



CITY COUNCIL WORK SESSION MINUTES November 7, 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, November 7, 2019, in the Council Chambers of City Hall. Council members present were Riley Hill, Dan Capron, Michael Braden, Norm Crume, Freddy Rodriguez, Ramon Palomo, and Marty Justus.

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

Also present was County Court Judge Don Hodge, County Commissioner Larry Wilson, and Malheur County Planning and Zoning Administrator Eric Evans.

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 November 5, 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: Braden-yes; Justus-yes; Palomo-yes; Crume-yes; Rodriguez-yes; Capron-yes; Hill-yes. Motion carried 7/0/0.

PUBLIC COMMENT

Lori Davis, Huntington, stated: *I currently own Express Delivery Services, located here in Ontario. I opened about nine months ago. I have applied for a taxi license for Ontario. My reasoning for applying for that taxi license is to operate for Malheur County and Payette County. It is my understanding that there may be a denial tonight for that application, so I want to ask the Council that they consider approving that for many different reasons. I provide the community with a program called Free Anti-DUI Rides. Since I've been open, I have provided 400 of those rides. My commercial insurance has been cancelled because I do not have a taxi license. I need that taxi license and the credentials to continue doing what I do for my community. The Chief will be able to explain a little bit more, and maybe you can ask me some more questions later on. I have provided a packet. I'm not really sure, I guess, how this process works, but I've given you guys a copy of our city's application and the city ordinances. I have also given you a copy of the nearest town's application and their ordinances, as well, so that you can kind of see the differences. Our ordinances are very outdated. They're from 1998. So, I feel that we need to revise those ordinances. They need to be worked on. I understand that there are rules that we all need to follow by, but I also want to be here for my community. I do a lot for my community. I feel that there need to be more options than just one taxi service, and a lot of it comes out of my pocket, so I want to be able to apply for grants, and I can't do that unless I have the credentials of that license. Part of the taxi license is that you need to be able to pass a background check, and I'm going to be honest with you; I do have some things on my background, but they are very old. I've done a lot to make amends, and I've made a huge change in my life. A huge change. I have not been in any trouble for a really long time. I have a lot of reviews on my business page that can prove, and I have attached a couple of them in that packet that I've provided to each and every one of you, that can show you what I do for my community. So I'm here today just to explain that I'm not asking for anybody to change any rules for me, but I would like for you to*

consider. In our ordinances, it does not have a timeframe at all about any conditions at all. There is on one page, Uber is a big, huge company. They spell it out for you. It states right here for Uber: felony convictions cannot be within the last seven years. Our ordinance doesn't even give you a timeframe at all, at all, it doesn't even say that. So, honestly, I could get so many jobs right now, so many professional jobs. I could even become a police officer, my felony is so old, but I can't be a taxi cab driver. That's very strange to me. I've had to quit providing these services to my community because I don't have those credentials. So, I guess after you hear from the Chief, maybe if the Council can just reconsider and maybe think about that a little bit, and just go from there, that would be great. Thank you

Stephanie Dowell stated: So I've provided you guys with what currently how Arrow Express talks to the community about being prosecuted for encroaching territory, but yet I can't even get an ABN on them from the State of Oregon. I can't find the VIN, I can't find their LLC, but they have an ABN out of Idaho. Seems kind of concerning to me how are they paying their employees without a VIN number. I feel that this town is growing and needs more options for a taxi service. It's really important. I am from Portland, and Uber was great going there, but sometimes Uber got really busy. It was good to have another backup option when you needed a ride. I believe this is a great asset to the community as we are growing, we're getting bigger. I used to live here about four years ago, and when I came back here in March, I saw how much the town has grown, and how many more jobs there are now, and this really is providing jobs, it's providing safe rides for everybody. I'm aware that Arrow Express does like to close down whenever they want and Express Delivery wants to be more open and providing jobs for people. They really need it in this town. That's all I've got; just my concerns. Really, this other taxi company, I feel they're very harassing, and after I did post this asking for their information, they deleted the post afterwards, so I feel like they know what they're doing, and here you have somebody that is trying to make a change in their life, trying to serve the community, get grants, and do good things for this community, and this is being denied, because they want to make a difference.

SPECIAL ACTION – JOINT PUBLIC HEARING

Ordinance #2766-2019: Joint Public Hearing with Malheur County Court for an Ordinance Amending the City of Ontario Comprehensive Plan and Zoning Maps for Expanding the urban Growth Boundary to Chang the Designation of Certain Land from County Exclusive Farm Use (C-A1) to Ontario Urban Growth Area (UGA); Rezoning said Certain Land to Urban Growth Area-Residential (UGA-R); and Declaring an Emergency

It being the date advertised for public hearing on the matter of Ordinance #2766-2019, the Hearing was declared open. There were no objections to the jurisdiction to hear the action, no abstentions, ex-parte contact, and no declarations of conflict of interest. Mayor Hill turned this portion of the action over to the County Court.

Judge Dan Joyce opened the hearing.

Eric Evans, Malheur County Planning and Zoning Administrator presented.

