

**ONTARIO CITY COUNCIL MEETING MINUTES
Monday, July 20, 2015**

The regular meeting of the Ontario City Council was called to order by Mayor Ronald Verini at 7:00 p.m. on Monday, July 20, 2015, in the Council Chambers of City Hall. Council members present were Ronald Verini, Norm Crume, Charlotte Fugate, Tessa Winebarger, Thomas Jost, and Betty Carter. Larry Tuttle was absent.

Members of staff present were Tori Barnett, Larry Sullivan, Marcy Siriwardene, Mark Alexander, Dan Cummings, Kari Ott, Anita Zink, and Cliff Leeper. The meeting was recorded, and copies are available at City Hall.

Charlotte Fugate led everyone in the Pledge of Allegiance.

Mayor Verini stated that the Agenda posted on Wednesday, July 15th was late due to computer difficulties; however, it had still been posted by the noted date.

AGENDA

Mayor Verini reminded everyone that as some action items had been dealt with at the Thursday meeting, there was a new Agenda before them. Item 8A) Appointment to Recreation Board: Lynsey Hansen; 8B) Ordinance #2704-2015: Amend OMC 3-23 Prohibiting Medical and Recreational Marijuana Processing Sites, Dispensaries, Producers, Processors, Wholesalers, and Retailers, Declaring an Emergency; 8C) Resolution #2015-135: Set Plan to Correct Audit Deficiencies Per ORS 297.466; and 8D) Resolution #2015-136: Transfer Funds for Idaho Power Site Selection Program, had all been taken care of Thursday, and would therefore have their own set of minutes for adoption.

Charlotte Fugate moved, seconded by Betty Carter, to adopt the Agenda as amended. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-absent; Carter-yes; Verini-yes. Motion carried 6/0/1.

LOCAL CONTRACT REVIEW BOARD

Resolution #2015-134: Declare Sole Source – iFocus (OPD Mobile Units)

The City Council, acting as a Local Contract Review Board, had the authority under the Financial Policies Manual to determine if a vendor was exempt from the competitive bidding process.

Mark Alexander, Police Chief, presented.

Through the Fiscal Year 2015-2016 budget process, the police department was approved to implement a mobile application to the current records management system, which was provided through Custom Micro Incorporated (CMI). iFocus was an exclusive company working with CMI to provide mobile applications of their product. The Council, as the Local Contractor Review Board, had authority to recognize iFocus as a sole source to complete the project.

Police departments utilized computerized Records Management Systems (RMS) to maintain a variety of records for daily use. RMS could maintain data such as police reports, crime statistics, wanted person records, stolen property, evidence, crash data, inventories, and jail records. Data entry and extraction from RMS was vital to police functions.

There was currently a variety of RMSs' available from numerous vendors. Systems could range from very basic to very robust, providing an array of data that could be presented. The price range for RMS also varied and could easily cost over \$100,000.

The Ontario Police Department had utilized different versions of the RMS provided by Custom Micro Incorporated for over 20 years. The current RMS version from CMI was titled "Justice".

The Malheur County Sheriff's Office and the Nyssa Police Department consolidated into the Justice System with the Ontario Police Department in 2008. There had been great benefits relating to info-sharing when the three agencies combined their information into one system. When 9-1-1 consolidation occurred, the usual hurdle of a common RMS between agencies was eliminated.

The ability for a police officer to extract data from a RMS in the field could be of great value. Real-time information improved efficiency, increased safety, and reduced a burden to dispatch centers. Mobile data access by police officers was becoming a very common practice.

Not being a web-based RMS, the ability to have mobile data through Justice was problematic and unavailable. This was noted as a deficiency in the recent ICMA study presented to the City Council. The police department considered changing vendors in order to utilize mobile data, but it had been cost prohibitive and now required the other police agencies to do the same.

CMI recently worked exclusively with a company, iFocus, to provide a mobile data application for Justice. There were no other options to implement mobile data from the Justice System. Therefore, the Department was requesting that the Council authorize sole source status to iFocus for the purchase of their Justice related mobile data application.

