

**ONTARIO CITY COUNCIL MEETING MINUTES
Monday, January 6, 2014**

The meeting of the Ontario City Council was called to order by Mayor LeRoy Cammack at 7:00 p.m. on Monday, January 6, 2014, in the Council Chambers of City Hall. Council members present were LeRoy Cammack, Norm Crume, Jackson Fox, Charlotte Fugate, Dan Jones, Larry Tuttle, and Ron Verini.

Members of staff present were Jay Henry, Tori Barnett, Larry Sullivan, Mark Alexander, Alan Daniels, Bret Turner, Mike Long, and Dawn Eden. The meeting was recorded, and copies are available at City Hall.

Mayor Cammack led everyone in the Pledge of Allegiance.

AGENDA

Request to amend the Agenda to change Section 7't heading to read "Local Contract Review Board – Old Business".

Ron Verini moved, seconded by Larry Tuttle, to adopt the Agenda as amended. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

CONSENT AGENDA

Jay Henry, City Manager, stated on page 15 of the December 16, 2013 Minutes, regarding the question by Councilor Fugate on how much total money the city would expend this coming year on the Golf Course Contract, through the end of December, 2014, the answer provided was \$237,500. That amount was incorrect. In the coming year, it would be \$187,500 of the base management fee, \$50K for repairs, and \$13,800 to repair the retaining wall and for restroom ADA modifications. That totaled \$251,300. There was an additional \$6,500 for the N-pHURIC Acid, but the discussion on that was that it would be paid for out this year's fiscal budget.

Charlotte Fugate moved, seconded by Ron Verini, to approve Consent Agenda Item A: Minutes of the Regular Meeting Minutes of December 16, 2013; Item B: Bid Award: CCTV Inspection Services; and Item C: Approval of the Bills. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

PUBLIC COMMENTS

[From hand-out]

Ruth Rolland, Ontario, stated: *The City's Public Works employees continue to work under the conditions of employment that were never ratified, because the City shut down negotiations with the employees. The City has never returned to the table to work out the differences and settle the contract. Ontario's residents are mostly people who work every day, (or if retired, certainly used to work every day) – for wages – to take care of their families, pay their debts, and plan for future needs, just like the employees who work for the City in [the] Public Works Department. Working people and working families are the life – and the constant motion of life – that keep this city going. They keep the success going for businessmen and women, because they go shopping, buy gasoline, go to the movies...they rent homes and buy homes, send children to colleges – and working people are the ones hired and charged with making sure the customers of Employers receive the quality products and services they expect, when they walk in the door, or drive down the street, or another example, when they used to visit the City's Aquatic Center. It's troubling to see the City neglect a worthwhile asset like the public swimming pool. And it's troubling also to see the City in a very similar way show a lack of regard for the City's Public Works employees. And these employees are just like the thousands of city residents and voters – they are working men and women willing and proud to do a great job for their employer, and they very much want their employer to acknowledge their*

dignity and their rights to collective bargaining. They want to reach a mutually beneficial relationship, with City leaders who respect them as persons, and for their professional resolve to do what it takes to provide Ontario's citizens with the public city services that city residents deserve and must have. This evening, people have again been conducting an Informational Picket – carrying signs outside City Hall in support of Ontario's Public Works employees. All working people deserve fairness and the opportunity to have mutually respectful negotiations with their employer. It's the right thing to do – the right way to relate to your employees.

Jay Henry, City Manager, stated in response to Ms. Rolland's comments, he was new to Ontario when they entered into the union negotiations, and what he saw was a Council struggling to balance the needs of taking care of the employees – who were wonderful employees – and the needs of the citizens of Ontario, who paid the salaries. The Council felt there were some demands made in the bargaining process that were unreasonable, and he agreed with them and supported their decision. They were trying to do the best they could, that balancing act of taking care of the employees and being reasonable to the citizens in what they were asked to pay. He supported the Council in their decision, and believed they made the right one.

LOCAL CONTRACTOR REVIEW BOARD - OLD BUSINESS

Bid Award: Police and Fire Study Proposal with ICMA

Jay Henry, City Manager, stated at the Council work session on October 31, 2013, the Council discussed whether to proceed with the contract proposal made by the International City/County Management Association (ICMA) to conduct a comprehensive analysis of the city's police, fire and EMS services in order to make recommendations to the city about the provision of those services. The Council consensus was to add the contract to the Council agenda for the November 4, 2013, meeting as a new business item.