Mr. Evans stated read into the record:

Now is the time to hear the proposal to amend the Ontario Urban Growth Area/Boundary (UGA/UGB) to include property commonly identified as Map 18S47E06D TL 200 (0.94 acres) and correct the exclusion of said property from the URA when Ontario adopted the most current UGA/URA in 20Q7; and Re-zone property from C-A1/EFU to UGA-R. County Planning Department file 2019-09-00L. City's Planning Action #2019-08-57CPAMD.

Please sign in at the podium, fill out a testimony and question sheet if you have not done so already and when called to speak please state your name, address and title (if any) for the record.

1. *There is a general time limit for testimony of 5 minutes. The applicant's initial presentation will be 20 minutes; with a rebuttal of 10 minutes.*

2. *All testimony and questions shall be directed to or through the chair. Testimony and questions should not be directed to staff or directly to witnesses.*

3. *Do any members of the Ontario City Council or Malheur County Court need to abstain, disclose conflicts, disclose biases, or disclose any ex parte communications or site visits? If so, state the reason. None.*

4. *Does anyone object to any of the members of the Ontario City Council or Malheur County Court hearing this matter? No objections.*

5. *Does anyone challenge the Ontario City Council or Malheur County Court's jurisdiction to hear this matter? No challenges.*

6. *Land use statements for the record: Oregon land use law requires several items be read into the record at the beginning of this hearing. I will now read these items:*

The applicable substantive criteria upon which the application will be decided are found in Oregon State laws and rules as well as local code provisions, which are specifically set out in the Staff Report and include:

The Malheur County Code: MCC 6-10-7

*Joint Management Agreement between Ontario and Malheur County Ontario Municipal Code 108-20-30
Statewide Planning Goals 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14.*

Testimony, arguments, and evidence presented must be directed toward these approval criteria or other criteria in state law, the Malheur County Comprehensive Plan, the Malheur County Code, or the Ontario Municipal Code that the speaker believes to apply to the decision.

The failure of anyone to raise an issue accompanied by statements or evidence sufficient to afford the decision makers and the parties the opportunity to respond to the issue will preclude appeal on that issue.

An issue that may be the basis of an appeal must be raised no later than the close of the record. Such issues must be raised and accompanied by statements or evidence sufficient to afford the decision makers and the parties an adequate opportunity to respond to each issue. Failure to raise an issue may preclude raising it before LUBA.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the decision makers to respond to the issue precludes an appeal or an action for damages to circuit court.

Mr. Evans presented a report to the County Court.

Summary and Background:

Proposal. A zone change is proposed for the Property as shown on Map 1 attached as Exhibit 1. The overall affect is to bring the Property into the Ontario URA/UGB and ultimately annex the Property into the City of Ontario in order to alleviate a public health risk created by a failing onsite wastewater treatment system on the Property. The owners of the Property intend to connect to Ontario's water and sewer system.



Use/Surrounding Uses. The subject property is 0.94 acres and since approximately 1960 has been used for a single family residential dwelling. The Property is completely surrounded by lands zoned UGA-R and industrial and is irrevocably committed to other uses.

Analysis for Compliance with State and Local Regulations. The requirements of statewide Goal 14 Urbanization are required to be addressed when amending an urban growth boundary. Oregon Administrative Rules Chapter 660 Division 24 contains the requirements for addressing Goal 14 and is addressed under Section IV. Because the Property proposed for inclusion in Ontario's UGB is currently zoned EFU, a *goal exception* to Statewide Goal 3 Agricultural Lands is sought under OAR 660-004-0028 as the property is irrevocably committed to other uses. A goal exception essentially justifies why the requirements of an applicable statewide goal should not apply to a particular use that cannot reasonably be accommodated in an area that does not require an exception.

Statewide land use goals and implementing OARs applicable to this request are addressed in Section IV.

The property will be rezoned from County Exclusive Farm Use (C-AI/EFU) to Ontario UGA Residential (UGA-R). It is further anticipated that the property will be annexed into the Ontario City limits.

In addition to the requirements under Oregon's statewide goals and administrative rules, Malheur County and the City of Ontario have criteria in their zoning ordinances that must be met in order for the proposal to be approved. County and City provisions are addressed in Section III. Because the plan amendment and zone change affect land within the County's jurisdiction and the City of Ontario, both the County and City governing bodies must approve the zone change and amendment to the UGA.

This request is being processed subject the procedures for a quasi-judicial land use hearing contained in Chapter 11 of the Malheur County Code, and the Urban Growth Area Joint Management Agreement between the City of Ontario and Malheur County.

Applicable City and County Criteria and Standards:

The applicable criteria can be found in Ontario Planning and Zoning Development Standards IOB-20-30: REQUIRED FINDINGS, DECISION CRITERIA:

The Zoning Map amendment is in conformance with statewide planning goals and guidelines.

Proposed Finding: Statewide land use goals and implementing OARs applicable to this request are addressed in Section IV.

