



CITY COUNCIL MEETING MINUTES July 13, 2021

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, July 13, 2021, in the Council Chambers of City Hall. Council members present were Riley Hill, Ken Hart, John Kirby, Eddie Melendrez, Michael Braden, Sam Baker, and Freddy Rodriguez.

Members of staff present in person or via telephone were Adam Brown, Tori Barnett, Peter Hall, Terry Leighton, Steven Romero, Al Cablay, Paul Woods, Jason Cooper, James Swank, David Walters, Casey Walker, Todd Harnden, Adam Clinton, and Chris Bolyard.

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

Riley Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on July 9, 2021. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

BAKER moved, HART seconded, to amend the Agenda to add Executive Session ORS 192.660(2)(e). Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

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

SPECIAL ACTION

Steven Romero, Police Chief, gave special recognition to Sgt. Jon Esplin, Officer Casey Walker, Officer Brian Cook, Officer Todd Harnden, and Officer Adam Clinton.

Lt. Jason Cooper read the actions for the individuals.

PRESENTATION

Speed Boat Races (Presentation attached)

Ron Dillon presented.

Adam Brown, City Manager, stated it was staff's recommendation to lease the property to Mr. Dillon for \$1,000 and let him bring the event to Ontario.

Councilor Hart stated many discussions had been held about this site, including homelessness, and the golf course site had been mentioned there. He had been told that the FAA would never allow the placement of anything next to the airport. To have the airport personnel now ask to have something right next to the airport, that just blew him away. It was frustrating to be told one thing by several people, but now it was okay. He'd like some consistency on what they were being told about different things.



Mayor Hill wanted some statistics, a written proposal, and some financial information. He was in total support of bringing new things to Ontario. He agreed, too, that Councilor Hart's question needed to be answered.

Mr. Brown stated the answer to Councilor Hart's question was that housing was not allowed. If there was something that happened on the airport, all the proceeds went to the airport fund. The city could not make money off the airport and use it in the general fund. The specific question about housing, something the Mayor was currently working with our congressman on, was about the homeless. Other activities, they were working through the master plan. The closer it got to the runway, the more aeronautical they wanted it to be, but also recent legislation came out that some of the property that had not been attached to the airport and acquired by airport funds, it might not be under the same restrictions. The golf course property was acquired through the county. That meant there was the possibility of doing other things there.

Mayor Hill stated for them to make a decision with no information except a quick presentation, that was hard for him to move forward. He'd like some statistics and get some answers.

John Breidenbach, Ontario Chamber of Commerce, stated his support for the project.

HART moved, BAKER seconded, **TO TABLE THIS ISSUE TO THE NEXT COUNCIL MEETING. NO VOTE.**

Mayor Hill asked if waiting the two weeks until the next meeting would be too long.

Mr. Dillon: *It's unfortunate that you haven't seen, I thought that you got all the information in the packet, but I can certainly expand on that. I guess I need to, it seems like it would be appropriate for you to have the full packet and be able to go through that and then if you need me to drill deeper, I can easily do that.*

Mayor Hill stated the Council needed to see a written proposal and financial information.

Councilor Melendrez concurred; they needed further information.

Mr. Dillon: Absolutely. Getting you more information is not a problem at all. I think given the two weeks, I'll confer with Chris, but I don't know how we can do anything at this point this fall with another two-week delay. But, as I stated in my opening, that's not, it's not the end of the world if we can't do something this fall. We had hoped for a perfect scenario where the planets would have all lined up and we could have done that, but the chances are very high now that we won't actually be able to do an event until spring of 2022, but that's fine. I appreciate your caution; I appreciate your hesitancy to just jump on this thing. I get it and we absolutely can address the insurance and liability concerns, which are logical for a municipality to have, and the financials. Again, there's some pretty good financials there, but we can go as deep into that as you need us to go, Mr. Mayor. And I want to add that I did have a very good conversation yesterday with the gentleman who runs the hemp operation out there. His name's on my list here, but the Vale football, Dave Eyler, very nice gentleman. Because he is a lessee that you have out there, and I thought, my gosh, I need to have a conversation with him, he said, I like it, but I'm concerned about security, so we've addressed lightly in this report, and we can go deeper with it on some fencing and possibly having a security guy.

