

**ONTARIO CITY COUNCIL MEETING MINUTES
Monday, September 15, 2014**

The regular meeting of the Ontario City Council was called to order by Mayor LeRoy Cammack at 7:00 p.m. on Monday, September 15, 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 Marcy Siriwardene, Kari Ott, Mark Alexander, and Cliff Leeper. The meeting was recorded, and copies are available at City Hall.

Mayor Cammack led everyone in the Pledge of Allegiance.

AGENDA

Mayor Cammack addressed two changes on the Agenda. Under New Business, there were two items that were duplicated. Therefore, Item "E" would be eliminated, and was truly Item "A"; and Item "F" would be eliminated, which was actually Item "C".

Charlotte Fugate moved, seconded by Norm Crume, 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

Charlotte Fugate moved, seconded by Jackson Fox, to approve Consent Agenda Item A: Minutes of the Council Meeting of September 2, 2014; and Item B: 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.

NEW BUSINESS

Resolution #2014-131: Transfer Forfeited Funds to Complete Evidence Room Renovation

Mark Alexander, Police Chief, stated the Police Department would like additional funding for unanticipated increases in costs for the Police Evidence Room Remodel Project.

During Fiscal Year 2013-14, the Council approved Phase I of the Police Evidence Room Remodel Project. During Fiscal Year 2014-15, the Council approved Phase II of the Police Evidence Room Remodel Project. On September 11, 2014, following discussion at the Work Session, Council authorized the presentation of Resolution #2014-131 at the Council meeting of September 15, 2014.

The Police Department was approved and started a project in FY 2013/14 to remodel an additional adjacent apartment building with the intent of completing a second phase in FY 2014/15. The second phase would consist of work on the original facility, and mostly addressed safety issues.

The Police Department identified additional costs to the second phase since the adoption of the FY 2014/15 budget. Three of the four air conditioning units have failed and asbestos abatement costs increased since the original estimate in 2013. The ICMA study also identified other issues such as the need for additional firearm storage, and an eyewash station, along with door security and video surveillance. The estimated cost for the addition needs was \$7,000.

Three options were identified for the funding: General Fund Contingency, the Public Safety Fund or the use of abandoned and forfeited funds that had been identified by the Evidence Technician. There was approximately \$7,300 in abandoned and forfeited funds collected over the past several years that could be available for this project.

The Council actually had four available options for this request. They could approve funding the additional needs through General Fund Contingency; approve funding through the Public Safety Fund; approve funding through use of forfeited and abandoned funds; or they could deny the request to make the changes. A total of \$7,300 would be added to the Police Department Capital Building Improvement fund if that was the option selected by the Council.

Mr. Tuttle asked how much was funded for the 14-15 budget for that project, and the Chief was satisfied that by investing money in that area, that would this investment was worthwhile.

Chief Alexander stated that was \$10,500 and would be very worthwhile. There had been approximately \$15K in the prior budget. He invited any of them over for a tour of the facility.

Councilor Verini asked about the bar code tag.

Chief Alexander stated it would be part of what those funds would be used for.

Dan Jones moved, seconded by Jackson Fox, that the Council adopt **RESOLUTION #2014-131, A RESOLUTION ACKNOWLEDGING RECEIPT OF FORFEITED AND ABANDONED CASH AND APPROPRIATING CAPITAL EXPENDITURES WITHIN THE GENERAL FUND**. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

Real Estate Broker/Agent of Record RFP

Mayor Cammack stated that Larry Sullivan, City Attorney, had provided information to the Council at the previous Thursday Work Session, and a discussion was held on the issue. During that talk, there had been one change to the proposed Request for Agent of Record, which was on Page 9, relating to fees. That correction had been made and was reflected in the proposal.

Mayor Cammack stated in a quick overview, the Council was attempting to designate a real estate broker to deal with the sale of the old city shop property. Mr. Sullivan suggested an RFQ for an Agent that would deal with any sales for the city over a designated period of time. The proposal would be sent to realtors in the area, and those interested would submit a proposal. It would then be a Council decision to proceed.

Jackson Fox moved, seconded by Dan Jones, to **send out the Request for Proposal document prepared by the City Attorney**. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

Agreement between City of Ontario and St. Luke's Regional Medical Center for Operation of Hearing and Balance Clinic to Assure Access to Low Income Families

Bruce Jensen stated at the Council work session on September 11, 2014, a representative from St. Luke's Regional Medical Center ("SLRMC") presented a proposed Agreement to the Council. The purpose of the Agreement was to allow SLRMC to obtain provider based status for certain off-campus hearing and balance clinics under federal Medicare/Medicaid regulations. Among other requirements, those regulations required a private hospital to have a contract with a state or local government that included the operation of clinics located off the main campus of the hospital to assure access in a well-defined service area to health care services for low-income individuals who were not entitled to benefits under Medicare (or medical assistance under a Medicaid State plan).