At the November 4, 2013 Council Meeting the Council voted to table the Police and Fire Study Proposal and Contract Review until the 9-1-1 vote was up or down, and then staff was to immediately bring it back before Council. At the December 2, 2013 Council Meeting the Council voted to approve the 9-1-1 MOU with Malheur County; the County voted to approve the MOU at the December 11, 2014 County Court Meeting.

The ICMA Contract was exempt from the formal competitive bidding requirements of Oregon law if the Council, sitting as a Local Contract Review Board, made a finding that the Contract was a personal services contract under Section 1.7 of the City's Financial Policies Manual. The City Attorney's opinion was that the ICMA Contract qualified as a personal services contract under Section 1.7.

As stated on Page 33 of the ICMA Proposal, the fee charged by ICMA would be \$51,300 (\$57,000 less a 10% discount due to the City Manager being a member). ICMA also charged for travel expenses, with a proposed travel budget of \$5,000.

Councilor Crume stated if the study was passed, and then completed, where would it go?

Mr. Henry stated it would be provided to both the City Manager and the Council.

Councilor Crume stated if this company suggested something the Council and the City Manager were not in agreement on, how would they move forward?

Mr. Henry stated there had been some preliminary discussions with the Mayor about that issue, and they had a gentleman's agreement to consider each side's opinion and they would work together as a team. Whatever they did regarding the recommendations by ICMA, the Council's input was needed, as well as staff's. Working together, they could make the city a safer place.

Councilor Fugate stated she contacted ICMA, as well as visited their website. There were four cities that had used ICMA's services for this type of thing. For Jerome, Idaho, it had been recommended that they consolidate public safety under one manager, but that didn't save them any money. In Hayden, Idaho, that spoke to the administration feasibility and cost analysis for a police department as they didn't have one, and they were trying to decide if they wanted one. They found the cost astronomical to start a department. In Eugene, Oregon, they had the study conducted for the police department only, and the study vindicated that more officers were needed. It validated what the chief had been saying, but they didn't have the money to hire anyone. Finally, in Spokane Valley, Washington, a city of 90K, they did an audit for efficiencies, but the city didn't act on the recommendations.

Councilor Verini stated with regard to Councilor Fugate's comments, one large concern he had was not only the need for determining efficiencies for both police and fire, but also the number of boots on the ground had to be considered for the safety of the community. He also struggled with the potential suggestion of consolidation of departments. They, as a Council, should talk about it before it ever occurred. If there were actual concerns about even the *possibility* of a consolidation of *any* department, they should be talking now and presenting it to the entity doing the analysis. They should state the importance of having a separation of police and fire. The culture of those departments was so different. The mission might be the same, but the cultures were different. He wouldn't take the recommendation of a consolidation.

Mayor Cammack stated they were getting ahead of themselves. Who knew what their reasoning would be to make that recommendation. He felt as Councilor Verini did, but they needed to do the study to see all the areas. There might be areas being overdone, or areas to just be more efficient. The Council didn't have to do what the study said to do, but they might want to. They just needed to see what they had to say.

Councilor Verini stated it might be prudent to share the thoughts of the Council with ICMA.

Councilor Tuttle asked which city had the recommendation for consolidation.

Councilor Fugate stated that was Jerome, Idaho. Their population about five years ago was around 15-18K. She further stated the Chief had recommended they made sure to define the tasks of what the Council wanted, and what they were looking for.

Councilor Fox asked about the process.

Mr. Henry stated the first step was gathering data and interviewing the Council, Ontario citizens, or members of the department. It was just a massive data gathering. Following that, during the four month evaluation and analysis period, they would provide feedback.

Councilor Jones asked if Chief Alexander could provide an update on the Dispatcher.

Chief Alexander stated he couldn't comment at this time.

Mayor Cammack stated they had a responsibility to use the study once received, to ensure that when the information was received, they acted one way or the other.

Ron Verini moved, seconded by Norm Crume, that the Mayor and City Council, sitting as a Local Contract Review Board, declare that a contract between the City and ICMA to conduct an analysis of the City's police, fire and EMS services is a personal services contract under Section 7.1 of the Ontario Financial Policies Manual. NO VOTE.

