiration of the 21-day period for appeal to LUBA as required by Oregon Revised Statute and as noted in the Notice of Decision for this request.
2. That any Dwellings constructed on the property will be connected to City Sewer and

Water.

ANALYSIS:

- A. **STRATEGIC PLAN** This action meets three goals of the City Council Strategic Plan for providing more Desirable home lots to enhances the Lifestyle of the community and add Growth to our city and tax base.
- B. **FINANCIAL** Annexation will benefit the city by increased tax revenue, as well as provide much needed family housing lots.
- C. **TIMING** Timing is important so that the owner can finish up the development of the property and get moved into the new home.
- D. **POLICY/LEGAL** The quasi-judicial Zoning Map amendment procedures are designed and authorized to adjust zone boundaries and create new zoning classifications on the official Zoning Map within areas on the land use plan indicated for the uses allowed by the map change. Such changes shall be in conformity with the land use goals of the state. The decision of the Planning Commission shall be the final decision of the city unless an appeal is filed as authorized by this Title. (LANGUAGE IN 10B-10-05 SUPERSEDES THIS LANGUAGE) WHICH IS: The ultimate decision-making authority for legislative actions and zone changes brought under the provisions of this Title shall rest with the City Council. Certain actions of the Planning Commission are in the form of a recommendation to the City Council. The land use actions for which the Commission provides only a recommendation to the Council are amendments of the comprehensive plan and zoning ordinances or Zoning Map.

ALTERNATIVES:

- 1. The Council could, by motion, based on public testimony or need for more clarification, refer this matter back to the Planning Commission.
- 2. Table and continue this item to a future date certain meeting, to obtain clarification on issues raised at this Public Hearing.
- 3. Deny the action.

RECOMMENDATION:

Staff recommends that the City Council accepts the recommendation and Conditions of Approval from the Planning Commission on Planning Action 2019-04-45AZ and Approve Ordinance #2760-2019

ATTACHMENTS:

- 1. Ord #2760-2019



ORDINANCE #2760-2019

AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONING OF CERTAIN TERRITORY TO THE CITY OF ONTARIO, BEING A PARCEL WITHIN THE SW1/4NE1/4 SECTION 5, TOWNSHIP 18 SOUTH RANGE 47 EAST, W.M.; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT 7-302 AND THE ONTARIO RURAL ROAD ASSESSMENT DISTRICT NO. 3

WHEREAS, There has been submitted to the City of Ontario by Joel Alba Bravo, a written request for annexation and rezoning to the City signed by 100% of the owners of land within the affected territory to be annexed; and

WHEREAS, The Planning Commission held a Public Hearing on September 9, 2019, and recommended approval of the Annexation and Rezone to the City Council; and

WHEREAS, All of the owners of land in that territory have consented in writing to the annexation of their land in the territory and have filed a statement of their consent with the legislative body of the City; and

WHEREAS, The City Charter does not expressly require the City to submit a proposal of annexation of territory to the electors of the City; and

WHEREAS, All the owners have requested the lands to be rezoned from UGA Residential to City Single Family Residential (RS-50); and

WHEREAS, The City desires to withdraw the land to be annexed from the ONTARIO RURAL FIRE PROTECTION DISTRICT 7-302, pursuant to ORS 222.120(5) and has received assent from the Districts to do so;

WHEREAS, The City desires to withdraw the land to be annexed from the ONTARIO RURAL ROAD ASSESSMENT DISTRICT No. 3, pursuant to ORS 222.120(5) and has received assent from the Districts to do so;

NOW THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

1. Annexation Area. The following contiguous territory be and the same is hereby annexed: The property legally described and mapped in the attached Exhibits "A" and "B" respectively.
2. Rezoning. That based on the Planning Commission findings and recommendation in Planning Action 2019-06-45AZ, the lands as shown and described in the attached Exhibits "A" and "B" be rezoned from UGA Residential to City Single Family Residential (RS-50).

3. Withdrawing above described area from Ontario Rural Fire Protection District 7-302. The Common Council of the City of Ontario deems it in the best interest of the public of the City of Ontario and hereby declares that the real property described hereinabove is withdrawn from the Ontario Rural fire Protection District No. 7-302 on the effective date of this annexation pursuant to ORS 222.120(5).
4. Withdrawing above described area from Ontario Rural Road Assessment District No. 3. The Common Council of the City of Ontario deems it in the best interest of the public of the City of Ontario and hereby declares that the real property described hereinabove is withdrawn from the Ontario Rural Road Assessment District No. 3 on the effective date of this annexation pursuant to ORS 222.120(5).
5. Record. The City Planner shall submit to the Oregon Secretary of State (1) a copy of this Ordinance, (2) a copy of the statement of consent of the landowner in the territory annexed; and (3) Shall send a description by metes and bounds, or legal subdivision, and a map depicting the new boundaries of the City within 10 days of the effective date of annexation to the Malheur County Assessor, Malheur County Clerk and the State Department of Revenue.

PASSED AND ADOPTED by the Common Council of the City of Ontario this _____ day of _____, 2019 by the following vote:

AYES:

NAYS:

ABSENT:

APPROVED by the Mayor this _____ day of _____, 2019.