Restated Motion:

HART moved, BAKER seconded, to **TABLE THIS ISSUE TO THE NEXT MEETING TO GET MORE CONCRETE INFORMATION FROM THE DEVELOPER.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

PUBLIC COMMENT

Freddy Rodriguez, Ontario: *This comment comes from six-year Ontario citizen Freddy Rodriguez. We recently endured and digested Ontario's first recall ever, one stemming from a scorned citizen and a group of shameless, self-serving, credibility seeking followers. I, as a citizen, have the best insight on all of this. This citizen lived all of it, yet only one single fellow Council member reached out to me to ask me my side. The rest took your own glorified point of view on something you all knew nothing about. To this citizen, that kind of behavior of refusing to seek all sides before making a vote carries almost no dignity and is in no way, shape, or form fitting of an elected official. Only one of you up there will receive a vote from me shall you ever decide to run for another four years. For all other seats, I will seek to vote for and campaign for all new Council-people. I will vote no for anyone associated to the liars and the Ontario Epstein click. As to you all filling my vacant seat: I urge you to take a step that has eluded you all until now - look at all sides before making a decision. Ask the community. It's easy, but you all act like it's impossible. Ask the community. If you learn anything from this public comment hopefully it is this: you all need to seek more community input and implement its influences in your decision making. It's called representation, not I can do it better. Prove to the community they are in control and have a voice. Be community, not self-serving. Open your ears, not so much the mouths.*

Jackson Fox, Ontario, stated: *Honorable Mayor and Council, I rise to ask the Council a few questions. Last week in the Malheur Enterprise, it was a very long article about weed ordinances and other ordinances. The City Manager said he has the power to waive or reduce fines. My question on this matter is where in the notices to the people that got these fines, do they find this out? And did the fines and liens essentially force, excuse me, it appears the fines and liens essentially forced the sale of 627 Fortner Street. Did the city collect on the liens and fines of that property? This is one of the properties ordinance Officer Brockett mentioned in his complaint against the Police Chief Romero. Did the City Manager inform the Council of this complaint? And was this investigated and has the Council seen a copy of the investigation? I thank you Council for your time. I know you'll get back to me within the seven-day period for answers. I appreciate it. Thank you.*

NEW BUSINESS**Resolution #2021-122: Security Grant Program**

Peter Hall, Assistant City Manager/HR Manager, presented

HART moved, BAKER seconded, **THE CITY COUNCIL APPROVE RESOLUTION 2021-122, A RESOLUTION ADOPTING THE GRANT GUIDELINES AND APPLICATION FOR THE ONTARIO SECURITY GRANT PROGRAM.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Resolution #2021-123: Bid Award for 2020 Sanitary Sewer Project and CDBG Project Budget Amendment

Paul Woods, City Engineer, presented.

MELENDREZ moved, BRADEN seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2021-123: A RESOLUTION TO AWARD IMCO GENERAL CONSTRUCTION, INC. THE CONSTRUCTION CONTRACT FOR THE 2020 SANITARY SEWER PROJECT AND TO APPROPRIATE ADDITIONAL FUNDS FOR THE PROJECT.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Approval of the Purchase of the 2021 VACTOR Truck

Al Cablay, Public Works Director, presented.

HART moved, MELENDREZ seconded, **THE CITY COUNCIL APPROVE THE PURCHASE OF A 2021 VACUUM TRUCK (VACTOR) AS A REPLACEMENT OF THE 2010 VACUUM (VACCON) TRUCK.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.



Negotiations with Ontario Rural Fire Protection District

Adam Brown, City Manager, presented.

BRADEN moved, MELENDREZ seconded, **THE CITY COUNCIL APPROVE AN EXTENSION OF THE AGREEMENT WITH THE RURAL FIRE PROTECTION BOARD AND APPOINT RILEY HILL TO BE THE COUNCIL PARTICIPANT IN THE NEGOTIATIONS WITH THE ONTARIO RURAL FIRE PROTECTION DISTRICT.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

New Waterline to Serve Treasure 200 Parcel and Other Future Customers

Mayor Hill recused himself from the action as there was a Conflict of Interest and had the Council President run this action.

Paul Woods, City Engineer, presented.

Mayor Hill stated the upgrade included the change from an 8" water line to a 12" water line, which would accommodate the Treasure 200 down the road. The city was asking for an easement, which he would grant. He had asked the general contractor who was doing the work to deal directly with the engineers, not through him, for the upgrade costs. He was being completely transparent and wanted this as clear as possible.

Councilor Rodriguez asked if this development was similar to the others that were by the freeway?

