



CITY COUNCIL MEETING MINUTES November 19, 2019

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, November 19, 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, Cliff Leeper, and Betsy Roberts.

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 15, 2019. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

Mayor Hill added a discussion on SRCI under Old Business.

CAPRON moved, BRADEN seconded, **TO ADOPT THE AGENDA AS AMENDED**. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

CONSENT AGENDA

CAPRON moved, BRADEN seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED OCTOBER 3, 2019, COUNCIL WORK SESSION MINUTES; AND OCTOBER 15, 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.

PRESENTATION

Follow-Up ~ Emergency Homeless Shelter (Barb Higinbotham and Pastor James Vogt) (Document attached)

Ms. Higinbotham stated they had previously discussed refurbishing the cart storage sheds at the golf course, but found that FAA regulation prohibited that use due to the proximity to the airport runways. Therefore, a second location was being brought forward for consideration. The city owned property along North Oregon and NE 3rd Avenue, which was attached to the previous Public Works Shop location. The area was currently being used for gravel storage, among other things. There was also a Quonset hut type structure, and a portion of a home, which was believed to have plumbing. This location was also only around three blocks away from Origins Church, who were currently providing meals to the homeless. The property in question could potentially house up to eight family units and 50 single units, along with converting the Quonset hut structure to a tenting area, and the existing stone building into an office with bathrooms/showers. Community in Action was looking into the purchase of sheds, adding in insulation, covering with plywood boards, installing non-removable heaters and an outlet in each home. They would not be permanent structures, so they could be moved if the area didn't work, or was needed for another purpose. The homes would be for winter use, not during the warmer months. There would be no alcohol or drug use allowed. Homes could be for a single or multi-night use. They were still working on the other considerations, such as rules, operations, the intake process, health, food service, and safety, as well as equipment and environment. Members and/or organizations within the community had already pledged to assist in the labor to establish this project. At this point, Community in Action needed to secure a piece of property and file the paperwork to get the \$150K grant from the state.

Pastor James Vogt read a letter into the record: *First of all, I want to thank Barb at Community in Action for a lot of hard work over the past couple weeks in preparing this information so quickly. We all know how urgent this need is for our community not only for those who find themselves without shelter as the days get colder, but also for the city and its responsibility to those who reside here. Origins Faith Community is glad to come alongside the community to help provide a solution to this pressing issue. However, since this has all happened very quickly, I need to be clear on the roll that we are able and willing to play. Origins is ready to partner with others to make this happen. The discussion I have heard from the council leads me to believe that you are aware of the scope and scale of this project. I believe it is unrealistic for any entity in our community to address this problem of their own accord. So, Origins will offer to work with others to help it happen. We do not currently have the financial resources or leadership bandwidth to manage this on our own. Even a partnership with Community in Action, of which we are still working out the details, is not sufficient to support this effort. At the work session, one of the Council members stated something along the lines of how they would, "Hate to see a homeless line item on the budget." With all due respect, I'm not sure that is a realistic admonition. The city has water services, and a budget line item for those services. There are transportation services and a line item for those services. If there are to be homeless services, that the state essentially mandates we have in order to enforce ordinance on public property, then there will need to be some financial support from the city. But, there should also be support from other entities that will undoubtedly use this service. Malheur County, Vale, Nyssa, even the Idaho communities across the river will very likely refer people to our facility and should help shoulder this responsibility. Origins is glad to step into this leadership role in our community, but we want to do so with wisdom in order to ensure long term success, and we can only do this with committed partners who will come alongside us. This is a community wide issue and it will require the entire community pulling together to make a solution work well.*

Mayor Hill asked if they'd been through a PDAC meeting with the Planning Department.

Ms. Higinbotham stated they had not yet.

Mayor Hill asked if this was for winter shelter only, or was it going to be permanent, year-round.

Ms. Higinbotham stated the funding was specifically for winter shelter, and the funding started in November 1st and concluded April 30th. The \$150K grant they were applying for had a specific time frame. What they did with it after April 30th was for discussion.