ATTEST:

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder

Exhibit "A"
Property Description for Annexation/Rezone
City Action No. 2019-06-45AZ

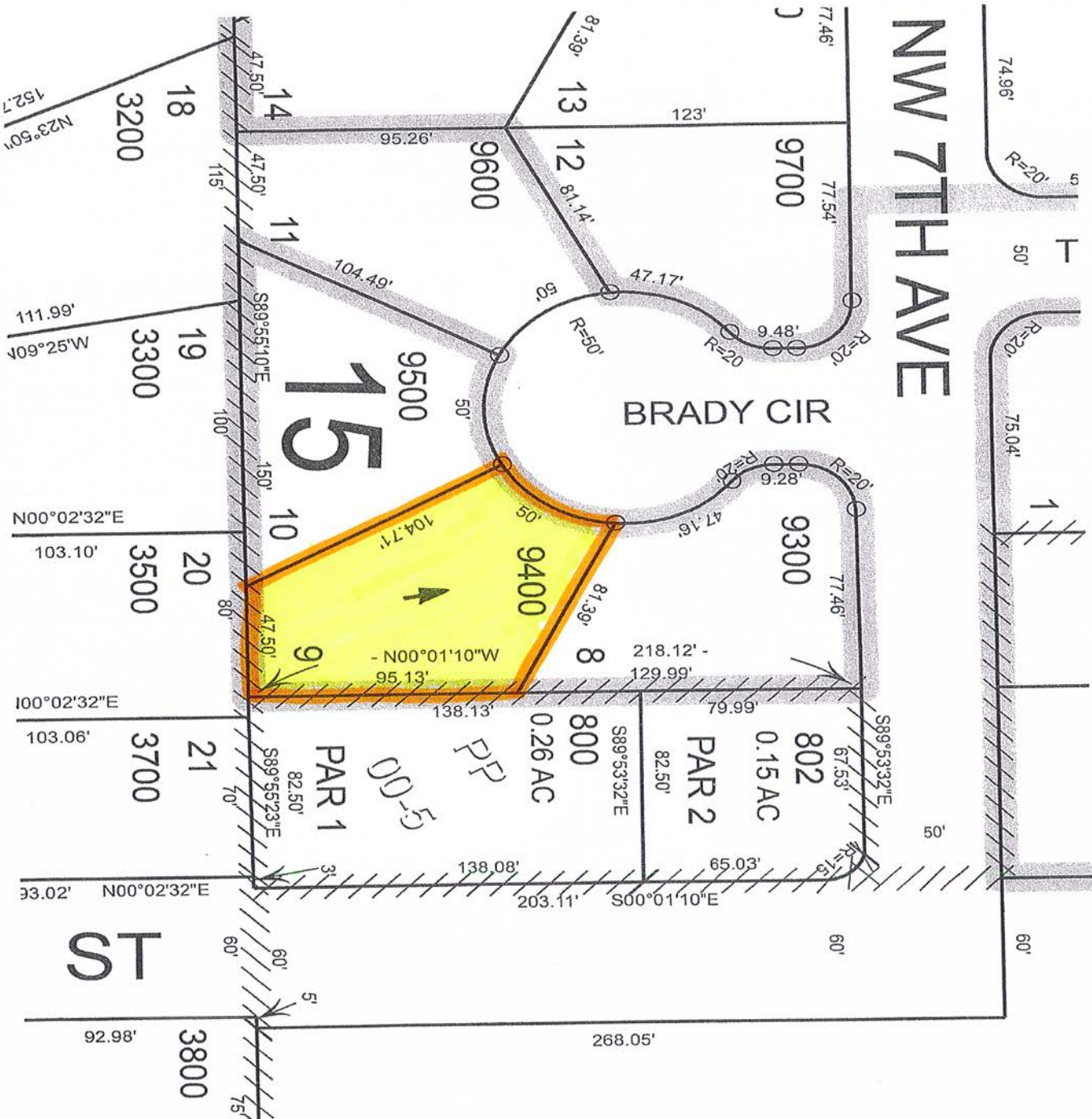
Land in Malheur County Oregon, within the SW1/4NE1/4, Section 5, Twp. 18 S., R. 47 E., W.M., in Ridge View Subdivision I, according to the official plat thereof, filed on June 9, 1998 under Instrument No. 98-4363, Malheur County Deed records:

LOT 9.

END OF DESCRIPTION

Exhibit "B"
Subject property

MAP 18S4705AC Tax Lot 9400





**AGENDA REPORT
PUBLIC HEARING
September 17, 2019**

To: Mayor and City Council

FROM: Dan Cummings, Community Development Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: **ORDINANCE #2761-2019: AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONING OF A PARCEL LOCATED IN THE 1100 BLOCK OF NE 3RD AVENUE ON FIRST READING BY TITLE ONLY**

DATE: September 12, 2019

PROPOSED MOTION:

A. APPROVAL:

I MOVE THE CITY COUNCIL ACCEPTS THE FINDS OF FACTS AND RECOMMENDATION OF THE PLANNING COMMISSION ON PLANNING ACTION 2019-04-47AZ AND APPROVE ORDINANCE #2761-2019 AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONING OF CERTAIN TERRITORY TO THE CITY OF ONTARIO, BEING A PARCEL WITHIN THE SE1/4SE1/4 SECTION 3, TOWNSHIP 18 SOUTH RANGE 47 EAST, W.M.; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT 7-302 AND THE ONTARIO RURAL ROAD ASSESSMENT DISTRICT NO. 3. ON FIRST READING BY TITLE ONLY.

I MOVE TO WAIVE THE SECOND READING OF ORDINANCE #2761-2019, AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONING OF CERTAIN TERRITORY TO THE CITY OF ONTARIO, BEING A PARCEL WITHIN THE SE1/4SE1/4 SECTION 3, TOWNSHIP 18 SOUTH RANGE 47 EAST, W.M.; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT 7-302 AND THE ONTARIO RURAL ROAD ASSESSMENT DISTRICT NO. 3

B. DENIAL:

I MOVE THAT THE CITY COUNCIL DENY THE REQUEST FOR ANNEXATION AND REZONE OF THE SUBJECT PROPERTY AS SET FORTH IN ACTION 2019-04-47AZ AND ORDINANCE #2761-2019, BASED ON THE FOLLOWING REASONS AND FINDS OF FACTS: (STATE REASONS AND FINDINGS).

SUMMARY:

The applicant owns a parcel of land, known as 18S4703DD, Tax lot 300. The applicants wish to Annex and Rezone the property into the City for further development of the property and connect to city services. This application, if approved, will result in the annexation of 3.54 acres of land into the City and a rezone of the property from Urban Growth Area Industrial (UGA I-2) to City Heavy Industrial (I-2).

