# CITY COUNCIL WORK SESSION MINUTES
## September 5, 2019

The scheduled Work Session of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Thursday, September 5, 2019, in the Council Chambers of City Hall. Council members present were Riley Hill, Dan Capron, Michael Braden, Norm Crume, Freddy Rodriguez, and Ramon Palomo. Marty Justus was excused.

Members of staff present were Adam Brown, Tori Barnett, Dan Cummings, Terry Leighton, Kari Ott, Peter Hall, Cliff Leeper, Jon Esplin, and Dan Beaubien.

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 September 3, 2019. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

Request to add Item 10F, Code Enforcement, and Item 10G, Licensing of Dispensary Employees.

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

## SPECIAL ACTION

**PERS Side Account**

Mayor Hill stated he had asked the City Manager to put this check in front of the Council so that he could sign it and show it was $1,243,103. The money was in addition to the regular PERS contributions that were made on behalf of the employees. In the past, it had risen to just over $16M in arrears. This check was an assessment against that $16M.

Adam Brown, City Manager, stated staff had received notification from the state that money would be matched by approximately $500K. The current payment, in addition to the $900K the city had paid last year, gave a bit over $2M. PERS was going to be reevaluated during the next biennium.

## PRESENTATION

**Homelessness: Community in Action** *(Document attached)*

Barb Higinbotham, Executive Director, presented. Also in attendance was Heather Echeveste.

Mayor Hill stated that many people wanted to assist the homeless, but not in their own backyards. There were approximately 190 homeless in this area; how many of those were mentally ill vs. drug related vs. people just down and out.

Ms. Higinbotham stated she did not have those numbers. She was aware of an incident over the past few days where almost 30 people were removed from someone's private property, and most were high drug and alcohol use, high risk probably for mental illness, and they absolutely could not take away someone's free will.

## OLD BUSINESS

**Move Council Meeting Time to 6:00 p.m.**
CRUME moved, CAPRON seconded, **TO CHANGE THE TUESDAY NIGHT COUNCIL MEETING FROM 7:00 P.M. TO 6:00 P.M., BEGINNING OCTOBER 1, 2019.** Roll call vote: Braden-yes; Justus-out; Palomo-yes; Crume-yes; Rodriguez-yes; Capron-yes; Hill-yes. Motion carried 6/0/1.

**Resolution #2019-131: Border Board Incentive Program Application**
Adam Brown, City Manager, presented.

CRUME moved, BRADEN seconded, **THAT THE CITY COUNCIL ADOPT RESOLUTION #2019-131, A RESOLUTION AUTHORIZING PARTICIPATION IN THE PROGRAMS OF THE EASTERN OREGON BORDER ECONOMIC DEVELOPMENT BOARD.** No vote.

Councilor Braden stated being the first to act set a good precedent. It showed the city was on board, and it was up to the Border Board to get the other entities to buy-in.

Mayor Hill stated he supported the program, but was hesitant to vote on it until all issues were hashed out.

Roll call vote: Braden-yes; Justus-out; Palomo-no; Crume-yes; Rodriguez-no; Capron-no; Hill-no. Motion failed 2/4/1.

Council consensus to bring the issue back before Council at the September 17th meeting.

**Ordinance #2762-2019: Create OMC 7-7 "Public Smoking Restrictions" (First Reading)**
Adam Brown, City Manager, presented.

BRADEN moved, CAPRON seconded, **THAT 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, ON FIRST READING BY TITLE ONLY.** Roll call vote: Braden-yes; Justus-out; Palomo-yes; Crume-yes; Rodriguez-no; Capron-yes; Hill-yes. Motion carried 5/1/1.

**Ordinance #2763-2019: Amend OMC 7-7, Add Section 3 "Prohibit Smoking on Public Facilities (First Reading)**
Adam Brown, City Manager, presented.

BRADEN moved, CRUME seconded, **THAT THE CITY COUNCIL ADOPT ORDINANCE #2763-2019, AN ORDINANCE ADDING SECTION 7-7-3 UNDER TITLE 7 OF THE ONTARIO MUNICIPAL CODE PROHIBITING SMOKING ON CITY FACILITIES, ON FIRST READING BY TITLE ONLY.** No vote.

Councilor Crume asked for a clear definition of city facilities.

Mr. Brown stated after conferring with the City Attorney, the definition needed better clarification. Staff had meant for it to be only city campuses, not parking lots or alleys, etc. Staff would amend the definition in the first ordinance (#2762-2019), and the second ordinance, if that was the desire of the Council, wouldn't change. All the definitions were in the first ordinance.

CAPRON moved, CRUME seconded, **THAT THE COUNCIL TABLE THIS ACTION UNITL THE SEPTEMBER 17TH MEETING.** Roll call vote: Braden-yes; Justus-out; Palomo-yes; Crume-yes; Rodriguez-yes; Capron-yes; Hill-yes. Motion carried 6/0/1.