Mayor Hill stated the presentation had an outlet and heater in each unit. Had they spoken to Idaho Power about getting power to each unit.

Ms. Higinbotham stated there were plans to bring power to each unit. One grant requirement was to get people feeling safe and comfortable.

Mayor Hill asked about the timeline for the grant.

Ms. Higinbotham stated she had not received a really hard-fast date, but it would be in their best interest to get the submission in this week. There was still a bit of tweaking to do to the application. The state was just waiting to receive it.

Councilor Justus stated they'd be receiving \$150K, which was \$25K a month. There would be \$50K for the unit purchasing and running power....

Ms. Higinbotham stated she had a preliminary budget, but there was \$30K set aside for operational costs, which would include the cost for someone to be at the facility to conduct intakes, which was very important. The costs would also be for water, garbage, minor repairs, \$10K for the installation of the power into the units. There was also the issue of insurance. Her insurance carrier was alright, with no additional costs. She'd labeled expansion costs at approximately \$107K. That included purchasing the units themselves and all components associated with it.

Councilor Justus asked if it was for one night, or for the winter?

Ms. Higinbotham stated it would depend. They would not make individuals check-out during the day, so there might be some who used it for the entire winter, or some who wanted a week, a couple days, or just the night. The group also needed to determine the population priorities.

Councilor Justus stated that if they found that the \$150K wasn't enough, should the City Council be prepared to subsidize the program?

Ms. Higinbotham stated not. They would ensure that what they started with on this "pilot" or "test" program stayed within the funds granted. There would also be some unknowns, but there were funds set aside for that. They also had current shelter grants they were using for hotel stays, so there was another grant that could be utilized if needed. The Council wouldn't have any costs, but Community in Action might.

Councilor Capron asked if the city would retain ownership of the property?

Ms. Higinbotham stated that had been discussed briefly, and she believed they could arrive at a plan that worked for both of them. She would actually defer that decision to the city.

Councilor Capron was also interested in the city's liability and insurance issues. If this pilot program didn't succeed, who was responsible for cleaning up the area?

Ms. Higinbotham stated she believed the city would probably ask her to take care of that.

Councilor Crume stated if the Council opted to donate that property, who would be the owner of the property? Community in Action? Origins?

Ms. Higinbotham stated that was a discussion that needed to happen between the two entities. It had not been discussed yet.

Councilor Crume stated his thought was that it would be better for the city to be free and clear of the property, to alleviate any liability. Also, the garage that was on the property, he thought there might be a working bathroom or running water at least.

Ms. Higinbotham stated she believed there was water to the building, but maybe not *in* it.

Councilor Crume stated that perhaps that could be a "warming hut" with a shower and restroom facilities, or laundry facilities.

Ms. Higinbotham stated she believed the best scenario would be to move forward, test it out well, and after the time frame had ended, they'd maybe have some answers to some questions that they didn't have now. There would be another opportunity to apply for additional funding, and, if it all went as they'd like for this test program, she'd like to apply for that funding to do exactly what Councilor Crume was suggesting.

Councilor Crume stated if the city "gave" the property to Community in Action, effective immediately, how would they manage it?

Ms. Higinbotham stated they would build a product that would work within the \$150K, plus maybe another \$20K if needed. After April 30th, they have meetings about the experience, what worked, what didn't work, and determine if it should continue.

Councilor Crume stated he had assumed that other service organizations, other churches, other local cities, were involved. Had she spoken with any of them about helping out, especially with funding, rather than just Ontario doing this.

Ms. Higinbotham stated they would be making those connections. In the past, she'd received support from Malheur County, Vale, Nyssa, Ontario, and they all seemed to understand homelessness belong to all of them. There were partners in transportation, other faith-based organizations that would supply volunteers, and this community was blessed with a lot of people who cared and were willing to step up and help out.

Councilor Rodriguez stated if it was located at the proposed location, was is possible to create a partnership with, for example, Ani-Care? He asked because he had contacted them that day and asked if they were comfortable with the shelter being next to them and if they'd be comfortable in having some volunteers from the shelter. He was told they'd be fine with that as long as they were sober and safe.