BACKGROUND:

This request for annexation and rezone needs a recommendation for approval or rejection from the Planning Commission to the City Council. The Ontario Municipal Code (OMC) designates the Planning Commission as the decision making body for a request for rezone, without City Council participation. The OMC designates the City Council as the decision making body for a request for annexation, without Planning Commission participation. State Law requires an Ordinance be adopted by the local governing body to accomplish a rezone. The city's governing body is the City Council, and they are the only body that may adopt an ordinance; therefore, a request for rezone should go before the Council for a final decision. Staff feels that the best procedure is consistency with State Law; therefore, this matter needs a recommendation from the Planning Commission, and then will be forwarded to the City Council for their decision.

The hearings Office approved a Condition Use Permit (CUP) on February 2, 2019, under Planning Action 2019-01-04CUP for a Marijuana Retail Facility with conditions of Annexation.

On September 9, 2019, at a Public Hearing the Planning Commission heard testimony on Planning Action 2019-06-47AZ and made a motion to approve the Findings of Facts as presented and sent a recommendation for the City Council to Approve the request for the Annexation into the city and Rezone from Urban Growth Area Industrial (UGA I-2) to City Heavy Industrial (I-2) zone.

CURRENT SITUATION:

This request for annexation and rezone needs a recommendation for approval or rejection from the Planning Commission to the City Council. The Ontario Municipal Code (OMC) designates the Planning Commission as the decision making body for a request for rezone, without City Council participation. The OMC designates the City Council as the decision making body for a request for annexation, without Planning Commission participation. State Law requires an ordinance be adopted by the local governing body to accomplish a rezone. The city's governing body is the City Council, and they are the only body that may adopt an Ordinance; therefore, a request for rezone should go before the Council for a final decision. Staff feels that the best procedure is consistency with State law; therefore, this matter needs a recommendation from the Planning Commission, and then will be forwarded to the City

Council for their decision.

The proposed development must comply with applicable provisions of the OCC (City of Ontario Zoning Ordinance as set forth in the Ontario City Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is considered to be consistent with the Comprehensive Plan.

A. Rezone

1. Section 10B-20-30 REQUIRED FINDINGS, DECISION CRITERIA. In preparing findings to support a quasi-judicial zoning map amendment decision, the following findings shall be addressed except when alternatives are set forth or where a required findings clearly does not apply to the current action:

- a. The zoning map amendment is in conformance with statewide planning goals and guidelines.*
- b. The zoning map amendment is in conformity with the acknowledged comprehensive plan.*
- c. The applicant has demonstrated a mistake or error in the original zone designation or the applicant has demonstrated a change in physical, social or market conditions generally effecting the area which make the proposed change appropriate.*
- d. A public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small group of properties.*
- e. The property effected by the change is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.*
- f. The property effected by the proposed change of zone is properly related to streets and public facilities and with services adequate to meet the demands of the uses allowed in the new zone.*
- g. The proposed zoning map change will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.*

Findings of fact based on the answers and information given in the application (see applicant's narrative) made a part hereof:

- a. The City of Ontario Municipal Code Implements policies contained in the City of Ontario Comprehensive Plan, which conforms to the Statewide Planning Goals; if a proposed rezone meets all criteria and standards contained in the OMC, the request

will be consistent with Comprehensive Plan Policies and therefore conform to the Statewide Planning Goals.

b. The subject properties are currently zoned UGA Industrial (I-2) and the request is to rezone to the companion City I-2 (Heavy Industrial) Zone that is the same zone as per the City Comprehensive Plan. The requested zone allows basically the same use as the UGA zone, and is reflected in the Comprehensive Plan. No Comprehensive Plan amendment is necessary for this rezone; therefore, the proposal is consistent with, and conforms to, the Comprehensive Plan.

c. The applicants have requested annexation into the City of Ontario concurrent with the request for rezone; a City Zone must be applied to the property once within City Limits. The existing zone is not a mistake, and there is no need to demonstrate a change in conditions in the surrounding area; the change in zone is necessary and appropriate.

d. This request is legally necessary due to the annexation of the property; granting of this request is not a special privilege and no public need has to be demonstrated. That being said, the applicant wants to improve the property and there is a need for improving and redeveloping this area as the applicant wishes to do.

e. The subject property is adequate in size and shape for the proposed use to be rezoned from UGA Industrial to City I-2 Heavy Industrial.

f. The property owner of tax lot 300 proposes future development and is requesting annexation and rezoning for timely redevelopment of the property in the near future. City Water and Sewer is available adjacent to the property on the east in NE 3rd Avenue and shall be extended as part of the development of the property if needed.

g. Uses allowed by the current zone are basically identical to the proposed zone. No significant difference in allowed uses will occur as a result of the rezone. Requirements in the OMC applicable to uses in the Industrial zone will ensure that impacts from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land are minimized.

Conclusion: The proposed rezone is consistent with all applicable criteria and standards.

B. Annexation:

1. *10B-45-10 INITIATION OF ACTION. When a person, authorized by statute, wishes to extend the city's boundaries, an application on forms supplied by the city shall be filed with the Planning Director and which include: annexation*

consent forms, by the property owners, and by tenants if required by law or court decision; request for a change in zoning map designation, or plan change if required; request for other quasi-judicial action if required; fees, and other exhibits and requirements for a quasi-judicial action as set forth in this Title. All land use actions associated with the annexation shall be consolidated, as feasible, and one fee paid.

2. Oregon Revised Statute 222.125: Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

Findings based on the answers and information given in the application made a part hereof:

1. The applicants have paid the fees and provided the proper application with signatures.
2. The property is annexable because it lies inside the Urban Growth Boundary and is contiguous with current city limits on the East side of the property.
3. The property is currently zoned for Industrial use in the Urban Growth Area; the requested zone, City Heavy Industrial (I-2), is consistent with contiguous property.
4. Findings from preceding sections of this report are herein included by this reference. A change to the comprehensive plan map or text is not necessary to annex the property; however, the annexation of the property must be consistent with all applicable Comprehensive Plan Policies.
5. Annexation would benefit the city by increasing tax revenue, and, by providing more potentially developable industrial lands in a highly developable area.

Conclusion: All criteria and standards applicable to a request for annexation have been met. The property may.