Councilor Jones wanted to verify the motion was just to indicate this was for a personal services contract

Mr. Sullivan stated yes. Also, it should be Section 1.7, not 7.1.

Rewritten motion:

Ron Verini moved, seconded by Norm Crume, that the Mayor and City Council, sitting as a Local Contract Review Board, declare that a contract between the City and ICMA to conduct an analysis of the City's police, fire and EMS services is a personal services contract under Section 1.7 of the Ontario Financial Policies Manual. NO VOTE.

Councilor Crume stated there was no mention of the limit on the travel expenses.

Mr. Sullivan stated they could add in a not-to-exceed amount for travel costs.

Mr. Henry recommended making it a total lump sum, not to exceed \$56,300, including travel expenses.

Norm Crume moved, seconded by Ron Verini, that the Mayor and City Council, sitting as a Local Contract Review Board, approve the personal services contract with ICMA, not to exceed \$56,300, with travel expenses included. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-no; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/1/0.

NEW BUSINESS

Resolution #2014: Accept Street Right-of-Way @ 1336 NW 4th Avenue (Jaramillo) - Shed

Dawn Eden, Engineering Technician II, stated Mike R. and Norma G. Jaramillo requested a building permit to construct a 30' X 30' shed at 1336 NW 4th Avenue. Because full street right of way had not been obtained at this parcel, they were asked to donate additional right of way for NW 4th Avenue as part of their development requirements. This would bring their property into conformance with the majority of the others on NW 4th Avenue.

During Local Improvement District 43 (1994), NW 4th Avenue from North Park Boulevard to Verde Drive, right of way for street construction was donated by the adjacent property owners. At the time of the LID, this parcel, tax lot 600, and the adjoining parcels 601 and 700, were under joint ownership of a Mr. Stevens. The city was successful in obtaining right of way from all of the lots for LID 43 except these three. Reviewing the project files, staff was unable to determine why this did not take place. Now the three tax lots were under different ownerships. During the review process for the Jaramillo's building permit application, it was noted that there was only 40-foot right of way dedication at this parcel, 10-feet on the Jaramillo's side and thirty-feet on the parcel on the north side of the street. LID 43 constructed the street in a 60-foot right of way. The current City of Ontario Transportation Plan classified NW 4th Avenue as a Major Collector. The current 60-foot right of way matched the Master Plan's Figure 7-4, Collector without Bike Lane. As a condition to the building permit, the Jaramillo's were requested to donate the additional right of way, which they agreed to do.

Councilor Tuttle asked the width of the street.

Ms. Eden stated she was not sure.

Councilor Tuttle stated it was confusing, because if they had 30 foot on one side, and 10 foot on the other, where did they put the street? Was it a 36 foot street, or 40? There was a 40-foot right-of-way. Was there going to be more right-of-way on one side of the street than the other, or in the middle? By doing this action, it would bring the street back into the city, correct, because right now, it was on private property.

Mr. Turner stated yes, it would.

Jackson Fox moved, seconded by Larry Tuttle, that the Mayor and City Council adopt Resolution #2014-101, **A RESOLUTION DECLARING THE NECESSITY AND INTENT FOR ACCEPTANCE OF STREET RIGHT OF WAY FROM MIKE R. AND NORMA G. JARAMILLO**. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

Resolution #2014-102: Correction to Resolution #2013-129 re 9-1-1 Funds

Michael Long, Finance Director, stated this agenda item was to correct Resolution 2013-129, adopted by the Council November 13, 2013. Resolution #2013-129 only effected one side of each fund putting the General Fund and the 9-1-1 Fund out of balance by \$21,200 in the in the 2013-2014 Annual budget. This resolution would correct the funds so they would be in balance.

Jackson Fox moved, seconded by Ron Verini, that the City Council adopt Resolution #2014-102, **A RESOLUTION CORRECTING RESOLUTION #2013-129**. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

Resolution #2014-103: Accept Street Right-of-Way @ Crest Way and Horning Way (County)

Dawn Eden, Engineering Technician II, stated Malheur County owned the street right of ways for Horning Way and Crest Way. With the annexation of this residential area, the City of Ontario requested that Malheur County donate the street right of way to the city.

