



CITY COUNCIL WORK SESSION MINUTES September 3, 2020

The scheduled Work Session of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Thursday, September 3, 2020, in the Council Chambers of City Hall. Council members present in person or attended via telephone were Riley Hill, Dan Capron, Michael Braden, Freddy Rodriguez, Ramon Palomo, and Marty Justus. Norm Crume was excused.

Members of staff present in person or via telephone were Adam Brown, Tori Barnett, Dan Cummings, Terry Leighton, Peter Hall, Steven Romero, Kari Ott, Betsy Roberts, and Dan Beaubien.

The meeting was recorded, and copies are available at City Hall.

Mayor Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on September 1, 2020. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

JUSTUS moved, PALOMO seconded, **TO AMEND THE AGENDA TO INCLUDE A VOTE OF NO CONFIDENCE ON COUNCILOR FREDDY RODRIGUEZ AND THE VOTE BE HELD AS THE FIRST ORDER OF BUSINESS.** No vote.

Councilor Rodriguez asked Councilor Justus to state the confidence he had lost.

Councilor Justus stated he would address it after the vote.

Councilor Palomo verified with Councilor Justus that he would be sharing why there was a request for the vote of no confidence.

Councilor Justus stated yes. At this point, it was just a vote to add the item to the Agenda. If it were added, he would have a motion ready.

Mayor Hill reminded them they were only acting on the motion to amend the Agenda. Hearing no discussion on amending the Agenda, he called for a vote. Roll call vote: Rodriguez-no; Justus-yes; Palomo-yes; Capron-yes; Braden-yes; Crume-out; Hill-no. Motion carried 4/2/1.

JUSTUS moved, CAPRON seconded, **THAT THE FIRST ORDER OF BUSINESS BE A VOTE OF NO CONFIDENCE ON COUNCILOR FREDDY RODRIGUEZ.** No vote.

Councilor Rodriguez asked again what confidence had been lost.

Councilor Justus stated he would address that after.

Mayor Hill stated the time to discuss it was now, as the motion was on the floor.

Councilor Justus stated: *Councilors, we are aware that Councilor Rodriguez has a coalition of citizens organizing his recall for the November 3rd election. It is my belief that the Council should let our citizens know where we stand on this very important issue. As a Council we cannot have the power to remove a City Councilperson, but we do have the power to let the citizens in the city know if we have the confidence in Councilor Rodriguez's judgement and character. I vote yes; I will vote yes, I have no confidence in Councilor Rodriguez.*

Councilor Rodriguez stated that was something in question that was being discussed, and he knew Councilor Justus was a big part of that. The community was who was being asked to decide. He understood completely what Councilor Justus was saying about the community needing to know the stance of the Council. He just found it very telling that there had been meetings since that had occurred, and it had not been brought up. Now he brought it up right before he was going to discuss the annexation from Councilor Justus's people. This was a move from them, asking him, to do that. He wanted it on the record. Councilor Justus had had multiple times to bring this up, but he chose not to. It was telling as to why he was doing it now.

Mayor Hill stated he personally believed it was not up to the Council to make the decision. It was going to be in front of the people, and the people would make the decision as to whether or not they wanted to retain Councilor Rodriguez. He did not think it was a good move for the Council to take this action.

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

PRESENTATIONS

Proclamation: National Preparedness Month (Attached)

Council consensus to endorse the Proclamation. Mayor Hill read the Proclamation.

Proclamation: Mental Health, Substance Use, and Problem Gambling Recovery Month (Attached)

Council consensus to endorse the Proclamation. Doug Hazeltine read the Proclamation.

Engineering Capital Projects Summary FY 20 Actuals and FY21 Estimates (Attached)

Adam Brown, City Manager, and Betsy Roberts, City Engineer, presented.

In March of 2014, the city selected about a half dozen professional services firms, including engineering and surveying. The process was a competitive selection process adhering to the state's requirements for selection of professional consultants. This group of consultants made up the city's On-Call Consulting support group.

Later that spring, the city chose to privatize Public Works and City Engineering support. Similar to the On-Call Consulting process, the city went through a competitive process and selected Jacobs to manage Public Works and City Engineering.

Each year the Council approved a budget that included capital projects. Many of those projects required engineering design. In an effort to provide the best value to the city, while being conscious of sharing work around the community, taking advantage of the efficiency of being on-site, familiarity with operating systems, and depth of resources, the capital projects were assigned to and negotiated with the On-Call Consultants and Jacobs.

