



CITY COUNCIL MEETING MINUTES

May 14, 2024

The scheduled meeting of the Ontario City Council was called to order by Council President John Kirby at 6:00 p.m. on Tuesday, May 14, 2024, in the Council Chambers of City Hall. Council members present were Penny Bakefelt, Susann Mills, John Kirby, and Eddie Melendrez. Deborah Folden, Ken Hart, and Sam Baker were excused.

Members of staff present were Dan Cummings, Tori Barnett, Corinna Hysell, Clint Benson, Casey Mordhorst, Al Haun, Marshall Pierce, and Michael Iwai. Kari Ott and Andy Wood participated via Teams.

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

AGENDA

This Agenda was posted May 10, 2024. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

MELENDREZ moved, BAKEFELT seconded, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-out; Bakefelt-yes; Melendrez-yes; Folden-out. Motion carried 4/0/3.

PUBLIC COMMENT

Shelby Naughton & Rose Marie Becerril, read a statement (provided to Clerk): *Dear Honorable Council Members for the City of Ontario, I, Shelby Naughton, A resident of Ontario, Oregon,- a parent of several children within our school district, am writing this letter to let you know we,(a group of concerned parents) have started a petition to gather signatures from parents and all community members that reside here in Ontario. We believe we were not given the opportunity for community engagement or parent engagement in a school district decision that would close two of our vital rural schools (Pioneer and Elementary School) and the conversion of Grade- based Schooling that will have our children transition to new schools every two years until junior high. We believe it was not taken into consideration for parents with multiple children, children with disabilities and Special Needs nor transparent to our community and parents, especially our Hispanic community. We have decided to come together as concerned parents with children in the school district with a petition to reach out to the community including our Hispanic community to bring awareness and possible change. Collecting signatures for the opportunity to oppose this decision and to present it to our School Board Committee that our community and parents feel that this decision effects our community and children with negative impact and would like the opportunity to re-address this forced change within our schools. Also with the belief, there are many other issues that need resolved that should take precedence over moving and closing our rural schools such as, our statewide testing scores, bullying, non-disclosure of public records when requested, and our trust and credibility within our community within our school district. Academic Research shows there can be a significant effect on our community such as civil life changes, disruption of relationships, economic impact, and lastly community Engagement. Closing and consolidating rural schools can drastically alter our civil life. For instance, Pioneer Elementary School here in Ontario has been here for at least over 100 years and many generations of children have attended this school which makes this school have home roots that are irreplaceable. Having a graduation walk, where you walk down the hall to see all the teachers you have had over the years congratulate you on your success and have all the students cheer for you as you walk down the hall becoming a young adult to welcoming you for your junior high experience to come. The loss of a rural school disrupts established routines and social connections and tends to have higher housing values, which*



can affect property values and overall economic stability. For example, homes out of town may be more costly due to our farming culture, some residents bought homes out of town to have their children reside within the agricultural aspect of schooling. Such as Pioneer Elementary, the neighbor has almost every farm animal you could think of and has lived there for many years occasionally explaining to students what each animal does or their noises and so much more. Making it a learning experience that you would not find in a city school setting that they would cherish for a lifetime. Closing our rural schools can negatively disrupt our students' relationships with teachers and peers, having them transition out of their neighboring schools and causing them to lose the sense of belonging. Which would severely effect children with disabilities and or special Needs who find this a difficult challenge. Also having students in school before the pandemic and during, was already a difficult challenge where right now students are learning to adapt back from not being in school for almost two years and doing everything online. Our students have already had to adapt to more than any child should ever endure within their educational experiences. Lastly engaging our community and families, especially our Hispanic community is extremely important to build a strong school-community partnership for our children's education, which is crucial in any aspect. Engaging our families and community members in our education establishes credibility and trust, which creates a school district that truly belongs to the community, rather than just being part of. Having our community engaged in educational decisions helps mediate the negative effects of school closures by fostering a sense of ownership and shared responsibility within the community. In summary, we ask that the honorable members of our City Council support our beliefs in community feedback regarding our school closures and grade-based schooling by collecting signatures to present to our School District Board members and committee so we can have a sense of community engagement including our Hispanic community members. We thank you for your time and your consideration of supporting our petition as we come together as a community and unite.