The portion of this project to be paid to iFocus was included in the current Fiscal Year 2015-2016 budget in the amount of \$38,780.

Councilor Winebarger asked what the annual cost was.

Chief Alexander stated that the annual cost was \$14,650.

Councilor Jost asked if the same network was shared with all officers.

Chief Alexander stated it was the same system and it was compatible with the ipads that were currently being used by his officers. He added that the company had met all the state standards for security.

Councilor Fugate asked how many officers the annual cost of \$14,650 covered.

Chief Alexander stated it was for 22 officers, which would be reviewed in the 2016-2017 budget.

Tessa Winebarger moved, seconded by Charlotte Fugate, that the City Council, acting in their capacity as the Local Contractor Review Board, adopt **Resolution 2015-134, A RESOLUTION AUTHORIZING IFOCUS AS SOLE SOURCE FOR POLICE MOBILE DATA APPLICATION**. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-absent; Carter-yes; Verini-yes. Motion carried 6/0/1.

CONSENT AGENDA

Councilor Fugate asked about the \$9,000 in the bills for striping (O.D.O.T).

Dan Cummings, Planning and Economic Development Director, stated the city had a contract with the Oregon Department of Transportation (O.D.O.T.) and the striping would have been done in the spring.

Cliff Leeper, CH2M, Public Works Director, included that he would find out more information and get back to them.

Norm Crume moved, seconded by Charlotte Fugate, to approve Consent Agenda item A: Approval of Minutes of Regular Meeting of 06/15/2015; Item B: Approval of Minutes of Work Session of 05/14/2015; Item C: Liquor License Application: New/Off Premises – In & Out C-Store; Item D: Liquor License Application: New/Off Premises – Gonzalez Market; Item E: Liquor License Application: New/On Premises –King’s Bar; and Item F: Approval of the Bills. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-absent; Carter-yes; Verini-yes. Motion carried 6/0/1.

PUBLIC COMMENT

Judith Kirby, Ontario, thanked the City Council for their help in bettering the community. She wanted the town cleaned up, starting with the city's property and zoning changes. She suggested an adopt-a-block and wanted weeds in the streets to be addressed.

Hugh Reynolds, Ontario, supported marijuana and disagreed with the Council’s decision to ban it in the city.

Dan Cummings gave a building report for the past quarter and spoke about possibly looking at the planning fees in the future.

Tori Barnett stated Accounting Assistant/Payroll Clerk Sydney, was leaving the City of Ontario to be a stay-at-home mom. She had approached Oster Accounting Group with the possibility of taking on some of the payroll responsibilities and a few other accounting requirements. Oster was interested, and was in the process of drafting a proposal which would include payroll processing, month-end checking and journal entries, bank administration, and a staff member that would be present in Ontario at least once a week. An addendum had been drawn up which would be brought up in the next meeting.

There was a consensus to look at Oster's contract at the next meeting.

The collective bargaining contract graphs had errors and were corrected.

NEW BUSINESS

Resolution #2015-137: Transfer Funds for Downtown Façade Grant Program and

Resolution #2015-139: Adopt Downtown Façade Grant Program Criteria, Guidelines, and Application

Charlotte Fugate, City Councilor, presented.

The “Revitalize Ontario” committee was attempting to create a friendly, inviting atmosphere for shoppers in the downtown corridor of Ontario, and would like to work with the building owners to assist in updating, upgrading, or simply improving the facades of their individual businesses. To that end, the Committee would like to appropriate \$50K within the Business Loan Fund to establish a matching grant fund from which participants could apply and utilize funds for their respective locations. Each grantee would be required to provide a match for the dollar amount requested from the grant program.

If the Council opted to not provide the funding, the Committee would need to seek alternative methods for providing funding opportunities to the downtown area to assist with their building renovations. The funding requested out of the Business Loan Fund consisted of monies collected from a grant through the Oregon Community Development Program, and were used to promote business in Ontario. There would be no impact on the General Fund, nor would this action utilize Ontario tax-payer’s dollars.

