

**CITY COUNCIL MEETING MINUTES****February 27, 2024**

The scheduled meeting of the Ontario City Council was called to order by Mayor Deborah Folden at 6:00 p.m. on Tuesday, February 27, 2024, in the Council Chambers of City Hall. Council members present were Deborah Folden, Penny Bakefelt, Susann Mills, John Kirby, Sam Baker, and Eddie Melendrez. Ken Hart was excused.

Members of staff present were Dan Cummings, Laura Reyes, Clint Benson, Casey Mordhorst, Marshall Pierce, Andy Woods, and Michael Iwai.

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

AGENDA

This Agenda was posted February 23, 2024. 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-out; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 6/0/1.

CONSENT AGENDA

MILLS moved, KIRBY seconded, **TO ADOPT THE CONSENT AGENDA, WHICH CONSISTED OF APPROVAL OF COUNCIL MEETING MINUTES OF FEBRUARY 13, 2024**. Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-out; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 6/0/1.

PUBLIC COMMENT

Billy Carter, Ontario, stated: *Madam Mayor, Council, my name is Billy Carter. I live in Ontario, Oregon. I'm speaking tonight as a concerned citizen. For the record, I am a member of the City of Ontario's Diversity Advisory Committee, but I am not speaking on behalf of the committee. As you might now, previously, a previous City Council established a Diversity Advisory Committee and included a requirement that would never allow the committee to be dominated by any one group of people. Some of you on this Council had problems with that language, and it was removed, and a current ordinance was adopted without that language. At a City Council meeting on January 23, 2024, there were various incorrect misleading statements made by some of the Council members and administration that cast a disparaging perception on the Diversity Committee. I'm extremely disappointed and frustrated that in that official capacity no one vetted, corrected, or addressed the false information. Unfortunately, Councilman Hart is not here tonight, but the statements I'm about to make does concern him. Council Hart made statements like the Diversity Committee has inappropriate criteria. He also stated that the committee selects members based on income, race, and economics. In addition to those comments, he stated that the committee put people in boxes. Following that false comment, he stated that the committee tried to take over the Council's duties of appointing committee members. Councilman Kirby insinuated that the committee had created some legal issue for the city, which was totally unfounded. This information was so far from the truth and, really, it just irritated the living daylights out of me. To my knowledge, the committee has never asked for the power to appoint. I personally remember requesting that the Diversity Advisory Committee be included, in an advisory capacity, to assist the Council in matters to facilitate diversity for this city. If you recall, the recommendation to have a committee to review the applications and provide feedback to the Council actually came from "that" podium, and we just agreed to do it. My personal belief is that the Diversity Advisory Committee is being sabotaged and discredited, by design, to discourage*

participation and to diminish its effectiveness. I volunteer in this community because I think it's a good community to live in, and I expect, and hope, that people elected to represent us, take a holistic approach to representing and supporting all aspects of the members of this community. Thank you. Unfortunately, Councilman Hart is not here tonight. Had I realized a lot of this was as a result of his comment, so if you would like me to return and address the issues, or how you would like to do it, I'd be more than happy to do so.

Councilor Melendrez thanked Mr. Carter for sharing his concerns. He asked him to speak about how long he'd been on that committee.

Mr. Carter: *I'm not sure. But I think I've been on the committee for about six, maybe five or six years.*

Councilor Melendrez stated he thought the committee was created in 2017, so even the language that was put in place, neither he or Mr. Carter were not there to put that ordinance in place. Was that correct?

Mr. Carter: *No. The ordinance came from the City Council at that time. The committee does not, and should not, be creating ordinances or changing ordinances or updating ordinances. That's the City Council's duties and responsibilities. However, the duty was passed down to us a year ago, as a result of the Council's concerns and so forth, and we ended up, the committee, ended up coming back with recommendations. But, in fact, that should have come from the City Council. We should never be able to do that. We are here to serve at the pleasure of the Council, and, so, anyway, yeah.*

Councilor Melendrez encouraged Mr. Carter to return, and he voiced his confusion as to why this discussion continues to be brought up when the Council had already changed the ordinance last August when this first came up with the Council, when people didn't see that it was the correct language, even though some of them still didn't agree with it, the committee did agree to change it in the end. If that language was changed, why does this keep coming up. The committee was asked, by this Council, or maybe the previous Council, to make recommendations. He again encouraged Mr. Carter to come back to a future meeting to discuss this further.