Mayor Hill stated no, this was for single-family houses, open to the market to purchase.

Councilor Rodriguez asked if it was low income.

Mayor Hill stated it was not. It was a standard subdivision that would be open to the public to purchase lots.

Councilor Rodriguez asked if he would consider it low-income housing?

Mayor Hill stated he would not.

Councilor Rodriguez asked the difference between the cost effectiveness to build low-income housing and instead to build middle income housing? Something that would be more appealing to middle income families. Was it that much of a difference? Which was more cost effective?

Mayor Hill stated if the government had their hand in, it increased the cost substantially.

Councilor Rodriguez asked why they saw more low-income housing being developed, instead of middle-income, or even higher.

Mayor Hill stated he could not answer that, except this was a low-income community with the lowest income in any county in the State of Oregon. With current building costs, to get much needed housing, they had to get government assistance because everyone wanted to live in Idaho because of lower income tax, lower property tax, lower power rates, etc.

BRADEN moved, HART seconded, **THE CITY COUNCIL CONSENT TO ADJUSTING THE UTILITY CAPITALIZATION FUND (UCF) TO ADDRESS UPSIZING APPROXIMATELY 750LF OF WATERLINE FROM 8" TO 12" THROUGH THE SUNSET SUBDIVISION AND INSTALL APPROXIMATELY 50 LF OF NEW WATER MAIN TO SERVE THE TREASURE 200 PROPERTY IN THE FUTURE. THE ESTIMATED BUDGET ADJUSTMENT IS UP TO \$50,000.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-abstain. Motion carried 6/0/0/1.



2021-2023 Intergovernmental Agreement for Regional Hazardous Materials Emergency Response Team Services

Terry Leighton, Fire Chief, presented.

BRADEN moved, MELENDREZ seconded, **THE CITY COUNCIL AUTHORIZE THE FIRE CHIEF TO SIGN AMENDMENT NO. 1 TO IGA-551-19 TO OSFM AGREEMENT #IGA-300114397 FOR THE BIENNIAL 2021-2023 INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ONTARIO AND THE OFFICE OF STATE FIRE MARSHAL.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

DEPARTMENT HEAD UPDATES**Police: Quarterly Report** (Document attached)

Steven Romero, Police Chief, presented.

Mayor Hill stated he had heard from the Priest at the Catholic Church with concerns related to the homeless population. There were things that probably drew them to the area, such as the food bank, the Little Red House, and overall increased homelessness.

Chief Romero stated he spoke with Father Joseph and directed staff to do more canvassing of the area. It was private property, and if asked, the homeless would be removed.

Fire & Rescue: Quarterly Report (Document attached)

Terry Leighton, Fire Chief, presented.

DISCUSSION ITEMS**Land Acknowledgement Statement** (Document attached)

Adam Brown, City Manager, presented. Councilor Melendrez had requested this be brought forward on behalf of a member of the Parks Committee. He spoke with some colleagues across the state about this issue, and to garner some background and information on it. The Parks Committee member asked the Council to consider doing this. This was a statement that was read, he believed, with their organization. The person who asked was with the Friends of the Owyhee, and at their meetings it was read. He drafted it for the Ontario Parks Committee. The Parks Committee was uncomfortable doing it without first getting feedback from the Council.

Regarding a land acknowledgement statement, he had a few quotes to share: *"It is important to understand the longstanding history that has brought you to reside on the land, and to seek to understand your place within that history. Land acknowledgements do not exist in a past tense, or historical context: colonialism is a current ongoing process, and we need to build our mindfulness of our present participation."* and *"When we talk about land, land is part of who we are. It's a mixture of our blood, our past, our current, and our future. We carry our ancestors in us, and they're around us. As you all do."* Mary Lyons

Parks Committee member Sammy Castonguay stated *a single proclamation to stand on record was very good. Or a simple, sleek, and honorable statement written to be read before each meeting in the Council Chambers would be great.*

Mr. Brown stated in speaking with other City Managers across Oregon, some advice was that if you are going to do a land acknowledgement statement, don't just take one that others used, meet with the tribes, because it's not about you looking good, it's about what you are going to do to respect the land and improve the human condition as the current steward of the land.

Some options available to them were to accept a proposed statement such as Mr. Castonguay had produced; not take what someone else wrote but go engage in conversations with indigenous populations that previously lived in

our area to create a statement; Have a standing statement, without recitation; Have a statement recited in meetings; Create a meaningful proclamation based on conversations with indigenous populations; or take no action.

