



CITY COUNCIL MEETING MINUTES July 11, 2023

The scheduled meeting of the Ontario City Council was called to order by Mayor Deborah Folden at 6:00 p.m. on Tuesday, July 11, 2023, in the Council Chambers of City Hall. Council members present were Deborah Folden, Susann Mills, John Kirby, Ken Hart, Penny Bakefelt, and Sam Baker. Eddie Melendrez was excused.

Members of staff present were Dan Cummings, Tori Barnett, Corinna Hysell, Clint Benson, Kari Ott, Casey Mordhorst, Michael Iwai, Paul Woods, Al Haun, and Andy Wood.

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

AGENDA

This Agenda was posted on July 7, 2023. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

HART moved, BAKER seconded, to move Consent Agenda Item 4B, Appointment to Diversity Advisory Committee: Mario Grimaldo, to New Business, Item 6D. Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-yes. Motion carried 6/0/1.

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

CONSENT AGENDA

HART moved, MILLS seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED APPROVAL OF COUNCIL MEETING MINUTES OF JUNE 27, 2023**. Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-yes. Motion carried 6/0/1.

PUBLIC COMMENT

Dan Burks, Ontario: *Members of the Council, Madam Mayor, thank you for giving me the time to speak. I got a couple different things to speak about today. I'll get through them as quickly as possible. One, you guys signed a proclamation for a Mr. Tom Pierce. Tom Pierce day will be July 29th. We are going to host a barbeque here at Lion's Park. Everybody is invited to come and join with us in celebrating the birthday of a World War II veteran, one of our greatest generation. Again, that's July 29th, and it'll be from 11-1. Also, I'd like to thank each of you. I've gotten different text messages, emails, and phone calls for my election to the high office ??? Commander for the State of Oregon. If all goes well, I will be looking at being the next Commander, which in 104 years, I'll only be the second Commander out of Ontario. Doesn't end there. I'm already being groomed by our past National Commander to become one of our next national officers, so, if that happens, I will be the only one to ever come out of Ontario as a national officer, so we have great aspirations there.*

Moving on, we have spoken to you previously about a Veteran's Committee and you asked me to put together a list of names of individuals who would be on this committee. The purpose of this committee is to join different organizations and different programs that the VA has with its citizens of this area and some of those that are kind of without homes at the moment, and getting them together with some assistance. There are literally hundreds of programs out there to help out these individuals, and, unfortunately, I'm not the one out there hitting the streets every day, so I think we combined a list of individuals that will greatly, be great assets of



this endeavor. First and foremost, we have Connie Tanaka, who is our Malheur County Veteran's Services Officer; Stacey Vasquez who is our Military and Family Readiness Specialist, working here out of the armory; Chief Michael Iwai; Dana Castellani, from the Boys & Girls Club; Annette Volk, Altruistic; Origins Church, at the current moment our contact is Denise Baker, but they said they would like to have a presence there; Tess Shellenbarger, from TFP Therapeutic Services; Sarah Ray, from Sarah's Care, Inc., and Jessica Figueroa, Project Dove. The reason we went to these different individuals is because if we stuck only within the veteran's organization, we wouldn't know anything other than what we already know, which is not nearly enough. So, hopefully, with our reach to these individuals, we'll be able to help out individuals in the City of Ontario. With your permission, we'd like to go ahead and start holding our meetings.

Ellen Sheffield, Ontario: *I wanted to come and talk to you about the plan for the homeless people that, what are we calling that, the homeless housing area, where there's houses, but an area. I think that is a terrific idea. I have often wondered why there wasn't something, as a wealthy city, we couldn't do for some people who are homeless. I think I read correctly in the paper you plan to put access to water and porta-potties out there. I think that's a wonderful idea. I read in the paper where somebody was wondering who is going to keep an eye on these folks, and I don't remember who wrote in, but somebody said, everybody will be keeping an eye on them. It seems like such a wonderful thing to have people who will help people who have managed to lose their home, lose their place that they rent, and are stuck out there. Not everybody has a place to land. A bunch of these people, I've read a study done in LA, that many of them have had health emergencies, as well as maybe being unable to care for themselves. I'm just tickled to death. I thought maybe I'd better come down here and show you before you get inundated with a whole bunch of people saying not in my backyard. I just want you to know there are a few of us that think this is a terrific idea. Good on ya!*

NEW BUSINESS

Ordinance #2819-2023: Amend OMC 2-14 – Diversity Advisory Committee

Dan Cummings, City Manager, presented.

On April 6, 2017, the City Council approved Resolution #2017-117, supporting community diversity; on July 18, 2017, the Council adopted Ordinance #2728-2017 establishing a Diversity Advisory Committee under Title 2, Chapter 14, of the Ontario Municipal Code.