Councilor Jost asked who would be the certified local government commission.

Mrs. Fugate answered that the certified local government committee had not been organized yet. In the meantime, the Façade Committee will probably be the same people which included Dan Cummings, Stu Edwards, Brandon Smith, Marty Justus, and herself.

Norm Crume moved, seconded by Tessa Winebarger, that the Council adopt Resolution 2015-137, A RESOLUTION TRANSFERRING \$50K WITHIN THE BUSINESS LOAN FUND INTO A LINE ITEM FOR THE DOWNTOWN FAÇADE GRANT PROGRAM. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-absent; Carter-yes; Verini-yes. Motion carried 6/0/1.

Councilor Jost asked about the checklist criteria. He felt that there was a lot of information that a business would have to submit in order to get the funding. A Preliminary Design Advisory Committee (PDAC) would have to be attended as well.

Mr. Cummings commented that PDAC meetings were held every Wednesday afternoon and some other accommodations could be made if necessary.

Councilor Fugate stated as an example, if a business came to them with a \$10,000 project, they would give them \$5,000 after they had spent the money and the job was complete. An administration fee would be charged to complete the paperwork to help pay for the Planning Department staff time. Also, if an application was approved, it would have to be physically started within two months. Anything more than six months would not be allowed since other businesses could be using the funding.

Councilor Carter asked if there was a time limit to complete it.

Councilor Fugate answered there was not a time limit to complete it; however, Page Three (3) of the criteria gave some time limit guidelines.

Larry Sullivan, City Attorney, commented that the city would not be paying any money out until after everything was done and it wouldn't include any payments for labor performed by the owner of the building; it would only be reimbursement for third parties.

Norm Crume moved, seconded by Betty Carter, that the Council adopt Resolution 2015-139, A RESOLUTION ADOPTING THE GRANT CRITERIA, GUIDELINES, AND APPLICATION FOR THE ONTARIO DOWNTOWN FAÇADE GRANT PROGRAM. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-absent; Carter-yes; Verini-yes. Motion carried 6/0/1.

Resolution #2015-138: Adopt Collective Bargaining Agreement – OPD – July 1, 2015 – December 31, 2017

Anita Zink, Human Resources Manager, presented.

The city's last Collective Bargaining Agreement with the union employees in the police department expired on June 30, 2015. The City Council designated certain individuals to negotiate a new agreement with the union employees' bargaining unit, the Ontario Police Association. The Council has been periodically briefed in executive session on the status of negotiations. The negotiators have agreed on the terms of a new two and a half year agreement from July 1, 2015, through December 31, 2017, subject to the approval of the City Council. The terms of the proposed Collective Bargaining Agreement conform to the terms discussed with the Council in executive session.

At the expiration of this new term, the Police Association would begin a new contract following the calendar year, as opposed to the fiscal year. This will benefit the budget process.

Councilor Jost asked about what was holding up the final approval.

Ms. Zink answered that a Memorandum of Understanding for the Drug Policy was needed for final approval, but that the M.O.U. could be adopted at a later time.

Betty Carter moved, seconded by Tessa Winebarger, that the City Council adopt **Resolution 2015-138, A RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT WITH THE ONTARIO POLICE ASSOCIATION, FOR A TERM FROM JULY 1, 2015 THROUGH DECEMBER 31, 2017**. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-absent; Carter-yes; Verini-yes. Motion carried 6/0/1.

PUBLIC HEARING

Ordinance #2703-2015: Amend 10A and 10B of Planning and Zoning Code; Define Utility Facility; Permit a Utility Facility as a Conditional Use in AD Zone; Increase Rear/Side Yard Set-Backs to Meet Current Fire Code; Amend Notice to DLCD (1st Reading)

It being the date advertised for public hearing on the matter of Ordinance #2703-2015, the Mayor declared the Hearing 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.

