



CITY COUNCIL WORK SESSION MINUTES July 3, 2019

The scheduled Work Session of the Ontario City Council was called to order by Mayor Riley Hill at 12:00 p.m. on Thursday, June 6, 2019, in the Council Chambers of City Hall. Council members present were Dan Capron, Michael Braden, Marty Justus, and Freddy Rodriguez. Ramon Palomo and Norm Crume were excused.

Members of staff present were Adam Brown, Tori Barnett, Larry Sullivan, Dan Cummings, Jason Cooper, Terry Leighton, Kari Ott, Peter Hall, Steven Romero, 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 July 2, 2019. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

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

PUBLIC COMMENTS

Angie Navarete, stated: *I don't know if everyone is aware, but there is a situation with transit and bums coming in to town. This weekend we about lost our home because of it. They were living on our property and we had no idea. I have now been talking to different people, and somebody who works for the City of Boise, and they are bringing bums to Love's and giving them \$100 and telling them that we have more to offer here than they have in their area. This weekend it was scary. My husband was out of town, and it took about 20 minutes for the Fire Department to get there because we live out in the country. Something needs to be done. I don't know if we need to talk to the City of Boise, or what, but they are roaming everywhere and they are out in the country and it's scary for our town, for our kids, for everything. This particular person is a heroin addict, and was using, and it's just so scary. I don't know what else to say. It was in the paper. A guy below us almost lost his home also. They were out there from 6:30 to 11:30. We had Vale, Nyssa, Weiser, everybody was trying to fight the fire to keep the homes safe. We lost some bushes and grass, but thank God, with all the fire departments fighting, we didn't lose our home. It was very close to our house. The flames were as big as our home, and I was just with the hose trying to fight it for 15 minutes. It was so scary. She fell asleep in a tree, smoking a cigarette, and caught the whole hillside on fire.*

Mayor Hill stated she was in the county, so the issue needed to be taken to the County Court; however, the city was sensitive to the situation. Regarding the information about someone in Boise was giving transients \$100 and bringing them over and dropping them off in Ontario. Did she have any further information on that?

Ms. Navarete replied: *Also, I guess, Portland is taking them to Boise, bussing them to Boise, and Boise is bringing them to here. It's not only one person that has told me that. It's been several different people. The reason why I'm coming to you guys is because their dumping them at Love's, which is in the city. I'm just trying to go anywhere and everywhere to get something done about it. So tell me where I need to go, or what I need to do. We just need to be aware of what's going on before it gets out of control.*

Mayor Hill stated first, they'd need more information to prove that was happening.

Ms. Navarete stated: *This girls' actually from Medford, Oregon, and she's still in custody and I've asked the Police Department and people to ask her more questions. How she got here, so maybe we can find that out.*

Councilor Rodriguez stated that over the past four years he'd lived in this area, he had gone under the bridge by Walmart to meet people that resided there. He had been told directly they had been brought here by Boise PD. He had not heard of the \$100 payment, maybe those he spoke with weren't as fortunate, but he'd met them. He had no names, but it was within the last three years.

Ms. Navarete stated: *My client, her husband, they live in Fruitland, and they can't come and say anything because they are afraid for their jobs, so I don't know what else to do. I'm just trying to go somewhere to get it stopped.*

Mayor Hill stated he was at a loss as to where to go with this.

Ms. Navarete stated: *I laughed when it was, that's how the fire started. When I'm up there fighting it, and then I come and get told that that's who started it, I'm like, are you serious? I had my kids in my backyard thinking that they're safe, jumping on the trampoline, and I have heroin addicts right, not feet away from my home.*

Councilor Justus stated the city had a Homeless Task Force, consisting of Sheriff Wolfe, the Nyssa Police Chief, and they had been told last year that it was coming and it was going to get worse. The response from the city was that they'd cut their budget for homeless projects because of budget constraints. The city had an agreement with Nyssa and Vale, chipping in equal amounts of money, to help at least have a shelter for them to go to, so they weren't just everywhere.

Ms. Navarete stated: *That's just it. They've all been told that we're building a shelter. That's why they're coming.*

Councilor Justus stated the city was not. It has a lot to do with the state's decriminalization of drugs. You can come to Oregon to get stoned, get high, or do illegal drugs, and it not a criminal act, as it was in Idaho. The city was already a magnet.

Mayor Hill stated they could not give her a solution or a resolution, but were sensitive to it.

Adam Brown, City Manager, stated in a previous meeting, they had discussed the issue of the homeless inhabiting vacant structures, and this was something along those lines that could be merged in with putting together to look at, such as an intergovernmental team. Chief Romero had done some research on the laws and the city's ability to react to them within the city, which would be similar to the county.