The City Manager and City Engineer worked together to determine the best value split for the city. The decision was based on information such as known skills and familiarity with a project - for instance Keller has been working closely with Public Works on sanitary sewer rehabilitation. They had gained a knowledge of the system, and preferred improvements and contract language that other firms didn't have. The attached PPT provided more information about how the process worked.

The process used by the City Manager to finalize the selection process benefited all of the city's strategic plan goals by selecting the best fit, most efficient design team to support the city on any given project. The coming task orders were all based on the city's approved budget for FY21. Task Orders would be brought forward to the Council as needed for On-Call Consulting. The first Jacobs Task Order would be presented in September and would contain anticipated subtasks for the coming year. The pool of On-Call Consultants were selected through a competitive process meeting the requirements of the state, as was the selection of Jacobs. As such, the city could directly negotiate professional services tasks directly with these entities.

OLD BUSINESS

Resolution #2020-134: Appropriating Final Funding for South Oregon Street Improvements

Betsy Roberts, City Engineer, presented.

PALOMO moved, JUSTUS seconded, **THAT THE CITY COUNCIL APPROVE RESOLUTION #2020-134, A RESOLUTION APPROPRIATING FINAL FUNDING FOR SOUTH OREGON STREET IMPROVEMENTS.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-yes; Capron-yes; Braden-yes; Crume-out; Hill-yes. Motion carried 6/0/1.

NEW BUSINESS

Bid Award: Biosolids Removal Project for the Wastewater Treatment Plant (Synagro)

Betsy Roberts, City Engineer, presented.

JUSTUS moved, BRADEN seconded, **THE CITY COUNCIL AWARD THE BID FOR THE LAGOON BIOSOLIDS REMOVAL PROJECT TO SYNAGRO AS THE LOWEST RESPONSIBLE BIDDER AT \$1,365,000 AND TO APPROVE AN OVERALL BUDGET FOR THE PROJECT OF \$1,640,000 TO INCLUDE A 20% CONTINGENCY.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-yes; Capron-yes; Braden-yes; Crume-out; Hill-yes. Motion carried 6/0/1.

Bid Award: Airport Mowing (Bezates Excavation, LLC)

Dan Beaubien, Airport Manager, presented.

CAPRON moved, PALOMO seconded, **THE CITY COUNCIL APPROVE THE BID FROM BEZATES EXCAVATION, LLC, AS SHOWN IN THE PROPOSAL FOR THE 2020 SEASON.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-yes; Capron-yes; Braden-yes; Crume-out; Hill-yes. Motion carried 6/0/1.

Approve Joint Application for CDBG Housing Project with Community in Action

Adam Brown, City Manager, presented.

BRADEN moved, RODRIGUEZ seconded, **THE CITY COUNCIL APPROVE THE INTERGOVERNMENTAL AGREEMENT IN SUPPORT OF A COMMUNITY DEVELOPMENT BLOCK GRANT FROM THE 2020 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM ADMINISTERED BY THE OREGON BUSINESS DEVELOPMENT DEPARTMENT, INFRASTRUCTURE FINANCE AUTHORITY.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-yes; Capron-yes; Braden-yes; Crume-out; Hill-yes. Motion carried 6/0/1.

PUBLIC HEARING

Ordinance #2778-2020: Amending the City of Ontario Comprehensive Plan and Zoning Map and Annexation and Rezone of a Parcel of Land from UGA Commercial to City Light Industrial (I-1) on First Reading by Title Only

It being the date advertised for public hearing on the matter of Ordinance #2778-2020, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, ex-parte contact, and one declaration of a conflict of interest.

Councilor Justus stepped down from the Council dais declaring a 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 public hearing portion was closed.

Councilor Rodriguez stated since being on the marijuana committee and listening to all the arguments and concerns addressed on the committee, this action seems a slap in the to the city from this individual. As the chair of the committee, this individual pushed to listen to the conservative voices of this community that didn't wish to have it overrun by a large amount of dispensaries. In doing so, this individual argued that a 1,000-foot buffer, rather than a 500-foot buffer between dispensaries, to further limit the amount of dispensaries that would be allowed in the zones they were being allowed in. He agreed with many others on the committee with the sentiment, being that they were already looking at a pretty good amount of dispensaries within the allowed zones. To turn around and now say *"hey, I want to add to the city, to add to the number that I respectfully kept down"* was a slap to the face of the individuals that this person said he was listening to when he fought to make sure it was limited. He didn't approve of this action at all; the community had already spoken; there were a lot of dispensaries and this city didn't need any more to further feed the black market in the Treasure Valley, the way that the city was already doing. He didn't see a positive move to annex in more structures that would have to be maintained at a time when the city was struggling to get the funds from the state that the city deserved, to be able to implement it in the manner needed in our community. It was a slap in the face and was a negative move. He understood there were other reasons they might want to say no, legal matters, etc., but when it came to the needs and wants of the community that had already been fought for by this individual, he did not approve, and would be voting no.

