



CITY COUNCIL MEETING MINUTES November 8, 2022

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

Members of staff present were Dan Cummings, Justin Zysk, Kari Ott, Michael Iwai, Clint Benson, Casey Mordhorst, and Laura Reyes.

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 October 21, 2022. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

Mayor Hill added item 6B, which would be a presentation by Chief Iwai.

MILLS moved, KIRBY seconded, **TO ADOPT THE AGENDA AS AMENDED**. Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

CONSENT AGENDA

KIRBY moved, MILLS seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED THE COUNCIL MEETING MINUTES OF OCTOBER 11, 2022, AND COUNCIL MEETING MINUTES OF OCTOBER 25, 2022**. Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

PUBLIC COMMENT

Councilor Hart gave a shout out to the Ontario boys soccer team. They won that night, 1-0, and would be headed to the state championship on Saturday for the 4A boys game. Another big shout out to Martin Benites, who was the goalie who stopped the extra point kick.

PRESENTATIONS

ODOT ADA Project

Bryan Strasser, ODOT, stated: *I'm resident engineer with ODOT out of the Ontario here. We have an ADA project coming up in Ontario and in most cities in Eastern Oregon are getting tier ramps replaced at the corners of any state highways. So, throughout the state, every curb ramp that's adjacent to the state highway is being replaced as part of an infrastructure improvement, as a result of a lawsuit that came against ODOT. You've probably seen some of this work recently in Nyssa and Vale. That's been the closest project that has hit near Ontario. Last year we constructed Nyssa and Vale. Basically, we're just going in, pulling out every single curb ramp because none of them are compliant with current ADA standards, and then we're putting back ramps that are compliant. If a corner is close to compliant, once we're done it may not look very different to anybody. We did get a letter from some local*



representatives in, I think, from Vale, thinking that we didn't change anything on some of them, but we did. We are correcting some very minor slope deficiencies on some of those that look like they're not changing. I may not mean a lot to us, but it means a lot to lawyers, which is why we're doing some of those that don't look like they're changing much. Other ones maybe there's not a curb cut there at all, and we're going to pull that corner out and then put the curb cuts in, so that's a big change for a user who is disabled. It kind of depends on what they're right now how much it'll change. I'm the ODOT representative for design and for construction. Basically, all the ADA projects in Eastern Oregon right now. Ontario is next on the list. Our project is going to have the state highway in Ontario, which a lot of folks may not know exactly where the state highway is, but basically, East Idaho Avenue from the Fruitland bridge over to, what's our cross street there? Basically, the bridge to Pilot. That's really the only urban section in Ontario. Obviously, that's a very high traffic area, so there will be traffic impacts. I'll introduce our design and construction engineer here in a second after I introduce the overall project. The timing of the project, we're in design right now so we're figuring out all our final layouts for these ramps. In the spring, the project will go bid. This is a low bid type project, federal aid project, so it goes and out basically any contractor's can go out on their qualifications. We'll have probably quite a few local folks will be on the labor force if it's anything like what we saw in Nyssa and Vale. We don't know who the contractor will be. The timing of the construction will be anywhere between May and October of next year. This project will be tied together with some ramps that are done in some other nearby towns. Huntington will be tied together with this one; Jordan Valley will be tied together with this one. I know that's not super nearby. And Adrian. What ODOT's doing right now with these projects due to increased workload, we're not doing the design ourselves and we're not overseeing the construction engineering ourselves. We hired Murrysmith Engineering and they have changed to CONSOR Engineering, so we've hired CONSOR Engineering to be our representatives for the design and the construction. They're probably the ones that have been contacting the city, so I just wanted to make sure that ODOT is represented here. I'll be working on it all the way through. Our main contact will be CONSOR, and Bryan Bustenero, but I'm available here for questions or any concerns. The funding question that comes up, this is a state and federal funded project, so no local funds are needed. We did actually get a little bit of an improvement. So for the most part, these funds, well, 100% of these funds are set aside only to handle the needs of the lawsuit because this is a very big lawsuit. It's statewide. Right now the money that's been set aside for this is around \$1.5B, so it's a massive lawsuit and we're trying to only use to meet, we don't want to use this money for the bare minimum piece of the lawsuit because [?] could blow that up into an even more insane amount. But we did add a little bit of work, other than ADA ramps on this project. We were able to get some funds that are special for sidewalks, to do a little bit of sidewalk infill, kind of across from the Pilot there, there's like two blocks, so that'll be separate funding, but again, that doesn't have a city match, that was a grant, a grant that helps improve walking paths the state got. So it's all state and federal funded and no city match. So that's the good news. I mean it will improve access at these corners, although I would stress, because the questions will come up over and over again, some of these that look like all we did was pull it out and put it back; we are correcting minor deficiencies that do matter to lawyers. Like I said, other ones, there are bigger corrections, but once we're done, it doesn't look a whole lot different and that's kind of a good thing for most of them. But, Bryan Bustenero, I want to introduce Bryan. He's basically our design lead and he's also going to kind of stay with the project through design and construction so technical questions, he brought some plans that we can leave and then we're going to have a sign up sheet if anybody wants project information, we're passing around a sign up sheet. There'll be a project website and a contact so if you put your, if you want any information on the project then you can sign up for the newsletter and that'll also, on the website there'll be contacts you can reach out to. Bryan?

