



CITY COUNCIL MEETING MINUTES

April 27, 2021

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, April 27, 2021, in the Council Chambers of City Hall. Council members present in person were Riley Hill, Freddy Rodriguez, Sam Baker, Ken Hart, John Kirby, Michael Braden, and Eddie Melendrez.

Members of staff present in person or by call-in were Adam Brown, Tori Barnett, Peter Hall, Dan Cummings, Terry Leighton, Al Cablay, Larry Sullivan, and Jason Cooper.

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 April 23, 2021. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

HART moved, KIRBY seconded, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

PUBLIC COMMENT

Marty Justus, Ontario, stated: *Thank you, Mayor. I came here not to speak today. I was just going to sit in the audience and express my First Amendment rights to free speech. But the City Clerk handed this to me when I walked in. It's from Council President Freddy Rodriguez. There's all kinds of stuff in here, but basically, it's asking why I haven't sued him for slander. I just want to let you know that I have retained counsel. You all will be hearing from them shortly. The only thing is, I don't want anything you have, Freddy. All you own is a used camp trailer parked in Montgomery Village, outside of the city limits. But that's up to you. So, anyway, I just wanted to let you know that I'm here, Freddy. Make any accusations that you want, that you have proof of, please bring them forward. I am not scared of you or anyone on this Council. I am a proud, gay man that lives in the City of Ontario and will freely express my First Amendment rights anywhere and everywhere that I'm allowed by law.*

Councilor Freddy Rodriguez stated: *Thank you, Mayor. So, I'll go ahead and read the statement. It's not a letter, it's a statement. Thank you for being here. First off, I'm pretty sure you were going to say something but when you seen that this was on the docket to be discussed, you stated you wanted to say something. So, I'll go ahead and read it and be short. First off, I want to thank, I already did that, I'll do it again. I want to thank you, Marty, for having the courage to come up and speak, even with all the negative attention you've garnered for yourself. You keep stating you don't want to cause disruption for City Council, yet we find you here every meeting reiterating acts that have already been spilled and have zero substantiated evidence or proof behind them. What exactly do you expect Council to do with me with your claims of my bullying you, when all I did was simply report a grotesque action that was disclosed to me? I am a mandatory reporter. I did what I was supposed to do based on that fact. Why are you here? Because I did what my oath to being a mandatory reporter asks of me? To report any actual or perceived abuse of any vulnerable adult or child or anyone for that matter? You say I'm lying about you, yet the person who disclosed all pf these details has publicly stated he told me those things, but lied. It says it right in the Argus article. This individual is a big-time volunteer in many agencies in town, including agencies that place him in the line of assisting*



vulnerable citizens. And you and the entire recall effort is completely ignoring the fact this man is yet another real threat to vulnerable adults and especially kids with his open admitting to lying about well, you being a predator. Is he lying? Is he lying? Nod? Shrug? Yes? Is he lying? No answer, everybody.

Mr. Justus: *The only liar in the room is you. You're the liar, Freddy! You're the liar, Freddy!*

Councilor Rodriguez: *Let me just finish so we can go on with our lives. Did you know that he isn't the only name I provided to law enforcement as someone who told me they could corroborate such stories of you? There's more to this than just what you're letting people know through your vain attempt to use my ex's lies to cover up your dirty carpet. It's crystal clear now that the main effort to recall me isn't based on the now overshadowed reasons originally given in the recall effort.*

Mr. Justus: *Is the time up? Mayor, is the time up? Is the time up? Mayor, is the time up, yes or no?*

Mayor Hill asked Mr. Justus to stay quiet or leave, one of the two.

