JOINT MEETING MINUTES
Ontario City Council – Ontario Planning Commission
February 19, 2013

The joint meeting of the Ontario City Council and the Ontario Planning Commission was called to order by Mayor Joe Dominick at 7:00 p.m. on Tuesday, February 19, 2013, in the Council Chambers of City Hall. Council members present were Norm Crume, Joe Dominick, Jackson Fox, Charlotte Fugate, Larry Tuttle, and Ron Verini. Dan Jones was excused.

Members of the Planning Commission present were Michael Rudd, Greg Tuttle, Cindy Graverson, and Max Twombly. Mike Allen and Rita Kanrich were absent.

Members of staff present were Tori Barnett, Bob Walker, Larry Sullivan, Mark Alexander, and Mike Long, Alan Daniels, Dan Shepard, Ron Park, and Ron Mooney. The meeting was recorded on tape, and the tapes are available at City Hall.

Ronald Verini led everyone in the Pledge of Allegiance.

MAYOR'S RESIGNATION

Mayor Dominick stated: *Citizens of Ontario, you're being screwed by the City Council and your City Manager. There is much about their conduct and their integrity that this community needs to question and watchdog very carefully. Councilor Fugate, I thank you for not being bought, like all the other Councilmen, and remain true to the community that has elected you. Be proud. Effective immediately, I resign as the Mayor of Ontario.*

Mayor Dominick departed the meeting.

It was Council consensus to have Councilor Crume run the meeting, in the absence of both a Mayor and the Council President.

AGENDA

Council consensus to make Item 5E) Approval of the Bills, a separate motion; to move action 8A) Public Hearing for Ordinance #2676-2013 up to just after the motion to adopt the agenda; and to add Item 7C) Resolution #2013-105, a resolution granting an exception for the City Manager's spending authority in compliance with the 2013 Golf Course Management Agreement with Scott McKinney.

Jackson Fox moved, seconded by Charlotte Fugate, to adopt the Agenda as amended. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-out; Tuttle-yes; Verini-yes. Motion carried 5/0/1.

PUBLIC HEARING

Ordinance #2676-2013: Annex and Rezone Approximately 257 Acres of Land Northeast of the Intersection of Highway 201 and SW 18h Avenue; IBP and RS-50 – First and Second Reading, Declaring an Emergency Passage
It being the date advertised for public hearing on the matter of Ordinance #2676-2012, the hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, no ex-parte contact, and no declarations of conflict of interest.

Larry Sullivan, City Attorney, stated on February 11, 2013, the Planning Commission recommended and the City Council moved to approve the Comprehensive Plan Amendment package as set forth in Action 2012-12-15CPAMD and further described in staff report. This package included: (a) Expansion of the Ontario Urban Growth Boundary (UGA) and Comp Plan; (b) Amendment of the Comprehensive Plan text (including the 2007 Urbanization; and (c) Amendment of the Ontario Transportation System Plan (TSP) and the Highway 201 Corridor Refinement . Also on February 11, 2013, the Council passed Ordinance 2674-2013 amending the City of Ontario's Comprehensive Plan and established a Master Plan of development for TVCC.

Mike Rudd, Planning Commission Chair, opened the hearing for public testimony. There were no objections to the Commission's jurisdiction to hear the action, no abstentions, no ex-parte contact, and no declarations of conflict of interest.

Proponents: None. Opponents: None.

There being no Proponent and no Opponent testimony, the Chairman declared the hearing closed.

There was no further discussion by the Planning Commission.

Mike Rudd moved, seconded by Greg Twombly, that the Planning Commission recommend that the City Council approve the Comprehensive Plan Amendment package as set forth in Action 2012-12-15CPAMD, which includes Annexation to the City of Ontario of Tax Lot 2300 (Map 18S47E08D) and Tax Lots 3501, 3500 and 3600 (Map 18S47E08) Exhibit 1, Map 5, supported by Exhibit 1, Appendices E and F; and the Application of the City Industrial Business Park (IBP) zone to the 200-acre industrial site and a City Low Density Residential Zone (RS-50) to intervening property to the north, Exhibit 1, Map 5. Roll call vote: Rudd-yes; Tuttle-yes; Graverson-yes; Twombly-yes. Motion carried 4/0/3.