Mr. Carter: *Sure, I'd be more than happy to. If I may, I don't want to exceed my time, but if I may, I did go out and do some research, based on the allegation that was made by, you know, a couple of members of this Council, I did go out and do some research on whether or not the language was discriminatory, because that was the allegation, that the language was discriminatory. I started with the governor's office, I talked to the City of Albany, I talked to an attorney that, they're versed in diversity and inclusion, I talked one of the premier trainers on diversity and inclusion, and they all agreed that the language was not discriminatory in any shape, form, or fashion. I did not bring that information back to the Council because the committee decided to strike the language and go forth. They said there's no sense in debating it, but I did go out and do the research to prove that the position that I took, and that is that the language was not discriminatory in any shape, form, or fashion, and I did that. So, I don't know if the Council, you know, did any research or asked anybody to substantiate their claims or not, but that's what I did.*

Councilor Kirby stated that since Mr. Carter had mentioned his name, he and Mr. Carter had discussed the action of the Diversity Committee, and it was the action of the committee that wrote the changes, not necessarily the Council. For his comments, he didn't wish to state that the Diversity Committee was in any way illegal, it was that hiring practices for the city were done by the HR Department, and there was a certain amount of that language that was privileged. After their conversation, and where Mr. Carter tried to give him the vision of the Diversity Committee, he felt okay in his statements.

Mr. Carter: *Yes, we did meet for coffee and, you know, I did explain to you what I had done. But here's the position that I take, and I can't speak for the committee as a whole, but the position that I take is you have the best group of professionals, very qualified individuals on this committee that can be of great service to this city and the City Council, if utilized, and I don't see anything wrong with, I know I did it when I was out at SRCL, and I've even seen the Chief of Police do it here, in the City of Ontario. You involve people in the community on your interview panels to get a diverse, you know, a good perspective and a good representation of the panel. So, that's the position that I take, that the committee would like to have somebody from the Diversity Committee to sit in on interviews or participate in interviews and things like that. I don't see anything wrong*

with that. I don't see where there would be personal information that would be discussed in an interview setting that would be, you know, controversial. I mean, that's my position.

Councilor Kirby stated Mr. Carter was speaking for himself, not the committee, and he believed they'd be appointing a new member later during this meeting. He felt this needed further exploring, and appreciated Mr. Carter speaking his thoughts. For himself, he wanted to make a committee that worked for the community, with community members and the Council, not trying to inhibit their activities unless by rule of law.

Councilor Melendrez stated his agreement with Mr. Carter in that he never thought the committee wanted to take the power to hire and fire city staff, but just to sit on panels to give a different perspective, or give recommendations to the city.

NEW BUSINESS

Appointment to Committees: Public Works and Diversity Advisory

Dan Cummings, City Manager, presented.

There was one applicant who had applied for a vacant spot on the Diversity Advisory Committee, that being Jackie Koehler, and then Pat Woodcock was seeking reappointment to the Public Works Committee, along with Sam "Mac" McMillen or Jackie Koehler to fill the remaining vacancy on the Public Works Committee. The applications were in the packet. Ms. Koehler was in attendance that evening, but the other two were not. Also, at the previous DAC meeting, they did recommend Ms. Koehler to a position on the committee.

Jackie Koehler stated she was excited to serve on the Diversity Advisory Committee. They were in need of more people on the committee. For 21 years, she had been involved with the Polly Bemis Ranch on the Salmon River. Most recently, she was manager of the ranch. She resigned from that position and moved to Ontario for a slower lifestyle. She was currently a journeyman electrician working as a project manager in Boise. She was also the Executive Director of IEC Idaho, which housed an apprenticeship program for electricians in Boise.