Councilor Melendrez stated he liked option #2, to engage in conversations with the indigenous population to hear what they'd like. To be clear, was he suggesting reading the proclamation just once?

Mr. Brown stated that was just one alternative.

Councilor Rodriguez asked if this was only for meetings for the Parks Committee?

Mr. Brown stated that was for the Council to determine. It would be more appropriate for the Council to decide, rather than a committee.

Councilor Rodriguez stated this was respectable and commendable, and appropriate for Friends of the Owyhee, but to have the Parks Committee do so was outside of their realm. He struggled as to why the Parks Committee brought this to Council.

Councilor Rodriguez asked Councilor Melendrez if any other issues had been discussed at the Parks Committee meetings, like different oaths or pledges. What led the committee to believe this was the pledge or oath that was most appropriate.

Councilor Melendrez stated he had no knowledge of that. He was not on that committee. He was basing this off when Mr. Castonguay had appeared before Council making this request of the Council. His understating was that it would start with the Council, to acknowledge the indigenous people, and he was good with that, and would like them to discuss.

Councilor Braden stated this was an intriguing topic. That the city didn't have a land acknowledgment of the people who were on this land before this was an organized, incorporated city. Mr. Castonguay asked the Council to consider implementing this on their own. It was interesting, and whether they wanted to adopt one or not, there was good recommendations on how to gather verbiage to develop some type of recognition statement. Did the Council want to direct staff to create something for a proposal before Council?

Councilor Kirby this was a political time, and something like this could be used against the city. If it came to power or fish, he'd vote for power every time. To promote something like this would put a fence around them and cause them to be politically emasculated so they could not participate in the political process.

Planning Proposal for East Idaho Traffic Study

Adam Brown, City Manager, presented. Consensus to fund a traffic study.

Marijuana Fund Projections *(Document attached)*

Adam Brown, City Manager, presented.

For the 2020-2021 budget, which concluded June 30th, staff had budgeted, before really knowing the money the city would receive, had budgeted \$1.1M, but after going through the budget, there had been two quarters of funding received from the state, and it was growing faster with every dispensary that opened. They were looking at \$750K a quarter in revenue. With that number, staff did a post budget forecast, estimating the receipt of \$3M for 2021-2022. The actual year to date in 2021 was \$2,129,072, with one quarter to collect. The last quarter was \$627K, so if that next quarter was similar, they'd end up around \$2,756,364 for the year. That was approximately \$250K below the projections. That would also apply to the next fiscal year.

Councilor Hart asked for a summary. How much was budgeted, and how much did they actually expect to receive in the 2021-2022 fiscal year.



Mr. Brown stated they had budgeted \$3M, and it would be more like \$2.5M to \$2.6M.

Councilor Hart stated that would result in a \$400-500K shortfall. Staff could decide what would be paid for, or not, and he wasn't sure that was something the Council wanted to give staff the authority to do. How would that normally be addressed?

Mr. Brown stated staff would not make those decisions; they'd provide the Council options and recommendations. The Leadership Team would meet and discuss priorities in projects, and which could maybe be pushed back. Those would all be back before Council, but they'd try not to have to cut anything with a high strategic priority for the Council. He anticipated bringing that back before Council in September.

Dorian Drive Engineering Costs

Mayor Hill stated this was because of those residents on Dorian Drive who spoke with the Council about the costs associated with finishing their section of street. On an idea by the City Manager, there was \$50K budgeted for drainage on Dorian, so take that \$50K and do engineering on Dorian so everyone there would know what they were responsible for if they wanted to do their portion. That type of work done privately was generally about 50% lower in costs.

Mr. Brown stated it had been discussed with the whole Public Works team, so if Council agreed, staff would prepare a proposal by Jacobs.

Consensus to move forward.

EXECUTIVE SESSION

ORS 192.660(2)(e)

An executive session was called at 8:12 p.m. under ORS 192.660(2)(e) to discuss real property. Council returned to regular session at 8:25 p.m.