Councilor Rodriguez: *Cooke has stated how she has nothing against me besides my recent domestic accusation, yet she went golfing with me after those accusations came to light by the Enterprise. Ask yourselves what changed everyone's perception of me. And why isn't anyone asking you to be honest? Why aren't you suing, well, we already talked about that, but why aren't you suing for slander? Because when you get sued for slander, you get sued and I would go down if I'm lying. We can find out through that, so we're going to go that route it sounds like, so I'm all for it. You're an adult. Act like one and man up to your deeds. I'm not threatening anyone with investigations. If you're innocent with zero to hide, then no reason to consider this madness, right? It's not madness if there's nothing to hide, right? Look, I am not gonna go off on some Plummer style rant. I just wanted you to hear me directly state these things to you. Again, thank you for showing up.*

EXECUTIVE SESSION

EXECUTIVE SESSION: ORS 192.660(2)(e)

An executive session was called at 6:10 p.m. under provisions of ORS 192.660(2)(e) to discuss real property. The Council reentered regular session at 7:03 p.m.

NEW BUSINESS

Contract Extension: Joel Ruiz

BRADEN moved, BAKER seconded, **THAT THE CITY COUNCIL EXTEND THE CONTRACT WITH RUIZ ENTERPRISES FOR AN ADDITIONAL 60 DAYS AND ACCEPT THE \$5,000 IN EARNST MONEY DEPOSIT.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-abstain. Motion carried 6/0/0/1.

Liquor License Application: Ontario Liquor Store, LLC, Change of Ownership

Jason Cooper, Police Lieutenant, presented.

HART moved, BRADEN seconded, **THE CITY COUNCIL APPROVE THE CHANGE OF OWNER OFF-PREMISES LIQUOR LICENSE APPLICATION FOR ONTARIO LIQUOR LLC.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Letter: Opposition to Qualified Immunity Reform

Mayor Hill stated he believed it important to let the other side of the state know Ontario felt. He only visited with Councilor Braden about this. The letter was in the packet. It was based on seeing on television the burning of Portland and the burning of Salem and the defunding of police. He wanted to make statement to that side of the state that Ontario supported their police and would not be defunding them.



Councilor Kirby stated they were trying to tell the officers who worked for Ontario that they were appreciated, and the Council and the city didn't want to leave them standing outside the courthouse all alone.

BRADEN moved, KIRBY seconded, **THAT THE CITY COUNCIL AUTHORIZE THE MAYOR TO SIGN THIS LETTER ON BEHALF OF THE COUNCIL IN OPPOSITION TO QUALIFIED IMMUNITY REFORM.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Letter: Bridge Crossing

Mayor Hill stated as the Council might recall, he had broached the issue of the bridge on 18th, some safety issues there, and he also spoke to the City Manager about drafting a letter in hopes that the Council would approve it. He also spoke with the City Manager in Fruitland, who asked for a copy of the letter. He also appeared before the Fruitland City Council speaking to this issue, and they were on board, and approved the action of trying to get that crossing.

BRADEN moved, HART seconded, **THAT THE CITY COUNCIL ALL SIGN THE LETTER IN SUPPORT OF THE BRIDGE CROSSING OVER THE SNAKE RIVER.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

DISCUSSION ITEMS

Concept of Changing Council Meeting Dates

Councilor Hart stated this was at this request. He hoped they all had a chance to review it and give it some thought. It was related to the Council's meeting schedule. Currently, they met three times a month, sometimes a second meeting was waived. He was proposing it for a personal reason because if he were successful in his bid for a seat on the TVCC Board, he would have a conflict with the third Tuesday. That would cause him an issue. But they had already discussed the idea that sometimes the citizens were confused on Thursday Work Sessions and Tuesday Council meetings; did voting on issues occur during Work Sessions, or not. To give some consistency of the night of the week the Council met, and when they met, they were meeting as a City Council versus Work Session. If that was brought up, was it a change to how they did business? His request would be that instead of meeting on the first Thursday, the third Tuesday, and the fourth Tuesday, they'd meet on the second Tuesday and the fourth Tuesday and eliminate the Work Session. They'd meet only two times a month, once at the beginning, one at the end. They'd never go more than two weeks without meeting.

Mr. Brown stated it was the Council's prerogative to amend the Council Rules and Procedures Policy.

Councilor Braden asked if that would put any additional burden on staff? The timing and spacing issue might help concentrate on the issues to present them in a timely manner.