The Zoning map amendment is in conformity with the acknowledged Comprehensive plan

Proposed Finding: The Malheur County Comprehensive Plan states, "The county will work with the cities of Ontario, Nyssa, and Vale in establishing and amending urban growth boundaries and joint management agreements." Malheur County and the City of Ontario have an ongoing relationship in order to jointly manage lands in the UGB, pursuant to the Ontario Joint Management Plan. Both Malheur County and the City of Ontario agree that the subject property was overlooked when the last URA amendment for the City occurred in 2007, and this process will rectify the error. Malheur County and the City of Ontario also agree that the subject property is irrevocably committed to other uses. Had the Property been included in the URA it would have been first priority for inclusion in the Ontario UGB.

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.

Proposed Finding: Both Malheur County and the City of Ontario agree that the subject property was overlooked when the last URA amendment for the City occurred in 2007, and this process will rectify the error. Malheur County and the City of Ontario also agree that the subject property is irrevocably committed to other uses. Had the Property been included in the URA it would have been first priority for inclusion in the Ontario UGB.

A public need is demonstrated for this zoning at this location and is not the granting of special privilege for a single property or small group of properties.

Proposed Finding: The residence on the subject property has a failed onsite wastewater treatment system which in itself has a negative effect on the groundwater of the area. By adding the Property to the UGB and then annexing it into the City of Ontario, urban level facilities will be provided having a net positive effect on the groundwater in the area and alleviate a public health threat.

The property affected by the change is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.

Proposed Finding: The Property is 0.94 (-40,946 square feet) acres and has 150 feet of street frontage. The City of Ontario has established a minimum lot size of 5,000 square feet and each lot must have 50 feet of street frontage. The Property is more than adequate in size and shape to facilitate its use and development.

The property affected 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.

Proposed Finding: The Property is located adjacent to SW 4th Avenue. There is both water and sewer available and is currently stubbed out to service the Property.

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.

Proposed Finding: This proposal will have no impact on any of the surrounding uses with respect to dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land. The Property is already developed as a single-family dwelling and will continue to be zoned residential, this criterion is not applicable.

The applicable criteria can be found in Malheur County Code 6-10-7: COMPLIANCE WITH COMPREHENSIVE PLAN:

In considering an amendment to the text or the zoning maps, the planning commission and county court shall determine the following:

That the proposed change is consistent with the comprehensive plan.

Proposed Finding: The Malheur County Comprehensive Plan states, "The county will work with the cities of Ontario, Nyssa, and Vale in establishing and amending urban growth boundaries and joint management agreements." Malheur County and the City of Ontario have an ongoing relationship in order to jointly manage lands in the UGB, pursuant to the Ontario Joint Management Plan. Both Malheur County and the City of Ontario agree that the subject property was overlooked when the last URA amendment for the City occurred in 2007, and this process will rectify the error. Malheur County and the City of Ontario also agree that the subject property is irrevocably committed to other uses. Had the Property been included in the URA it would have been first priority for inclusion in the Ontario UGB.

That the level of development in other locations has reached the point whereby additional land is needed for the proposed use(s), and that the area of the proposed change can best meet such needs.

Proposed Finding: Because the Property is already developed as a single family dwelling and will continue to be zoned residential, this criterion is not applicable. This amendment will correct a mistake when the subject property was inadvertently left out of the last Ontario URA amendment in 2007. The proposed site is needed for residential development and is already developed for the proposed use. Including the Property within the Ontario UGA (and annexation) will allow urban facilities to the Property.

That adequate rural services are available and will not be overburdened.

Proposed Finding: The subject property will be zoned UGB and then annexed into the City of Ontario. Thereafter, the Property will connect to City water and sewer services. Urban services will be provided and will not be overburdened. Public facilities are stubbed to and extend beyond the Property. See Exhibit 2. This criterion is not directly applicable, as the proposal is to provide urban services to the site.

That amendments to the text or zoning map which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the transportation system plan. This shall be accomplished by one of the following:

- Limiting allowed land uses to be consistent with the planned function of the transportation facility;
- Amending the transportation system plan to ensure that existing, improved or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the transportation planning rule; or
- Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

A text or zoning map amendment significantly affects a transportation facility if it:

- Changes the functional classification of an existing or planned transportation facility;
- Changes standards implementing a functional classification system;
- Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
- Would reduce the level of service of the facility below the minimum acceptable level identified in the transportation system plan. (Ord. 125, 6-20-2000)

Proposed Finding: The subject property is 0.94 acres and currently has a home which was constructed in 1960. No new development is proposed with this amendment. This proposal will not impact transportation facilities.

Applicable Statewide Planning Goals and Oregon Administrative Rules.

Goal 1 - Citizen Involvement:

Proposed Finding: This Goal is met through the required quasi-judicial process including public notice and public hearings. The process provides the opportunity for citizens to be involved by allowing them to comment and present testimony or evidence on the proposed amendment.

Goal 2- Land Use Planning: OAR 660-004-0028 Exception Requirements for Land Irrevocably Committed to Other Uses.

