CITY COUNCIL MEETING MINUTES
May 24, 2022

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, May 24, 2022, in the Council Chambers of City Hall. Council members present were John Kirby, Riley Hill, Michael Braden, Ken Hart, Sam Baker, Eddie Melendrez, and Susann Mills. Ken Hart departed at 6:45 p.m.; Eddie Melendrez departed at 8:46 p.m.

Members of staff present were Dan Cummings, Justin Zysk, Terry Leighton, Kari Ott, Michael Iwai, and May Swihart. Present via Zoom from 7:12 p.m. to 8:46 p.m. were City Attorneys Jeremy Green, Mark Reinecke, Dustin Hawkins, and Garrett Chrostek (mostly for the Executive Session).

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 May 20, 2022. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

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

PUBLIC COMMENTS

Eddie Melendrez: *Thank you. I just wanted to follow up with a conversation that Councilman Kirby brought up last City Council meeting about Planned Parenthood coming to Ontario. I had no idea Planned Parenthood was coming either, but more than just respond off emotions or my opinion, I felt the challenge to go and do a little research and look up what services that Planned Parenthood offers as well, just to try to combat what I feel was misinformation in the words that were used. I think that as Council men and women, our words are very impactful and I think that using the wrong words could incite violence against other people, could cause damage just like we had today on the shooting in Uvalde, Texas, which impacted me very much because that's where my family is from, and my mom was born there, so it's pretty impactful. The shooting about two weeks ago in New York, Buffalo, New York, and I'm thinking that words like dead and abomination and murder could cause and motivate people to take action like that. So I think, I see John Kirby as more than a friend, but mentor, so to hear words like that was very hurtful to me, as well. I did do a little research and Planned Parenthood offers way more services than just abortion, which most people think about. They offer abortion care; annual visits; contraceptives; emergency care: gender affirming hormone care; HPV cervical cancer screening; a bunch of others, care, management, adoption, I could go on and on. They protect, they have over 61 patients visit annually. There are centers in Beaverton, Bend, Milwaukee, NE Portland, 80% of the patients are low-income and below 200% of the poverty line, and 1% of the patients are being uninsurance patients. Outpatients are between the ages of 18-29. 91% of the patients visit the Centers for Preventative Sexual Health Care, including birth control, annual exams, life saving screening, and for breast cancer, cervical cancer, and STD testing, treatment for HIV testing, and counseling, and safer sex counseling. I want to put that out there because I felt like that the other side had to be told. I appreciate the time. I think that our words are very impactful and could hurt people, or help people, or heal people. We need to choose our words wisely and that's why I wanted to speak up today. Thank you.*

Councilor Hart informed the Council that his daughter was being inducted into the National Honor Society at Ontario High School that night, so he'd need to leave the meeting early.

Mayor Hill stated with regard to the order of voting, while the Mayor always voted last, he'd been asked if the roll call could be changed up.

Mr. Cummings stated staff planned on doing that.

CONSENT AGENDA

HART moved, KIRBY seconded, **TO ADOPT THE CONSENT AGENDA, WHICH CONSISTED OF THE LIQUOR LICENSE APPLICATION: GUERREROS MARKET.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

OLD BUSINESS

Airport Mowing Contract: Schneider Tree Service & Construction, Inc.

Justin Zysk, Airport Manager, presented.

HART moved, KIRBY seconded, **THE CITY COUNCIL APPROVE THE AIRPORT PROPERTY MOWING PROFESSIONAL SERVICE CONTRACT WITH SCHNEIDER TREE SERVICE & CONSTRUCTION, LLC WITH THE EFFECTIVE DATES OF MAY 24, 2022 TO JUNE 30, 2023.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-no. Motion carried 6/1/0.

NEW BUSINESS

Delinquent Utility Billing Accounts to Collections

Kari Ott, Finance Director, presented.

MILLS moved, HART seconded, **THE CITY COUNCIL APPROVE THE LIST OF UTILITY BILLING WRITE OFFS AS PRESENTED AND AUTHORIZE SENDING THE APPLICABLE ACCOUNTS TO COLLECTIONS.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Mayor Hill recused himself from the next three actions - Housing Incentive Program - due to a conflict of interest. Council President Hart conducted the actions.

Housing Incentive Program: BK Construction (48-2022)

Kari Ott, Finance Director, presented.

KIRBY moved, BAKER seconded, **THE CITY COUNCIL APPROVE THE APPLICATION BY BK CONSTRUCTION AT 1664 SKOOKUM DRIVE FOR THE ONTARIO HOUSING INCENTIVE PROGRAM IN THE AMOUNT OF $10,000.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-abstain. Motion carried 6/0/0/1.

Housing Incentive Program: Rywest Homes (49-2022)

Kari Ott, Finance Director, presented.