Mayor Hill asked how to receive safe harbor?

Mr. Strasser: That's a good question. I don't really have a great answer for it. We're going to build the ramps to the current standard. For example, when you are about to cross, a cross slope can be no more than 2%, so if we have an area on a ramp that has to be a minimum of 4 feet by 4 feet and cannot be any steeper than 2% in any direction, one frost heave can put that out of compliance or if a semi, they way they drive, one time a semi tracks off and shifts a little to settle, we could be out of compliance. The way that it works, at least traditionally, when we do a project, I mean the state does a project, ODOT does a project, we meet the standards when we build it and then we shouldn't have to touch it again until improve it again. That's how it traditionally works. Where they got us on the lawsuit, I'm not great on the terms of the lawsuit so we could probably get you more information on that if you'd like it, but they



we were able to get us in the lawsuit saying that we had a series of projects that didn't actually meet all of the standards, so we had to go back and do all of them. That's one of the reasons we are fighting hard to put them in to standards, we're doing a lot of documentation on each one we put in, showing that it was put into standard, when it was put in, and we think that'll protect us in the future. But the bad part about what's, the frustrating part about what happens for taxpayers is this is a Class Action lawsuit and in a Class Action lawsuit, it's lawyers who are looking for loopholes for themselves. We're trying to protect us from what we got into, but it's one of those, it's the nature of the business. They'll probably going to evolve and we're going to be somewhere else with something similar in the future. Any questions for me before I turn it over to Bryan? Some of the questions we get, what do we do for public involvement: we'll have a project website, we'll have advertisements. We're going to contact, some of our towns like Nyssa and Vale, we're working literally at the front door of the business. Ontario is a little bit different, but once we get the site up, we may have a couple businesses there, and we'll contact all those businesses individually. Anybody we're working adjacent to, we'll contact individually, but other than that, we'll have a project website, and we'll advertise, we'll have spots on the radio directing people to the project website. We try to kind of do a broad engagement, but really, there's not a lot of people that are going to be interested unless they live adjacent to the ramp, so that's why we're reaching out to them individually and trying to warm them of what's coming and describe what impacts they may or may not have, but really our number one concern is making sure we're not impacting a business, which is hard if you're tearing up the walk right in front of them, so we'll time that. The contractor has to keep access open to all businesses, so we'll coordinate that. Sometimes, depending on the scenario, we have to do time around their busy time to do that work right in front of their door, but that's really our main public outreach is working with those businesses and the adjacent landowners. There's not a lot of room for input on this project because our funds are really already set on what we can do, so any input, if the city wanted to add onto the contract, it'd have to come with other funds.

Mayor Hill asked if the standards had changed since they were originally installed, the ones being replaced.

Mr. Bustenero: They have. They're continually growing and evolving. There's not an update every ten years, so there's no safe harbor, unfortunately. The city's going to likely run into this issue at some point in the project, at some point in the future with your own projects. Anything considered a qualified project, you likely will get the updated graded ramps associated with that project. It's not something that ODOT is specific to. Different states, different agencies. The other thing I'll say is we've got sets of hard copies of the plans that we can leave for all the City Council members that are interested in learning more about the project. I'll also leave my business cards, as well. Feel free to reach out directly to me if you have any questions. It doesn't matter what the question is. It doesn't have to be technical, just general interest in the project. Give us a call and we'll try to help you as much as possible. We're going to continue working with Casey in Public Works. I know he's been talking with Dan Cummings off and on, so there's some more conversations we're going to have. There's going to be an intergovernmental agreement that's likely going to hit the City Council's desk if it hasn't already, and it'll definitely get seen by Dan here. But that's kind of what you can expect. Bryan did a pretty good job of wrapping up what you're going to see as far as the project next summer.