Dan Cummings, Planning and Economic Development Director, presented.

Chapter 10B-15-05 allowed the initiation of zoning and development code amendments by the City Council or Planning Commission. Staff had been directed to prepare certain amendments to the Airport District zone, along with various other housekeeping amendments, and to also amend the notice of time for notification to the Department of Land Conservation and Development. The City of Ontario substantive zoning regulations and administrative requirements are contained in Titles 10A and 10B of the Ontario City Code and a public hearing was held before the Planning Commission on July 13, 2015, resulting in a favorable recommendation being forwarded to the Council.

As recommended, the proposed amendments would:

- Amend Chapter 10A-03, adding section 10A-03-222.5, providing a definition for a Utility Facility;
- Amend Chapters 10A-45 to designate a Utility Facility as a Conditional Use in the AD (Airport) zone districts;
- Amend Chapter 10A-55-25 to increase the rear and side yard setbacks for accessory structures; and
- Amend Chapter 10B-15-05 to decrease the number of days for notification to the Department of Land Conservations and Development regarding pending actions, from 45 days to 35.

FINDINGS OF FACT:

1. *Chapter 10B-15-05 allows the initiation of zoning and development code amendments by the City Council or Planning Commission.*
2. *Under Oregon law, local governments may regulate the operation and location of certain types of businesses within their jurisdiction except when such action is specifically preempted by state law.*
3. *The City of Ontario substantive zoning regulations and administrative requirements are contained Titles 10A and 10B of the Ontario City Code.*
4. *Amendments to Titles 10A and 10B have been initiated by the City Council in accordance with Section 10B-15 of the Ontario City Code.*
5. *The amendment action was referred to the Ontario Planning Commission for a legally advertised public hearing.*
6. *After reviewing the staff report and taking public testimony, the Planning Commission voted to recommend to the City Council approval of the proposed amendments.*
7. *The appropriate legal notice has been provided for this hearing.*

The Hearing was opened for public testimony.

Opponents: None.

Proponents: None.

There being no Proponent and no Opponent testimony, the Hearing was closed.

Tessa Winebarger moved, seconded by Charlotte Fugate, that the City Council adopt Ordinance #2703-2015: **AN ORDINANCE AMENDING TITLE 10A and 10B ("THE ZONING TITLE") OF THE ONTARIO CITY CODE TO ADD A DEFINITION FOR UTILITY FACILITY; PERMIT UTILITY FACILITIES AS A CONDITIONAL USE IN THE AD ZONE; INCREASE REAR AND SIDE YARD SETBACKS TO MEET CURRENT FIRE CODES; AND AMEND NOTICE TO THE DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT, on First Reading by Title Only.** Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-absent; Carter-yes; Verini-yes. Motion carried 6/0/1.

CORRESPONDENCE, COMMENTS, EX-OFFICIO REPORTS

Mayor Verini proposed to meet at the next work session to review the game plan on hiring a City Manager. He asked the Councilors to review the documents received by the Human Resource officer.

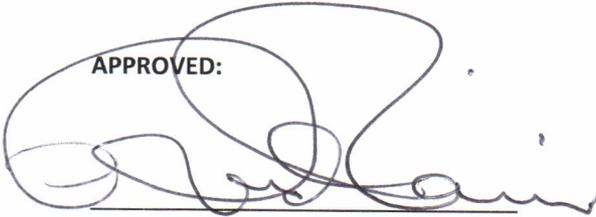
Ms. Barnett commented that one Councilor would be gone at the work session and two would be absent at the next meeting.

Mayor Verini asked to postpone it until the following work session, August 13th, 2015. An executive session was also suggested, if necessary.

ADJOURN

Norm Crume moved, seconded by Betty Carter, that the meeting be adjourned. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-absent; Carter-yes; Verini-yes. Motion carried 6/0/1.

APPROVED:



Ronald Verini, Mayor

ATTEST:



Tori Barnett, MMC, City Recorder