Proposed Finding: Goal 2 outlines the basic procedures of Oregon's statewide planning program. Goal 2 also requires consistency between comprehensive plans and implementing zones. In order to achieve consistency in this matter, an exception to Goal 3, under Goal 2 is required to justify why the proposed amendment into the UGB should be allowed on land zoned EFU. The property is deemed irrevocably committed to other uses as set in OAR 660-004-0028 (2):

Characteristic of the exception area: The property is 0.94 acres. It was inadvertently left out of the URA expansion when the last URA amendment was adopted by Malheur County and the City of Ontario in 2007. See Malheur County Ordinance Number 167 recorded with the Malheur County Clerk on October 25, 2017 as Instrument No. 2007-7974.

Characteristic of adjacent lands. The subject parcel is completely surrounded by Ontario-Industrial lands to the east and north, Ontario-URA-Industrial to the west, and Ontario-VGA-Residential to the south.

The relationship between the exception area and the lands adjacent to it. The exception area is a single small parcel which is not large enough to be farmed. The exception area is surrounded by urban zones. Adjacent properties are not farmed. The current owners of the Property do not own any adjacent property.

Other relevant factors in OAR 660-004-0028 (6). Currently, there are nearby public water and sewer facilities which can adequately supply urban levels of services to the Property. These public work facilities are underground and stubbed to the Property. The Property is small at 0.94 acres and impracticable to farm. The owners of the Property do not own adjacent property. Urban and industrial uses occur on adjacent property. Adjacent properties are not in farm use.

Goal 3 - Agricultural Lands:

Proposed Finding: Goal 3 is applicable because the Property is currently zoned C-AI/EFU. In order to add it to the UGB, an exception to this Goal is required. The requirements for justifying a goal exception are contained in Goal 2 Land Use Planning and in OAR 660-004-0028, which is addressed above. The Property is 0.94 acres and is too small to be farmed. The Property is completely surrounded by residential and industrial zones and is currently used as non-farm residential dwelling. The Property is irrevocably committed to other uses and farming the property is impracticable. The exclusive farm use designation should not apply to the Property.

Goal 5 - Natural Resources, Scenic and Historic Areas, and Open Spaces:

Proposed Finding: No identified natural resources have been identified on the subject property. The Property is too small to be farmed as a single unit and cannot be combined with other resource lands as the surrounding property is zoned residential or industrial. Farm use does not occur on adjacent properties.

Goal 6-Air, Land and Water Quality:

Proposed Finding: No negative impacts to air, land, water or other resources have been identified through this process. The residence on the subject property has a failed onsite wastewater treatment system which in itself has a negative effect on the groundwater of the area. By adding the Property to the UGB and then annexing it into the City of Ontario, urban level facilities will be provided having a net positive affect on the groundwater in the area.

Goal 7 - Areas Subject to Natural Hazards:

Proposed Finding: No known natural hazards have been identified on the Property. The subject property is outside the 100 and 500 year floodplains.

Goal 8 - Recreation:

Proposed Finding: No current recreational lands or properties are being affected by this UGB expansion. This goal is not applicable.

Goal 9 - Economic Development.

Proposed Finding: Goal 9 requires cities to provide an estimate of the approximate number, acreage and site characteristics needed to accommodate industrial and other employment uses to implement plan policies. This goal is not applicable as the property is to be zoned residential.

Goal 10 - Housing:

Proposed Finding: The City of Ontario requires 50 foot of street frontage for any residential development and at least 5000 square feet of area. The Property currently has a little over 150 feet of street frontage on 4th Avenue. Therefore, a maximum of three homes could be built once the Property is annexed into the City. This is highly unlikely considering the current home would have to be demolished to develop the Property to this potential. As a result, this UGB expansion will have no immediate effect on housing for Ontario. The overall development potential is a maximum of three residential dwellings (either single-family or duplex).

Goal 11 - Public Facilities and Services:

Proposed Findings: The subject property sites a single-family dwelling. Adequate public facilities and services are stubbed to the Property. The UGB expansion would not change public services provided by the City of Ontario.

Goal 12 - Transportation:

Proposed Finding: This action will not create additional average daily trips and will not trigger a traffic impact analysis under the Malheur County or City of Ontario Transportation System Plans. New access to the Property is not needed. The Property has a driveway access/frontage on 4th Avenue. A safe, convenient and economic transportation system consisting of developed and maintained county roads and city streets serve the Property.

Goal 13 - Energy:

Proposed Finding: Additional energy services are not expected with this expansion of the UGA. The use of Ontario public utilities on the Property will be more energy efficient.

Goal 14 - Urbanization:

Proposed Findings: The subject property currently contains a single-family dwelling, and the City has adequate public facilities and services to serve it. The Property is currently developed as a non-farm dwelling and is immediately surrounded by urban uses. This amendment is needed for an orderly and efficient transition from C-A1/EFU to VGA-residential and will provide for a more livable area in order to accommodate a failing wastewater system on the Property. This UGB expansion is not based on land need, but rather to correct an error when the Property was not included in the URA in 2007 and to solve an environmental health matter. The findings, exhibits, analysis, urbanization study and data supporting Malheur County Ordinance 167, which established the Ontario URA in 2007, is incorporated herein by reference. Ordinance No. 167 was recorded with the Malheur County Clerk on October 25, 2007, as Instrument #2007-7974.