Ms. Higinbotham stated part of their goal was to provide that sense of community. They couldn't mandate or require they do that, but that was worth looking into. What people also needed to understand was that some of these people were working but had lost their housing for some reason.

Councilor Rodriguez asked what they had planned for the shed that was on the property?

Ms. Higinbotham stated the preliminary discussion surrounding the Quonset hut was they could block off the north side where the wind came in, and potentially let people go int here with tents.

Councilor Rodriguez asked about video surveillance – was that an option?

Ms. Higinbotham stated yes. There were many things that still needed looking into.

Mayor Hill thanked them all for their presentation and all their efforts for this project, but the Council really needed to also hear from staff and to hold a PDAC.

Adam Brown, City Manager, stated they had looked into the building codes, and found that they were relaxed with regard to emergency housing.

Dan Cummings, Community Development Director, stated he had spoken with the state on this issue, and had learned that as long as it was considered transitional housing, it was up to the local community as to what regulations were assigned. He would have to look into the zoning rules. That piece was currently zoned Heavy Industrial, so dwellings were not allowed other than one dwelling for a "watch" building. If this became a permanent site for this type of environment, he would bring forward a zone change.

Councilor Rodriguez stated Nichols Accounting did not like the camp being located there, and had discussed installing a fence along one side, but Nichols would be exposed. If this moved forward, Nichols would want a fence, but would that be installed and paid for by the city, Nichols, or deducted from the \$150K grant?

Ms. Higinbotham stated it had been thought about, but not really discussed, so she was unsure of what the cost would be or any details associated with it. She hoped to create a positive partnership throughout all this.

Mayor Hill stated it was around \$30 a running foot. But, Nichols was not going to be excited about this. He suggested they let the PDAC process move forward, and have staff make comments.

Councilor Crume asked Mr. Brown if staff had thoughts about using the property for other uses.

Mr. Brown stated the area currently housed the rock piles for winter road services, but that could be moved to the Public Works location. The Ani-Care lease had worked well to date, and it was their intent that they would not be located there long-term. Another purpose voiced by the Rural Fire Department and their Chief wanted to use that tower for training; to build a super structure under it and conduct jump and stairwell training. That part was on the East side of the middle of that road, so that would not negate the homeless shelter property on the West side of the middle of that road.

Councilor Crume stated in the event of possibly wasting the time to hold a PDAC, would the Council want to give a consensus, if the PDAC was positive, that the Council would do something with the property?

Mayor Hill stated he did not favor doing anything until they had received the PDAC report.

Councilor Crume agreed with the need, but what if the PDAC, presented to the Council, and the Council said no. If the PDAC was favorable, why waste the time?

Mayor Hill stated he didn't see where they were wasting time.

Councilor Justus stated once they had the results of the PDAC, the Council would have a whole litany of questions. He was happy with what he'd seen, and he wanted them to move forward, but he also wanted to make sure the Chiefs had looked at it and signed off, and he'd have other questions. He didn't want to give a green light before hearing the pros and cons that would come from a PDAC.

Councilor Braden asked about the timeline of holding a PDAC and getting the information before Council. Ms. Higinbotham wanted to get the application submitted that week. They were asking staff to work with these two community partners to make this emergency housing situation happen, but he was of the feeling, like Norm, they needed to give staff the green light to proceed so they could work to get the funding.

Mayor Hill stated they were not waiting for a green light from the city; they could make the application. The Council weren't the ones authorizing a PDAC.

Mr. Brown verified that Councilor Braden was referring to the application to the state for the funds (yes). They could hold a second Council meeting next Tuesday, or wait for the next opportunity, which would be December 5th.

Councilor Justus asked if Ms. Higinbotham was going to file an application for the grant regardless of what the Council said that night.

Ms. Higinbotham stated she had to. If she didn't, they wouldn't get the funds.