Mr. Sullivan stated that the property owners, for the most part, agreed to the listed restrictions. Those changes had been discussed with the City Manager, and were agreed to. The Saito-Matthews property was a link between two parcels. Right through the middle of that property, the city was proposing to put in a 30-foot wide easement for sewer and water. That land was currently being farmed, and the owners wanted to continue their farming after annexation. Their concern was regarding water and sewer lines being buried deep enough. According to Bob [Walker], the lines would be no closer than four feet near the surface. That was now in the agreement. Another issue was whether or not the property owner would have to pay the full share of a water and sewer line extension if they chose to tap into the system. After speaking with the City Manager, the preference was to pay a basic connection fee. That, too, was now in agreement, and those agreements had been signed.

Councilor Verini asked about development on the property.

Mr. Sullivan stated they would need to apply for a develop agreement and would have to comply with city requirements with a proportionate share of the extension costs for water and sewer. The existing line was a force main, so they could not tap into it directly. It would also require the construction of a transfer station, and they would incur those costs.

As the Planning portion of action for Ordinance #2676-2013 was completed, the Planning Commission portion of the meeting was closed.

City staff was recommending that the Council approve (a) the annexation of the City of Ontario of Tax Lot 2300 (Map 18S47E08D) and Tax Lots 3501, 3500, and 3600 (Map 18S47E08); and (b) the Application of the City Industrial Business Park (IBP) zone to the 200-acre industrial site and a City Low Density Residential Zone (RS-50) to intervening property to the north.

Ron Verini moved, seconded by Jackson Fox, that the City Council declare an Emergency for the passage of Ordinance #2676-2013. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-out; Tuttle-yes; Verini-yes. Motion carried 5/0/1.

Ron Verini moved, seconded by Jackson Fox, that the City Council adopt Ordinance #2676-2013, AN ORDINANCE ANNEXING APPROXIMATELY 257 ACRES OF LAND NORTHEAST OF THE INTERSECTION OF HIGHWAY 201 AND SW 18TH AVENUE, WITHDRAWING SAID PROPERTY FROM THE RURAL ROAD ASSESSMENT DISTRICT #3, AND FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT #7, ASSIGNING CITY ZONING, AND DECLARING AN EMERGENCY, based on the information, findings and facts as set forth in Action 2012-12-15CPAMD and the Planning Commission & City Council staff report, to approve the request to annex and rezone those properties identified in Exhibit 1-Map 5 and further described in Exhibit F, on First Reading by Title Only, and declaring an emergency. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-out; Tuttle-yes; Verini-yes. Motion carried 5/0/1.

Ron Verini moved, seconded by Jackson Fox, that the City Council adopt Ordinance #2676-2013, AN ORDINANCE ANNEXING APPROXIMATELY 257 ACRES OF LAND NORTHEAST OF THE INTERSECTION OF HIGHWAY 201 AND SW 18TH AVENUE, WITHDRAWING SAID PROPERTY FROM THE RURAL ROAD ASSESSMENT DISTRICT #3, AND FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT #7, ASSIGNING CITY ZONING, AND DECLARING AN EMERGENCY, based on the information, findings and facts as set forth in Action 2012-12-15CPAMD and the Planning Commission & City Council staff report, to approve the request to annex and rezone those properties identified in Exhibit 1-Map 5 and further described in Exhibit F, on Second and Final Reading by Title Only, and declaring an emergency. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-out; Tuttle-yes; Verini-yes. Motion carried 5/0/1.

CONSENT AGENDA

Noted that the Consent Agenda would be done with two votes; one for the action items, and one for the bills.