OPD Presentation

Michael Iwai, Police Chief, stated: This is awesome. I'm not here tonight to ask for anything for the police department, but I'm here to honor six police officers for some of their actions within the city that I think you should all be aware. I'll introduce them; they'll come in; they're going to stand facing the crowd. I'm going to call on them now the order of which I'm going to read this. Officer Frazier, Officer Phillips, Officer Laurenson, Cisneros, Jones, and Mitchell.

- First of all, Officer Frazier step forward and be recognized please. In the early morning hours of May 15, 2022, Officer Frazier was dispatched to a residence on NW 6th Street, in reference to a 17-year old male juvenile who was overdosing at the residence. Upon arrival, he was met by other juveniles that were basically pointing to where the individual was. It was believed at that time that the juvenile was overdoing on fentanyl. The male juvenile was cold to the touch and was not breathing. Officer Frazier checked the juveniles eyes and noticed that his pupils were constricted. Officer Frazier was able to administer 4mg of NARCAN to the subject. The subject was still not breathing. TVP arrived on scene to transport the victim to the emergency room. Medical personnel were able to administer further doses of NARCAN and revive the



subject. Medical personnel advised that if wasn't for the quick action of Officer Frazier and his administering of NARCAN, the first dose, that male juvenile most likely would not be with us here today. I'd like to recognize him for his heroic actions, and he will be awarded the Life Saving award by the department. Thank you.

- Officer Phillips, front and center. On June 13, 2022, at approximately 11pm, Officer Phillips was on duty and returning home to the City of Ontario from transporting a custody to Malheur County Jail. In the area of Highway 201 and Highway 20, he noticed a vehicle traveling at various speeds and failure to maintain a single lane of travel. Officer Phillips initiated a traffic stop for reasonable suspicion or suspicion of DUI. In speaking to the operator, he noticed the subject had glossy eyes, slow in his response, and difficulty providing his driver's license and other common documents. In conducting his DUI investigation and conducting SFSTs, which he failed, he was then transported to Ontario Police Department. Once at the police department, Officer Phillips' continuation of his monitoring of the subject, he requested medical personnel to respond and check on the subject's blood sugar, which, at a high level, can make people appear to be under the influence of intoxicants. Medics found that the male subject's blood sugar to be at 474, which is a critical level for someone without diabetes. Hypoglycemic conditions can start to manifest at 180. Symptoms can include blurred vision, loss of coordination, confusion, and dry mouth. At approximately the level of 500 can cause a person to have a stroke or even fall into a diabetic coma. If it wasn't for Officer Phillips' attention to detail and taking the action that he did, the subject certainly would have been involved in a serious incident or a crash at highway speeds. So his actions prevented a death of an individual that may have been arrested for a DUI by any other officer. Again, these are heroic actions, are a great credit upon this department, and this city. Congratulations Officer Phillips.
- Officers Laurenson, Cisneros, Jones, and Mitchell, step forward please and be recognized. In the early morning hours of September 12, 2022, Officers Laurenson, Cisneros, Jones, and Mitchell, all responded to a fire at 106 SE 2nd Street, Price Buster Apartments. Upon their arrival, Officers Mitchell and Laurenson were directed by three subjects at the top of the fire escape. Two of the young males were advising the officers that there was an elderly male that was stuck. Officer Laurenson climbed up the fire escape and was met by the elderly male laying on the balcony of the fire escape. The male advised his foot was stuck. Officer Laurenson noticed his foot, and it was in the railing, and told the other two male subjects to help free his foot. Once his foot was free, he lifted him up and went into a semi-seated position and stood over him allowing the male subject to brace against himself, being Officer Laurenson. Officer Laurenson instructed the other two subjects to get off the fire escape. Once they were out, Officer Laurenson picked the male from behind, and instructed him to get his feet underneath him to step on the ladder of the fire escape. Officer Mitchell climbed up and was assisting with the male's feet to a proper position. Once his feet were in place, he began slowly climbing down the escape stairs. The male was escorted to a nearby ambulance and was checked on by medical personnel. Officer Jones and Officer Cisneros both arrived on scene and without hesitation made entry into the building, which was full of smoke, to get multiple tenants out of the apartment complex and not risk any further injury. It is because of these four officers and their heroic actions, this brought great credit upon the department and the City of Ontario, and they, too, are going to be awarded the Life Savings Award. Congratulations gentlemen.

They are here with their families, as well, they are in the audience tonight, so I just wanted to tell you gentlemen, thank you very much for your service. I appreciate it, I know the city appreciates it, and you are dismissed.

OLD BUSINESS

Resolution #2022-143: Committee Appointment Procedure

Dan Cummings, City Manager, presented.