Councilor Kirby thanked them for bringing their concerns to the Council.

Councilor Melendrez read a letter from a Nyssa resident (written letter inserted as provided, no changes): *Dear Mayor and council, I have some questions and concerns about an incident that happened on Saturday May 4th. about 5PM. with Ontario police department outside The Body Shop gym. I observed a truck stuck on the curb. When I went to go help. The officers arrived on scene as the officer approached the vehicle, they threw the gentleman out of the vehicle to the floor and were restraining him after the gentleman was restrained. One of the officers continued to sit on the gentleman for some time. which I and others felt was unnecessary for the situation. The gentleman was not being combative, nor was he arguing or yelling at the officers. After realizing the gentleman was my neighbor, I contacted his daughter and informed her about the incident. She advised me that her father was a severe diabetic and if I could inform the officers that she would be on her way. So, I went to inform the officers that his daughter was on her way, one of the officers advised me that they were taking him to the hospital because his sugar was out of control, and they couldn't get it under control. What I did not like about the whole situation is after the gentleman was being transported to the hospital, the officers were huddled up laughing. I don't think it was a laughing situation when an older gentleman in a medical crisis was roughed up the police officers. Which now must deal with extra injuries. Now with that been said I wanted to reach out Because the surrounding communities must use Ontario because it is the place with all the services. As I and my family are from Nyssa, and we must use the services in Ontario and Have concerns for my grandparents. Especially my grandfather who has diabetes because if this was him in this situation. I do not know how I would react. I would hope. If my Grandpa was in this situation, he was be treated with compassion and not treated like an animal thrown to the ground sat on until you chose to get off him and not treated like a person suffering in medical crisis. 1. Was that force necessary? 2. Why did the officer wait so long to get up off him and continue to sit on him after being restrained? Nor was the gentleman rolled on his side. This is a scary situation to see, especially after what has happened in this world. For example, like George Floyd. 3. What is the proper procedure? How should this situation have been handled according to policy? And if that policy includes throwing people out of their vehicles, I suggest that you fix this policy and show some compassion to people in a medical crisis. 4. Most importantly how can I be assured that my diabetic grandfather is safe driving in your city? Or any diabetic driving through Ontario. Thank you for your time. Councilmember, Roberto Escobedo Nyssa, Oregon "Trataron de enterarnos, no sabian que eramos semillas!" "They tried to bury us, they didn't know we were seeds!"*

Councilor Kirby thanked Councilor Melendrez for the statement.



CONSENT AGENDA

MILLS moved, BAKEFELT seconded, **TO ADOPT THE CONSENT AGENDA, WHICH CONSISTED OF APPROVAL OF COUNCIL MEETING MINUTES OF APRIL 9, 2024.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-out; Bakefelt-yes; Melendrez-yes; Folden-out. Motion carried 4/0/3.

NEW BUSINESSCommunity Risk Assessment/SOC

Clint Benson, Fire Chief, presented.

Ontario Fire and Rescue and the Ontario Rural Fire Protection District (ORFPD) would like to team up to have a community risk assessment/standards of cover (CRA/SOC) study completed. The total cost of the study was \$50,118. This study would identify risk and target hazards within Ontario and the ORFPD boundaries and show the taxpayer exactly what they were currently paying for fire protection. The community risk assessment piece would guide Ontario Fire and Rescue in preparing and training for emergencies at target hazards and areas of risk. The standards of cover piece would assist the city and rural departments in efforts to find additional revenue needed for increased staffing, facilities, and equipment (five-year plan), and help the fire department to identify strengths, weaknesses, and opportunities. This study represented a large piece of the department's strategic planning efforts.

To his knowledge, Ontario Fire and Rescue had never had a CRA/SOC study done in its history. The need for additional career firefighters, which increased safety and effectiveness, had been challenged by lack of funds. Ontario was working on a five-year plan that would assist several city departments. In efforts to find additional funding sources, this study would answer the question of, "what were our customers currently paying for the level of fire protection they received; and, was our community okay with the current level of protection?". The CRA/SOC study would include customers and stakeholders in the process. This would give the department a good idea of what customers wanted; the same level of fire protection or an increased level of fire protection. Additionally, the community risk assessment would assist Ontario Fire and Rescue with identifying target hazards within this community. Training, equipment, and staffing could all be modeled around the risk that this department was responsible for protecting. A well-constructed community risk assessment also helped greatly when applying for state and federal grants.