Councilor Bakefelt confirmed that Ms. Koehler had applied for other positions.

Ms. Koehler stated she had. Because of her background, she applied for the Budget Committee last year, as well as three this year, Budget, Public Works, and Diversity.

Mayor Folden, with the consent of the Council, appointed Jackie Koehler to the Diversity Advisory Committee.

Mayor Folden, with the consent of the Council, appointed Pat Woodcock and Sam McMillen to positions on the Public Works Committee.

Mr. Cummings informed the Council and the community that there was a vacancy on the Business Loan Fund, and with Ms. Koehler's background, she might be a good applicant, if interested.

Ms. Koehler stated she would look into that.

Malheur Maker Faire/Art Challenge (Frontier STEM)

Dan Cummings, City Manager, presented.

Nickie Shira, Malheur Education Service District #14 Director of the Frontier STEM Hub, approached the city about the possibility of monetary support of an upcoming Maker Faire. Maker Faire was a gathering of fascinating, curious people who enjoyed learning and who loved sharing what they could do. From engineers to artists to scientists to crafters, Maker Faire was a venue for these "makers" to show hobbies, experiments, and projects, along with an incredible "show and tell" where students, makers, creators, hobbyists, artists, and industry partners could display and present their innovations and creations, demonstrate techniques, and possibly compete in challenges. The Malheur Maker Faire was planned for April 13, 2024, at the Four Rivers Cultural Center.

The Ontario Budget Committee budgeted \$5,000.00 for Malheur County Poverty to Prosperity during the 2023-2024 budget process; however, the Poverty to Prosperity Board met in October 2023 and approved the reallocation of the allocated \$5,000 from the City of Ontario to the Maker Faire, therefore, there would be no cost to the city for this exchange.

Nickie Shira, Malheur Education Service District #14 Director of the Frontier STEM Hub, reiterated what Mr. Cummings had reported.

KIRBY moved, MELENDREZ seconded, **THE CITY COUNCIL APPROVE THE REALLOCATION OF THE \$5,000.00 BUDGETED FOR MALHEUR COUNTY POVERTY TO PROSPERITY TO THE MALHEUR MAKER FAIRE.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-out; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 6/0/1.

2024 National STOL Series

Andy Wood, Airport Manager, presented.

In just four years, National STOL has become the leading Aviation Competition Series in the nation. The 2023 Series attracted more than 140 teams and 12,000 attendees in person, with more than 539,800 individuals tuning in online to the live broadcast. Social media reached 245.1 thousand following and 57.9 million impressions in the 2023 season ending December 27, 2023. National STOL had 8 events nationwide in 2023 with a survey showing attendees from 29 states with 77% traveling more than 100 miles. The average for accommodation was 200 nights filled locally. National STOL produces their own broadcast, which enables relevant commercials and underwritings from sponsors to deliver their benefit message directly to the audience. Annual sponsors include mentions on National STOL's social media channels, a listing on the sponsor page of the website, and inclusion in press release/mailings regarding 2024 series.

National STOL Series competitions were currently scheduled for 10 locations nationally. The National STOL Series was looking for 12 events per year to complete the series.

In early October 2023, National STOL Series member Tom Flanary contacted the Ontario Municipal Airport to inquire about the Airport's resources and space available to host an event in Oregon. This will be the only western state event to date. Currently, the nearest venue was the Rocky Mountain STOL in Wyoming. The 2024 package presented Ontario with an opportunity to increase local exposure, the local economy, and an increase in adventure tourism at our gateway.

The financial benefits were broad from meals, accommodations, and local fundraising. The National STOL event announcer would recognize the Airport's 2024 event sponsors during the live PA and on broadcast/recordings online. The sponsors would have their logos and advertisement verbiage displayed on the organizer's website. The event required a typical sponsorship requirement from the Airport to raise \$25,000 to \$30,000. The Ontario Visitors and Conventions Bureau Board agreed to sponsor \$15,000.00 towards the event. Additional sponsorship packages have been sent out to meet the target as required for funding. It was possible that the city would need to make up the \$10K difference if other sponsors were not found.