A request for annexation and rezone of property may be recommended for approval or denial by the Planning Commission to the City Council if all applicable decision criteria and standards are found met, or able to be met through appropriate conditions of approval. In this case, findings must be made by the Planning Commission that the specific criteria are either met,

able to be met through conditions of approval, or not met; options and discussion are provided under “**Findings:**” and “**Conclusion:**” for each criterion. **All** of the criteria and standards must be met in order for the request to be recommended for approval.

CONDITIONS OF APPROVAL:

1. The approval of the annexation and rezone granted herein is valid for a period of one year from the date the decision of the Council is final; that final decision date shall be the date of expiration of the 21-day period for appeal to LUBA as required by Oregon Revised Statute and as noted in the Notice of Decision for this request.
2. The owner will sign a lien causing any unpaid Utility bill to be a lien against the property.

ANALYSIS:

- A. **STRATEGIC PLAN** This action meets the 4 of the goals of the City Council Strategic Plan for providing Beautification by bring the city codes to maintain the site to enhances the Lifestyle of the community, Desirability of more developed lands and add Growth to our City and tax base.
- B. **FINANCIAL** Annexation will benefit the city by increased tax revenue and utility services from a piece of property that has already had the benefits of city services due to it location adjacent to the city.
- C. **TIMING** The Applicant has had a Conditional Use permit approved for a Retail Marijuana Facility and as part of that approval the property is required to be annexed and cannot move forward with their development until the Annexation and rezoning is approved.
- D. **POLICY/LEGAL** The quasi-judicial Zoning Map amendment procedures are designed and authorized to adjust zone boundaries and create new zoning classifications on the official Zoning Map within areas on the land use plan indicated for the uses allowed by the map change. Such changes shall be in conformity with the land use goals of the state. The decision of the Planning Commission shall be the final decision of the city unless an appeal is filed as authorized by this Title. (LANGUAGE IN 10B-10-05 SUPERSEDES THIS LANGUAGE) WHICH IS: The ultimate decision-making authority for legislative actions and zone changes brought under the provisions of this Title shall rest with the City Council. Certain actions of the Planning Commission are in the form of a recommendation to the City Council. The land use actions for which the Commission provides only a recommendation to the Council are amendments of the comprehensive plan and zoning ordinances or Zoning Map.

ALTERNATIVES:

1. The Council could, by motion, based on public testimony or need for more clarification, refer this matter back to the Planning Commission.

2. Table and continue this item to a future date certain meeting, to obtain clarification on issues raised at this Public Hearing.

RECOMMENDATION:

Staff recommends that the City Council accepts the recommendation and Conditions of Approval from the Planning Commission on Planning Action 2019-06-47AZ and Approve Ordinance #2761-2019.

ATTACHMENTS:

1. Ord #2761-2019



ORDINANCE #2761-2019

AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONING OF CERTAIN TERRITORY TO THE CITY OF ONTARIO, BEING A PARCEL WITHIN THE SE1/4SE1/4 SECTION 3, TOWNSHIP 18 SOUTH RANGE 47 EAST, W.M.; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT 7-302 AND THE ONTARIO RURAL ROAD ASSESSMENT DISTRICT NO. 3

- WHEREAS,** There has been submitted to the City of Ontario by Reece M. Hrizuk, Manager for Nascosto, LLC, a written request for annexation and rezoning to the City signed by 100% of the owners of land within the affected territory to be annexed; and
- WHEREAS,** The Planning Commission held a Public Hearing on September 9, 2019, and recommended approval of the Annexation and Rezone to the City Council; and
- WHEREAS,** All of the owners of land in that territory have consented in writing to the annexation of their land in the territory and have filed a statement of their consent with the legislative body of the City; and
- WHEREAS,** The City Charter does not expressly require the City to submit a proposal of annexation of territory to the electors of the City; and
- WHEREAS,** All the owners have requested the lands to be rezoned from UGA Industrial (UGA-I2) to City Heavy Industrial (I-2); and
- WHEREAS,** The City desires to withdraw the land to be annexed from the ONTARIO RURAL FIRE PROTECTION DISTRICT 7-302, pursuant to ORS 222.120(5) and has received assent from the Districts to do so;
- WHEREAS,** The City desires to withdraw the land to be annexed from the ONTARIO RURAL ROAD ASSESSMENT DISTRICT No. 3, pursuant to ORS 222.120(5) and has received assent from the Districts to do so;

NOW THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

1. Annexation Area. The following contiguous territory be and the same is hereby annexed: The property legally described and mapped in the attached Exhibits "A" and "B" respectively.
2. Rezoning. That based on the Planning Commission findings and recommendation in Planning Action 2019-06-47AZ, the lands as shown and described in the attached Exhibits "A" and "B" be rezoned from UGA Industrial (UGA-I2) to City Heavy Industrial (I-2).

3. Withdrawing above described area from Ontario Rural Fire Protection District 7-302. The Common Council of the City of Ontario deems it in the best interest of the public of the City of Ontario and hereby declares that the real property described hereinabove is withdrawn from the Ontario Rural fire Protection District No. 7-302 on the effective date of this annexation pursuant to ORS 222.120(5).
4. Withdrawing above described area from Ontario Rural Road Assessment District No. 3. The Common Council of the City of Ontario deems it in the best interest of the public of the City of Ontario and hereby declares that the real property described hereinabove is withdrawn from the Ontario Rural Road Assessment District No. 3 on the effective date of this annexation pursuant to ORS 222.120(5).
5. Record. The City Planner shall submit to the Oregon Secretary of State (1) a copy of this Ordinance, (2) a copy of the statement of consent of the landowner in the territory annexed; and (3) Shall send a description by metes and bounds, or legal subdivision, and a map depicting the new boundaries of the City within 10 days of the effective date of annexation to the Malheur County Assessor, Malheur County Clerk and the State Department of Revenue.

PASSED AND ADOPTED by the Common Council of the City of Ontario this _____ day of _____, 2019 by the following vote:

AYES:

NAYS:

ABSENT:

APPROVED by the Mayor this _____ day of _____, 2019.