Ontario Fire and Rescue was understaffed. Ideally, there should be four career firefighters per 24- hour shift; currently, there were three per shift. With personnel being the most valuable resource, the cost of personnel was also the most expensive investment. The city's five-year plan symbolized a new level of safety and effectiveness for this fire department. However, convincing Ontario taxpayers to pay additional taxes and/or fees would be difficult, and with a good CRA/SOC study, the path ahead would be much clearer to both the taxpayers and decision makers as this moved forward.

This action was consistent with the city's strategic plan, specifically within the city's mission statement, "Our mission is to create a healthy, safe, diverse, and prosperous city by engaging community members to develop an enriched quality of life". Also, the commitment to providing superior quality service and efficient services to the public aligned perfectly with this proposed action. This fire department had been working on its strategic plan as we moved forward. A CRA/SOC study would serve as a big piece of planning for the future.

In February of 2024, the Chief started contacting public safety firms in regard to a CRA/SOC study. Five firms were sent both RFQ's and RFP's. Staff received four price quotes ranging from \$19,750 to \$50,118. Chief Benson used the NPPGov contract to receive a 10% discount. Emergency Services Consulting International (ESCI) came highly recommended by other fire chiefs and had the most impressive resume (RFQ). Other firms' studies were less expensive, but lacked important features such as GIS mapping. In fact, one of the firms' study processes was designed to be done by staff, under the direction of the firm. After reviewing all RFQ's and RFP's, the most "bang for our buck" would come from ESCI. Ontario Rural Fire Protection District agreed that ESCI's proposal of \$50,118 was the best option and had agreed to pay half of the study.



Timing was crucial. As staff worked towards the five-year plan, the information provided in this study would paint a picture for stakeholders and taxpayers showing the risk present in the Ontario community and the level of fire service that was currently provided to protect the community. A professional CRA/SOC would review the department's current policies and procedures and make recommendations on improvements the fire department could make to decrease liability to the city. There were less expensive alternatives from other firms; however, the importance of this study was great, and the city would get what they paid for. Doing a study like this inhouse was possible, but will take more than a year to complete.

BAKEFELT moved, MELENDREZ seconded, **THE CITY COUNCIL APPROVE THE USE OF \$25,059 OF PUBLIC SAFETY FUNDS FOR 50% OF A COMMUNITY RISK ASSESSMENT/STANDARDS OF COVER STUDY TO BE COMPLETED BY EMERGENCY SERVICES CONSULTING INTERNATIONAL.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-out; Bakefelt-yes; Melendrez-yes; Folden-out. Motion carried 4/0/3.

New Intergovernmental Agreement for City/County 911 and Dispatch Services

Dan Cummings, City Manager, presented.

The 911 User Group had been in negotiations with Malheur County to get the fees based on actual use and not just set contract prices. This new IGA did that and reduced the fees for Ontario by approximately \$13,635.

On December 11, 2023, the City of Ontario and Malheur County entered into a Memorandum of Understanding (MOU) filed under Instrument #2013-5143 to consolidate the 911 and dispatch services. On May 14, 2014, the city and county entered into a Memorandum of Agreement (MOA) for the consolidation of the 911 and dispatch services. On June 30, 2014, under Instrument #2014-2161, the Intergovernmental Agreement (IGA) between the City of Ontario and Malheur County for 911 and Dispatch services was recorded. On April 6, 2015, the First Amendment to the June 30, 2014, IGA was signed by the city and county to set out a comprehensive formula/calculation for payment of 911 and dispatch services by the city to the county.

The 911 User Group and the county finished the negotiations to amend the formula/calculation for paying for the 911 and dispatch services to pay for actual costs for the services. This required a new IGA between the City of Ontario and Malheur County for 911 and Dispatch services. The new Agreement (IGA) had an estimated annual cost of \$219,163.17, which was an approximate decrease of \$13,635 from last year. This Agreement would start effective July 1, 2024.