The National STOL Series Event Agreement had to be signed and returned before March 1, 2024.

The first year's expectation was to see 500 - 1,000 spectators depending on local advertising and event interest. The organizer secured a certificate of insurance and liability coverage naming the Ontario Airport and the City of Ontario. Policy coverage details were explained in the agreement. The organizers would provide Airboss personnel to handle the event's air traffic. The Airport would be responsible for the special event permits, physical preparations, site plan, and stating the emergency services available. Further airport responsibilities were explained in the agreement.

The Airport Committee, during a regularly scheduled meeting, discussed the National STOL request to add Ontario Airport as a venue for the 2024 Season.

Councilor Kirby stated it was his recollection from the Airport Committee discussion that there would be no cost to the city for this event.



Mr. Wood stated that was correct IF they were able to obtain all the sponsorship dollars between now and the September event, there would be no cost to the city.

Councilor Kirby stated they would not make it part of the motion. He wanted it very clear that the city was not financially endorsing this. They wanted it to happen, but with outside backing.

Mr. Cummings stated he had discussed that already with Mr. Wood. At the V&C meeting, Councilor Hart asked that direct question, if the group was going to be requesting any funds from the Council, and the answer was no. And tonight, it was still no. He had changed the proposed motion, but it apparently did not save. The motion should be to approve the agreement, giving Andy Wood, Airport Manager, the right to sign the agreement, but they were not committing any money. If the committee could not raise the funds needed, they could always, by August, pull the trigger and cancel the event. If they didn't get the funds, they could also approach the Council for any shortage, who could say yes or no to the request.

BAKER moved, BAKEFELT seconded, **THE CITY COUNCIL APPROVE THE RECOMMENDATION FOR THE ONTARIO MUNICIPAL AIRPORT TO HOST THE NATIONAL STOL SERIES ON SEPTEMBER 5-7, 2024.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-out; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 6/0/1.

Bid Award: SE 5th Avenue Pedestrian Improvement Project

Marshall Pierce, City Engineer, presented.

The City of Ontario was previously awarded an ODOT grant in the total amount of \$1.8M for the SE 5th Avenue pedestrian improvement project, from the railroad crossing to East Lane. The project was bid earlier this month, with a total of three bidders. Bids ranged from \$858k to \$2.66M. The lowest bidder was Irvco Asphalt & Gravel, a local contractor with a good reputation in the valley. Their bid was \$858,391.00.

The work would be funded by ODOT grant proceeds and the amount was within the project approved budget of \$1.8M for FY 23-24. With this low bid amount, the city would have over \$650k left in grant funding.

The ODOT grant did not have time constraints for completing the project, but moving the project forward was important to serving the community. Notice of Award to contractor was due within 60 days of bid receipt.

KIRBY moved, BAKEFELT seconded, **THE CITY COUNCIL APPROVE THE BID AWARD TO THE LOWEST RESPONSIVE BIDDER, IRVCO ASPHALT & GRAVEL INC., FOR \$858,391.00 AND \$85,000.00 FOR CONSTRUCTION CONTINGENCY, AND AUTHORIZE THE CITY MANAGER TO SIGN ALL DOCUMENTS.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-out; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 6/0/1.

Task Order: Services with Keller during Construction for SE 5th Avenue Project

Marshall Pierce, City Engineer, presented.

The city was the recipient of an ODOT grant in the amount of \$1.8M for pedestrian improvements along SE 5th Avenue from the railroad crossing to East Lane. Keller Associates performed engineering design and bidding services for the project. Three bids were received earlier this month, with notice of award to the low bidder being a previous Council Agenda item. This Task Order was for Keller Associates to provide SDC for this project for the full duration. The work would be funded by ODOT grant proceeds and the amount was within the project approved budget of \$1.8M. The current contract amount was \$272,305, and this Amendment Task Order was for \$97,100. (Actual grant was \$1.56M)

MELENDREZ moved, BAKEFELT seconded, **THE CITY COUNCIL APPROVE THE SERVICES DURING CONSTRUCTION (SDC) TASK ORDER AMENDMENT NUMBER 3 IN THE AMOUNT OF \$97,100 FOR KELLER ASSOCIATES, FOR THE PEDESTRIAN IMPROVEMENTS ON SE 5TH AVENUE AND AUTHORIZE THE CITY MANAGER TO SIGN.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-out; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 6/0/1.