The Hearing was opened for public testimony. Opponents: None. Proponents: None. There being no Proponent and no Opponent testimony, the public comment portion of the Hearing was closed.

Dan Cummings, Community Development Director, stated this piece of property should have never been left out of the first action. He recommended approval of the action.

Judge Joyce closed the County's portion of the Public Hearing. Mayor Hill closed the city's portion of the Public Hearing.

Commissioner Wilson moved, Judge Joyce seconded, **THAT THE COUNTY COURT ACCEPT AND APPROVE THE FINDINGS OF FACT AS SET FORTH IN THE COUNTY PLANNING ACTION 2019-09-001 AND CITY PLANNING ACTION 2019-08-57CPAMD AS SET FORTH IN THE STAFF REPORT.** Vote: Wilson-yes; Joyce-yes. Motion carried.

Commissioner Wilson moved, Judge Joyce seconded, **THAT THE REQUEST FOR AMENDING THE ONTARIO URBAN GROWTH AREA BOUNDARY TO INCLUDE PROPERTY COMMONLY IDENTIFIED AS MAP 18S47E06D TL 200, AND CORRECT THE EXCLUSION OF SAID PROPERTY FROM THE URA WHEN ONTARIO ADOPTED THE MOST CURRENT UGA/URA IN 20Q7; AND RE-ZONE PROPERTY FROM C-A1/EFU TO ONTARIO UGA-R, AS SET FORTH IN THE COUNTY PLANNING ACTION #2019-09-00L, CITY PLANNING ACTION #2019-08-57CPAMD, BE BASED ON THE INFORMATION, FINDINGS, AND CONCLUSIONS SET FORTH IN THE STAFF REPORT.** Vote: Wilson-yes; Joyce-yes. Motion carried.

CRUME moved, CAPRON seconded, **THAT THE CITY COUNCIL ACCEPT THE RECOMMENDATION OF THE ONTARIO PLANNING COMMISSION AND THE MALHEUR COUNTY COURT AND APPROVE THE FINDINGS OF FACT AND APPROVE ORDINANCE #2766-2019, AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAPS BY EXPANDING THE URBAN GROWTH BOUNDARY TO CHANGE THE DESIGNATION OF CERTAIN LAND FROM COUNTY EXCLUSIVE FARM USE (C-A1) TO ONTARIO URBAN GROWTH AREA (UGA); REZONING SAID CERTAIN LAND TO URBAN GROWTH AREA-RESIDENTIAL (UGA-R); AND DECLARING AN EMERGENCY.** Roll call vote: Braden-yes; Justus-yes; Palomo-yes; Crume-yes; Rodriguez-yes; Capron-yes; Hill-yes. Motion carried 7/0/0.

CRUME moved, JUSTUS seconded, **THAT THE COUNCIL WAIVE THE SECOND READING OF ORDINANCE #2766-2019.** Roll call vote: Braden-yes; Justus-yes; Palomo-yes; Crume-yes; Rodriguez-yes; Capron-yes; Hill-yes. Motion carried 7/0/0.

The County Court and staff departed the meeting.

Councilor Rodriguez requested that Agenda item 9-B be moved to 6-A. Council consensus for the change.

Emergency Shelter Housing

Adam Brown, City Manager, stated staff had been contacted by Community in Action Director Barb Higinbotham, regarding some emergency shelter funding that was available. The state had given a verbal commitment of \$150K to Community in Action for emergency shelter housing. The city currently had a one meal a day site with a day shelter, who had acquired some funding to upgrade, offering showers; however, there was no night shelter. There had been some previous discussion with the Council about utilizing the old cart storage units at the Golf Course, and that location had been reviewed with staff and representatives from CinA. The biggest concern regarding putting folks out there was the potential for clients to cut across the airport because it was so far away from town where the services were located. That would be unacceptable, as it was dangerous and potentially destructive. Bus service would be an essential part of placing individuals out there, but they would also have to consider additional fencing to that area to eliminate the possibility of the shortcut across the airport. He contacted the transit provider, requesting the possibility of bus service in that location three times a day. There was also the need to consider intake and management. The location was up for discussion.