The proposed Agreement imposed no obligations on the city other than not to terminate the Agreement except on a 90-days written notice. The consensus of the Council in the work session was to approve the Agreement.

Councilor Jones wanted to know if the location would change.

Mr. Jensen stated it would not.

Councilor Fox asked if this partnership with Ontario would involve any other clinic.

Mr. Jensen stated it would not, jus this one entity.

Mayor Cammack stated for the record that City Attorney Larry Sullivan had reviewed and approved the proposed Agreement.

Norm Crume moved, seconded by Charlotte Fugate, that the City Council approve the **St. Luke's Agreement Regarding Operation of Hearing and Balance Clinics to Assure Access to Low Income Individuals**. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

Resolution #2014-130: Suspension of SDCs until July 1, 2016

Mayor Cammack stated that following considerable discussions over the previous two/three meetings. As a result of the Thursday Work Session discussion, the City Attorney developed the proposed resolution. The proposed resolution was designed to suspend the imposition of SDCs until July 1, 2016. However, all resolutions passed by the Council were subject to change at any time.

Mayor Cammack stated after hearing comments from Malheur County Economic Development Director Greg Smith and from Alan Daniels, the city's Economic Development Director, along with discussing the matter in several work sessions, a majority of the Council reached a consensus to suspend the imposition of System Development Charges (SDCs) for two years to determine whether it improved the City's economic development efforts. The city was in need of economic development. The city needed more jobs for people in this community, more area for growth, more business support, so it was all good. Currently, the city was stagnant, and this suspension might provide some emphasis towards that effort.

Councilor Fugate stated she had distributed to the Council an article that had been in the Rio Rancho newspaper, the previous location of the current Public Works Director. They had removed their moratorium, and were collecting SDCs again. Also, she wanted the SDC projects reviewed every six months while the suspension was in place. That should reflect any progress, or lack of progress, due to the suspension of the charges.

Jackson Fox moved, seconded by Ron Verini, that the City Council approve **RESOLUTION #2014-130, A RESOLUTION SUSPENDING THE IMPOSITION OF SYSTEM DEVELOPMENT CHARGES UNTIL JULY 1, 2016. [No vote]**

Councilor Crume asked if the resolution could have been worded that with an amendment to this, to add in a review every six months. Not necessarily in the resolution, but in the motion?

Councilor Fox didn't see the reason to add to that to the motion. He believed there would be a motion coming from Councilor Fugate following the current action.

Councilor Fugate indicated she was not going to make a motion, but would ask that the City Manager provide a report to the Council every six months.

Councilor Crume stated he had another issue, but as the City Attorney was out of town, someone had asked if it was legal to do this action, or would it open the city up to legal action. In reading the article provided by Councilor Fugate from Rio Rancho, that city *had* been sued because of impact fees and some type of credits. This concerned him.

Mayor Cammack stated that question had been posed, more than once, regarding the possibility that anyone who had paid SDCs at an earlier time, could ask why they had to pay when someone else now didn't have to, and that person could bring a lawsuit. That could happen, and Mr. Sullivan had previously stated that.

Councilor Fox stated it was not the same. New Mexico had different laws for their impact fees than Oregon had for System Development Fees. SDCs were done by statute in Oregon, and Oregon was extremely strict on the rules. All of those things Mr. Sullivan had already brought before them.

[Retyped Motion for Record]

Jackson Fox moved, seconded by Ron Verini, that the City Council approve **RESOLUTION #2014-130, A RESOLUTION SUSPENDING THE IMPOSITION OF SYSTEM DEVELOPMENT CHARGES UNTIL JULY 1, 2016**. Roll call vote: Crume-yes; Fox-yes; Fugate-no; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/1/0.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

Mayor Cammack stated there were two meetings scheduled for this coming Thursday, September 18th. The Council was scheduled to hold an Executive Session at 4:00 p.m., for a telephone discussion with the Prothman organization concerning City Manager candidates. Prior to that, the Council would be conducting a meeting regarding the Ontario Aquatic Center, to listen to information from Alan Daniels. Two hours had been scheduled for the pool meeting, but he doubted there would be two hours' worth of information to hear, and suggested moving that meeting closer to the 4:00 meeting, so it didn't take so much Council time. However, if Council thought there might be, he was amenable to leaving the times as they were currently established. His suggestion was 2:30 or 3:00.

Council consensus to move the pool meeting to 3:00 p.m., followed by the Prothman telephone meeting at 4:00 p.m.

Councilor Fugate stated she would inform the Recreation Board, as there were some members who wanted to attend the OAC meeting.

Councilor Verini stated with regard to economic development, sometime over the next few work sessions, they needed to begin discussions about a port district for Ontario.

Councilor Fugate stated about eight years previous, there had been a group who formed in an attempt to bring a port district to this area, but for reasons unknown to her, it was dropped. She would look into that.

ADJOURN

Ron Verini moved, seconded by Norm Crume, 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