BAKER moved, KIRBY seconded, **THE CITY COUNCIL APPROVE THE APPLICATION BY RYWEST HOMES AT 1604 SKOOKUM DRIVE FOR THE ONTARIO HOUSING INCENTIVE PROGRAM IN THE AMOUNT OF $10,000.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-abstain. Motion carried 6/0/0/1.

Housing Incentive Program: Rywest Homes (50-2022)
Kari Ott, Finance Director, presented.

BAKER moved, KIRBY seconded, **THE CITY COUNCIL APPROVE THE APPLICATION BY RYWEST HOMES AT 1566 SKOOKUM DRIVE FOR THE ONTARIO HOUSING INCENTIVE PROGRAM IN THE AMOUNT OF $10,000.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-abstain. Motion carried 6/0/0/1.

Resolution #2022-119: BLM (Bureau of Land Management) Amendment #3 re Improvements
Dan Cummings, Community Development Director, presented.

MILLS moved, KIRBY seconded, **THE CITY COUNCIL AUTHORIZE THE CITY MANGER TO SIGN THE BLM LEASE AMENDMENT #3.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-out; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

MILLS moved, KIRBY seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2022-119, A SUPPLEMENTAL BUDGET TO APPROPRIATE FUNDING FOR BLM LEASEHOLD IMPROVEMENTS.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-out; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

Resolution #2022-120 and Resolution #2022-121: Establish Mayberry Subdivision Housing Incentive Program Procedures; Establish Application Review Committee; Transfer Funds for Program
Dan Cummings, Community Development Director, presented.

MILLS moved, KIRBY seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2022-120, A RESOLUTION ESTABLISHING THE MAYBERRY HOUSING INCENTIVE PROGRAM.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-out; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

KIRBY moved, MILLS seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2022-121, A RESOLUTION APPROVING THE REALLOCATION OF FUNDS FROM THE STELLING PROPERTY FUND TO THE MAYBERRY HOUSING INCENTIVE FUND.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-out; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

PUBLIC HEARINGS

Ordinance #2807-2022: Planning Action 2022-03-16AZ - A Request by HEVN, LLC, for an Annexation and Rezone of Property from UGA Light Industrial (I-1) to City Light Industrial (I-1)
It being the date advertised for public hearing on the matter stated above, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, and no ex-parte contact, and no declarations of conflict of interest.

Dan Cummings, Community Development Director, presented.

The Hearing was opened for public testimony. Proponents: None. Opponents: None. There being no Proponent and no Opponent testimony, the Hearing was closed.

KIRBY moved, MILLS seconded, **THE CITY COUNCIL APPROVE THE AMENDED FINDING OF FACTS FOR THE ANNEXATION AND REZONE OF THE SUBJECT PROPERTY FROM UGA I-1 TO CITY I-1 AS SET FORTH IN ACTION 2022-03-16AZ BASED ON THE INFORMATION, FINDINGS, AND CONCLUSIONS SET FORTH IN THE REZONE AND ANNEXATION FINDINGS OF FACT WITHIN THIS REPORT WITH DEFERRING THE OFFSITE INFRASTRUCTURE CONSTRUCTION UNTIL TIME OF DEVELOPMENT.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-out; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

KIRBY moved, MILLS seconded, **IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER, I MOVE THAT THE CITY COUNCIL APPROVE ORDINANCE #2807-2022, ATTACHED AS ATTACHMENT 5, AN ORDINANCE PROCLAMING THE ANNEXATION AND REZONE OF CERTAIN TERRITORY TO THE CITY OF ONTARIO FROM URBAN GROWTH AREA LIGHT INDUSTRIAL (UGA I-1) TO CITY LIGHT INDUSTRIAL (I-1), BEING A PARCEL WITHIN THE NW¼ SW¼ SECTION 33, TOWNSHIP 17 SOUTH, RANGE 47 EAST, WILLAMETTE MERIDIAN, AT A SINGLE MEETING BY TITLE ONLY.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-out; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

MILLS moved, KIRBY seconded, **IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER, I MOVE THAT THE CITY COUNCIL APPROVE ORDINANCE #2807-2022, ATTACHED AS ATTACHMENT 5, AN ORDINANCE PROCLAMING THE ANNEXATION AND REZONE OF CERTAIN TERRITORY TO THE CITY OF ONTARIO FROM URBAN GROWTH AREA LIGHT INDUSTRIAL (UGA I-1) TO CITY LIGHT INDUSTRIAL (I-1), BEING A PARCEL WITHIN THE NW¼ SW¼ SECTION 33, TOWNSHIP 17 SOUTH, RANGE 47 EAST, WILLAMETTE MERIDIAN, AT A SINGLE MEETING BY TITLE ONLY.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-out; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

DEPARTMENT HEAD UPDATES

Finance: Monthly Report
Kari Ott, Finance Director, presented.