MILLS moved, BAKEFELT seconded, **THE CITY COUNCIL APPROVE THE NEW INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF ONTARIO AND MALHEUR COUNTY FOR 911 AND DISPATCH SERVICES AND AUTHORIZE THE MAYOR TO SIGN THE DOCUMENTS.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-out; Bakefelt-yes; Melendrez-yes; Folden-out. Motion carried 4/0/3.

PUBLIC HEARING

ORDINANCE #2825-2024: AN ORDINANCE FOR A REZONE OF TWO PARCELS OF PROPERTY FROM CITY GENERAL COMMERCIAL (C-2) TO CITY SINGLE FAMILY RESIDENTIAL (RS-50) (TAX LOT 100) AND CITY MANUFACTURED HOME RESIDENCE (R-MH) (TAX LOT 200)

It being the date advertised for a 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, ex-parte contact, or declarations of conflict of interest were stated.

Dan Cummings, City Manager/Community Development Director, presented.

The applicant/owners own parcels of land, known as Tax Map 18S47E10BA, Tax Lots 100, and 200. Said Tax Lots currently had one zoning, that being City General Commercial (C-2). The applicants would like to rezone Tax Lot 200 to City RS-50 Single Family Residential to match the current use, and to rezone Tax Lot 100 to Manufactured Home Residence (R-MH) to match the current use of the property as shown in this report.

The applicant submitted an application for the rezoning of the parcels of land known as Tax Map 18S47E10BA, Tax Lots 100 and 200, which said tax lots were currently zoned City General Commercial (C-2). The application was found to be complete on January 5, 2024, and provided enough information to schedule a public hearing on the matter once all the reports and exhibits were created. The property consisted of Tax Lot 100 being 13,644 square feet or 0.31 acres, and Tax Lot 200 being 6,014 square feet or 0.14 acres.

This request for rezone needed a recommendation for approval or rejection from the Planning Commission to the City Council, who would be the decision maker for this request. This action specifically sought approval for rezoning 6,014 square feet from General Commercial to Single Family Residential and 13,644 square feet from General Commercial to Manufactured Home Residence within the city limits of the City of Ontario.

The most recent planning action on the property was a Property Line Adjustment of the two parcels to fix setback issues, as well as to match the zoning use of the property under Planning Action 2023-08-12PLA.

At a Public Hearing on April 8, 2024, the Planning Commission approved the findings of facts on Planning Action 2024-01-01RZ, and sent a favorable recommendation to the City Council to approve the rezoning of the subject property.

The proposed development had to comply with applicable provisions of the City of Ontario Zoning Ordinance as set forth in the Ontario City Code, and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request was found to be consistent with the zoning ordinance, it was considered to be consistent with the Comprehensive Plan and the planned development was an approved zoning under the comprehensive plan.

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

MILLS moved, BAKEFELT seconded, THE CITY COUNCIL APPROVE THE FINDING OF FACTS AND THE RECOMMENDATION OF THE PLANNING COMMISSION FOR THE REZONE OF TAX LOT 200 FROM GENERAL COMMERCIAL TO SINGLE FAMILY RESIDENTIAL AND TAX LOT 100 FROM GENERAL COMMERCIAL TO MANUFACTURED HOME RESIDENCE ZONES AS SET FORTH IN ACTION 2024-01-01RZ BASED ON THE INFORMATION, FINDINGS, AND CONCLUSIONS SET FORTH IN THIS REPORT. Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-out; Bakefelt-yes; Melendrez-yes; Folden-out. Motion carried 4/0/3.

MILLS moved, MELENDREZ seconded, IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER, THE CITY COUNCIL APPROVE ORDINANCE #2825-2024, AN ORDINANCE PROCLAIMING THE REZONE OF TAX LOT 200 FROM GENERAL COMMERCIAL TO SINGLE FAMILY RESIDENTIAL AND TAX LOT 100 FROM GENERAL COMMERCIAL TO MANUFACTURED HOME RESIDENCE ZONES AS SET FORTH IN ACTION 2024-01-01RZ BASED ON THE INFORMATION, FINDINGS, AND CONCLUSIONS SET FORTH IN THIS REPORT, AT A SINGLE MEETING BY TITLE ONLY. Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-out; Bakefelt-yes; Melendrez-yes; Folden-out. Motion carried 4/0/3.