The Horning and Crest Way area was not created by a subdivision plat. The areas where the Horning and Crest Way streets were constructed were on privately owned properties. The owner did not pay the taxes on the two lots and Malheur County took ownership of the lots for non-payment of these taxes. This area had now been annexed into the Ontario City Limits and the city took over jurisdiction to maintain these streets although Malheur County still owned the property. The city requested that Malheur County donate these lots for right of way purposes. The Malheur County Court did so by a Quitclaim Deed. This resolution would allow the Mayor to accept these parcels.

Councilor Fox asked if this was the last thing on the checklist for this subdivision. Could they now collect on the money that Dan Cummings [CK3, LLC] had on hold?

Mr. Sullivan stated yes, this should be it.

Jackson Fox moved, seconded by Charlotte Fugate, that the Mayor and City Council adopt Resolution #2014-103, **A RESOLUTION DECLARING THE NECESSITY AND INTENT FOR ACCEPTANCE OF HORNING WAY AND CREST WAY STREET RIGHT OF WAY FROM MALHEUR COUNTY**. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Mayor Cammack stated he kept getting comments from the community regarding the television broadcast of the Council meetings, and asked for an update on the system.

Tori Barnett, City Recorder, stated she had been in contact with the KOHS Advisor Shamra Jones at the high school. Part of the problem was when the Council held a longer meeting, it was necessary to compress the meeting onto the DVD, and the resolution and pixels were not as clear. Ms. Jones was working on some things on her end, also. Another problem could also be that many televisions had the option to change the size of the view on the screen, such as zooming or widening, and that might cause some of the picture to be missing. She and two other individuals had watched the current airing of the meeting, and it was fine, other than the resolution was a bit off. She was also working with Ms. Jones to get the date to scroll across the screen, or to be placed somewhere so individuals would be aware of which meeting they were watching. She would continue working with the school. Compression made no changes to audio.

- Councilor Jones stated at the Thursday Study Session, when he announced that he had contacted LOC and LGPI, Mr. Henry made comments both in the hallway and in Chambers, that there might be a conflict of interest if there was litigation. Please explain those comments.

Mr. Henry stated he had been caught by surprise, but he had been thinking that LGPI was the company that, if there was any problems with employees, LGPI defended the city. Therefore, he had thought there might be a conflict of interest if they did the evaluation of employee, like himself, and if there were problems in the future. He didn't know if it would be a conflict, but he recommended that LGPI not be one of the companies used for the evaluation process.

Councilor Jones stated with his communication with LGPI, it was that the city was a member of LGPI, and had access to information, and they were willing to provide copies of possible...he would have information from LGPI to submit to the Council on Thursday, that would give possible review scenarios.

- Councilor Jones stated that Mr. Henry had also stated during the comment on the review they planned to do shortly, that there were four seats coming open a year from now, and that there was really no need to do goals until a year from now. He wanted that explained in regards to postponing the discussion of possible goals for this upcoming year.

Mr. Henry stated what he meant to say was that once the new Councilors were elected in January, they needed to sit down as a group and set goals again. They might have different goals than the current Council. One thing that was important was to set goals. His employment contract read that the Council would set specific criteria by which to evaluate him. He apologized for misspeaking, but they needed to get moving on criteria by which he would be evaluated.

- Councilor Crume stated he was pleased to announce that he and Councilor Fugate had met to discuss names for the Aquatic Center Committee. They decided to have an 11-member committee, which would include both he and Councilor Fugate, who would not be voting members. They would have nine voting members, and they were just short one person to complete that number. They had a solid 10 on board. Those included both he and Councilor Fugate, Ken Hart, Dan Cummings, Stephanie Williams, Matt Sorenson, Marty Justus, Debbie Schaffeld, Peggy Hawkins, and Jerry Jorgenson. They would also have Facilities Manager Brad Howlett, from the city, on the Committee, who would be a non-voter.

He requested that Mr. Henry have Mr. Howlett provide nine copies of the information that he had completed on the Aquatic Center, plus the architect review and plans that had been done a few years ago. That would give the committee all the same information for them to move forward.

Councilor Fugate stated she had spoken with Ms. Williams, and the Committee had to have this done before the first of May to qualify as a service district if that was the direction the committee went.

ADJOURN

Jackson Fox moved, seconded by Larry Tuttle, that the meeting be adjourned. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

APPROVED:


LeRoy Cammack, Mayor

ATTEST:


Tori Barnett, MMC, City Recorder