Security Camera Repair for City Parks

Dan Cummings, City Manager, presented.

The existing relay system antenna that relayed the signals for the city parks cameras had been repaired several times in the past and had always just been a band-aid fix due to budget concerns in hopes that it would hold up; however, it needed to be replaced. The cameras at all the parks had been down again for over 148 days, while staff were waiting to get repair quotes. The city received quotes for repairing the cameras (which didn't work in the past) of \$6,800 and a quote of \$13,458.82 to replace the system with a more advanced system. Staff believed the best utilization of funds would be to spend the additional \$6,658.82 to fix the system. The City Council could choose not to do either the repair or replacement and not have security cameras in the parks. The city has a budget of \$119,341 remaining for Moore Park, partly due to the unexpected grant from the V&C of \$25,000. This would still give the city \$105,882 to finish Moore Park.

MELENDREZ moved, MILLS seconded, **THE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ORDER THE REPLACEMENT OF THE ANTENNA SYSTEM THAT PROVIDES FOR THE LINKS FOR THE SECURITY CAMERAS AT THE CITY PARKS IN THE AMOUNT OF \$13,458.82, UTILIZING THE BIKE PATH RESERVE FUND (PARKS & RECREATION TOT FUNDING).** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-out; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 6/0/1.

Police & City Travel Cars

Dan Cummings, City Manager, presented.

The city was in need of new travel cars, as the ones currently being used had become so undependable that no one wants to use them. And, when they are used, they break down and cost a lot of money to repair. He asked Lt. Cooper, fleet manager, to obtain prices for two new travel vehicles. His presentation was not the same as the documents in their packet. The original proposal was for RAV4 Hybrids, but it was determined that those were not cost effective in the long run, so they moved over to just the RAV4, which also resulted in an overall lower purchase price. On the police side, the proposal was to surplus out a 1997 Chevy Van, a 2000 Chevy Suburban, a 2007 Ford Taurus, and a 2012 Dodge Charger (due to an accident, so insurance funds towards purchasing another vehicle.) That produced a total of \$19,464, which were estimated auction numbers, but Lt. Cooper felt fairly confident based on past auction results. The original request was for the Hybrid at \$34,318, but the new cost for the same vehicle, not a Hybrid, was \$31,994.69. Staff was proposing to take the difference between the auction sales and the price of the vehicle, approximately \$12K from the Public Safety Fund.

The second travel vehicle proposed would be to replace the three vehicles currently in the fleet: a 2007 Chevy Malibu, a 2006 Ford Taurus, and a 2011 Chrysler 200. None of these cars were reliable, so staff was proposing to purchase a second RAV4. Staff estimated an auction total of \$7,600. Staff was proposing to take the difference in the auction proceeds and the purchase price from the General Fund Overhead Contract Services, which reflected a savings from not rehiring Merchant McIntyre. That would leave \$26K in the account, which was being used for grant matters. There were two vehicles on reserve for the city so they could be purchased tomorrow if the Council approved the request.

This would leave the city with two travel cars, so he was also proposing to change the travel policy so that employees who wanted to use their own vehicles, could do so, and they would receive the federal mileage.

KIRBY moved, MELENDREZ seconded, **THE CITY COUNCIL APPROVE THE PURCHASE OF THE TWO TRAVEL CARS AS AMENDED BY THE CITY MANAGER REPORT TONIGHT, ALLOWING THE CITY MANAGER TO GET THE VEHICLE PURCHASE STARTED, AND DIRECT STAFF TO BRING BACK A BUDGET RESOLUTION AT A FUTURE MEETING.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-out; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 6/0/1.

DEPARTMENT HEAD UPDATES

Public Works: Quarterly Report

Casey Mordhorst, Public Works Director, presented.