Human Resources: Semi-Annual Report
May Swihart, HR Director, presented.

DISCUSSION ITEMS

Evidence Room Update
Michael Iwai, Police Chief, thanked Steve Bartol for his service with the City of Ontario. His last day was last Friday. He had been hired in early December though the Oregon Association Chiefs of Police. He was a retired Police Chief from Milwaukee, Oregon, and he served in the interim role here until Chief Iwai arrived March 1st. Chief Bartol's primary position was a Police Chief. When Chief Iwai came on March 1st, Chief Bartol stayed on at the request of the city, to focus on the evidence room. Keeping things in perspective, and highlighting what Chief Bartol had accomplished, from March 2nd to May 20th, Chief Bartol processed about 1,572 pieces of evidence, either by destroying it, purging it, or placing it in a box so they could destroy it. The city's numbers were skewed significantly because they were assuming a lot of the logistics were in place. This was a sensitive topic, but he'd like to cover as much as much as possible without getting in the weeds. Essentially, the Council was asking for an officer that was trained in documentation and collection of evidence, submitting that evidence into the database, from the database into a properly stored area. Every time one single piece of property changed to a different status, it took action. When looking at what Chief Bartol had accomplished in three months, 1,572 pieces of evidence, and looking forward, it would take about two years for the department to reconcile the current evidence room and put into evidence as detailed as Chief Bartol was able to provide the department. The caveat, from an evidence perspective when someone took in any piece of evidence, they wanted to get it out of the property room. The problem they experienced prior to his arrival, was a lot of evidence coming in, but no evidence going out. They were not staying consistent with property in/property out. It was going to take a significant amount of time to reconcile that. That did not include the evidence that had been under intake during this entire time, which Chief Bartol had been processing while trying to reconcile evidence. From an evidence perspective, the high value items – anything having to do with drugs, money, or weapons, and the gun room was something they needed to prioritize, which would be a beast in itself – but they would address that and do their best to get that reconciled quickly.

When he arrived as the Chief, Lt. Cooper was placed on special assignment. It was so they could get the information to OSP and finish up the criminal investigation that the Council was aware of. There were a lot of things that he was doing to ensure operations continued since Lt. Cooper was out on assignment. With the departure of Chief Bartol, the department had no evidence technician. He moved Lt. Cooper again to another special assignment until that issue could be resolved.

They were also able to utilize Evidence Management Consulting Services. He would not disclose where the individuals worked, but they were managers for their respective property rooms and were from the west side of the state. What had been completed to date was the research by the consultants. They had looked at the evidence room, made mental notes on the process deficiencies, and made recommendations for the city to consider in moving forward. The recommendation report had been completed and provided to the department. It was a detailed and complex process to update the evidence room, and he would be focused on funds moving forward, i.e. could they financially cover the costs to upgrade infrastructure that was in dire need? They had also completed the predesign of the modules, so in FileOnQ, that was going to be the evidence module moving forward. They used best law enforcement practices, and everything moving forward would be standardized. They were slotted for installation sometime end of June, which would be two-fold. Part one would require training, and the consultants would be on site to provide the training; then the shelving component, coming in July. That had been the biggest delay, as to when the shelving could actually be installed in the evidence room. They had not started the storage implementation because they did not have the storage yet. What was also in process currently was the project facilitation, and he had a meeting scheduled with Lt. Cooper in response to EMS to figure out the game plan on what they were going to address first. This was a process they did not expect done until sometime in August. They should have all the new items, as well as the evidence tech situation figured out.

Mayor Hill stated Chief Bartol had processed about 1,080 items already, but how many more were there to process?

Chief Iwai estimated there were over 10K pieces of evidence.

Mayor Hill stated there was an estimated 10K items left to process, and the city had spent money previously on recording equipment, data equipment, which he believed was to enter in every piece of evidence into a system and process it. Was that still occurring?

Chief Iwai stated they were going to have to import. The Justice RMS was actually a report management system, that had an evidence piece, but it was very tedious and required a lot from the evidence tech. There was a city on the Northwestern Oregon coast that had the same report management system that upgraded to FileOnQ, so the city was going to partner with that agency. They hoped to physically destroy, (burn), it so it was not longer here, but they had missed that opportunity, so those things were being stored separately. That was something he and Lt. Cooper would need to work on. The Conex structure was serving as a separate, secure evidence location because there just wasn't room in the current facility.

Councilor Melendrez asked what support Chief Iwai needed from the Council? Did he want Chief Bartol to come back? How could the Council help the Chief?