Councilor Capron stated it was his recollection that when they were picking this zoning, the 1000-foot buffer, they had been told by Dan Cummings that if they ran out of space, they could annex in, or if they were denied, the state could override that vote to allow more within the city.

Mr. Cummings stated it wouldn't matter who applied. Anyone could apply because they were open areas. The buffers and requirements were already established in a previous public hearing. In the Urban Growth Boundary, everyone had the right to annex into the city and build whatever was allowed under that zone. Denying this action could place the city in a lawsuit.

CAPRON moved, BRADEN seconded, **THE CITY COUNCIL APPROVE ORDINANCE #2778-2020 AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP AND ANNEXATION AND REZONE OF A PARCEL OF LAND FROM UGA COMMERCIAL TO CITY LIGHT INDUSTRIAL (I-1) BEING LOCATED AT 833 SW 30TH STREET; OWNER IS 883SOUTHWEST30TH, LLC, PLANNING ACTION 2020-06-23 CPAMD, ON SECOND AND FINAL READING BY TITLE ONLY.** Roll call vote: Rodriguez-no; Justus-abstain; Palomo-yes; Capron-yes; Braden-yes; Crume-out; Hill-yes. Motion carried 5/0/1/1.

INTRODUCTION

Steven Romero, Police Chief, took this opportunity to introduce his guest US Veteran Mike Lee, who was also retired from the police force.

DEPARTMENT HEAD UPDATES

Financial Monthly Report (Attached)

Kari Ott, Finance Director, presented.

Fire & Rescue Quarterly Report (Attached)

Terry Leighton, Fire Chief, presented.



HAND-OUTSMinutes: (Attached)

Public Works Committee 02-11-2020

County Court 08-12-202-

Department Stats: (Attached)

Fire & Rescue Aug 2020

Public Works Aug 2020

Police Aug 2020

Code Enforcement Aug 2020

Packets: (Attached)

SREDA 09-01-2020

V&C Board 09-03-2020

CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

Councilor Capron stated that since it had been discussed already, and many people in the community had heard, he had an accepted offer on a house outside of the city limits, and an accepted offer on his home within the city limits; therefore, around the first couple weeks in October, it would be his last days within the city. He would resign his position of City Councilor on October 9, 2020.

Councilor Justus the Council need to speak about homelessness and how they, as a city, was going to deal with it. He realized Oregon offered more benefits than Idaho, so was therefore attracting more homeless individuals. But there was a problem with squatters on a weekly basis, wherever they could find a place. Currently, there were squatters in the back parking lot at Church of the Nazarene.

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

An executive session was called at 7:40 p.m. under provisions of ORS 192.660(1)(h) to discuss current or potential litigation. The Council entered the second executive session at 8:06 p.m.

Executive Session: ORS 192.660(2)(d)

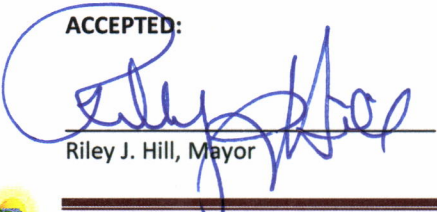
An executive session was called at 8:07 p.m. under provisions of ORS 192.660(1)(d) to discuss labor negotiations. The Council reconvened into regular session at 8:13 p.m.

Council consensus to direct staff to take corrective action based upon Executive Session ORS 192.660(2)(h), up to an eviction letter from the City Attorney.

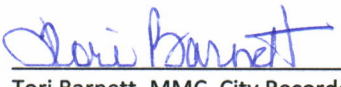
ADJOURN

CAPRON moved, JUSTUS seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Rodriguez-yes; Justus-yes; Palomo-yes; Capron-yes; Braden-yes; Crume-out; Hill-yes. Motion carried 6/0/1.

ACCEPTED:


Riley J. Hill, Mayor

ATTEST


Tori Barnett, MMC, City Recorder