ATTEST:

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder

Exhibit "A"
Property Description for Annexation/Rezone
City Action No. 2019-06-47AZ

Land in Malheur County Oregon, in Twp. 18 S., R. 47 E., W.M., as follows:

Section 3: All that portion of the W1/2SE1/4SE1/4 lying and being North and East of the relocated U.S. Highway No. 30 right of way (Interstate 84).

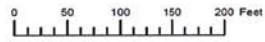
EXCEPTING THEREFROM, the North 100 feet thereof.

END OF DESCRIPTION

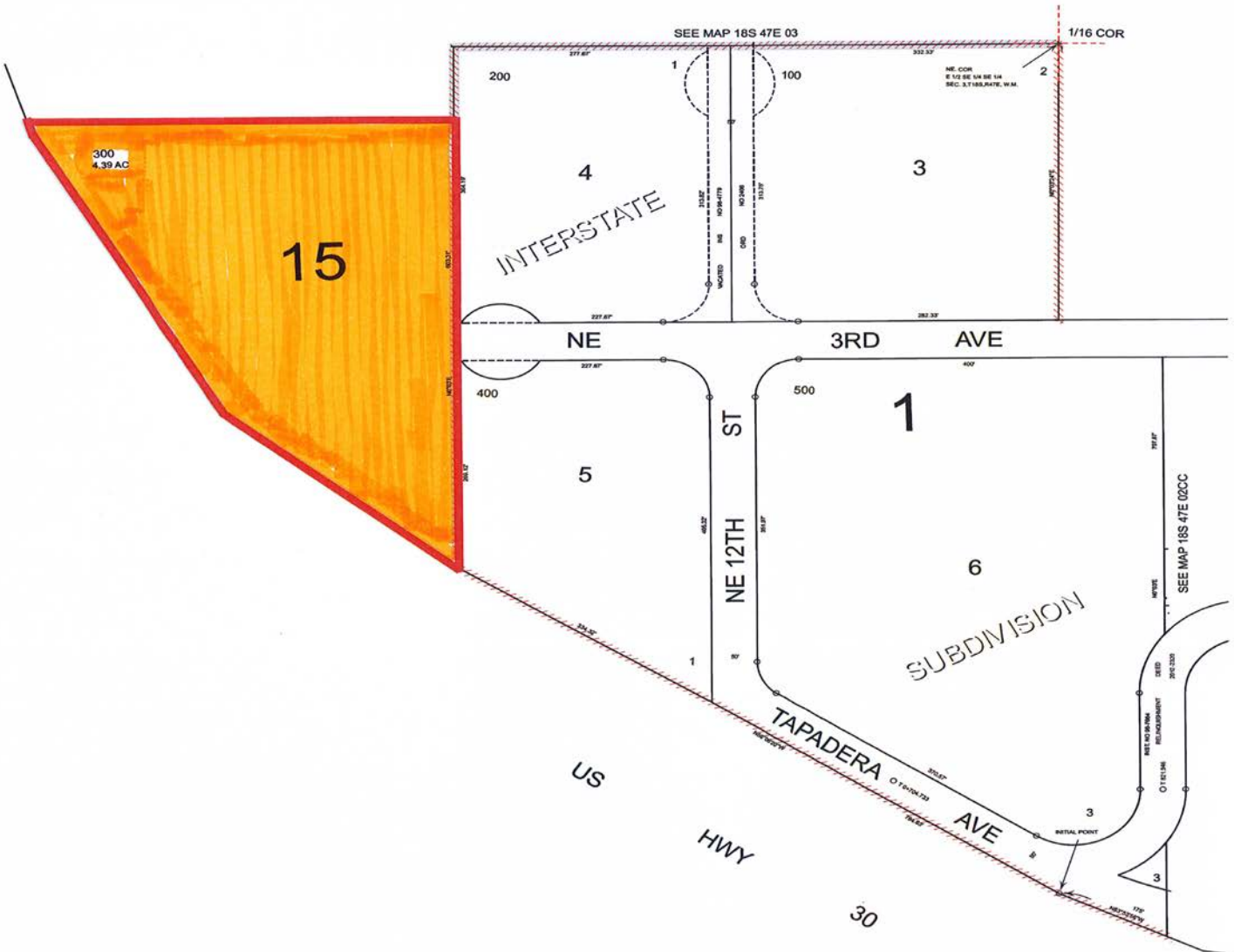
Exhibit "B"

Subject property

MAP 18S4703DD Tax Lot 300



S.E. 1/4 S.E. 1/4 SEC. 3 T. 18S. R. 47E. W.M.
MALHEUR COUNTY
1" = 100'





**AGENDA REPORT
DISCUSSION ITEMS
September 17, 2019**

To: Mayor and City Council

FROM: Adam J. Brown, City Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: PETITION FOR SIDEWALK ON ALAMEDA BETWEEN 8TH AND 11TH AVENUE

DATE: September 12, 2019

PROPOSED MOTION:

THE CITY RECEIVED A PETITION FROM RESIDENTS IN THE NEIGHBORHOOD AROUND ALAMEDA DRIVE REQUESTING THAT THE CITY PUT IN A CROSSWALK BETWEEN 8TH AND 11TH AVENUE ON ALAMEDA DRIVE.

SUMMARY:

The city received a petition from Gary Combs with 68 signatures. The groups concern is over the safety of children crossing the street around 8th and 11th Avenues to get to Alameda Elementary. There is a sidewalk on the East side of Alameda all the way to the school, but on the West side there is only intermittent sidewalk. See Exhibit 1

BACKGROUND:

The City Engineer has provided an estimate of \$3,500 per ADA ramp for a total of \$7,000. The crossing could be located just South of 8th Avenue where sidewalks exist. See Exhibit 2.

CURRENT SITUATION:

No Strategic Impact.

ANALYSIS:

- A. **FINANCIAL** Estimated cost is approximately \$7,000. We would have to use contingency to create the sidewalk. We have \$282,930 in contingency.
- B. **TIMING** School is in session. The concrete would need to be done before temperatures drop. We probably have several months to work with to get concrete work done. Otherwise we would need to wait for the spring.