BAKEFELT moved, MELENDREZ seconded, IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER, THE CITY COUNCIL APPROVE ORDINANCE #2825-2024, AN ORDINANCE PROCLAIMING THE REZONE OF TAX LOT 200 FROM GENERAL COMMERCIAL TO SINGLE FAMILY RESIDENTIAL AND TAX LOT 100 FROM GENERAL COMMERCIAL TO MANUFACTURED HOME RESIDENCE ZONES AS SET FORTH IN ACTION 2024-01-01RZ BASED ON THE INFORMATION, FINDINGS, AND CONCLUSIONS SET FORTH IN THIS REPORT, AT A SINGLE MEETING BY TITLE ONLY. Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-out; Bakefelt-yes; Melendrez-yes; Folden-out. Motion carried 4/0/3.

HAND-OUTS

Minutes:

Airport: Apr 1, 2024; County Court: Apr 3, 2024, Apr 10, 2024, May 1, 2024



Department Stats: April, 2024

Public Works, Fire (No stats from OPD/CE due to new system glitches)

Packet

V&C Board May 2, 2024

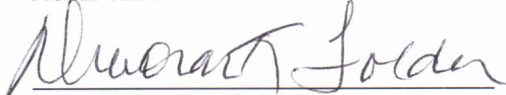
CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Councilor Melendrez asked to address the great work the Kiwanis Club was doing. All the other service clubs, who were all doing great things to fix up the parks. He had attended a meeting, and was able to see all the documents, work, and planning done, and was blown away by the work the service clubs did for this community to fix the parks. One of the visions the Kiwanis President had, Efren Garza, was to install a fence at the Eastside Park. There was question as to when that might happen. Some youth volunteers, some boxing kids, helped remove the fence, roll it up, and they were grateful the airport donated that. On Serve Day, they were able to install that fence. There was about a 50-yard section, right behind the goal, still needed, but he was honored to be a part of the project. He thanked Casey (Public Works Director) for doing that, along with Marc from the Kiwanis Club for all the work he'd done. He also wanted to thank Efren for all the work he'd put into the community. He stressed the importance of continuing the parks match the city had established.
- Councilor Melendrez addressed the letter submitted by Nyssa Councilor Roberto Escobedo (read earlier under comments) He had received that over the weekend, and was not asking for definite answers or anything regarding details related to any investigation, but he did believe that the question asked about policy, he'd like to bring that back, maybe at the next Council meeting. What was the policy and what was the training provided for staff who dealt with not just a diabetic attack, but any other illness. Was there a training provided? He had a lot of people reach out to him, and he'd also been shown videos that he didn't like, however, they were blurry, so he chose not to jump to any conclusion. But he also understood that law enforcement was in a fishtank. Everything they did was seen and put in the spotlight. He'd had personal experience, so he felt for anyone in that situation. But, he'd like to see some answers to some of the questions that had been asked by Mr. Escobedo. What was the policy, and did the officers have enough training? Did they have what they needed to be successful for something like that not to happen? What he had heard about the gentleman being elderly, the more he became afraid for his own parents, who were prediabetic. That was something for the next Council meeting, and he wanted to hear some answers.
- Councilor Kirby stated the city received correspondence from the Sister City organization via Marc and Suzanne Burg. The city recently had visitors from Osakasayama, and he believed, hopefully, that there was a group going to Japan this fall. It would be the 50th anniversary of the Sister City relationship, started by Geroge Iseri and Bob Sullivan. They, along with Mayor Leanord Cates, traveled to Japan, and it had been a successful relationship for 50 years, and he hoped to see that continue.
- Councilor Kirby stated he had received an invitation to the 95th banquet of the Ontario FFA, and one of the members Mateo Walker, was honored by the city previously for his work in leadership.

ADJOURN

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

ACCEPTED:



Deborah K. Folden, Mayor

ATTEST



Tori Barnett, MMC, City Recorder

