CITY COUNCIL MEETING MINUTES
February 4, 2021

The scheduled meeting of the Ontario City Council was called to order by Councilor Michael Braden at 6:00 p.m. on Thursday, January 7, 2021, in the Council Chambers of City Hall. Council members present or attended via telephone were Michael Braden, Ken Hart, John Kirby, and Sam Baker. Riley Hill and Eddie Melendrez were excused; Freddy Rodriguez arrived at 6:24pm.

Members of staff present in person or via telephone were Adam Brown, Peter Hall, Corinna Hysell, Terry Leighton, Steven Romero, Kari Ott, Dan Cummings, Larry Sullivan, Al Cablay, and Laura Reyes.

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

Michael Braden led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on February 2, 2021. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

Request made to move the Ameresco presentation from 11)i earlier on the Agenda, up under section 6.

HART moved, KIRBY seconded, **TO ADOPT THE AGENDA AS AMENDED.** Roll call vote: Rodriguez-out; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-out. Motion carried 4/0/3.

PUBLIC COMMENT

Ann Schiemer, Ontario, voiced her desire to fill the advertised position of Hearing's Officer for the City of Ontario.

PRESENTATION

Ameresco *(attached)*
A PowerPoint presentation was given by representatives of Ameresco.

OLD BUSINESS

MERCHANT MCINTYRE
Adam Brown, City Manager, presented.

KIRBY moved, BAKER seconded, **THE CITY COUNCIL TABLE THIS ACTION TO THE FEBRUARY 16, 2021 COUNCIL MEETING.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-out; Hill-out. Motion carried 5/0/2.

NEW BUSINESS

COMMITTEE APPOINTMENTS TO CITY BOARDS
HART moved, BAKER seconded, **TO TABLE THIS ACTION TO THE FEBRUARY 16, 2021 COUNCIL MEETING.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-out; Hill-out. Motion carried 5/0/2.

LOBBYIST FOR HOUSE BILL 114 AND HOUSE BILL 115 IMPACTING LOCAL MARIJUANA TAX REVENUES FOR ONTARIO
Adam Brown, City Manager, presented.

KIRBY moved, HART seconded, **THAT THE CITY COUNCIL ALLOCATE $20,000 OUT OF CONTINGENCY FOR LOBBYIST SERVICES TO PROMOTE HOUSE BILLS 114 AND 115.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-out; Hill-out. Motion carried 5/0/2.

Mr. Brown requested to move Discussion Item 11)C next so those guests who were wishing to speak on the item were able to do so now instead of waiting until after the Department Head Updates.

Councilor President Rodriguez moved the item as requested.

Approval of Tennis Courts Bid and Agreement with Four Rivers Charter School for the Sponsorship and Use of the Beck Park Tennis Courts

Adam Brown, City Manager, stated this item was budgeted two years ago, but there were no responses back for the Request for Bids. He contacted a business directly and was quoted a price of approximately $370K, which was not a viable option. Since that time, Raeshelle Meyer, Principal of Four Rivers Community School, contacted him and indicated they were interested in partnering with the city for the tennis court rehabilitation project, as that was a sport they offered at the school and wanted a "home court". This was something similar to what the city did with the 8C School District with regard to the soccer fields at Alameda Elementary School. He reviewed the proposal and viewed it as a type of grant as a way to leverage the community's money between the school and the city.

The company that he had met with two years ago, who had actually walked the courts, was known to the city engineer, who pressed them for a quote last spring. With COVID, things slowed down, or stopped, but he had now received a fresh bid from them, for $190K. The school offered $45K towards the project. He reminded the Council that Ontario also had an active tennis community who would also benefit from improving the courts.

Raeschelle Meyer, Principal, Four Rivers Community School, stated five years ago Four Rivers expanded into the high school grades, so they were excited to offer additional athletic opportunities to students. Students wanted to play tennis, and there was an active tennis community of both adults and students. The Beck courts were used by a lot of people, and were at one time lit. It had been a beautiful facility but were now dilapidated. The school would like to help bring the courts back to playability, which would also make Beck Park more palatable and a place for families to connect. It was truly a multi-use space. The school would like to use Beck Park courts as a priority space for their high school and middle school students, and they were willing to contribute $45K towards the project. The school was excited about the opportunity, and it was a great marketing tool for the city.

Councilor Kirby stated a suggestion had also been made to install basketball hoops, which would be a benefit to the neighborhood.

Ms. Meyer stated if they involved the neighborhood, make them feel they had buy-in and input on the courts, made them feel like it was their space, and they'd be more likely to protect it and take care of it. Adding in basketball hoops and courts, maybe some soccer nets, would be a great benefit.

Councilor Braden stated if the city invested and made nice tennis courts, maybe some basketball courts, what was the status of the restrooms? That would be vital to using the other amenities offered.

