CITY COUNCIL WORK SESSION MINUTES
December 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, December 5, 2019, in the Council Chambers of City Hall. Council members present were Riley Hill, Dan Capron, Michael Braden, Norm Crume, and Marty Justus. Ramon Palomo arrived at 6:31 p.m.; Freddy Rodriguez arrived at 7:03 p.m.

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

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 December 3, 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, JUSTUS 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.

PRESENTATION

Pheasants Forever Update *(Handouts attached)*
Dave Stiefvater and Phil Milburn presented.

OLD BUSINESS

Ordinance #2754-2019: Annex and Rezone 1.33 Acres at 2319 NW 11th Street UGA I-1→I-1 (Golden) FINAL READING
Dan Cummings, Community Development Director, presented.

JUSTUS moved, CRUME seconded, **THAT THE CITY COUNCIL ACCEPTS THE FINDINGS OF FACTS AND RECOMMENDATION OF THE PLANNING COMMISSION ON PLANNING ACTION 2019-03-24AZ A REQUEST FOR ANNEXATION AND REZONE OF A PARCEL OF LAND FROM URBAN GROWTH AREA INDUSTRIAL (UGA I-1) TO THE CITY LIGHT INDUSTRIAL (I-1) ZONE AND APPROVE ORDINANCE #2754-2019 AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONING OF CERTAIN TERRITORY TO THE CITY OF ONTARIO, BEING A PARCEL WITHIN THE NW¼ SECTION 33, TOWNSHIP 17 SOUTH RANGE 47 EAST, W.M.; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT 7-302 AND THE ONTARIO RURAL ROAD ASSESSMENT DISTRICT NO. 3 ON SECOND READING BY TITLE ONLY.** Roll call vote: Braden-yes; Justus-yes; Palomo-out; Crume-yes; Rodriguez-out; Capron-yes; Hill-yes. Motion carried 5/0/2.

Homeless Project Update
Adam Brown, City Manager, presented.

Staff met that morning with Pastor Vogt and Barb Higinbotham to discuss the items from last week's meeting. This was a pilot project. It was five months in duration. A list of rules had been developed, and one of the things they'd have to do to be a part of the emergency shelter project was to participate in case management with the social workers from Community in Action. Councilor Justus had suggested taking the list of rules to the Oregon Law Center, and he agreed. The budget had been refined a bit, and the grant of $150K was locked in. They had also received some estimates, but were waiting on two more bids for turn-key shelters. The shelters came in for less than budgeted, so far. Mr. Cummings obtained a bid on the electrical installation. From Idaho Power's part, it was less than $3K. It would improve the property long-term by having a power pole installed. Community in Action would most likely use one of their contractors to extend it to each unit. One way the city could contribute was to get a backhoe on site to dig the trench for the conduit. Toilets, utilities, power, were all in the budget. The city's insurer had been asked if the facility was already covered under the current insurance, but it was not; however, they would provide a cost. He also asked if Community in Action could get a cost for insurance. Either way, it would be out of the $150K grant. The intake would be done by Community in Action at the meal site, but not during the mealtime. For priorities – sick elders first, families with children, disabled, then others.

Mayor Hill stated during the last discussion it was one person per unit. Families with children might get crowded in an 8x10 unit.

Mr. Brown stated the max per unit was two people. With the current bids, they could purchase all 20 units.

Pastor Vogt stated the turn-key units meant drop the unit, hook it up to power, and put in the bed.

Mayor Hill stated he had gone to the site and met with Mike Ybarguen. Was it going to be master metered? Were they trenching to each unit?

Mr. Brown stated it was. That was in the proposal received from Idaho Power.

Dan Cummings, Community Development Director, stated there was a pole already there with a transformer on but that needed an upgrade, which would be $1K. The connection would be underground from the pole to the corner of the project and the master pedestal would be placed there. From there, the site contractor would set one to three poles and go to each unit with a private service, most likely with a breaker at the rear of each structure. He assumed the lines would be overhead, but that would be up to the contractor who bid the project. It could end up all underground if the bid was good enough.

Councilor Capron asked about security cameras.

Mr. Brown stated it should tie it into the city's system. It was expandable and they could set alarms. Outdoor cameras were about $600. He didn't have costs for a total installation piece.

Mayor Hill asked about the $1K cost for power, after rebates, but what was it going to cost before? The list had $10K budgeted.

Mr. Brown stated the $10K included all the electric, but they might save money by doing the trenching with city staff.

Mr. Cummings stated the $1K was to upgrade the transformer, then another $1K to get the lines run and to set the base meters.