Barb Higinbotham, Executive Director, Community in Action, stated \$150K had been offered by the State of Oregon, as a part of a \$5M one-time funding that the legislature had approved. There would be a second portion that would be available in the spring, which they would have the ability to ask for additional funds to look into Phase Two if Phase One worked. Part of the funding could be used for entering a shelter space, staffing a shelter, equipping a shelter with beds, blankets, and other supplies, supplying a kitchen and/or cooking needs, repairing a facility, or other needs that the state would need to approve. Ontario was in considered a high need area as there was currently no shelter. Services were required to be in place this coming winter, 2019-2020. CinA would be the grant recipient, who would then sub-grant to Origins Faith Community. Some examples of what the funds could be used for regarding providing a shelter, it would have heating and ventilation systems, maintain a comfortable temperature, leveraging some weatherization funding with the project so they could combine some other funding that was available to CinA to support that; provide each person with a bed, blanket, pillow, and a clean area in good repair; sufficient supply, functional, clean and reasonable private toilets and wash basins. Those might have to be rented during Phase One; housekeeping/maintenance plan, and they would work with Origins on that portion; provide residents with reasonable access to public transportation; storage for checking in or out for the residents (intake); provide towels, soap, toilet tissue, etc.; and potentially provide an eating area that was separate from the sleeping area. Those were examples from other grant opportunities. Other things to consider would be health, food service safety, staffing, administration, operations, and data collection. Their goal was to create between 10-20 units for shelter. Her team was currently working on several things, such as a contractor for repairing the units, working through the grant requirements, transportation options, what type of outreach services would be provided, and how they'd be provided. There could be multiple community partners who would do the outreach programs. They were working with the City of Ontario for property needs and potential restrictions. They needed to determine what type of shelter to provide, open for the winter. They were thinking potentially small units which would have beds, blankets, heat, and a restroom facility. They needed a storage facility, a solution of animals and pets, check-in and check-out requirements; other policies as needed. She had asked for bids for bathroom/shower units because she needed to know now what that might cost.

Mayor Hill asked if Community in Action would rent those units and take responsibility for it.

Ms. Higinbotham stated they could sign a rental agreement with certain expectations.

Mayor Hill confirmed if they signed a rental agreement, it would fall under the CinA insurance policy.

Ms. Higinbotham stated it would.

James Vogt, Pastor of Origins Faith Community and Administrator of the New Hope Day Shelter, stated they were all aware of the needs in this community. Origins was very willing to be part of the solution moving forward. It was true that they had installed *one* shower for the day shelter, that was not near adequate enough. Social media had commented that it wasn't going to solve the problem so why do anything? They needed to start somewhere; they

had to take steps to reach an end goal. He appreciated the city's foresight and willingness to begin doing something. As a point of clarification: there were no laundry services available at the day shelter.

Christopher Plummer, Ontario, stated: One of the things I would like to see included in a plan was for people who are homeless but do have cars. If there's any way for them to have a safe place to park their cars at this facility, that would be wonderful because sometimes that's all that somebody has, is their car, and sometimes there is emotional and other considerations why they would want to stay in their car. One of those could be to be close to their service animals, to be close to their emotional support animals and their belongings, plus things like anxiety and things that won't allow them to stay in a typical shelter situation. That's the only thing I wanted to add.

Mayor Hill stated he saw three types of homeless people: people that were addicted, people that were mentally ill, and people, that by circumstance or situation, were homeless. He didn't think they could house all three types in just one facility.

Ms. Higinbotham stated they needed to meet to discuss what type of shelter they wanted to establish. A no-barrier shelter would invite anyone and everyone from any situation. That was a hard place to start because they didn't have the experience to deal with all those populations. She suggested starting with a low to medium barrier shelter. That would allow for animals, service or pet, and there would be rules about safety. There were some questions that could not be asked during an intake, but they could determine safety for the individuals at the shelter.

Mr. Brown stated the Community Development Director had submitted a letter from the perspective of the Zoning Administrator, doing his best to interpret the City Code. The Airport was a Public Facility, so it required a public purpose. The question before legal counsel was whether or not a homeless shelter qualified as a public purpose. The state had made it clear a population could not be moved unless there was a place to take them. That was an implied public purpose; however, neither he, nor Mr. Cummings, were attorneys, and they would want the City Attorney to determine that. Also, The Airport Committee had not had a chance to deliberate this. He had spoken with the Airport Manager, who expressed grave concerns.

Councilor Capron asked how this would fit into the city's plan of expanding business at the Airport? How did the tenants in the Golf Course Clubhouse feel about homeless housing out there beside them?

Mr. Brown stated it could have a negative connotation. This was not a long-term solution. The lease holders were not excited about the prospect, as they had just been broken into the week before and lost a lot of equipment and product. Nobody wanted it in their backyard, all for valid reasons.

Mayor Hill stated no matter where it was, that would be the thought – not in my backyard. He wanted this to be fully vetted before making any decisions, and one would not be made that night.

Councilor Justus stated he knew that something had to be done. His concern was that with the way Oregon law related to tenancy, and how it could occur. It was so binding. His other concern was something learned from his friend at the Oregon Law Center. He commented that if the city was providing housing, it had to be made habitable, including bathrooms, and kitchens, etc. Then the city was on the hook for providing apartments for the homeless. While that might be what was needed, before he would ever sign off on anything, he wanted to hear from the Oregon Law Center, saying they were aware of this, and were not going to challenge it, and that they'd okay the temporary housing. He also had some other ideas about locations and/or buildings that might work, and he wanted to meet with Barb to go over them.