Council consensus to have the language of Ordinance #2764-2019 incorporated into Ordinance #2762-2019 when it came back before Council for potential adoption.

## NEW BUSINESS

**Appointment to Airport Committee: Alternate Position**
Applications were received from Toiresa Frazier and Barbara Brody.

CRUME moved, CAPRON seconded, **TO APPOINT BARBARA BRODY TO THE ALTERNATE POSITION ON THE ONTARIO AIRPORT COMMITTEE.** Roll call vote: Braden-yes; Justus-out; Palomo-yes; Crume-yes; Rodriguez-yes; Capron-yes; Hill-yes. Motion carried 6/0/1.

## DEPARTMENT HEAD UPDATES

**Financial Monthly Report** *(Attached)*
Kari Ott, Finance Director, presented.

**Public Works Quarterly Report** *(Attached)*
Cliff Leeper, Public Works Director, presented.

## DISCUSSION ITEMS

**Council Rules & Procedures Policy** *(Draft attached)*
Adam Brown, City Manager, stated this was before that the request of the Council. The document before them, barring the red, struck-out sections, or new content, this was the existing Council Rules of Order. He was not asking them to act on it at the current meeting, but to please review, digest, and provide feedback.

Councilor Braden commented that the section on Council decorum had been expanded quite a bit, speaking to the Sergeant-at-Arms and the removal for unruly behavior. At an LOC presentation, CIS highly recommended that that action never been taken, so he assumed that Mr. Brown was aware of that and was just covering their bases by including it. He was fine with it not being in there before. They really shouldn't remove anyone from the Council Chambers.

Mr. Brown stated it was a bad situation if they were having to make that decision, but to not have a policy where they were authorized to remove someone could also be potentially dangerous.

**Council Strategic Plan** *(Attached)*
Adam Brown, City Manager, presented.

**Senator Merkley Water Legislation Bill**
Mayor Hill stated he had received an email from Merkley's office, that he had passed on to the City Manager, and the email stated that Senator Merkley was a Chairman of some water committee that he had some authority over to include items that Oregon might want to see done. Mr. Brown was going to send out some recommendations, asking for money.

Mr. Brown stated when he reviewed the Bill, and the projects associated with it, many of them were dealing with water quality, shoreline restoration, preservation issues, and much of that came into play with the Snake River, where the homeless encampments were located. Some were actually burrowing into the side banks. There was human feces along the shoreline, and it could be a real mess down there. There was federal money available for those. He also wanted to meet with the Public Works Director, to review the NPDES, looking for projects. Many of the first five-year permits were studies, but some were inflow and infiltration.

Mayor Hill stated he had shared this with Senator Bentz, who told him to take the bike path clear to Nyssa. He told Senator Bentz we'd be working on our own for now.

**SRCI Contract Update**

Adam Brown, City Manager, stated they'd held some positive conversations with SRCI, both Department of Justice and Department of Corrections. They'd also talked about the contract at the last meeting with the Public Works Committee, who made the recommendation to not accept an extension without a tentative agreement, or the statement that some points had been agreed upon and the contract just needed to be reduced to writing. That was what staff presented to SRCI at their last meeting. During the phone conference, SRCI agreed to those stipulations. Mr. Sullivan worked with the state's attorney, and the first draft was currently before them.

Mayor Hill stated negotiations and extensions were fine, but bottom line, was the city going to receive more money, be static, or received less money?

Mr. Brown stated his belief was that wastewater would be less; however, the water would be an increase. Wastewater side was a decrease of approximately $20K less per month; the water was not a dramatic increase.

Mr. Sullivan stated it was clear that after quite some time, the State of Oregon was finally accepting responsibility for the cost of doing the repairs on the water and wastewater infrastructure that was serving only SRCI. If the contract was worded correctly, the ratepayers would not be paying anything for the cost of doing repairs unique to SRCI water and wastewater treatment system.

CRUME moved, BRADEN seconded, **TO AMEND THE AGENDA TO INCLUDE ACTION ITEM INTERGOVERNMENT AGREEMENTS #1879 AND #5490.** Roll call vote: Braden-yes; Justus-out; Palomo-yes; Crume-yes; Rodriguez-yes; Capron-yes; Hill-yes. Motion carried 6/0/1.

CRUME moved, CAPRON seconded, **TO APPROVE AMENDMENT #3 TO INTERGOVERNMENTAL AGREEMENT #1879 REGARDING THE WATER EXTENSION PROJECT.** Roll call vote: Braden-yes; Justus-out; Palomo-yes; Crume-yes; Rodriguez-yes; Capron-yes; Hill-yes. Motion carried 6/0/1.

CRUME moved, CAPRON seconded, **TO APPROVE AMENDMENT #4 TO INTERGOVERMENTAL AGREEMENT #5490 REGARDING THE WASTEWATER EXTENSION PROJECT.** Roll call vote: Braden-yes; Justus-out; Palomo-yes; Crume-yes; Rodriguez-yes; Capron-yes; Hill-yes. Motion carried 6/0/1.