Pastor Vogt stated the $10K was for them to pay the private contractor to run power to each unit. There had been some discussion on what the city could do, such as fencing, to get this moving forward.

Mr. Brown stated the Idaho Power cost was approximately $2,500, so they had added in the other $7,500 for the private electrician to connect all the units. There was more room in the installation budget, if needed. There had been talk about other municipalities making a contribution, but he had not spoken with the other cities yet. He reached out to set up a meeting with the County Judge to discuss the permitting issue.

Mayor Hill stated aside from the construction, the city was going to issue a five-month license. When did that begin?

Mr. Brown stated the license was approved, Origins reviewed it, and it was still being hammered out. It might turn into a three-party agreement, to would include Community in Action.

Mayor Hill stated the first time they brought this forward, there were between 10-12 units, with one person per unit. Now, they were at 20 units with two per unit.

Mr. Brown stated they indicated 15 units.

Councilor Braden stated they had always said 10-20 units, and Pastor Vogt had always said he wanted to get as close to 20 as possible.

Mayor Hill stated they'd have 20 units, with two people per unit.

Pastor Vogt stated it would depend on the situation. There was room for maybe two twin beds should a parent have a child. They wanted to have that availability. If they could get 20 housing units, they'd probably also need a 21st structure for an office. If there was a person on site at all times, they'd need a place to sleep, have a phone, hang keys, etc.

Councilor Crume stated it appeared that with the $150K grant, additional funds were for city items like getting the permits waived, fencing/gating at $3K, the trenching and conduit, and security cameras at $600 each, plus installation.

Mr. Brown stated the fencing was there was because 3rd Street was currently open, and they needed to protect the south side of the city facilities. Those costs stated about were if the Council wanted to get into this project beyond just the property and assistance from the other cities.

Councilor Crume stated with this being a pilot program, would the city's old cameras be usable for this project?

Mr. Brown stated that was possible; he'd look into it. But, it wouldn't have AI.

Councilor Crume stated where the facility would be "locked-down"; was that legal?

Mr. Sullivan stated there could be a contractual relationship with the individuals agreeing to abide by that rule. Enforcement was going to be questionable. If someone wanted to leave, that could not be prevented. The remedy would be that if a rule was violated, they could not stay.

Mr. Brown stated for clarity, it wasn't that they couldn't leave, it was that if they did leave, they would not be allowed to re-enter.

Councilor Capron asked about liability on the city. The reason for this development was to house displaced people. If the city had to displace them again, what happened then?

Mr. Sullivan stated if the city wanted to deal with the homeless problem after that, then yes. The city's response could not be to keep shuffling people from one location to another, rousting them out by force. By state law, the city had to have a plan to deal with the homeless. He'd like to review the statute, but it was his understating that the city couldn't break up homeless camps and evict people from public property that had become a homeless camp if there was not an alternative place to go. Technically, that housing wouldn't be a homeless camp, because it was organized by a non-profit. It wasn't public ground were people were allowed to camp at random. He needed to research if shutting down the "village" would impose some liability on the city.

Pastor Vogt asked if there was a difference between the city displacing someone, and then Origins did an intake, screening, and someone entered into an agreement with them, by violating the agreement they couldn't stay. That didn't seem like being displaced.

Councilor Capron stated he meant if the overall village was shut down by the city.

Mayor Hill stated his appreciation for this project, but he still had concerns. How many violations was the city going to be able to withstand politically and with the neighbors if this was unruly.

Councilor Crume stated part of the remedy was the five-month pilot program.

Pastor Vogt stated that was part of the appeal of the temporary units. If they needed to be moved to a different area, it wouldn't be shuffling people around.

Mr. Brown stated staff would keep the Council informed.

NEW BUSINESS

SNJ Online: Goodfellow Project – Request for the City Council to Initiate a Vacation on Council's Own Motion
Councilor Justus declared a conflict of interest and recused himself from the action.

Dan Cummings, Community Development Director, presented.

CRUME moved, CAPRON seconded, **THAT THE CITY COUNCIL APPROVE THE REQUEST OF SNJ ONLINE FOR THE CITY COUNCIL TO INITIATE A VACATION PROCEEDING AUTHORIZED UNDER ORS 271.130, FOR VACATION OF A PORTION OF GOODFELLOW STREET AS SHOWN ON EXHIBIT "A" IN THIS REPORT.** Roll call vote: Braden-yes; Justus-abstain; Palomo-yes; Crume-yes; Rodriguez-out; Capron-yes; Hill-yes. Motion carried 5/0/1/1.