Mr. Brown stated there were a few ways to find this. The city had been setting aside $46K each year for three years, and next year would be the final year. That would complete the bathroom repair/upgrade. They could say there was not sufficient funds for the courts, and not enough for the bathroom, so neither project would be done. Staff would like to see something rather than nothing. If a choice had to be made, move that funding over, plus a little from contingency. Another option was brought up in Leadership to use some of the unrecognized marijuana revenues that exceeded the amounts previously projected. The third way was to pick up the difference from contingency, which had ample funds to do that. Regardless, if the Council wanted to use the restroom money to assist in the tennis courts project, staff's goal would be to present a full funding for the restrooms in next year's budget.

Councilor Rodriguez was it even possible to have a flooring that was versatile enough for both tennis and basketball?

Mr. Brown stated he did not see basketball players wearing out the tennis courts. The bid included new poles and nets for tennis, but nets would wear out over time.

DEPARTMENT HEAD UPDATES

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

Public Works: Quarterly Report *(Attached)*
Al Cablay, Public Works Director, presented.

Councilor Hart suggested the Public Works Committee really take a good look at the budget submissions that the Public Works Department was going to present to the Budget Committee. It was his understanding that maybe there wasn't agreement between the Public Works Committee and what was coming out of the Public works Department for presentation to the Budget Committee. He'd be interested in knowing if the Committee supported what the Department was proposing.

Mr. Cablay stated that was his commitment.

Councilor Hart stated his request to make that happen. If the Committee didn't want to meet again, that was their decision and he would support that, but he'd like it offered.

Larry Sullivan, City Attorney, just remined everyone of a section of the City Code which read *"…this requirement shall not mean that the Public Works Department will bring the Public Work Department to the Public Works Committee, as the Public Works Department budget is the responsibility of the Budget Committee."* It segregated budgeting issues from the other responsibilities of the Public Works Committee.

DISCUSSION ITEMS

Charter Amendments
Adam Brown, City Manager, stated he had located a few examples of Charter Review Committees and successful Charter review amendments from around Oregon. The recommendation in the packet before them was for the Council to establish a Charter Review Committee, with two Council members and seven public members, also the City Attorney, the City Manager, as ex-officio, non-voting members. The examples took the Model Charter and lined it up against their own current city Charter, and then the Committee worked through each section. Once completed, it would be presented to the City Council for review. It would be at the Council's discretion to move it forward for placement on a ballot for a vote of the citizens. Financially, it would be cheaper to do this during an election year, so if it were ready for November 2022 and would not incur much of an additional cost. Most examples he had reviewed showed a time frame of six months to twelve months.

Mr. Sullivan stated his familiarity with the current Charter and knew what was working and what was not. Most of what was in the current Charter worked, and this latest Model Charter was not that different from the city's current one. They could really focus on the areas that had generated discussion about making changes, and not necessarily have to do a review of every provision and section in the Charter.

Councilor Kirby stated he would like to see the current Charter lined up next to the Model Charter.
Councilor Hart asked, if they were to try for this November, when would the work have to be completed to get it on the November 2021 ballot?

Mr. Sullivan stated it was his recollection, to get it on the November ballot, the first deadline was in August. The process would have to be finished by that deadline.

Councilor Hart stated it was his intent to create a resolution for the Council to consider for a Charter process.

Approval of Hearings Officer Agreement
Peter Hall, Assistant City Manager, stated last November, Chief Romero presented a contract for a Hearings Officer as a means to formalize that position within their process for Code Enforcement appeals. During that meaning, the Council asked staff to advertise for the position and bring back a slate of candidates. That process had been done, leaving it open until filled. As heard earlier, Ms. Schiemer had spoken under comments about her desire to hold the position, and two other candidates had been presented. Billy Carter was on Zoom that evening if they had any questions for him, but the third candidate withdrew her application.

Councilor Kirby stated the city used to have a Magistrate, Mel Walter, who had been a professionally trained lawyer in the latter years of his practice. He conducted court at City Hall every two weeks. On his retirement, the city contracted with the Justice Court for them to hear the city's traffic violations amongst other actions. It was beneficial to both parties. He assumed there was a sharing of proceeds from the outcome in court. Justice Court had issued a message they did not want to deal with ordinance issues anymore. Perhaps it was now time to revisit that arrangement. Before the Council approved a contract, they should review the feasibility of going back to how it used to be.

Mr. Sullivan stated the City of Vale had a Municipal Judge. They hired a local lawyer at $800 a month to handle all the ordinance violations, and they'd been happy with that arrangement. From a cost standpoint, it seemed that the major benefit that a city had from having control over that ordinance enforcement was that they could do it as a source of revenue. It also provided the city with more control over the handling of nuisance, etc., so there might be a benefit there. He had taken the view that it worked best only if the city was earning some revenue.