Chief Iwai stated they needed to let the investigation play out. Everything had been provided to OSP that was requested. He was waiting to hear back from OSP, for direction on what they're going to do. He appreciated the evidence tech going from half-time to full-time. That was a situation he wanted to address soon. He wanted a full-time evidence technician, but whether the current one or a new one, that induvial had to be trained. When going through the infrastructure upgrade, he would ask that if they ran into any issues, because the funding had been earmarked, it might exceed that. There were even recommendations on what type of envelope to use, what type of boxes, and for the gun room, having that as an extra-secure area. He thought they could find someone less expensive than who had been recommended, but he would be trying to save on expenses, but he anticipated a request for additional funds as this situation played out, specifically with the technology piece.

Councilor Braden stated it was his understanding that the consultants were going to help with the software conversion. Was that not correct? Was that going to be done internally?

Chief Iwai stated the consultant would provide assistance.

Merchant McIntyre Update

Dan Cummings, City Manager Pro Tem, stated Councilor Hart requested an update on the Merchant grant process. Council had been provided a report received form Merchant which reflected all the grants they were currently working on. Also, the Chief had submitted information to Merchant for grants that they would be going after for the city. Staff had highlighted the two grants awarded. One, the National Parks Service Grant, for technical assistance to help with the planning of the Tater Tot Trail, help organize, figure out all the partners involved, and to develop a plan on how to get that done. There was no monetary value associated with that because the state was going to be doing a majority of the work. The city would receive no funds. The state would provide all the technical assistance. He had asked Merchant to provide a value, and an estimate was around $15-25K. The other grant that was awarded to the city was #8 on the list. The city applied for $95,507, and this was where there had been confusion with the initial report. It was thought that the city received the funding for a new command vehicle, and since the city had budgeted for one, this grant would cover the cost, but that was not the case. The actual amount of the award was not for the command vehicle, it was for other parts of the grant, for a total of $9,507. Unfortunately, it was not what they'd hoped for, so no command vehicle, so those funds remained in the budget for that purpose. Those were the only wins so far for Merchant McIntyre. They were going after quite a few, some quite large ones, and everyone was hopeful we'd get one or two. They had applied for a grant for a ladder truck, the SE 2nd Street project, the bridge project, so a lot they were going after. To date, the city had expended $156K using this firm.

Councilor Kirby asked that prior to using Merchant McIntyre, how did the city go after these type of funds, and what was that success rate?

Mr. Cummings stated he was unsure of the success rate, but prior to hiring Merchant, a majority of the grants were sought by individual staff members. Chief Leighton spent a lot of time writing grants for his department, and the previous Police Chief, as well as the current Chief. He, himself, wrote the Brownfield Grant and a few others that he had spent many hours putting together. Staff spent time doing those, spending time away from their other normal duties.

Councilor Kirby stated he assumed that because they were at the center of the government, they were also lobbyists. Was that incorrect? Did Merchant have any impact on the outcome of those requests other than just writing them?

Mr. Cummings replied they were in Washington, DC, so they had the ears and eyes of congressmen and senators, so that was one reason they were selected. He wouldn't call them lobbyists. The city had hired a lobbyist to go to Salem to lobby for the tax, but Merchant probably wouldn't be classified as lobbyists. He had not participated in the initial hiring of Merchant McIntyre, so he was not up on all the reasons they were presented to Council to hire them, but it took a lot of staff time to put grants together. Staff still had to provide a lot of information to Merchant.

Mayor Hill stated they were portrayed as lobbyists. That's what the Council requested and that's how it was presented by the previous City Manager. It was based on those recommendations that Merchant was hired.

Councilor Kirby asked how they'd measure a company, or their success rate. Large municipalities had their own staff to write grants, but medium, small, rural communities, if they were after the money, they had to have a presence there. It didn't appear the city was getting any return on the investment. For getting $95K and having spent almost twice that….

Mr. Cummings stated the city only received $9,507 and somewhere between $15-25K.

Councilor Melendrez asked if Mr. Cummings thought they should move forward or do something different.

Mr. Cummings stated he believed they were up for a contract renewal end of June. He planned to meet with staff to discuss this issue to see where staff was, how much staff time was saved by having this firm write the grants. That would help him develop a recommendation to the Council regarding their contract. He anticipated staff would say they didn't have time to write grants.

Councilor Melendrez expressed an interest in comparing success rates on grant award from before Merchant and with Merchant.

Mr. Cummings stated he could research that and provide an answer.

Mayor Hill stated it was also about ROI, not just writing the grants.

HAND OUTS

Check Register: April 2022 *(Attached)*

Minutes: County Court 05-04-2022 *(Attached)*

EXECUTIVE SESSION

ORS 192.660(2)(h): Pending or Potential Litigation (Scott, Inc.)
An executive session was called at 7:51 p.m. under provisions of ORS 192.660(2)(h) to discuss pending or potential litigation (Scott, Inc.). The Council returned into regular session at 8:46 p.m.

ADJOURN

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

ACCEPTED:

Riley J. Hill

Riley J. Hill, Mayor

ATTEST

Tori Barnett

Tori Barnett, MMC, City Recorder