CRUME moved, CAPRON seconded, **THAT THE CITY COUNCIL REQUIRE SNJ ONLINE TO PAY THE CITY EXPENSES INCURRED FOR THIS ACTION WHICH ARE OUTLINED IN THIS REPORT.** Roll call vote: Braden-yes; Justus-abstain; Palomo-yes; Crume-yes; Rodriguez-out; Capron-yes; Hill-yes. Motion carried 5/0/1/1.

Resolution #2019-136: Receive and Expend Unexpected Police Revenues
Kari Ott, Finance Director, presented.

CRUME moved, CAPRON seconded, **THAT THE CITY COUNCIL APPROVE RESOLUTION #2019-136, A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET TO RECOGNIZE AND EXPEND UNEXPECTED POLICE REVENUES.** Roll call vote: Braden-yes; Justus-yes; Palomo-yes; Crume-yes; Rodriguez-out; Capron-yes; Hill-yes. Motion carried 6/0/1.

Ordinance #2767-2019: Amending OMC 2-5, Renaming "Parks and Recreation Board" to "Parks Committee" and Amending the Rules of the Committee, First Reading
Dan Cummings, Community Development Director, presented.

Mr. Brown stated he would like to specifically name the City Manager and Community Development Director as the ex-officio members on the Committee.

Councilor Justus asked to include some language about filling a vacancy within a set amount of time should they not be able to fill the specific club appointments, such as Rotary or Lions.

CRUME moved, CAPRON seconded, **THE CITY COUNCIL APPROVE ORDINANCE #2767-2019, AN ORDINANCE AMENDING TITLE 2, CHAPTER 5, RENAMING THE "PARK AND RECREATION BOARD" TO "PARKS COMMITTEE" AND AMENDING THE RULES FOR THE COMMITTEE, ON FIRST READING BY TITLE ONLY.** Roll call vote: Braden-yes; Justus-yes; Palomo-yes; Crume-yes; Rodriguez-out; Capron-yes; Hill-yes. Motion carried 6/0/1.

DEPARTMENT HEAD UPDATES

Fire Department Quarterly Report *(Attached)*
Terry Leighton, Fire Chief, presented.

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

Community Development Annual Report *(Attached)*
Dan Cummings, Community Development Director, presented.

Human Resources Annual Report *(Attached)*
Peter Hall, HR Director, presented.

DISCUSSION ITEMS

Beck Kiwanis Baseball Field
Mr. Brown stated staff had received a letter from Ann Schiemer requesting the sole use of the Beck-Kiwanis baseball field, and to reestablish a Little League team in Ontario. They want to have teams in Ontario, Vale, and Nyssa, but they want sole use of the property. They said they'd bring it up to Little League standards. There is also a letter from the Ontario Recreation District, who would also like to use the same field for recreational programming. He had spoken with Andrew Maeda, asking what their intended use would be. It was unclear as to why the two entities could not co-exist.

Councilor Capron stated he played Babe Ruth and Little League, and it was also important to build up the recreation department, so maybe this new Parks Committee would be a good place to start.

Councilor Crume stated it appeared that both parties wanted exclusive use of the field.

Andrew Maeda, Recreation District Executive Director, stated his letter was written in response to Ms. Schiemer's letter regarding the exclusive use of the field. The Recreation District felt if that field was going to be given exclusively to one entity, it should be a previously standing, former department of the city who handled recreational activities for the community. The District could handle running that program. He had reached out to Ms. Schiemer to work with her directly, but they hadn't been able to yet finalize an agreement to do that. They'd like the stainable program of Little League to run for a long time. That would take time to ensure it was run correctly and for long time.

Councilor Crume stated he could not locate where Ms. Schiemer had asked for exclusive use.

Councilor Justus stated if they were going to grant exclusive use, he'd prefer that go to the Recreation Department. Then let them work with Little League. He didn't want to tie up public property to a non-public entity. He wanted to know that the citizens could go to that park and play on that field. Giving exclusive use to a non-public entity would set a precedent he didn't want to set.

Mayor Hill agreed that it might be good to let this go to the newly created Park Committee.

Councilor Rodriguez asked how important exclusivity was. Would it be that difficult to share, should the other entity be willing to do that.

Mr. Maeda stated their goal in the beginning was not for exclusivity; however, when Ms. Schiemer stated she was going to ask for exclusive use of the field, and since the goal of the Recreation District was to co-exist with any programs to promote recreation in this community from youth to senior, that's what happened.

Councilor Rodriguez asked if Mr. Maeda would be willing to remove his request for exclusivity from the table.

Mr. Maeda stated he would be willing to state that if it was across the board for his department as well as Ms. Schiemer's development.