Ron Verini moved, seconded by Charlotte Fugate, to approve Consent Agenda Item A: Approval of the Regular Minutes of 02/04/2013; Item B: Resolution #2013-103: Receive/Expend Donation Funds-OPD ($13,812); Item C: Resolution #2013-104: Receive/Expend ODOT Safety Funds-OPD ($2,640); Item D: Ordinance #2673-2013: AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN BY ADOPTING THE TREASURE VALLEY COMMUNITY COLLEGE 2012 FACILITY MASTER PLAN AS PART OF THE TVCC MASTER PLAN, on Second and Final Reading by Title Only. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-out; Tuttle-yes; Verini-yes. Motion carried 5/0/1.

APPROVAL OF THE BILLS

Norm Crume recused himself from this portion as he had an invoice on the bills.

Ron Verini moved, seconded by Jackson Fox, to approve Consent Agenda Item E: Approval of the Bills. Roll call vote: Crume-recuse; Fox-yes; Fugate-yes; Jones-out; Tuttle-yes; Verini-yes. Motion carried 4/0/1/1.

PUBLIC COMMENTS/PRESENTATIONS

Justin Allison, Volunteer Firefighter Chair, invited the City Council to the Annual Volunteer Firefighter's Banquet and Dance on March 2nd. Dinner would be from 6-8pm, and dancing with a live band until midnight. There would be both live and silent auctions conducted. On behalf of the Fire Department, they wanted to invite – and provide a complimentary ticket – to the City Council.

Councilor Verini asked about the fire hydrants that would be up for auction.

Mr. Allison stated there were two – one from the University of Oregon, and one from Boise State University. They actually had the entire BSU football team, along with Coach Peterson, sign the hydrant. They were down in the fire bay if anyone wanted to see them, and they were on their Facebook page as well.

(From her written statement, plus some side commentary)
Ruth Rolland, Ontario, stated: *This evening, you probably noticed the people carrying signs are out there – conducting an informational picket outside City Hall. They are bringing attention and reminding Ontario citizens that Ontario's City Council has treated the Public Works employees unfairly, without respect for them, when it came time to renegotiate their Labor Contract with the Public Works employees. It seems like the City Council's attitude toward these workers was and still is, to not really value them for the dedicated workers they are. The Council hired a labor lawyer and it seems they told him to just make sure these public works guys will end up losing benefits on their new contract. So, the decisions were made how much to take away from their overall compensation, and it was pretty much – Take it or leave it. After that, the Council voted to implement the terms of their contract proposal, rather than try to find some kind of reasonable solution somewhere in the middle. These Public Works employees had their good quality health plans taken away, the ability to earn incentive bonuses was taken away and no effort was made to be fair about it.*

One public works employee shared with me this evening that he went to get his prescription and he was told that his diabetic test strips and his meter, he would have to buy a new one. Of course, that's his expense. The plan doesn't pay for that. Other drugs that he had been prescribed, the plan does not pay for them. He's not real happy with the new HSA plan that they were under now.

Then, on the other hand, *- - this same City Council fails to be good stewards of the taxes and revenues that are entrusted to them to manage, by the tax-paying residents of this city. They have failed to collect funds from the Prison, those revenues are just gone. What a waste! And we learn that TOT taxes that should have gone into the Streets funds were placed in the General Fund. The same City Council which has on one hand, somehow allowed the collection and use of these millions of dollars of revenue to be neglected and misappropriated has on the other hand, went to the City workers and reached into their pockets to take compensation and benefits away from them. This sounds to me like a very selective form of unfair taxation of a small group of hardworking citizens who don't deserve it. No working people deserve to be treated like this. It doesn't make sense and it isn't fair.*

NEW BUSINESS

Contract Award: Kimley-Horn for Preliminary Engineering Services for FAA Airport Improvement Project AIP 3-41-0044-011-FY13

Alan Daniels, Airport Manager/Economic Development Manager, stated this contract was to start the engineering on a FAA funded project to rehabilitate and construct taxi lanes and to rehabilitate the beacon. The cost of this preliminary engineering contract was $19,900, of which 90% would be paid by the FAA.