HART moved, KIRBY seconded, **THE CITY COUNCIL TO APPROVE RESOLUTION #2022-143, A RESOLUTION CLARIFYING CERTAIN CITY CHARTER PROVISIONS PERTAINING TO THE MAYOR'S AUTHORITY TO APPOINT**



COMMITTEE MEMBERS SUBJECT TO THE CONSENT OF THE CITY COUNCIL. Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

Committee Appointments: Tater Tots Trail Ad Hoc Committee

Justin Zysk, HR Manager, presented. There were six positions open for citizens at large, and a position for a Council position. There were seven applications for the six spots.

Council consensus to appoint citizens Antonio Sunseri, Andrew Maeda, John Breidenbach, Philip Milburn, Bruce Hunter, Timothy Davis, and Councilor John Kirby to the committee, with Barbara Wilson as alternate.

Aquatic Center Transfer Deed

Dan Cummings, City Manager, presented.

MILLS moved, KIRBY seconded, **THE CITY COUNCIL TO APPROVE THE TRANSFER OF THE AQUATIC CENTER PROPERTY AS PER THE INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF ONTARIO AND THE ONTARIO RECREATION DISTRICT DATED JUNE 30, 2019, AND AUTHORIZE THE MAYOR TO SIGN THE BARGAIN AND SALE DEED TO COMPLETE THE IGA.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

NEW BUSINESS

Resolution #2022-145: Amending the Classification and Compensation Plan

Justin Zysk, HR Manager, presented.

KIRBY moved, HART seconded, **THE CITY COUNCIL TO APPROVE RESOLUTION #2022-145, A RESOLUTION AMENDING THE CLASSIFICATION AND COMPENSATION PLAN TO ADD THE POSITION OF PLANNING DIRECTOR AND TO REMOVE THE POSITION OF ASSISTANT CITY MANAGER.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

Resolution #2022-144: Fire Department Grants

Kari Ott, Finance Director, presented.

HART moved, MILLS seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2022-144: A RESOLUTION APPROPRIATING UNEXPECTED FIRE GRANTS FROM THE OREGON STATE FIRE MARSHAL AND TREASURE VALLEY PARAMEDICS.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

HAND OUTS

Monthly Department Stats *(Attached)*

October, 2022

Minutes: County Court *(Attached)*

County Court: 10-19-2022



CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

Mayor Hill stated at a previous meeting, the Council had asked staff to put together all the organizations that received grant money from the state for the homeless so Council could hold a meeting. What was the status?

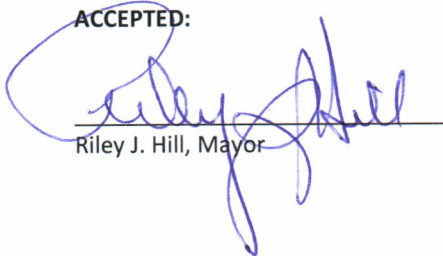
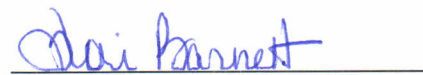
Mr. Cummings stated he reached out to Kurt Toombs, who was one of the organizations who received funding, and he was helping organize the meeting with everyone. He and the Police Chief would be part of the group, along with any Council or who wanted to attend. They would begin with the three who received funds, and meet with them, and then discuss how many other partners they wanted to pull into the group.

Councilor Hart stated he wanted to make sure that Mr. Cummings and Chief Iwai were aware that he had asked Jesse Sandoval, who was in charge of grants at Valley Family, and there was specifically a grant out there – a HRSA grant – which was a planning grant, that could be specifically used to help hire someone to be the ringleader to get the group together and work on a plan. Maybe they could work with the Border Board to put together some real money. Not money to provide services, but to provide that leadership to keep the group meeting, keeping things moving, see where the gaps were. With the different articles, he knew that the city had signed off on a letter, and if that legislation passed and the cities were able to get the money the Mayors had asked for, money might not be the issue, but it was how it was coordinated. Therefore, he had asked Mr. Sandoval to reach out to both Mr. Cummings and Chief Iwai.

Chief Iwai stated as a follow up to Mr. Cummings' comments, he had been meeting with Community in Action. They were putting together a public forum. He had asked all the non-profit organizations that provided services to the homeless, which included homeless with families, homeless adult families, etc. It was important for all the stakeholders to know what the organizations were doing. He had a lot of positive movement in working with Community in Action. He asked that it occur before the end of the year, and also told them that many of the City Councilors might want to attend so they could see what organizations were out there and what kind of services they were providing. The three organizations that had received money were Lifeways, Community in Action, and EOCIL.

ADJOURN

HART moved, KIRBY seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

ACCEPTED:
Riley J. Hill, Mayor**ATTEST**
Tori Barnett, MMC, City Recorder