Councilor Melendrez asked for an update on the partnership with WorkSource Oregon Youth program, either now, or at a future meeting.

Mr. Mordhorst stated it was going very well. The challenge he saw with the program was that they never knew how many youths were going to be available week to week, however, the supervisor was constant. He was pleased with how it was going.

Councilor Melendrez asked if he knew how long the partnership had been in place.

Mr. Mordhorst stated he believed it began in 2020.

Mr. Melendrez stated he met with Victor (Youth Supervisor) last week, who indicated work was slowing down, and he sometimes only had one youth available, so he told him that there were trash issues at the unhoused site, so the crew jumped at that opportunity. They filled up the bin quickly, and then returned some shopping carts. In the future, maybe they could all be formally recognized for all the work they've done.

DISCUSSION ITEMS

Process for Appointments to Committees

Dan Cummings, City Manager, stated at the request of Councilor Mills, asking what other communities or cities did regarding committees, the City Recorder reached out to the other Oregon Recorders asking their process, and she received, via email, their procedures. He then took that information and created the document that was before them for review. Upon review, it appeared the ending process was similar to Ontario's. The Mayor appointed with the consent of the Council. It was mixed on who did the interviewing of the applicants. Some cities had the committees interview and provide a recommendation to the Council, and others had the Mayor and City Manager review the applications and make a recommendation. The process varied, but the end result was basically the same. He included the documents pertaining to Ontario's process in the packet, along with the addendum for the Diversity Advisory Committee, where the Council changed it to send the applications for that committee to that committee for a recommendation prior to it coming to the Council.

Councilor Mills stated when the change for DAC came before the Council, was that not already decided on or the changes made by the committee?

Mr. Cummings stated if he remembered correctly, it started at a Council meeting when they were going to appoint someone, and Councilors Hart and Kirby questioned the way it was written, whether there were issues with it. That information was sent back to DAC, who met several times to discuss changes, and arrived at multiple options. The end result was that yes, the DAC put together the recommended corrections to the committee, and then the Councilor approved those by an amended ordinance to change the structure. Mr. Carter sort of made it sound like it was only the Council who wanted it, and that was not entirely true, but that was his opinion, based on having attended the DAC meetings. There were things that the committee wanted changed, and one was, from Mr. Carter, that the committee was asking for the full power to make the selection for appointments to the committee; however, that never made it through DAC or to the Council. At that particular meeting, he informed Mr. Carter that to change that would require a change to the actual city charter. The Council could not pass that responsibility on to a committee. They could ask them to review applications and send recommendations, but they'd have to change the charter, the Council Rules, and the enacting ordinances to give another body that authority. No committees had the authority or power to full on appoint someone onto a committee. That was at the direction of the Mayor and Council. In all fairness, and after reviewing past minutes, he did not see anything where it had been discussed by Councilors Hart and Kirby, unless that had been omitted from the transcription.

Mayor Folden stated she believed it was in the January 23rd meeting.

Councilor Kirby stated he attended the last DAC meeting, and the recommendation the Council received, and voted on, was what was sent to them from the committee. He'd need to review the minutes, and since Mr. Carter was not present currently, he didn't want to about that, but he believed the Council acted on the recommendation of the DAC. He thought that everything Mr. Carter had concerns about had been addressed.

Mr. Cummings agreed; there had been discussions over several meetings. There had been mixed feeling amongst members of the committee on what power should be given to the committee. It was not dealt with in only one meeting, it took several meetings and multiple discussions.

Councilor Melendrez asked if Mr. Cummings was saying the committee wanted the power to make the appointments to the DAC, or to other committees also, or even higher up than that? He was unclear as to what Mr. Cummings was saying.

Mr. Cummings stated it was brought up in a meeting, by Mr. Carter, and it was just a discussion amongst the group, that the Diversity committee should have the power to select the people being appointed to the DAC. He was the only one who felt that way. The rest of the committee said no, that the committee was only advisory, so that never made it out of that committee. It was just a suggestion from Mr. Carter to the whole committee. There were multiple suggestions, but one was whether or not that committee should have the power to appoint their members. He remembered telling Mr. Carter and the committee that the Council could not pass that responsibility to the committee by the city's own charter and rules.