The Ontario Diversity Advisory Committee determined that some of the wording within Title 2, Chapter 14, of the Ontario Municipal Code was outdated and changes were needed to amend the existing ordinance. If the Council elected to not approve the proposed changes, the current language in OMC 2-14 would remain in place. Proposed changes were: "socio economic" would become "socioeconomic"; remove "The committee shall be reflective of the City demographics including to the best degree possible age"; add "Committee appointments shall not discriminate on the basis of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status"; regarding appointments to the committee, add "...Mayor with consensus of the..."; and under prohibited acts, change *his* to *their*, *he* has to *they* have, and *he* is to *they* are".

BAKEFELT moved IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER, I MOVE THE CITY COUNCIL APPROVE ORDINANCE #2822-2023, AN ORDINANCE AMENDING ORDINANCE #2728-2017, AMENDING TITLE 2, CHAPTER 14 OF THE ONTARIO MUNICIPAL CODE BY REMOVING THE WORDS LINED THROUGH AND ADDING THE WORDS THAT ARE UNDERLINED IN THE ATTACHED ORDINANCE #2822-2023, AT A SINGLE MEETING BY TITLE ONLY. No second to the motion.

Councilor Kirby asked why the committee existed. He wasn't against it, but most things that were related to the committee would be done by the city's Human Resources Manager. Maybe Mr. Sunseri could answer that. To him, the committee did not have a mission. It appeared there was a committee with nothing to do.

Antonio Sunseri, DAC member, stated he was appointed to the committee just last year. It was his understanding they were created to advise the Council on a range of issues related to diversity. It was meant to be community output, not input from staff.

Councilor Kirby stated he could not recall the committee making a recommendation to the Council. Had any been made to HR?

Mr. Sunseri stated in the past, before his time on the committee, the committee wrote a letter of recommendation when there was an appointment to be made. The committee also introduced some training.

Councilor Kirby confirmed the committee had a function.

Mr. Sunseri stated yes, they did.

Councilor Hart stated it read that *the Diversity Advisory Committee shall review policy, advocate for opportunities, and report back to the City Council on these matters at regular intervals*. That would be a request from him, except for that one letter, he was not aware of any reviewing of policies, or any updates here. One of the Councilors sat on the committee, so he'd look to Councilor Melendrez to give the Council updates on what the committee was doing. Also, he had a concern, as the request was there to add language that read *"committee appointments shall not discriminate on the base of race, color, or religion...."* And then in the next paragraph, *"...members must represent more than two different ethnicities, cultures, generations..."*, so it sounds like they couldn't discriminate, and the very next sentence said you could. If they had only Spanish people apply, they couldn't put all Spanish people on the committee, so they'd have to discriminate in order to meet the guidelines that had been established in their own bylaws. Had this been run past legal counsel? His concern was it seemed to conflict itself in that they were specifically saying they wouldn't discriminate, but then in the next section it appeared they had quotas.

Mr. Sunseri stated he would have no problem running it by legal.

Councilor Hart stated there was a request for appointment; was the committee checking the boxes of how many people in different cultures there were? Who was tracking all those categories that were supposed to be represented?

Mr. Sunseri stated he was not sure. The Council and Mayor appointed the members to the committee.

Councilor Hart stated it would be the job of the Council to ensure...when looking at the current application by Mario Grimaldo, he did not know the answers to the questions, so he did not know what boxes he could be placed in. He was not an advocate of putting people in boxes. This had been passed by earlier Councils. He would ask to table this until they had more information, and maybe have some other members attend a meeting, or when Councilor Melendrez was back, to hear from him, to ensure the Council had their eyes open on what they were trying to accomplish.

Councilor Bakefelt asked if maybe it read *"....the committee shall be reflective of the city's demographic..."* and then go into committee appointments.

Councilor Hart stated they'd have to have a matrix of everyone who was on the committee, and how they identified themselves. He was not sure her suggestion met his concerns.

Councilor Bakefelt rescinded her motion.

HART moved, MILLS seconded, TO TABLE THIS ISSUE (ORDINANCE #2822-2023) UNTIL THE NEXT COUNCIL MEETING. Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-yes. Motion carried 6/0/1.

Bid Award: Record Steel Construction Incorporated for New Water Supply Treatment Plant Improvements Project

Paul Woods, City Engineer, presented.