Councilor Palomo stated if they looked at the current status of the baseball field, it was a mess. It was because everyone wanted it for themselves, but no one wanted to do the teamwork and work together. He heard from Mr. Maeda and Ms. Schiemer and some other clubs in the area, and everybody wanted that field, but no one wanted to share. Until they came back with unity with all four talking about not "your" group, not "your" team, not "Little League", but *our* kids, that's what mattered. He had been listening to this forever. He had been there when Little League broke up, when everyone tore it apart, and they went to club ball, which also got torn apart. Babe Ruth got taken apart. If someone had $400, they could play baseball on a club team. Not everyone had $400. Coaching back in the day was fun, everyone loved, it, and the kids learned how to play ball. Get the old days back. Listening to what was being discussed now, until those entities united for the use of that facility, and brought a plan to the city for *our* town, for *our* community, instead of this exclusivity thing, that field would stay the way it currently was.

Mr. Maeda stated they were working with Don/Dawn? in the promotion of Ontario youth baseball through the Ontario Recreation District, as well as Carlos, who ran a club team, and Mr. Rodriguez who also ran another club team. They were all together on this. The only one missing was Ms. Schiemer.

<u>Recommendation from the Marijuana Ad-Hoc Committee to Create an Illegal Drug Committee</u>

Mr. Brown stated at the last Marijuana Ad-Hoc Committee they caught themselves talking about other forms of illicit drugs, such as heroin. They realized they had moved past their role of the committee, and a suggestion was made to take to the Council to create an Illegal Drug Committee. He had spoken with Chief Romero since, and they were of the mindset that it wasn't a committee that was needed.

Mayor Hill stated he been approached a few times regarding the Committee, in that the membership is represented by two members from one organization, and wanted the revisited, and maybe see a change in the committee membership. If there were any thoughts on that, bring them to the next meeting.

<u>Bike Trail</u>

Mr. Brown stated there had been a misunderstanding with the engineer about when to let the bids. The plan for them was to let the bids on December er19th, with an opening on January 14th, so it could be approved January 16th. They indicated the bidders didn't like to work on bids during the holidays. The bid documents were done, and the plan was to put it out on the 19th. The hope was for spring construction.

Mayor Hill stated an RFP had been sent out for Depot Park. What was the status there?

Mr. Brown stated the RFP came in lower than was needed for Council approval, so that contract had been assigned to Trademark, the same company that was doing the Wayfinding. He planned to meet with them next week.

HAND-OUTS

Minutes: *(Attached)*
County Court: 10-30-2019

Packet
V&C Board 12-05-2019 w/11-07-2019 minutes

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

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Mayor Hill stated he was still receiving complaints about the new water bill. The term "other charges" - that term was not explained anywhere.

  Ms. Ott stated there were a certain amount of lines available on the statement, but the "other charges" was the Public Safety Fee and the Street Maintenance Fee. They had already contacted Springbrook to see what could be done, and they were told that was the amount of lines they could have on the bill.

  Mr. Brown stated that instead of saying "other", could they change that to read Public Safety….

  Ms. Ott stated she would see if they could label it differently. They'd work to find a solution, but there were no guarantees.

- Councilor Justus stated someone wanted them to install a dog park. We had one in the East Side park. Could that be put on the city's Facebook page?

  Mr. Hall stated absolutely.

- Mayor Hill stated at the previous Airport Committee meeting they had discussed a list of items that they were out of compliance with, procedures, etc. Would Councilor Crume please expand on that.

  Councilor Crume stated the subcommittee was working over all those details, but there were no suggestions or answers yet, that he was aware of.

  Mr. Brown stated they were working on a lot of things.

  Mayor Hill stated he recalled three procedures they were out of compliance with. The Airport Manager stated he was having trouble finding the time to address the issues, and implied that he needed some help.

  Mr. Brown stated that was a continuing issue. If the Council wanted to move that position from three-quarter time to full-time, staff would do the budget accordingly.

Mayor Hill stated the Airport Manager stated there were things that would move an airport from one category to another, but to do that certain things had to be brought up to standard, and the city was out of compliance. If the airport got into compliance, there would be grants that could be applied for.

EXECUTIVE SESSION

Executive Session: ORS 192.660(2)(h)

An executive session was called at 7:46 p.m. under provisions of ORS 192.660(1)(h) to discuss current or potential litigation. The Council reconvened into regular session at 8:31 p.m.

ADJOURN

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

ACCEPTED:

Riley J. Hill, Mayor

ATTEST

Tori Barnett, MMC, City Recorder