This project was supported by the Airport Master Plan and was on the City's Capital Improvement Projects list. It had been reviewed by the FAA and approved for funding. The entire project was expected to cost approximately $600,000. FAA funding was 90% leaving the city a match of approximately $60,000. Staff expected to get an additional grant to pay most of the city match, but if the city was unable to help with the match and did not want to do the project at this time, the city would simply not accept the construction grant. The city would only be responsible for the 10% match of this short contract which would be about $1990. The city could delay starting the project until next year, but this project was scheduled to be done this year and the FAA was somewhat inflexible.

Charlotte Fugate moved, seconded by Larry Tuttle, that the City Council approve the contract with Kimley-Horn for engineering services for the preliminary engineering for AIP project 3-41-0044-011. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-out; Tuttle-yes; Verini-yes. Motion carried 5/0/1.

Committee Appointments

Tori Barnett, City Recorder, stated it was time for the annual appointments to City committees; however, as appointments were to be made by the Mayor, with Council consensus, perhaps it would be best to defer this item until a new Mayor was appointed.

Ron Verini moved, seconded by Larry Tuttle, to table this action until March 4, 2013. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-out; Tuttle-yes; Verini-yes. Motion carried 5/0/1.

Resolution #2013-105: Creating an Exception for the City Manager's Spending Authority in Compliance with the 2013 Golf Course Management Agreement with Scott McKinney

Larry Sullivan, City Attorney, stated at the Council work session on Thursday, February 14, 2013, the City Council approved the Ontario Golf Course Management Agreement with Scott McKinney. Paragraph 8g. of the Agreement authorized the City Manager to spend up to $25,000 for golf course repairs and equipment replacement without Council authority for the remainder of 2013. The purpose of the proposed resolution was to give the City Manager the authority to carry out Paragraph 8g. by creating a special exception to the $5,000 spending limit established in the City's Financial Policies Manual.

Jackson Fox moved, seconded by Ron Verini, that the Mayor and City Council approve Resolution #2013-105, A RESOLUTION CREATING AN EXCEPTION FOR THE CITY MANAGER'S SPENDING AUTHORITY IN COMPLIANCE WITH THE 2013 GOLF COURSE MANAGEMENT AGREEMENT WITH SCOTT MCKINNEY. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-out; Tuttle-yes; Verini-yes. Motion carried 5/0/1.

DISCUSSION:

Dove Alleyway

Larry Sullivan stated it turned out a portion of the alley on the north end of the block was vacated, but the rest was not. But, the Council could deal with that. So, what action did the Council want to take? The Council discussed trying to work with Riley Hill to see if the vacated portion could be used for Project Dove, or perhaps allowing the adjoining land owners to allow vehicles to go thru that land owner's property in order to provide a means of getting trucks in the alley. But, the discussion stopped there.

Councilor Fugate stated that Bob Walker [PW Director] had indicated it could cost upwards of $15K to move utilities that were in there. They should ask for a right-of-way first, through the property, before moving forward with spending money.

Mr. Sullivan stated the city was limited to the alley itself. If private property owners were to grant a right-of-way through there, the private property owner could set the terms of who could access it. They could say that no one else but Project Dove could use it. That could be an option for use. That property owner and Dove might prefer that, to make it not be thoroughfare.

Councilor Verini stated they had talked at the previous work session about the expense of moving the utilities on the site, and they also had a discussion about since the city was leasing the property from Mr. Hill for five years, could the city put an exception into that, where the city could grant the access to Dove for those five years?

Mr. Sullivan stated the difficulty with that was that the lease allowed the city to use the property as a park. It didn't authorize it to be open for an alley. They would need Mr. Hill's consent for that.