Councilor Melendrez stated another thing was that not everyone on the committee was happy with the changes. It took a few meetings to decide to remove the language as requested by the Council, but they did it, and he supported their decision either way they wanted to go with it. The way he took it was that this was already taken care of, and for the comments to be brought back up again, so many months later, that made him upset with the comments made, specifically by Councilor Hart about checking boxes and picking folks by race or economic status or whatever other claims he added on, and based on that, he believed that was why Mr. Carter was upset. Not so much about what had been decided before, and it had been done and they'd moved on, and for that to be brought up again, that's what he believed made the DAC upset, or maybe Mr. Carter, and even he, himself, to hear those comments. The changes requested were made, so it didn't need to continue to be discussed. He would actually like to discuss it with Councilor Hart when he returned, along with Mr. Carter. He could see why folks were upset, for comments being made three months after the decision was made to remove the language.

HAND-OUTS

Minutes:

County Court 02/07/2024; Airport 01/02/2024

Councilor Kirby stated the Airport Committee had been making improvements on the way their meetings were being conducted. They were attempting to follow the same format the Council used. He couldn't remember ever seeing the minutes from that committee in written format.

Annual Report

Public Works, 2023

Check Register

January, 2024

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Councilor Melendrez stated for a future agenda item, he would like to discuss something regarding SE 10th Street, there was a half-paved road right before going over the overpass, with a new housing development. They added a new road there, and it was beautiful, but as it got closer to the trailer park, the road ended. He'd like to discuss if there was any way the city could be involved or see who was supposed to put that road in way back in the beginning, probably over 30 years ago, but to just



plant the seed. His dream would be to finish that road. At the corner met the crossroad where it was the entrance to the unhoused site, there was a bus stop, there were no lights, and it was not safe for the kids. He'd like to discuss that.

- Councilor Melendrez stated this was also to plant a seed for a future agenda, but there was a lot of news around Measure 110, HB 4002, laws about the unhoused population in Ontario, highlighting the need Ontario had for all types of services, substance abuse, all the things that Ontario needed help with. What he'd like to speak to would be, for example, the story in Oregon Live that recently came out, highlighting the shortcomings of Measure 110, and some of the funding that was supposed to be coming to our community. He couldn't recall exactly what had been said, but they interviewed Mr. Cummings and Chief Iwai, which caused him to think, when they interviewed certain people, even if the majority of the Council agreed with what was said, was that representative of the Council as a whole? How did the work? If Mr. Cummings made a comment, did that represent the entire Council? Even if it was for a positive issue, they'd all take credit, but for something like the unhoused population or site, he wished, where he was going with this was that he wished he had been interviewed, too. Just to give different perspectives, ideas, or opinions. But the overall question was, did that represent the City Council as a whole, or was there a way they could let reporters know the comments were being made as the City Manager or Police Chief. He believed a majority of the Councilors supported what Mr. Cummings had said, but where did that stand as a whole for the Council when comments were made?

Mr. Cummings stated no staff ever represented the Council in their discussions unless it had been brought before the Council beforehand and received a consensus from the Council on how to handle it. When staff was contacted by reporters, they could not be ignored. Normally, just like Chief Iwai, he was contacted and interviewed in his capacity as Police Chief, not as a representative of the City Council. Same for the City Manager. When he was contacted for an interview, they were getting the City Manager's version, not the City Council's. That same reporter contacted the Mayor for an interview, and he also attempted to contact some of the Councilors. He could not control who reporters reached out to, or who they wanted to interview. Staff was very careful and made it clear their comments did not represent the Council unless they'd come before the Council to receive their consent or direction.