HAND-OUTS

Minutes: *(Attached)*

Public Works Committee: 05/11/2021

County Court: 06/16/2021; 06/23/2021

SREDA: 07/06/2021

Monthly Department Stats *(Attached)*

Fire & Rescue, Public Works, Code Enforcement, Police: June 2021

SREDA *(Attached)*

Agenda 07/06/2021; Report 07/06/2021; 2021 Snapshot

Packet: *(Attached)*

V&C Board Meeting 07/01/2021 w/06/03/2021 Minutes

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

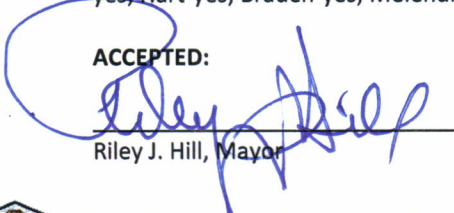
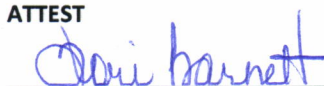
Councilor Hart gave a shout out to staff related to the SREDA meeting. Mr. Brown noted that the process that had originally agreed to related to filling the Executive Director's spot started out one way, and then shifted, and he appreciated Mr. Brown speaking out and ensuring the interests of the City of Ontario were taken into account, and making sure Ontario had seats at the table on when that position was appointed.



Councilor Rodriguez read a statement: *I want to take a moment to thank the community for the opportunity to serve, regardless of the recall. I was handed an opportunity; I made promises not to play nice with bullies or City Hall and well, that's why you all chose to recall me, but it does not change the fact that I myself stayed true to my promises to the community and stood fast with my convictions and that is something some of you flip-flopping sandals up here can't say. Regardless of being recalled, I did what I set out to. I know I made campaign promises to not make friends here at City Hall. Let me tell you, that is a hard task when you're faced with the realization that many of the staff are hard-working, extremely dedicated to community themselves, and humble as they come. To those big-hearted community driven City Hall staff, a big hug and thank you. You all are the real MVPs. I love you all. To our public safety sector, Just like I highlighted your importance to community well-being and positive examples during my campaign, I will say it again: the Ontario public safety sector, which is comprised of some of the most humble, compassionate, and community-minded individuals a community could ever hope to be the ones protecting us, is in my eyes the fibers which holds this community together. We are forever in your debt and hope that we as a community can continue to find ways to serve you all. To the countless community members who serve on all of the city committees and boards past and present, the level of dedication and commitment required to serve is in no way something to shrug your shoulders at. It takes grit to have your opinion heard, it takes heart to want good for everyone in your community and then go out and physically be accountable in their name, it takes very noble attributes to seek to be more like what our father set out to teach us to emulate. To you all, I thank you, praise you, and are forever worthy of my and everyone's love and appreciation. We are forever indebted to you all for the priceless contributions to our community progression you have rendered and continue to do so. Thank you. To the community who has helped me tremendously with feedback on an assortment of issues and concerns. The fact you all have gone out of your way to help me in this way was one of the biggest, if not the biggest, factor in my ability to serve the community which we don't hear or see here at council meetings ranting and raving and going over their three minutes, the community in which voter registration is at the lowest. The community which includes demographics which in many ways have never been represented or forgotten like what I witnessed in my short tenure at Serve Day. This community vein which I speak of deserves a voice just like how they helped me gain a voice. Empowered by their knowledge, I fought to give them that voice. To all of those community members who voiced their opinions to me and to those who are still fighting for a voice: you are the silenced majority and I want to say I am still here and cannot be silenced. I will continue to help you voice your views and concerns to city bodies as I always have. The only thing this recall has accomplished is strengthening my resolve. It has put me in a better and more effective position to serve you as my community. And to all those thinking you're going to come here next meeting to intimidate me as I come off the dias, I won't be up here. I'll be down there in the audience and please don't get in my way as I'll be starting my new tenure as a highly vocal, politically critical citizen and will most likely be active that night. Be vocal, just don't be empty. In closing I'll say this: I have never lied about anyone on Council, past or present. You all recalled me for empty, baseless, and evidence-free accusations and then followed up by accusing me of being a homophobe and hater because I voiced the grave concerns about citizen's kids' safety around certain individuals. I did my part and reported it. When I asked Adam Brown what came of that and was told it was corroborated but no charges were being pressed, I took that as fact. If I am lying about that, then the lies I'm telling were put in my head by Chris Plummer and Adam Brown. How quick are you all to call them liars? Anyone? Didn't think so. You all just used me as a scapegoat to cover up the grotesque activities the upper echelons of Ontario seem to be doing and hiding. I'm not mad at you, just as Jesus was not mad at his people. Father, forgive them for they do not know what they do. I love you all. God bless, God speed, and go Denver Broncos!!*

ADJOURN

HART 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