Councilor Tuttle stated the City Council had no jurisdiction on private property, just on the existing alley. Project Dove had access to the existing alley. To go through, it should be Dove's responsibility to deal with Mr. Hill.

Mr. Sullivan stated they also needed the city's permission because of the lease, but Mr. Hill could agree to open it up. Project Dove needed both the city's permission and Mr. Hill's.

Councilor Fox asked if Project Dove was asking for the Council's support.

Mr. Sullivan stated they were hoping the city would find a solution. Dove knew that Mr. Hill had a chance to help, but they hadn't worked out an accommodation with him. Mr. Hill was aware of Project Dove's issues, but didn't know where that was at. It made sense to have Dove approach Mr. Hill first, before the city got involved.

Councilor Crume asked if the city could help if Dove did their part with Mr. Hill.

Councilor Verini stated someone needed to approach Project Dove to see if they would be willing to foot the expense of moving utilities. If they couldn't, it was all moot.

Councilor Crume stated Dove needed to be made aware of the expenses involve.

Councilor Fox asked about the legality of alleyways in Ontario.

Mr. Sullivan stated he would do some research on that.

Bob Walker, Public Works Director, asked if the Council wanted him to prepare a better estimate.

Mr. Sullivan stated yes, that would help.

Mr. Walker stated it would be about $16K, and that excluded moving the telephone pole.

Councilor Tuttle stated he didn't want to expend time on this issue unless Mr. Hill was agreeable.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Councilor Fugate stated she had heard that the City Manager hired an independent attorney to write up his own contract. That concerned her, as it was up to the city to write that. The City Manager could have input, but she didn't know where he was going with that. The City Council needed to rewrite that.

  Mr. Sullivan stated Brian Defonzo sent a draft contract to him, which he had forwarded to Tori, and it did need a discussion.

  Councilor Fugate asked if employees normally wrote contracts for themselves.

  Mr. Sullivan stated in a position like the City Managers, it was more like an offer to the city to ask for what it would take to keep him on staff. The Council had a right to review the contract, and remove parts they didn't like, making a counter offer, through the city's attorney. There was nothing wrong with the opposing party in initiating a contract. In some respects, it made the Council's job easier since they would know what the City Manager wanted.

  Councilor Fugate confirmed that Mr. Sullivan looked out for the city, correct? Mr. Henry had sued his previous employers, so she wanted to ensure the city was taken care of.

  Mr. Sullivan stated yes, he worked for the city, not the City Manager.

- Mr. Sullivan stated one issue that arose on Thursday regarding was an email which Mr. Fox had circulated – his reaction was that it wasn't something appropriate for the Council to consider. After reevaluating it, he contacted Councilor Fox, and told him it wasn't his [Sullivan] job to tell the Council what to think about at a meeting. Anything the Council wanted to discuss was up to the Council to decide. In retrospect, Mr. Sullivan was wrong to say it was an irrelevant issue for discussion. Anytime anyone raised something for discussion, it was appropriate to discuss, unless the Council decided otherwise. It wasn't his job to screen.

- Councilor Fox mentioned the Editorial in the Sunday paper about Council voting during Thursday work sessions – he totally agreed with the article, and would do what he could to ensure actions were taken on Monday nights.

- Councilor Crume stated spring was on its way, and Serve Day was coming up. They had already had some meetings, and if anyone knew of a project or of people needing help, please contact him.

- Mr. Sullivan stated with the resignation of the Mayor, the Council had some options available for filling that vacancy. A few options were that they could select from the existing Councilors, resulting in a vacancy on the Council; or they could solicit letters of interest from the community; or they could hold a special election. Those were only a few options available to them. It would be discussed in more detail when the full Council was present.

ADJOURN

Ron Verini moved, seconded by Jackson Fox, that the meeting be adjourned. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-out; Tuttle-yes; Verini-yes. Motion carried 5/0/1.

APPROVED:

Dan Jones, Council President

ATTEST:

Tori Barnett, MMC, City Recorder