Mayor Hill stated he wasn't sure what to do without proof they were being dumped in Ontario from other jurisdictions.

Councilor Rodriguez asked if the task force would include any counties in Idaho? That's where they were coming from.

Mr. Brown stated they could be invited.

Councilor Justus stated it was urban legend that jurisdictions were giving money to leave; however, when he lived in Texas, Houston was giving bus fare to all their homeless to get to Galveston. He didn't believe there were municipalities giving funds, but he did believe...he knew the Fruitland PD cleaned out under the bridge on the Idaho, and pushed them over to Ontario.

Councilor Rodriguez stated he didn't believe it was a myth. Any city had, at any given time, they could find the need to minimize the visible and actual count or population of homeless in a certain city. If Boise needed to make their homeless count decrease for some reason, they'd remove a bunch so the number would be low.

Mayor Hill stated Ms. Navarete needed to go the County Court with this issue.

Daniel Burks, representing American Legion Post #67, asked that the Mayor approve a Proclamation declaring August 3, 2019, as American Legion of Ontario Post 67 Day.

SPECIAL ACTION

Lieutenant Jason Cooper, Ontario Police Department

Adam Brown, City Manager, and Steven Romero, Police Chief, presented Lieutenant Cooper with a plaque in appreciation for his work as Interim Police Chief.

PRESENTATIONS

Chamber of Commerce Annual Update: (Attachments)

Kathy Yasuda, Board Member, opened, followed by John Breidenbach, CEO. Also in attendance were Board members Kathy Yasuda, Les Alexander, and Sandy Hemenway.

Four Rivers Cultural Center Annual Update: (Attachments)

Matt Stringer, Executive Director, presented.

NEW BUSINESS

Liquor License: Two Aces Mexican Restaurant, LLC

Mayor Hill declared a conflict of interest, and abstained from participating in the action.

Steven Romero, Police Chief, presented.

BRADEN moved, RODRIGUEZ seconded, **THAT THE CITY COUNCIL APPROVE THE NEW OUTLET, FULL ON-PREMISES COMMERCIAL SALES LIQUOR LICENSE APPLICATION FOR TWO ACES MEXICAN RESTAURANT, LLC.** Roll call vote: Braden-yes; Justus-no; Palomo-out; Crume-out; Rodriguez-yes; Capron-yes; Hill-abstain. Motion carried 3/1/2/1.

Liquor License: Ontario Liquor Store, LLC

Steven Romero, Police Chief, presented.

JUSTUS moved, CAPRON seconded, **THAT THE CITY COUNCIL APPROVE THE NEW OUTLET OFF-PREMISES LIQUOR LICENSE APPLICATION FOR THE ONTARIO LIQUOR STORE, LLC.** Roll call vote: Braden-yes; Justus-yes; Palomo-out; Crume-out; Rodriguez-yes; Capron-yes; Hill-yes. Motion carried 5/0/2.

Liquor License: Guru Hospitality, LLC

Steven Romero, Police Chief, presented.

CAPRON moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE THE CHANGE OF OWNER, FULL ON-PREMISES COMMERCIAL SALES LIQUOR LICENSE APPLICATION FOR GURU HOSPITALITY, LLC.** Roll call vote: Braden-yes; Justus-yes; Palomo-out; Crume-out; Rodriguez-yes; Capron-yes; Hill-yes. Motion carried 5/0/2.

Resolution #2019-125: Adoption of the Natural Hazards Mitigation Plan

Adam Brown, City Manager, presented.

CAPRON moved, JUSTUS seconded, **THAT THE CITY COUNCIL APPROVE RESOLUTION #2019-125, A RESOLUTION ADOPTING THE MALHUR COUNTY NATURAL HAZARDS MITIGATION PLAN.** Roll call vote: Braden-yes; Justus-yes; Palomo-out; Crume-out; Rodriguez-yes; Capron-yes; Hill-yes. Motion carried 5/0/2.

2019-2021 Intergovernmental Agreement for Regional Hazardous Materials Emergency Response Team Services

Terry Leighton, Fire Chief, presented.

CAPRON moved, BRADEN seconded, **THAT THE CITY COUNCIL AUTHORIZE THE MAYOR AND FIRE CHIEF TO SIGN THE BIENNIAL 2019-2021 INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ONTARIO AND THE OFFICE OF STATE FIRE MARSHAL.** Roll call vote: Braden-yes; Justus-yes; Palomo-out; Crume-out; Rodriguez-yes; Capron-yes; Hill-yes. Motion carried 5/0/2.