Councilor Crume stated he was in the favor of doing something, but didn't know what. He did not want the city to operate the facility. He also didn't want to see a line item in the budget titled "homeless". Regarding the Airport location, they had just installed a very expensive fence. The overall Airport was controlled by the FAA. Those car sheds were within the boundary of the security fence that was installed through a grant from the FAA. The

quickest route to get to town would be to cut across the runway, and he didn't believe they would follow the rules to stay off that area. He had found some other property, one which was near the Origins Church. They needed to find a parcel that met the most needs with the least amount of negative feedback. There were two parcels he thought should be looked into – the old City Shop gravel storage area. With that one, he'd be willing to donate that property to CinA, but there were already comments from businesses in the area that they were not happy about that prospect. Water and sewer were already installed, and some buildings could be converted instead of torn down. If they picked up the old gas station up front, they'd have a city block for this project, which was centrally located and within walking distance to many places. A second area, while farther away, would be the front portion on Verde Drive of the old city dump. It was an industrial area owned by the city.

Councilor Rodriguez stated he didn't feel they had enough time to review all this and consider the financial aspect. He understood the issues surrounding the Airport, and he agreed there would be conversations about any area they discussed. They needed to find the best solution. He had been told that when they started cleaning up the riverbank, there were human activist groups in Western Oregon who were watching, and were talking about illegal actions taken by the city. He had also been informed that groups were sending individuals to this area to inform and educate the homeless population as to what their rights were. They could end up with a "camp" right here at City Hall.

Mayor Hill asked for a consensus from the Council regarding whether they wanted to allow Community in Action and Origins Faith pursue this opportunity to expend \$150K on a temporary basis at the Golf Course, and return to the Council with answers to the questions that had been raised.

Councilor Crume was in favor of working with Community in Action to locate a place and get some type of homeless project moving, then yes; but, if it was located at the Airport, it was a no. Rodriguez-yes; Capron-yes; Justus-yes; Braden-yes; Palomo-yes; Hill-yes.

Councilor Crume asked Mr. Brown to contact the FAA to see what the repercussions might be for the project.

OLD BUSINESS

Ordinance #2765-2019: Marijuana Employee Tax Amendment (Final Reading)

Larry Sullivan, City Attorney, presented.

RODRIGUEZ moved, CAPRON seconded, **THAT THE CITY COUNCIL APPROVE ORDINANCE #2765-2019: AN ORDINANCE AMENDING SECTIONS 3-24-4, 3-24-5, AND 3-24-6 OF CHAPTER 24 OF TITLE 3 OF THE ONTARIO MUNICIPAL CODE FOR COLLECTION.** Roll call vote: Braden-yes; Justus-yes; Palomo-yes; Crume-yes; Rodriguez-yes; Capron-yes; Hill-yes. Motion carried 7/0/0.

Revised Intergovernmental Agreement with Ontario Recreation District

Adam Brown, City Manager, presented.

CAPRON moved, CRUME seconded, **THAT THE CITY COUNCIL THE CITY COUNCIL APPROVE THE REVISED INTERGOVERNMENTAL AGREEMENT REGARDING CERTAIN RECREATION STRUCTURES IN LIONS PARK.** Roll call vote: Braden-yes; Justus-yes; Palomo-yes; Crume-yes; Rodriguez-yes; Capron-yes; Hill-yes. Motion failed 7/0/0.

NEW BUSINESS**Application to Operate Taxi Service**

Steven Romero, Police Chief, presented.

CAPRON moved, CRUME seconded, **TO DENY THE APPLICATION TO OPERATE TAXI SERVICE FOR EXPRESS DELIVERY AND TAXI SERVICES.** Roll call vote: Braden-yes; Justus-yes; Palomo-yes; Crume-yes; Rodriguez-yes; Capron-yes; Hill-yes. Motion carried 7/0/0.

Council consensus to have staff review the current ordinance regulating the licensing of taxi cabs in the City of Ontario, and bring back an amended version for Council review.

Resolution #2019-135: Appropriate Additional Funding for Ballistic Shields and Car Leases

Kari Ott, Finance Director, presented.

CRUME moved, CAPRON seconded, **THAT THE CITY COUNCIL APPROVE RESOLUTION 2019-135: A RESOLUTION TO APPROPRIATE ADDITIONAL FUNDING FOR BALLISTIC SHIELDS AND POLICE CAR CAPITAL LEASE.** Roll call vote: Braden-yes; Justus-no; Palomo-yes; Crume-yes; Rodriguez-yes; Capron-yes; Hill-yes. Motion carried 6/1/0.

Bid Award: Trademark for the Wayfinding Project RFP 09-2019-01

Adam Brown, City Manager, presented.

JUSTUS moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE A CONTRACT WITH TRADEMARK DESIGN | FABRICATION NOT TO EXCEED \$24,000 FOR DESIGN OF A CITY WAY-FINDING SYSTEM.** Roll call vote: Braden-yes; Justus-yes; Palomo-yes; Crume-yes; Rodriguez-yes; Capron-yes; Hill-yes. Motion carried 7/0/0.