Councilor Justus verified she'd be contacting Mr. Cummings to schedule a PDAC; based upon that meeting, if another meeting was warranted, he'd contact Mr. Brown, who would then contact the Council.

Mr. Brown stated yes, that was the timeline.

South Oregon ADA Crossing Alternatives *(Document attached)*

Betsy Roberts, City Engineer, presented.

Council consensus to have staff bring back some alternatives to the bid, to include using pavers or stamped, colored concrete.

OLD BUSINESS

SRCI Update

Mayor Hill stated he had requested that this item be added to the Agenda, but believed it should probably occur at the next meeting under an Executive Session.

Larry Sullivan, City Attorney, stated that statute was already on the Agenda, so SRCI could be discussed at the current meeting.

NEW BUSINESS

Liquor License Application: Balance Studio, LLC

Steven Romero, Police Chief, presented.

CAPRON moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE THE NEW OUTLET LIMITED ON-PREMISES SALES LIQUOR LICENSE APPLICATION FOR BALANCE STUDIO, LLC.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

PUBLIC HEARING**Accept Right-of-Way Along Sunset Drive and SW 7th Avenue**

It being the date advertised for a public hearing on the matter of Accepting a Right-of-Way on Sunset Drive and SW 7th Avenue, the Mayor declared the Hearing open. There were no objections to the city's jurisdiction to hear the action, no abstentions, ex-parte contact, and no declarations of conflict of interest.

Dan Cummings, Community Development Director, presented.

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

CAPRON moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE THE DEDICATION OF THE RIGHT OF WAY FOR A PORTION OF SUNSET DRIVE AND SW 7TH AVENUE AS SHOWN ON THE PARTITION PLAT OF CHELSEY & ANDREA WARRINGTON SAID PARTITION BEING APPROVED BY AN ADMINISTRATION ACTION ON OCTOBER 9, 2019, UNDER PLANNING FILE 2019-09-63PTN AND AUTHORIZE THE MAYOR TO EXECUTE HIS SIGNATURE ON THE FINAL PLAT ACCEPTING THE DEDICATED RIGHT OF WAY.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

DISCUSSION ITEMS**Proposed 2020-2021 Budget Calendar** *(Attached)*

Adam Brown, City Manager, stated deadlines has been moved up, and staff would begin working on the budget for fiscal year 2020-2021 in December. Everything would be due to the Finance Department in January, 2020. The Budget Hearings were scheduled for March 10-12, 2020.

HAND-OUTS**Check Register:** *(Attached)*

October 4, 2019 → November 8, 2019

Councilor Rodriguez asked about the invoice from American Staffing. Was the city still using that business?

Kari Ott, Finance Director, stated there was currently one employee being utilized from American Staffing.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

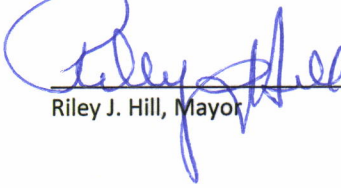
- Adam Brown reminded everyone that there would be a Marijuana Ad-Hoc Committee meeting tomorrow night at 5:30pm. Also, the Diversity Advisory Committee would also be meeting tomorrow night.
- Mayor Hill stated he had met with Calvary Church, who wanted to do a theme at Moore Park on December 22nd, titled "A Hometown Christmas". He had given the Fire Chief a copy of what was going to occur and had let them know they needed to obtain an Event Permit.
- Mayor Hill stated he had been in Salem, and met with the State Recreation Department, who had looked very favorably at the application that was submitted by Mr. Brown in Bend for the proposed trail through town. They particularly liked the depth of the total plan of the river trail and connecting them together.

EXECUTIVE SESSION**Executive Session: ORS 192.660(2)(h)**

An executive session was called at 7:25 p.m. under provisions of ORS 192.660(1)(h) to discuss current or potential litigation. The Council reconvened into regular session at 8:37 p.m.

ADJOURN

CRUME moved, JUSTUS 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. (8:40 p.m.)

ACCEPTED:

Riley J. Hill, Mayor**ATTEST**

Tori Barnett, MMC, City Recorder