The City of Ontario had a Water System Master Plan, which was approved by the Oregon Health Authority in 2021, that guided the expansion of the city's water supply system. The highest priority project in expanding the system under the Water System Master Plan was the addition of one additional filtration unit similar to the two existing filtration units. In 2022, the city negotiated the direct purchase of the new Westech Filtration Cassette to match the two existing filtration units. The unit was scheduled for delivery to the city in August. The city hired Consor Engineering to put together a design and bid package for installation of the new unit. The bid package was advertised both locally and regionally. Record Steel Construction, Incorporated, was the sole responsive bidder. Staff and Consor Engineering reviewed the bid and found the costs to be appropriate. Staff recommended awarding the bid to Record Steel Construction, Incorporated, in the amount of \$1,554,710, and to authorize approval of up to \$155,000 in contingency expenditures during construction.

The 2021 engineering cost estimate and 2022-23 CIP budget for the project was \$1,750,000; however, the total cost of the project with this bid award would be \$2,330,398. Following receipt of that amount, Public Works staff consulted with the Finance Director and determined there were sufficient funds to award the project as proposed with a 10% contingency.

Awarding the project was urgently needed in order to take delivery of the Westech Filtration Cassette in August to allow the work to be done between September and April prior to the peak demand for next year.

KIRBY moved, BAKEFELT seconded, **THE CITY COUNCIL APPROVE THE BID AWARD TO RECORD STEEL CONSTRUCTION, INCORPORATED, AS THE LOWEST RESPONSIVE BIDDER FOR THE NEW WATER SUPPLY TREATMENT PLANT IMPROVEMENTS PROJECT IN THE AMOUNT OF \$1,554,710 AND AUTHORIZE APPROVAL OF UP TO \$155,000 IN CONTINGENCY EXPENDITURES DURING CONSTRUCTION AND AUTHORIZE THE CITY MANAGER TO SIGN ALL CONTRACT RELATED DOCUMENTS AND CHANGE ORDERS.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-yes. Motion carried 6/0/1.

Contract Award: Consor Engineering for Engineering Services during Construction for Installation of the Westech Cassette for the Water Treatment Facility

Paul Woods, City Engineer, presented.

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MILLS moved, KIRBY seconded, **THE CITY COUNCIL APPROVE A TASK ORDER FOR CONSOR ENGINEERING IN THE AMOUNT OF \$143,972 TO SERVE AS THE ENGINEER OF RECORD DURING CONSTRUCTION OF THE WATER TREATMENT PROJECT AND AUTHORIZE THE CITY MANAGER TO SIGN ALL DOCUMENTS.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-yes. Motion carried 6/0/1.

Appointment to Diversity Advisory Committee: Mario Grimaldo

HART moved, BAKEFELT seconded, **TO APPOINT MARIO GRIMALDO TO THE VACANT POSITION ON THE DIVERSITY ADVISORY COMMITTEE.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-yes. Motion carried 6/0/1.

DEPARTMENT HEAD UPDATES**Ontario Police: Quarterly Report**

Mike Iwai, Police Chief, presented. Chief Iwai also introduced employees Officer Rick Reyna, Officer Jordan Williams, Officer Gabriel Galicia, Police Records Specialist Veronica Riojas, and Code Enforcement Officer Nick Tambornini. Some had been with the department for a bit, but had not been presented to Council.

Councilor Mills stated it appeared that now only requiring a 45-minute response time for police seemed to be helping the applicant pool. Was that the reason behind so many applicants this round?

Chief Iwai stated that was part of it.

Councilor Mills asked if the police responded to non-profit organizations if drugs were found at an event?

Chief Iwai stated there were organizations that worked around folks with substance abuse, and it depended upon the circumstance. It would be on a case by case basis. That being said, if drugs were found, they should contact law enforcement because they knew how to properly destroy it. Was there something specific she was referring to?

Councilor Mills stated yes, there had been drugs found at the Elk's in the women's restroom. The police were called, but did not respond. Staff didn't know what to do.

Chief Iwai stated given those circumstances, the department would not respond. Most likely, they'd tell them to destroy it.

HAND-OUTS**Minutes:**

County Court: 06-21-2023

Department Stats:

Code Enforcement, Police, Public Works, Fire

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

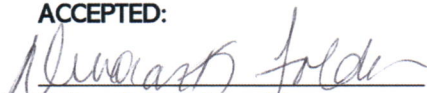
- Councilor Bakefelt mentioned the section on the County Court Minutes where it indicated that Ani-Care would accept canines in Malheur County, but not within the city limits.
- Councilor Kirby stated he had been contacted by Pastor Brewer asking how to get out to the unhoused location, thinking the churches might want to band together to provide something the city could not.

Mr. Cummings stated he had been contacted by Pastor Brewer who indicated several churches would like to meet, so a meeting would be set to see what services could be provided. Fencing was scheduled to begin next Monday.

ADJOURN

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

ACCEPTED:


Deborah K. Folden, Mayor

ATTEST


Tori Barnett, MMC, City Recorder