Mr. Brown stated that was true, but it would pose a challenge when the occasional week was changed based on the LOC conference, the Mayor's conference, etc. Sometimes, those were held during the final week of the month. Staff worked those things out at the beginning of the year prior to adoption of the schedule by Council. If the Council wanted to make that change, staff would review the calendar looking for conflicts. Then they could approve the schedule for the remainder of the year. There might be a conflict with things that were out of their control.

Mayor Hill stated in times past, the Council used to have an open forum lunch that the City Manager explained the issues coming before the Council. It was truly just an explanation. Then on the meeting a few days later, action was taken on those items. Sometimes it was nice to hear about items before being asked to make a decision.

Mr. Brown stated staff tried to preview items before asking for Council action, and they'd still follow that path, unless it was an emergency.



Councilor Rodriguez asked for clarification from Councilor Hart. He was asked that the Council remove one meeting completely, moving it down to two meetings a month, and then to have them both on a Tuesday. But he had added that it was for personal reasons. What was the personal thing? Was it because he was running another position?

Councilor Hart stated yes, he was running for a seat on the TVCC Board, who met on the third Tuesday of each month. One, it wouldn't happen unless he was elected, so it wouldn't begin until July, but he would have a consistent conflict on that third Tuesday.

Councilor Rodriguez stated he was never in support of reducing the duties of the Council. They had just recently amended the way they pushed for that third meeting. Councilor Hart had stated that at every second meeting they needed to discuss the third meeting. This personal thing was really kind of stepped into the Council operations. He was most concerned because if he were running for the other Board, he would look at this. He felt that if they were to change the schedule based on what they knew of the reasons behind the change, it put a constraint on the other candidates because it was giving him a clear path to hold that other position. It sounds like, maybe, otherwise, he would not be so gung-ho because it would be a conflict and he couldn't do both. It seemed a little too personal and felt it would affect the potential ability for other candidates to be successful while the Council would potentially be clearing the path for Councilor Hart to do that, even when they just discussed how they often needed that third meeting, to be discussed at the end of every single second meeting.

Councilor Kirby stated if he understood Councilor Rodriguez, he felt that the Council would be endorsing Councilor Hart's candidacy over Christ Plummer by changing the schedule at this time, and if they wanted to remain neutral as a Council, they should wait until after the election results.

Councilor Rodriguez stated he added the waiting part, but the first part was correct. He didn't believe they should be reducing their duties.

Mayor Hill stated this was just a discussion, no action. This would not be acted upon for a few months.

Councilor Hart stated they didn't have to act on it ever, but he would ask, depending on the election results, to discuss it again in June and maybe act at that time.

Councilor Braden stated he had been attending Council meetings for 3+ years, doing it for six to eight months for actually running for a seat. As Councilor Hart had expressed, citizens had confusion regarding cancelled meetings, too. During his time before being on Council, he came to those third meetings, and he'd be at the door, and no one was there. He did miss a lot as a concerned citizen. He was not looking at it for any personal reasons. It made Councilor Hart look at it from a Council perspective and investment and relation with the community and they were communicated with. Having two meetings, two weeks apart, equally posted, gave staff time to work on projects for presentation. It was a neat, orderly flow to what had been a confusing process.

Councilor Rodriguez stated it sounded like publishing a third meeting was what needed control. He had been on Council two years, and during those years there multiple third meetings a month. It was like saying they should communicate better with the community by the Council working less.

Councilor Kirby stated he preferred something in the morning, as it was easier to schedule around.

Qualified Immunity Issue

Councilor Melendrez stated with regard to the Qualified Immunity letter; could someone please explain better. He was for backing the police but wanted better clarification. Where had that come from?

Jason Cooper, Ontario Police Lieutenant, stated that they, as Police Officers, were put into situations that were life and death and although they had training and experience, some more than others, they were asked to make split second decisions and to make those decisions with 100% effectiveness and they were held to a higher standard, and



there was accountability. What that did, it didn't permit the officer, in general, to be sued by an individual. It held the City of Ontario, through any legal lawsuits, essentially, it didn't leave the officer hanging on his own where he, or she, could lose any of their assets. It was to hold the officer liable through the City of Ontario.