**Airport Wastewater Extension**

Adam Brown, City Manager, stated the estimate was over $100K. The proposal was to extend the sewer which went past Fire Station 2, to the edge of the road leading into the Airport. It would go under the road, going South, connecting Life Flight, and an opportunity to connect the three large hangars that were in the Airport layout plan, connect the FBO, and also a spot where the TVCC students would likely be located.

Council consensus to place this item for action on the next Agenda.

**Licensing of Dispensary Employees**

Councilor Crume brought this forward based on some conversations from the community. The question was how fast was the city getting the employee background checks completed.

Mr. Brown stated the city had not prohibited anyone from opening, but the latest data he had was that staff had processed about one-third of the Burnt River Farms employee, so around 5 or 10 employees.

Councilor Crume stated he realized staff had not stopped anyone from opening, but the regulation stated background checks should be completed within two days. Was there any way to make it happen faster? How much faster could it happen if each police officer on duty that day had to do one background check a day? He was just searching for an answer to get it done timely. He didn't even know if it was appropriate for them to do.

Mr. Brown stated he wasn't sure how many were actually authorized to do a background check. He'd speak with Chief Romero about it. He didn't recall the exact amount to do the check, but staff was spending, from the Chief's perspective, close to $220 that was being charged, in terms of hours.

Mayor Hill asked what they were looking for when they did a background check.

Mr. Sullivan stated if a potential employee had a felony conviction for a violation of distributing or possessing a Schedule One controlled substance.

Councilor Crume stated for example, if Hot Box opened next week, and as it was being done now, staff would not be able to certify any Hot Box employees, so what if one of his employees turns out to be bad. It didn't appear this was being done at a level he thought it should be. It needed to be done faster.

Mr. Sullivan informed the Council a city couldn't get sued for not doing something, unless there was a legal obligation to do it. Ontario did not have a legal obligation to conduct background checks on these employees.

**Code Enforcement**
Councilor Crume stated he was happy to hear that they were moving forward with hiring a second Code Enforcement Officer. However, were they going to be working the same shift?

Mr. Brown stated he was leaving that up to the discretion of the Chief, but believed there would be an off-set shift, allowing for greater coverage, along with six days a week.

Councilor Crume asked if when the Code Enforcement Officer was pulled into another situation, or emergency, etc., was he clocking out to do reserve officer work, or did he stay on the clock for regular shift work?

Mr. Brown stated the Code Enforcement Officer was pulled off that work on occasion as needed, but they did not clock out.

Councilor Crume stated if the Code Enforcement Officer was doing work as a reserve policeman, which was an unpaid position, was that particular officer being paid?

Mr. Brown stated the Chief used the Code Enforcement Officer for things outside of Code Enforcement during the regular business hours. He'd need to get with the Chief on the payment situation.

Councilor Crume stated it appeared the budget set aside for Code Enforcement was being used for that office to due actual police work. He struggled with the correctness of that.

Mr. Brown stated he shared that concern, but it didn't happen very often.

## HAND-OUTS

**Department Stats:** *(Attached)*
Public Works: August 2019
Fire & Rescue: August 2019
Code Enforcement: August 2019
Police: August 2019

**Minutes:** *(Attached)*
County Court: August 7, 14, 2019
Public Works Committee: May 14, July 15, 2019

## CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Councilor Rodriguez stated he was beginning the planning stages for this year's haunted house, and encouraged anyone with any ideas, contact him.
- Councilor Rodriguez stated it was time for round two of the Ontario Hydrant Repaint Project. It was scheduled for Saturday, the 14th, Lion's Park, 8:00 a.m.
- Mayor Hill stated he and Councilor Capron had passed some letters to the City Manager.

## EXECUTIVE SESSION

**Executive Session: ORS 192.660(2)(e)**
An executive session was called at 9:05 p.m. under provisions of ORS 192.660(1)(e) to discuss real property issues. The Council reconvened into regular session at 9:36 p.m.

CRUME moved, CAPRON seconded, **THAT THE CITY COUNCIL GRANT AN EXTENSION TO OCTOBER 3, 2019, FOR THE PRICE OF $5,000, AND TO KEEP THE ALREADY RECEIVED $10,000 EARNEST MONEY AS NON-REFUNDABLE, ALONG WITH THE ADDITIONAL $5,000.** Roll call vote: Braden-yes; Justus-out; Palomo-yes; Crume-yes; Rodriguez-yes; Capron-yes; Hill-yes. Motion carried 6/0/1.

## ADJOURN

CAPRON moved, PALOMO seconded, **THAT THE MEETING BE ADJOURNED**. Unanimous voice agreement. *(8:58 p.m.)*

**ACCEPTED:**

Riley J. Hill

Riley J. Hill, Mayor

**ATTEST**

Tori Barnett

Tori Barnett, MMC, City Recorder