- C. **POLICY/LEGAL** Council would have to appropriate the contingency budget to approve the project.

ALTERNATIVES:

Take No Action: Condition will remain as is. There really is no safe crossing on Alameda from the West to the East side. Kids will cross without a crosswalk or either walk in the road or on property without sidewalk to get to the crossing closer to the school.

There are no other options that make sense for a crosswalk other than where sidewalk exists on both sides of the street.

RECOMMENDATION:

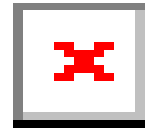
Staff recommends that Council direct staff to prepare an appropriation for consideration at the next Council meeting.

ATTACHMENTS:

1. Exhibit 1 Alameda Sidwalk Petition graphic
2. Exhibit 2 Alameda crosswalk 2







September 12, 2019

To Whom It May Concern:

Subject: Letter of Support – Treasure Valley Reload Center

We are writing this letter to demonstrate our strong support and enthusiasm for Malheur County’s application to the Special Public Works fund and the Regionally Significant Industrial Sites (RSIS) program through Business Oregon in the amount of \$5 million.

The Special Public Works fund is a low interest loan which will allow the County to purchase the remaining industrial land and for the design and construction of the water and sewer systems. Even more important is the fact the RSIS program will pay half of the income taxes back to the county once a business locates in the industrial park which will go toward repayment of the loan providing the company creates 25 jobs. RSIS can pay up to 100% of the principal, interest, and closing costs associated with the loan creating a complete forgiveness of the debt.

We believe this is a huge win for Malheur County in that the \$26 million secured for the reload center is already being leveraged to obtain significant additional funding for the purchase of more land and infrastructure.

The Treasure Valley Reload Center is going to have a tremendous impact on our local economy, and it is imperative we take full advantage of this opportunity. The County’s decision to make application for the \$5 million dollars has our unwavering support.

Thank you for your consideration.

Best Regards,

_____	_____
_____	_____
_____	_____
_____	_____

Malheur County Development Corporation

522 SW Fourth St. | Ontario, OR 97914 | 541-889-6216 | malheurcountyedc@gmail.com

www.malheurcountyeconomicdevelopment.com

Adam Brown - Attached letter

From: Malheur County Economic Development <malheurcountyedc@gmail.com>
To: John Breidenbach <ceo@ontariochamber.com>, <secretary@valechamber.com>, ...
Date: 9/13/2019 10:42 AM
Subject: Attached letter
Attachments: Support letter 9-12-19.docx

All,

The Malheur County Development Corporation will present the attached letter to the Malheur County Court next week.

This is a method to acquire a large tract of land for an industrial park adjacent to the rail reload center using state, forgivable funding.

We request your support in this matter. Please email back to us your electronic signature or let us know your decision and John will visit you personally.

Best regards,

Greg Smith
Malheur County Economic Development
Malheur County Development Corporation
522 SW Fourth St.
Ontario, OR 97914
[541-889-6216](tel:541-889-6216)
malheurcountyedc@gmail.com
www.malheurcountyeconomicdevelopment.com

Confidentiality Notice

Malheur County Economic Development and Malheur County Development Corporation (MCDC) does not send unsolicited email. This email message is considered privileged and confidential and is intended only for the addressee. If you believe you received this in error, do not read it. Please reply to the sender that you have received the message in error and then delete it. Thank you.

Before printing this email, please consider the impact on the environment and your responsibility to make Oregon a great place to live.

Accounts Payable

Checks by Date - Summary by Check Date

User: kari.ott
Printed: 9/12/2019 12:31 PM



Check No	Vendor No	Vendor Name	Check Date	Check Amount
124990	032180	Anytime Septic Service, LLC	08/02/2019	48.18
124991	183201	CK3, LLC	08/02/2019	1,390.00
124992	376000	Idaho Power	08/02/2019	518.61
124993	420000	John Deere Financial	08/02/2019	1.60
124994	441140	Looks Nu, Inc.	08/02/2019	95.00
124995	602520	Payette County Recreation District	08/02/2019	1,005.00
124996	682495	SBE Oregon, LLC	08/02/2019	2,756.97
124997	879138	Stantec Consulting Services, Inc.	08/02/2019	3,372.25
124998	702100	Staples Credit Plan	08/02/2019	406.35
124999	UB*11661	AMERICAN K-9	08/02/2019	5.55
125000	637830	Century Link	08/02/2019	768.27
125001	UB*11662	ERIN CORNELL	08/02/2019	25.35
125002	392200	Interstate Business Forms	08/02/2019	513.03
125003	420000	John Deere Financial	08/02/2019	16.27
125004	&419	Ontario Lions Club	08/02/2019	60.00
125005	572000	Ontario Sanitary Service, Inc.	08/02/2019	313.06
125007	130950	Sparklight Business	08/02/2019	146.48
125008	686822	Sprint	08/02/2019	52.54
Total for 8/2/2019:				11,494.51
125009	376000	Idaho Power	08/05/2019	5,821.01
Total for 8/5/2019:				5,821.01
125010	879026	Accela, Inc.	08/09/2019	500.00
125011	&525	American Staffing, Inc.	08/09/2019	1,141.10
125012	879130	Ani-Care Animal Shelter, Inc.	08/09/2019	1,370.08
125013	033300	Argus Observer	08/09/2019	695.00
125014	037600	AT&T	08/09/2019	22.34
125015	130624	B & W Car Wash	08/09/2019	12.00
125016	21409	Big Sky Sportswear	08/09/2019	75.27
125017	626400	Campo & Poole Distributing, LLC	08/09/2019	7,345.97
125018	192000	CDW Government	08/09/2019	359.47
125019	637830	Century Link	08/09/2019	515.27
125020	637828	Century Link Communications, LLC	08/09/2019	80.96
125021	364000	Clarion Inn	08/09/2019	163.12
125022	246800	Dominick's Quick Print	08/09/2019	20.00
125023	520400	Dorman's, Inc.	08/09/2019	22.80
125024	634311	Frazier Aviation, LLC	08/09/2019	425.00
125025	333852	Graphic Impressions	08/09/2019	25.00
125026	360015	Home Depot Credit Services	08/09/2019	32.90
125027	878915	Jacobs	08/09/2019	367,394.32
125028	879191	Kristy's Custom Sewing	08/09/2019	106.00
125029	440000	L.N. Curtis and Sons	08/09/2019	135.00
125030	436000	Lindsay Eco Water	08/09/2019	19.00
125031	879328	Malheur County GIS	08/09/2019	120.00