DEPARTMENT HEAD UPDATES

Financial Update: May, 2019 *(Attached)*

Kari Ott, Finance Director, presented.

Ontario Police Department Semi-Annual Report *(Attached)*

Steven Romero, Police Chief, presented.

DISCUSSION ITEMS

Discussion of City Noise Ordinance

Councilor Rodriguez stated he wanted the chance to discuss the existing ordinance. Many citizens had contacted him about this, as they did not like loud music. Primarily, it was on Sundays. Mr. Brown had indicated the day limit was 70, and the night was 60. The main complaint was that what was currently in place, was not working. It was not being enforced. He didn't think it was an enforcement issue; it was more how it was worded. It needed to be reviewed. One main issue was in the measurement of the noise. The ordinance read that the noise was to be measured at the location of the complainant. Some did not believe that was the fair way to measure. He understood the need for stricter wording, but also more leniency or openness when the option was there for a citizen to apply for a noise waiver. Was that an actual option?

Chief Romero stated they needed to consider both state and local laws. Those two didn't always match. State law allowed up to an arrest for disturbing the peace; however, the local law only allowed up to a civil action. He believed an educational approach should be taken first before taking it to the next level.

Councilor Rodriguez stated the main complaint was that a complaint was called in, an officer arrived, the music was turned down, the officer left, and the music went back up. In other cities, there were fines attached if an officer had to repeatedly respond to the same location for the same complaint over a certain period of time.

Chief Romero stated the final step would be an actual citizen's arrest, which was a legal process, not a physical one. A citizen would call for service, the police would respond, and the two parties would discuss the situation. The police weighed the tangible evidence to support the citizen's claim. If there was sufficient probable cause to support the claim, the option for a citizen's arrest was in play. The citizen would sign an affidavit, sign the demand for a citizen's arrest, and the officer would do the physical arrest or issue a citation. The DA would determine if the evidence of the issue warranted a case.

Chief Romero stated with regard to a waiver, under Section E of the ordinance, it read that the Chief of Police had the authority to issue a variance; however, no one could locate an application for that variance.

Larry Sullivan, City Attorney, stated it was probably true that very few residents were aware of the details of the City Code. Anyone who wanted to read the Code, could do so online on the city's website. The existing ordinance was adopted 12 years ago.

Mayor Hill stated two issues stood out to him. First, 7:00 a.m. start. He knew that there were jobs that needed to be done earlier due to weather, for example, pouring concrete. Second, church bells. Some churches had their bells ring more often. He believed it needed to be reviewed and a waiver application needed to be developed.

Councilor Capron stated the neighbors behind him not only lowered his property value, but they also drove him crazy. He had called dispatch several times with a noise complaint, and dispatch informed him that they could make noise until 11:00 p.m., or midnight, or they had a waiver. This was from dispatch! He'd been contacted for officers who also stated different times. He was told to measure the noise level. With what? It sounded like it was

measured with their phones. He had loud bass, drunks, music all day and all night. He actually gave up, and he had spoken with quite a few others who also gave up on even contacting dispatch, because dispatch told them they could make the noise. Everyone felt there was no outlet. Calling dispatch was no help.

Councilor Rodriguez wanted staff to review the existing ordinance, maybe sharpen it up. They also needed to create a variance. But, both sides needed to be represented.

Mr. Brown stated staff would ensure an application was developed and accessible. They would also review all aspects, all sections, of the ordinance, and bring it back to Council for review and discussion.

Department Head Presentation Frequency

Mayor Hill stated he was not pleased with limiting the presentations. Making the presentations less than quarterly really limited the information the Council was provided, and if limited information to the public. It went against the policy of Openness. He was opposed to changing the presentations to semi-annual reporting.

Councilor Capron stated it had been brought up before, and the Council had consensus on the change. It was his understanding that it was to allow staff more time to do their jobs, but still provide the Council with information. They wouldn't have to put together a "picture show" every quarter. If the Council was doing their job, they'd be asking questions and meeting with staff.

Mr. Brown stated he was not opposed to keeping the quarterly schedule for Police, Fire, and Public Works. It gave those departments more face time. He spoke with Councilor Crume that morning, who stated because he had been on the Council for quite some time, that maybe he was more aware of things than others, and he needed to be more sensitive to some of the newer members. Staff would do whatever the Council directed, but he did would be more comfortable with reporting on a more frequent basis.

Councilor Rodriguez agreed. He, being new, wanted the most information and details as possible.

Council consensus to continue the quarterly presentations.