Councilor Kirby asked about traffic citations. Because Ontario was the center of commerce for the valley, there was a lot of traffic, and believed there were probably a number of citations issued. He wasn't aware of the cut, but the city probably shared in any citations that had a fine attached.

Mr. Sullivan stated the City of Vale found that the volume was large enough to require a new computer program to track the citations, to ensure the money went where it was supposed to go based on state law, so there were overhead expenses with having a municipal court that would have to be factored in. He was unaware of any other city doing that other than Vale, locally.

Councilor Baker asked if Ontario was subsidizing the Justice Court.

Mr. Brown stated he was not sure of the answer but would get all the information for the Council and have it ready for the meeting on the 16th.

Mr. Sullivan stated he was not aware, either. He was not sure if there was any type of contract between the justice Court and the City of Ontario, but he didn't think so. It would take some ordinance tinkering to create a Municipal judge position. In reviewing the Model Charter, that role was included in the Charter.

Councilor Hart stated as Measure 110 went into effect, where would those be heard?

Steven Romero, Police Chief, stated they were still going to the Circuit Court.

HART moved, BAKER seconded, **TO TABLE THE APPOINTMENT OF A HEARINGS OFFICER TO ALLOW TIME TO DISCUSS THE ISSUE AND TO REVIEW THE STRUCTURE AND PROVIDE ANN SCHIEMER TIME TO OFFICIALLY SUBMIT HER APPLICATION FOR COUNCIL REVIEW.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-out; Hill-out. Motion carried 5/0/2.

Four Rivers Cultural Center Funding

Adam Brown, City Manager, stated last December staff was trying to use the allotment from the Federal CARES Act money from the state of approximately \$336K. Much of that was used to virtualize services at City Hall, so many things that were done at the front desk, such as permits, could be done virtually. A significant portion was sent to Community in Action for rental and utility assistance. Some was given to Meals on Wheels to provide meals to those on a wait list, and to assist in a van purchase. There were strict guidelines on the use of the funds. Staff had originally attempted to assist Four Rivers Cultural Center, but the guidelines prohibited that. However, they were told that whatever was unspent could be put towards police and fire overtime, and that had been done. However, they still wanted to help the Cultural Center. He was seeking the Council's consideration in helping the Cultural Center with a \$10K donation from the General Fund.

Councilor Hart verified there had been a deadline to spend the money, but that had been extended. How much time was left, and how much of the funding remained? Of the Corona money, \$330K, with a deadline of December 31 was extended to, and how much was left?

Kari Ott, Finance Director, stated it was extended to June 30th, and there was approximately \$39K remaining.

Mr. Brown stated if that weren't spent it towards another approved area, it could be used towards fire and police salaries.

Ms. Ott stated that was correct. Also, the good thing on the CARES Act salaries piece was that an entity was not required to have any backup besides showing the money was paid and the recipient was a firefighter, EMT, or police officer. The issue with the Cultural Center was lost revenue, so the city could provide them a grant from the General Fund.

Councilor Kirby stated even though they were not voting or taking action on it he wanted to declare that he was an Emeritus member of the Cultural Center.

Façade Improvement Grant Boundaries

Dan Cummings, Community Development Director, stated the city had a Façade Improvement program which the Council had placed \$50K into, which covered the downtown area. It was a successful program with all the funding being expended and a lot of facades upgraded to improve the area. The Council awarded an additional \$25K to do another project of the same magnitude, and now staff was proposing the corridor for the new funding be from I-84 down Idaho Avenue to Ontario High School (10th Street), then SW 2nd Street from Idaho down to SW 4th Avenue, then from 2nd, down 4th, to the Yturri Beltline (SW 30th Street). The proposal was for one block wide on each side of the corridor. The goal of this program was to beautify the strips of Ontario where most travel was done. He was seeking Council approval to spend the money along that new corridor.

Councilor Hart asked if there was a reason for any restrictions? There were businesses all over Ontario.

Mr. Cummings replied there was no reason; the Council could say the whole town was eligible. Their thinking was based upon the limited funding, to use it were the most traffic was generated and under public view. He had no preference where it was expended.

Councilor Hart asked how the process worked.

Mr. Cummings stated there were rules and criteria, and it was first come, first served. As long as a business met the requirements, which were minimal, they were eligible. If it were not limited as to the location where the funding could be given, it would be hard to deny any application. The Committee had recently been designated as a Certified local Government, so they were now eligible to get grants.

Border Board Grant Administration

KIRBY moved, BRADEN seconded, **TO DIRECT STAFF TO MOVE FORWARD WITH AN AGREEMENT TO ADMINISTER THE PROPERTY INCENTIVE REBATE PROGRAM (PIRP) AND COUNTY HOUSING INCENTIVE PROGRAM (CHIP) PROGRAM FOR THE BORDER BOARD.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-out; Hill-out. Motion carried 5/0/2.