Check No	Vendor No	Vendor Name	Check Date	Check Amount
125032	MARVIN	Barbara Marvin	08/09/2019	75.00
125033	481821	National Fire Protection Association	08/09/2019	175.00
125034	879301	Net Assets Corporation	08/09/2019	204.00
125035	879163	Ontario Auto Ranch	08/09/2019	291.20
125036	572000	Ontario Sanitary Service, Inc.	08/09/2019	26.70
125037	879031	Oregon Homicide Investigators Association	08/09/2019	250.00
125038	879393	PortaPros, LLC	08/09/2019	46.82
125039	879401	Quest Software, Inc.	08/09/2019	1,200.28
125040	642093	Red's Automotive Repair, Inc.	08/09/2019	612.12
125041	130950	Sparklight Business	08/09/2019	466.65
125042	702008	Staples Business Credit	08/09/2019	97.49
125043	&357	Larry A. Sullivan	08/09/2019	4,427.50
125044	&275	Sun Guard Window Tinting	08/09/2019	60.00
125045	878931	Tire Factory of Ontario	08/09/2019	1,298.00
125046	788402	TransUnion Risk & Alternative Data Soluti	08/09/2019	140.25
125047	879233	Utopic Software	08/09/2019	1,295.00
125048	878957	Valli Information Systems, Inc.	08/09/2019	187.02
125049	288897	Verizon	08/09/2019	1,823.76
125050	879151	Waste-Pro	08/09/2019	100.00
125051	863995	White Cloud Communications-Boise, Inc.	08/09/2019	340.00
125052	774001	Wtechlink	08/09/2019	300.00
125053	UB*11663	ANGELA BARLOW	08/09/2019	36.45
125054	879405	Center for Nonprofit Stewardship	08/09/2019	2,000.00
125055	UB*11470	ALBERTO GAMEZ * \$\$	08/09/2019	107.37
125056	UB*11665	GREG HOLMES	08/09/2019	140.06
125058	879403	QIRI ONT, LLC	08/09/2019	2,057.61
125059	738001	James Swank	08/09/2019	95.98
125060	UB*11664	DAVID WILSON	08/09/2019	71.00
125061	879327	Coastline Equipment Company	08/09/2019	4,970.17
125062	&260	Four Rivers Cultural Center	08/09/2019	28,251.47
125063	610100	Malheur Memorial Health Clinic	08/09/2019	100.00
125064	539200	Ontario Area Chamber of Commerce	08/09/2019	23,092.82
125065	583450	State of Oregon Dept of Corrections	08/09/2019	2,360.00
1250571	879404	Ontario Recreation District	08/09/2019	6,087.00
Total for 8/9/2019:				463,367.32
125067	879406	Rywest Homes	08/13/2019	10,000.00
1250661	879404	Ontario Recreation District	08/13/2019	125.00
Total for 8/13/2019:				10,125.00
125068	&525	American Staffing, Inc.	08/16/2019	206.66
125069	738800	Axon Enterprise, Inc.	08/16/2019	3,299.00
125070	879247	Day Wireless Systems	08/16/2019	470.00
125071	247940	Dooley Enterprises, Inc.	08/16/2019	4,867.00
125072	269295	Edge Performance Sports	08/16/2019	15,400.00
125073	879407	Garden Artisans LLC	08/16/2019	9,992.05
125074	878915	Jacobs	08/16/2019	433,368.95
125075	441140	Looks Nu, Inc.	08/16/2019	340.00
125076	516494	State of Oregon Department of Transportati	08/16/2019	2,966.31
125077	528405	Oster Professional Group, LLC	08/16/2019	24,264.33
125078	879393	PortaPros, LLC	08/16/2019	95.00
125079	642093	Red's Automotive Repair, Inc.	08/16/2019	381.68
125080	130950	Sparklight Business	08/16/2019	63.75
125081	878957	Valli Information Systems, Inc.	08/16/2019	2,124.63
125082	878992	Wolfcom Enterprises	08/16/2019	839.00