DEPARTMENT HEAD UPDATES**Financial Monthly Report (Attached)**

Kari Ott, Finance Director, presented.

Public Works Quarterly Report (Attached)

Cliff Leeper, Public Works Director, presented.

Airport Semi-Annual Report (Attached)

Dan Beaubien, Airport Manager, presented.

DISCUSSION ITEMS**Invitation to Santa's Breakfast 2019**

Tori Barnett stated anyone who wanted to attend needed to let her know so she could submit a headcount to the Chamber. It would be Friday, December 6th, 6:45 a.m., at the Elk's Lodge.

Emergency Shelter Housing**SRCI Update**

Mr. Brown stated they had been meeting, and had discussed the city's formula. They let the state know the Council had rejected the approach they had been taking previously. It was not well-received, but it was moving forward. Since they had last talked, Jacobs staff had calculated the actual cost for the BOD and TSS. That was part of the equation, and there was a multiplier before that variable. Staff previously had an old multiplier of 10¢ per



pound. The actual cost, as calculated by Jacobs' staff, was \$1.12 a pound. That put the city in a more acceptable category without changing the formula. Staff also felt there needed to be the addition of a risk premium for the segment of pipe from the city's plant to the SRCI plant. That was communicated this morning. He wanted to meet with them in person to hash this out.

Mayor Hill asked about the 175% charge that was charged everyone else outside the city limits?

Mr. Brown stated the 1.5% put them at about the same place with those new variable multipliers.

Mr. Sullivan stated one of the issues with charging the out of town rate at this point was that when that system was built, the city made a commitment for 20 years to not charge them anymore than was being charged to what was being charged to the inside city limits people. That worked against a legal argument the city might have to make that was fair at this point now that the whole system had been constructed. If the city had told them when this was originally built that they were going to have to pay an out of town rate that would be one thing, but to have that now constructed and be telling them that they had to pay an out of town rate, the city might get some feedback from that if that had to go in front of a judge. There are ways to accomplish what the Council wanted without having to call it an out of town rate.

ESCO Project

Mr. Brown stated he had let out an RFP for an ESCO (Energy Savings Company) project. They came into a city and looked at ways to save money and do a performance contract. One he had mentioned was the lighting in the parking lots; it had not been upgraded to LED. It was still sodium vapor/mercury vapor lights, which were not efficient. The City Hall parking lot, across the street, at the water and wastewater plants, the lots being Oregon Street, all the facilities, that was a lot of lights. Those were easy to get a return on. The company would complete a study and would let the city know they could guarantee a savings of \$100K. The city would pay the \$100K and the company would finance it up front over five years, and after that, 100% of the savings would go to the city. Essentially, it didn't cost anything to do. That was guaranteed. The company would write a check if the difference came in and the savings had not been realized. The only risk was that the cost, if a project was selected, it would be that the company was going to do the study and see what opportunities were available. If the city opted to do a project, the cost of the study was thrown in the project and the city wouldn't own that money; however, if no project was selected, the cost of the study would be due. When the time came to possibly select a project, the cost of the study would be shared. He believed there would be a project available that would save the city money.

HAND-OUTS

Invitation to Honor Veteran Jerry Hains for Volunteerism *(Attached)*

Minutes: *(Attached)*

County Court: 10-02-2019; 10-16-2019; 10-23-2019

Public Works Committee: 09-20-2019(Draft)

Packet

V&C Board 11-07-2019 w/Oct 3, 2019 minutes

SREDA Report Card – Through July, 2019

Packet:

V&C Board Oct 3, 2019 w/Minutes of Aug 2, 2019

Department Stats: (Attached)

Fire & Rescue: Oct 2019

Public Works: Oct 2019

Code Enforcement: Oct 2019

Police: Oct 2019

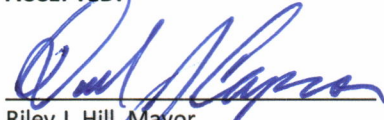
CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Councilor Justus stated that \$50K had been received by Revitalize Ontario! for the Tater Tot Festival, which would be held September 18-20, 2020.
- Councilor Rodriguez stated the Haunted House had been a success, and they had traumatized a lot of kids.
- Councilor Rodriguez stated on December 7th, after the Winter Wonderland Parade, Santa Clause would step down from his float to Moore Park and there would be a sit down for pictures. Malheur Enterprise added in a choir singing carols, and there would be elves helping Santa. They were trying to add more to the event.
- Mayor Hill stated the city had received complaints about the new water bills. The largest complaint was the removal of the itemization.

Mr. Brown asked that all comments be sent to him because he was gathering all the comments and the team would get back together to address and possibly accommodate the concerns.

ADJOURN

CRUME moved, CAPRON seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Braden-yes; Justus-yes; Palomo-yes; Crume-yes; Rodriguez-yes; Capron-yes; Hill-no. Motion carried 6/1/0. (9:04 p.m.)

ACCEPTED:
Riley J. Hill, Mayor**ATTEST**
Tori Barnett, MMC, City Recorder