Councilor Melendrez stated his confusion was the part where they asked the question about the unhoused community, or site, and, he was paraphrasing, but Mr. Cummings had mentioned "we tried to make it", and was the word used uncomfortable, he couldn't remember the word that was quoted, but that's the part that he thought of the "we", because every chance he had, he was trying to add the trash bins, the port-a-potty, services, even about the time, place, and manner committee the city had created, he always tried to speak for that, and he knew that services came down to money, and the city would not be able to provide all the services that he'd like to get out there, but that's why he was bringing this question forward. The part where Mr. Cummings was quoted as saying "we tried to make it comfortable", or not we tried, not trying, and he wasn't trying to make anyone look a certain way, but what was said was "we're not trying to make it too comfortable" or something like that, but that's the main reason he was bringing this up. His question came down to, who was the "we" in this statement?

Mr. Cummings stated he read the same article, and that was the only thing the reporter paraphrased. In context, what he actually said was, the reporter was asking the same thing: Was the Council planning on building that into a regular camp. If Mr. Melendrez remembered from past Council meetings, the answer was no, because the city did not have the funding and the city did not want to create a camp. That was not a camp down there. His statement was no, the city was not trying to create a camp and make it comfortable for these people because the city wanted them to go to other facilities that could take care of their needs. The reporter only wrote the one little phrase, but what Mr. Cummings had said was yes, the city was not going to create a camp. That was the consensus of the Council. The city provided an area for them to rest and stay for short periods, while they, hopefully, got into transitional housing. Unless directed differently by the Council, that was the stance he had taken from the Council. The city was doing the bare

minimum to make it livable in that area, but wanted to get them help to move into transitional housing. No one should have to live in a tent in a gravel pit, and the city did not want to create that atmosphere. The more conveniences put out there, the longer they'd stay, and that was not the intent of the Council.

Councilor Melendrez stated they all came to the agreement that there would not be a lot out there, but the reason he agreed with that was because he understood the city didn't have the resources, not so much that he wanted to make it comfortable. From the beginning he thought if the city had a site that was more humane for folks to stay at, then they would connect them with services to move on out, and to get better housing. Also, did know what it was like to be paraphrased, or quoted with only a portion of the quote being shared. He wondered if any other Councilor cared to comment on that?

- Councilor Melendrez stated going back to the WorkSource Oregon crew, he wanted to thank them for going to the unhoused site and picking up trash. Some of the trash was left there by people staying at the unhoused site, and he wished it wasn't like that, but the majority of the trash was there because people were out there illegally dumping. When the trash bin was first placed out there, he thought the bin should be placed inside the fenced area, but he understood that the sanitary staff probably did not want to take the extra time to deal with that, and he figured that was why it was placed outside the fence. Maybe it wouldn't stop anyone, but maybe, because the city put money into the signs about no trespassing, which did confuse some of the unhoused folks, but maybe put some signs up that read no dumping and cite the ordinance. That would leave no excuse to use that bin for their personal gain.

Mr. Cummings stated staff was aware that most of the garbage and the full bins was not because of the unhouse population, so staff was currently in the process of having signs installed that read that there was no unauthorized dumping as it was strictly for the unhoused people, and add in that it was theft of services. If anyone was caught dumping in the dumpsters who were not authorized to do so, the city would be issuing citations to them with the charge of theft of services. If a camera was necessary to catch people, that would be done.

Councilor Kirby stated he tried to visit that site at least once a week, and he noticed in the areas where the restroom and dumpster were located, there was a little white car parked there, and they'd taken the fence down for about nine or ten feet, and he assumed it so they could take a vehicle in there. That was as of last Thursday.

Mr. Cummings stated that happened several weeks ago, and it was being monitored. At least it wasn't cut, it had just been disconnected and rolled so they didn't have to walk another 20 feet to go through the actual gate. He told Public Works to not repair it because they'd just do it again. If they found a vehicle parked inside the fence, it would be shut down.

Councilor Bakefelt stated she had seen the rolled back fence, and was disappointed, but she also walked into the area to do a count, and there was a lot of trash that could be placed in the dumpster that was not put in it, and that was from the homeless people.

ADJOURN

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

ACCEPTED:



Deborah K. Folden, Mayor

ATTEST



Tori Barnett, MMC, City Recorder