Councilor Melendrez stated some things he had heard from the news was that it was not suing the police officer personally but maybe their union? Had anyone heard that? Instead of the city's paying lawsuits. For example, George Floyd – that city would have to pay his family, correct, that money, millions of dollars for what happened there? Not so much going after the officer but going after that officer's union.

Mayor Hill stated what he believed the letter would do was state that no matter what, in seeing what was occurring in Portland, Salem, or Seattle, that wasn't wanted here. Some areas were trying to put the complete onus on the police officer – that's not going to work and it's not going to happen here. Anybody that sued was going to be everybody they could; whoever had the deep pockets. This letter was a support letter for the officers in our community, and letting the rest of the world know, letting the elected officials know where the City of Ontario stood on the issue.

Homeless/Small Homes

Councilor Kirby stated whether they called it the tiny house issue or homeless issue, they voted, but the issue was still there. The Council had to be part of the solution, but they couldn't be the solution alone. He had been approached by a member of a side organization – Pastor Tim Brewer – and they had a discussion about it. They had some concerns because they felt that they would like to develop a solution. At some point, it needed to be revisited. He asked that Pastor Brewer meet with this group to put something on paper to present to the Council. He also suggested Pastor Brewer speak with the Council individually before bringing it back for public discussion.

Mayor Hill stated he contacted Community in Action, but no surprise, was not welcomed with open arms. He also spoke with the City Manager and asked him to bring forward the text of the bill that the city would be faced with. It was going to pass – the city was going to have to do something. They could see what they were faced with so they could make decisions. He told CinA that the Council wanted a long-term plan and wanted to be part of the solution and they all needed to work together.

Councilor Melendrez thanked the Mayor for having that conversation. It was a community issue that they all needed to work together on. Too many times people just handed a person, or a situation, off to someone else, but that couldn't happen here. It had to be the whole community. This was a nationwide issue and they all needed to do their part. He wanted Ontario to be a city as a success for combatting homelessness.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Mayor Hill had received an invitation from the Oregon Historical Society to participate in the Oregon NISEA Veterans and the Japanese American Museum of Oregon. He thanked the city needed to participate in some manner because we had a Sister City in Osakasayama, Japan. That could be passed off to the City Manager, to pass off the Peter Hall, to get a response back. It was scheduled for June 14th. They wanted a proclamation.

Councilor Kirby stated this also related to the 442nd. The Cultural Center received their major funding because of the 442nd. He received a call from Representative Bob Smith, and they were seeking a way to get the funding for the first Gulf War. Senator Dan Inouye had it tied up in the Senate Appropriations Committee and Senator Ted Kennedy approached Bob because he knew that Senator Hatfield and Senator Inouye were very close friends. Through those efforts, they wanted to know if anything about the 442nd was going to be in the proposed Cultural Center. The committee assured them it was, so they received a check for \$4M the morning the first Gulf War started. Also, Tom Greco had a friend who lectured on the 442nd, and was available to this community. He highly recommended support.



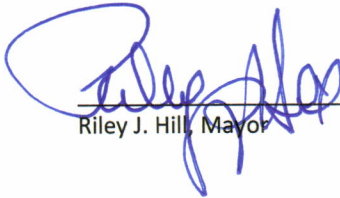
Mayor Hill stated the city had also been invited to give a short video tribute along with the city's proclamation. He'd been happy to help get that video together.

- Councilor Melendrez stated he had been on City Council for about three months, and it was a lot to learn. He wanted to apologize to the Ontario citizens for all the things they've been seeing in the newspaper, on Facebook, or wherever they saw things. He was there to do the best job he could for the city, and he wanted to apologize for any disturbance they saw or any embarrassment they felt the city was bringing to the citizens. He wanted it clear that he stood for respect, justice, and for helping others. He would do his best to never embarrass anybody on the City Council on the dais. He wanted that clear. Thank you.

ADJOURN

KIRBY moved, BAKER seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

ACCEPTED:



Riley J. Hill, Mayor

ATTEST



Tori Barnett, MMC, City Recorder