Fire Hydrants

Councilor Rodriguez stated he spoke with Jacobs, who was on board with helping out with the project by providing materials. Citizens had been speaking to him about the condition of the paint jobs on the city's fire hydrants, and wanted to repaint them. He initiated a movement to gather citizens to form a group to do the project. He was hopeful there would be Councilors interested in participating. There were approximately 700 hydrants, and Jacobs would create grids. The group would do the painting, and Jacobs would follow-up with painting on the numbers.

Terry Leighton, Fire Chief, stated he had been approached by Councilor Rodriguez on the project. It was generally done by staff in Public Works. As they had the specifications, he directed Councilor Rodriguez to speak directly with staff from Jacobs.

Mr. Brown stated he had spoken with Maura Kirby, Kinney & Keele Hardware, who stated her company would be interested in donating paint for the project.

HAND-OUTS

Department Stats: (Attached)

Public Works: June 2019

Code Enforcement: May 2019

Police: May 2019

Fire & Rescue: June 2019

Minutes: (Attached)

County Court: 05-29-2019; 06-05-2019; 06-12-2019; 06-19-2019

SREDA: 06-04-2019

Packet: (Attached)

V&C Board: 07-11-2019

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- ✓ Mr. Brown stated that the City Attorney had been working on the SRCI issue regarding water and sewer. They planned to meet in mid-July. Staff could present the draft proposal to Council at the next meeting. They'd also take the draft to the Public Works Committee.
- ✓ Councilor Justus stated one of his property owners had to install a new sewer line due to degradation. She had received a bid for \$15,000. It was \$5K from the house to the curb, and the balance to go into the street. From SE 7th or 8th, up to NW Verde, there were houses all built in the same era of the 40s, 50s, and 60s. All of them could have that Orangeburg pipe that could be degrading. He understood that it was the property owner's responsibility to replace it. But, a \$15K expense on one of those little houses, an unbudgeted expense, could not be done. The property values decreased. He would like the Council to entertain some type of permanent loan fund from the Sewer Fund, allowing individuals to borrow money, pay for the expense, and pay it back, similar to an LID. The property would be upgraded, and the funds would be reimbursed. If the house were to be sold, the sellers could negotiate selling that debt with it. He was seeking a solution for those homeowners who could not pay for that type of fix.

Mr. Brown stated fiscally, he did not believe there would be an issue with using sewer funds, or water funds, for this type of action.

Dan Cummings, Community Development Director, stated the state had a loan fund for emergency issues such as this. The city was currently involved with one on NW 4th Avenue. The property owners received a low-interest loan from the state to assist them in getting their sewer installed.

Council consensus to have staff investigate the idea presented by Councilor Justus.

- ✓ Councilor Justus requested the Council institute an Ethics Policy. If the Mayor or the Council had an issue that came before them that involved an existing ordinance, it needed to be transparent. He didn't want anything to look. If those existed, where they being used? If one was in place, he'd like a copy. There was an ordinance on the books that needed to be amended because an application was made. He wasn't against the application, but he was against that it wasn't disclosed.
- ✓ Mayor Hill stated the action regarding the surcharge on phones had passed the legislature, and the Governor either had signed it, or would be signing it. During the budget hearings, it was stated that if that law passed, the city would be removing the \$5 fee off the utility bill. When would that occur?

Mr. Brown stated his recollection of the motion was that it was commensurate with the reduction in the cost for 9-1-1 services from the Sheriff's Department at whatever rate it was reduced. The 9-1-1 Committee wasn't scheduled to meet again until September. He asked the Secretary of that Committee, Sheri Smith, to meet sooner because of that issue. He was still attempting to get them to meet sooner. He believed they would, but they wanted to see what the revenue was. The Budget Committee's recommendation was tied to when the city would begin receiving the funds. He wanted to get the 9-1-1 Committee together so they could determine what the county was planning to do regarding cost for 9-1-1 services, and then they could remove all or part of that charge.

Mayor Hill stated his recollection was not an offset. It was that if that law passed, the city would remove that \$5 charge.

Councilor Braden stated no, it had been stated it would be when the funds were credited, but it might not cover the entire \$5, so it would be a matching amount to the reduction.

Mayor Hill did not recall that, and asked to be provided a copy of the Budget Hearing minutes. Whatever the minutes reflected, that's the direction the Council would take.

- ✓ Councilor Capron stated to the Oregon 11 that held off the Cap & Trade, thank you!

ADJOURN

CAPRON moved, BRADEN seconded, **THAT THE MEETING BE ADJOURNED.** Unanimous voice agreement.

ACCEPTED:



Dan Capron, Council President

ATTEST



Tori Barnett, MMC, City Recorder