Check No	Vendor No	Vendor Name	Check Date	Check Amount
125083	879146	Toshiba Financial Services	08/16/2019	1,721.89
125084	618100	Physicians Primary Care Center, Inc.	08/16/2019	176.00
125085	879146	Toshiba Financial Services	08/16/2019	1,721.89
Total for 8/16/2019:				502,298.14
125086	007140	Liz Amason	08/20/2019	248.50
125087	COOPJ	Jason Cooper	08/20/2019	96.25
125088	334222	Victor Grimaldo	08/20/2019	96.25
125089	879244	Jon Laurenson	08/20/2019	151.25
125090	MONSONKI	Kenneth Monson	08/20/2019	248.50
125091	SMITHS	Sheri Smith	08/20/2019	248.50
125092	072400	Dave Walters	08/20/2019	96.25
125093	832852	Wells Fargo Business Elite Card	08/20/2019	1,901.51
125094	832852	Wells Fargo Business Elite Card	08/20/2019	8,522.24
Total for 8/20/2019:				11,609.25
ACH	PRAFLAC	AMERICAN FAMILY LIFE ASSURANCE	08/30/2019	774.22
ACH	PRAMERF	AMERICAN FUNDS GROUP	08/30/2019	225.00
ACH	PRCCIS	E B S TRUST	08/30/2019	66,995.98
ACH	PRCOLONI	COLONIAL LIFE	08/30/2019	1,030.19
ACH	PRFED	PAYROLL TAXES	08/30/2019	64,026.62
ACH	PRNATW	NATIONWIDE RETIREMENT SOLUTIO	08/30/2019	400.00
ACH	PRORJU	OREGON DEPARTMENT OF JUSTICE	08/30/2019	1,176.00
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	08/30/2019	256.68
ACH	PRORTAXE	OREGON DEPARTMENT OF REVENUE	08/30/2019	17,583.88
ACH	PROSGP	OREGON SAVINGS & GROWTH PLAN	08/30/2019	2,100.00
ACH	PRPERS	OREGON PERS	08/30/2019	89,118.18
12511	&525	American Staffing, Inc.	08/30/2019	413.32
12512	879130	Ani-Care Animal Shelter, Inc.	08/30/2019	1,370.08
12513	130624	B & W Car Wash	08/30/2019	9.00
12514	816597	Bank of Eastern Oregon	08/30/2019	27,960.40
12515	144000	Cascade Natural Gas Corporation	08/30/2019	33.09
12516	637830	Century Link	08/30/2019	759.19
12517	364000	Clarion Inn	08/30/2019	42.50
12518	262000	Eastside Florist	08/30/2019	100.00
12519	376000	Idaho Power	08/30/2019	6,329.48
12520	370401	International Code Council, Inc.	08/30/2019	135.00
12521	&263	Jay Hartley Excavation	08/30/2019	12,500.00
12522	420000	John Deere Financial	08/30/2019	43.02
12523	408200	J-U-B Engineers, Inc.	08/30/2019	11,452.50
12524	879191	Kristy's Custom Sewing	08/30/2019	106.00
12525	879349	State of Oregon Public Retirement System	08/30/2019	1,243,103.94
12526	627170	Positive Promotions, Inc.	08/30/2019	69.92
12527	642093	Red's Automotive Repair, Inc.	08/30/2019	1,394.03
12528	686822	Sprint	08/30/2019	52.54
12529	879138	Stantec Consulting Services, Inc.	08/30/2019	3,964.50
12530	738002	Symbol Arts, LLC	08/30/2019	268.00
12531	738993	Tangent Computer	08/30/2019	747.50
12532	879212	Uniforms 2 Gear	08/30/2019	867.72
12533	878957	Valli Information Systems, Inc.	08/30/2019	161.83
12534	288897	Verizon	08/30/2019	1,555.87
12535	21847	Vern's Custom Ranch Construction	08/30/2019	700.00
12536	863995	White Cloud Communications-Boise, Inc.	08/30/2019	4,898.46
125095	PRICMA	I C M A RETIREMENT TRUST 457	08/30/2019	300.00
125096	PRLINC	LINCOLN NATIONAL LIFE INS CO	08/30/2019	350.00

Check No	Vendor No	Vendor Name	Check Date	Check Amount
125097	PRSFIRE	UMPQUA BANK	08/30/2019	360.00
125098	005060	A-Core, Inc.	08/30/2019	1,280.00
125099	879333	AllPlay Systems, LLC	08/30/2019	24,880.00
125100	130624	B & W Car Wash	08/30/2019	3.00
125101	262000	Eastside Florist	08/30/2019	67.00
125102	408200	J-U-B Engineers, Inc.	08/30/2019	10,545.00
125103	440000	L.N. Curtis and Sons	08/30/2019	214.00
125104	610100	Malheur Memorial Health Clinic	08/30/2019	500.00
125105	879138	Stantec Consulting Services, Inc.	08/30/2019	4,046.00
125106	UB*11666	CHEEKY'S INC.	08/30/2019	26.06
125107	UB*11667	TYLER COLEMAN	08/30/2019	35.07
125108	UB*11669	ROSALIO GARCIA	08/30/2019	93.53
125109	UB*11668	OWNITX	08/30/2019	40.97
125110	114239	Chris Bolyard	08/30/2019	116.25
Total for 8/30/2019:				1,605,581.52
125137	&525	American Staffing, Inc.	09/06/2019	305.49
125138	037600	AT&T	09/06/2019	22.34
125139	626400	Campo & Poole Distributing, LLC	09/06/2019	8,087.53
125140	637828	Century Link Communications, LLC	09/06/2019	102.62
125141	879247	Day Wireless Systems	09/06/2019	765.20
125142	520400	Dorman's, Inc.	09/06/2019	51.71
125143	878915	Jacobs	09/06/2019	446,760.04
125144	602320	NAPA Auto Parts	09/06/2019	5.49
125145	501200	Norm's Auto Electric	09/06/2019	398.58
125146	572000	Ontario Sanitary Service, Inc.	09/06/2019	313.06
125147	242083	State of Oregon Department of Transportati	09/06/2019	3.00
125148	614087	PORAC LDF	09/06/2019	345.00
125149	642093	Red's Automotive Repair, Inc.	09/06/2019	229.28
125150	689005	Chad Sombke, Ph.D., PC	09/06/2019	400.00
125151	130950	Sparklight Business	09/06/2019	458.65
125152	878931	Tire Factory of Ontario	09/06/2019	230.00
125153	788402	TransUnion Risk & Alternative Data Soluti	09/06/2019	140.00
125154	879151	Waste-Pro	09/06/2019	50.00
125155	774001	Wtechlink	09/06/2019	300.00
125156	UB*11672	MARCOS AMAYA \$	09/06/2019	58.01
125157	010500	Tori Barnett	09/06/2019	160.50
125158	879408	Sam D'Addabbo	09/06/2019	260.50
125159	879189	Chief Terry Leighton	09/06/2019	211.95
125160	UB*11671	CHRISTOPHER MARTIN	09/06/2019	61.23
125161	UB*11670	ALLEN MCCONATHY	09/06/2019	91.52
125162	879322	Eduardo Mendoza	09/06/2019	99.98
125163	PHELPS	Scott Phelps	09/06/2019	125.00
Total for 9/6/2019:				460,036.68
125164	818000	U S POSTMASTER	09/09/2019	470.00
Total for 9/9/2019:				470.00
Report Total (185 checks):				3,070,803.43