Federal Coronavirus Paid FMLA Sick Leave Extension

Kari Ott, Finance Director, stated in March 2020, because of COVID, the federal government required that employers with under 500 employees had to pay their employees two weeks (up to 80 hours) of paid sick leave at the employee's regular rate. This was if the employee was quarantined and/or experienced COVID-19 symptoms and sought a medical diagnosis. Second, two weeks (up to 80 hours) of paid sick leave at two-thirds regular pay. This was used if a family member was affected by COVID-19. The city qualified for a dollar-for-dollar reimbursement through tax credits on quarterly payroll tax returns. The city was reimbursed for wage cost, employer social security and Medicare cost. The only out of pocket cost would be worker's compensation and PERS.

On December 21, 2020 Congress passed an Act, signed by the President December 27, 2020, which extended the federal coronavirus paid leave benefits and tax credits associated with this leave from January 1, 2021 through March 31, 2021. This extension of the leave was optional by the employer. Staff was asking Council if the leave should be extended. The extension did not give each employee an additional 80 hours of each type of leave. If an employee had hours remaining after 2020, those hours would extend until March 31, 2021. The city needed to have a decision as soon as possible to record and pay hours correctly.

Staff was recommending approving extension of the leave for a few reasons: One, some employees were not eligible for vaccination at this point; and two, the city would receive a tax credit back for the wages and social security and Medicare wages.

SE 5th Avenue Pedestrian Improvements

Paul Woods, City Engineer, stated they had met with ODOT where they received clarification on the resolution of SE 2nd Street, how that would be handled and how that would impact additional funds that would be coming to the City of Ontario for implementation of pedestrian improvements along SE 5th Street. The pool of money that they were drawing from was a regional pool from the aggregation of projects. Because the city had been a successful applicant on SE 5th previously, and because ODOT really saw merits in investing in that corridor, they passed a resolution to allocate that money to the city. That brought the total to approximately $1.7M that could be spent for pedestrian improvements along SE 5th. It opened the consideration from maybe the railroad tracks to East Lane. There were some concerns about the ability have a pedestrian bridge or hanging a pedestrian bridge off the existing bridge due to the age, due to an initiative to increase the clearance height along I-84, which would result in a replacement of that bridge, but they felt there were many opportunities there. Staff was excited to move forward with the project, and they would be bringing forward some concepts that would allow them to continue to move forward to engineering and implantation.

HAND-OUTS

Minutes: *(Attached)*
County Court: 01-13-2021

Monthly Department Stats *(Attached)*
Fire & Rescue
Public Works
Police
Code Enforcement

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Councilor Hart stated this comment was something for staff to think about: was there a way to improve the committee process for notification? His understanding was that Public Works had a system that notified Public Works Committee members that there was a meeting approaching and then a text that morning reminding them of the meeting again. His reason behind his question was that he had a V&C meeting that morning, so at 7:00 a.m. he went to the meeting and there was no V&C meeting, so he was grumpy. It was on the public board, it listed that there was a meeting, so he contacted Mr. Breidenbach who informed him that the meeting was cancelled. How would the public know that? How would the members know that? They needed to build something into all the committees some type of reminder system to ensure that the public and the members were aware of any changes. It added more work for staff, but it would help them all be more successful as a city. Another piece he would like consideration on was a set timeline of how much in advance all committees, including the Council, received packets. Electronic was nice, but he wanted more time. He wasn't seeking an ordinance, but the more time to review the packet, the better, and maybe notice that the packet was posted. They needed to be respectful of the volunteer's time and the Council's time to get stuff out. Set a guideline for the committees to set a minimum, whatever that was. He didn't want to micro-manage, he'd let them decide what that timeline would be. He just wanted consistency throughout all the committees, including the Council, on doing a better job making it easier on the volunteers.

  Councilor Kirby stated he used the calendar daily. The City Manager put the calendar on his phone, so he could look at it whenever, wherever. It was the best prompt he had. Maybe to just enhance the calendar they already had and make it easier to get on their phones.

  Mr. Brown stated he had spoken with the Mayor about possible confusion about the Thursday and Tuesday meetings. They were based off the third Tuesday, which meant it was usually the first Thursday, but sometimes the second Thursday. That could be confusing. The Mayor thought maybe they should all be on Tuesday nights. If that were the case, the packets would be published before end of day Friday, giving the Council two more days to review the packets.

ADJOURN

BAKER moved, HART seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-out; Hill-out. Motion carried 5/0/2.

ACCEPTED:

Riley J. Hill, Mayor

ATTEST

Tori Barnett, MMC, City Recorder