

ONTARIO CITY COUNCIL MEETING MINUTES
Monday, November 4, 2013

The meeting of the Ontario City Council was called to order by Mayor LeRoy Cammack at 7:00 p.m. on Monday, November 4, 2013, 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, Brad Howlett, Jerry Elliott, and Mike Long. The meeting was recorded, and copies are available at City Hall.

LeRoy Cammack led everyone in the Pledge of Allegiance.

AGENDA

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

LOCAL CONTRAC REVIEW BOARD ACTION

Police & Fire Study: ICMA Proposal

Larry Sullivan, City Attorney, stated at the Work Session on October 31st, 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.

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. His opinion, as City Attorney, was that the ICMA Contract qualified as a personal services contract under Section 1.7.

As stated in the ICMA Proposal, the fee charged by ICMA would be \$51,300 (\$57,000 less a 10% discount because Jay Henry is an ICMA member). ICMA also charged for travel expenses, and included a proposed travel budget of \$5,000.

Councilor Verini stated he read the proposal and liked what was there, but also understood the safety of the community was important. He believed having more boots on the ground would do the city well. With that said, he welcomed the review of not only police, but fire, too. The city would be served by doing the report. Now, keep in mind the city was on the border, with a police department that serviced well over the 11K in the community. They needed to seriously consider the recommendations by ICMA, but to also consider more boots on the ground.

Councilor Fugate stated she knew police were short at least four officers, and the fire department at least one, and the City Manager had frozen hiring for the past 18 months. However, the crime rate was increasing, so maybe they needed more officers in the community. If the study came in and indicated a reduction in staff, then what would they do? In the meantime, there were no cops patrolling.

Councilor Jones asked what Mr. Henry's goal was on this review?

Mr. Henry stated it would possibly show how to increase the efficiency of the police department. The crime rate had been increasing for longer than the past year and half. He was new to this job, but he recognized that the city had an excellent Police Chief. The city's officers were well trained, but there were more officers per capita here than any other city in Oregon. His goal was to bring in people from outside this area, and to look at the departments piece by piece, to see how to make Ontario a better place. They might say we were understaffed, or maybe overstaffed. He wouldn't know until the numbers came in. He had attended at least three classes where those individuals were the instructors. One was a previous City Manager, and the minimum education for any of them was a Master's Degree. The city stood to gain a lot from this survey. It was expensive, but in looking at the cost of the police department, one officer was about \$100K a year. Paying out about ½ of one officer's salary one time, for a long-term result, was a good thing. He didn't know what they would get, but he believed there would be insights and observations because of new eyes looking at it.

Councilor Jones voiced a few concerns. He agreed with the desire to do the study, but felt it was premature. First, could the Council agree on the report? Then, not to be critical, but he wasn't sure Jay [Henry] could handle the report results. Right now, the city was in the seventh month with this 9-1-1 consolidation, and based on Jay's comments, they might not even be able to arrive at an agreement to move forward on that. He urged the Council to vote no or to postpone. He would support the survey after the 9-1-1 consolidation. The dispatch center needed to be in Ontario, or in Vale, but that wouldn't be completed in the next 30 days.

Mayor Cammack stated the people in the Ontario community he had talked with seemed opposed to the study. They were concerned about the cost, particularly now with the other major issues currently facing the city. The cost wasn't going to go away. Secondly, on Thursday, the question about 9-1-1 and whether this project should happen before implementation occurred came up, and he knew the 9-1-1 center was a small part of this study, but it was a part, and they needed to wait until the 9-1-1 center was totally implemented. Then ask ICMA to do the study.

Councilor Crume stated he agreed with some of everything everyone has spoken of. It did take more boots on the ground. Something near to his heart was the graffiti issue. The skate park had been hit four or five times over the past couple of weeks, by gangs, and it still hadn't been cleaned up. He struggled with spending money to find efficiency when there wasn't money to clean up graffiti on our own property. The citizens had to clean up graffiti within 72 hours, but when the first gang hit the skate park, it wasn't cleaned up immediately, so other gangs continued to tag over the top of it. He struggled with not purchasing a \$400 chair for the Fire Department, but they could spend \$57K on a study? The theory was correct. The Council did need to know, and *he* wanted to know, but he wasn't sure it was the right time and place, for that amount of money. That money could do better service elsewhere. Maybe wait to see what happened with the 9-1-1 center. Better things could be done in the community with \$57K.

Councilor Verini stated it was extremely important to rev up what's already here, but without this type of evaluation, the Council was missing an opportunity. If they waited four months, or eight months, to get the report done, there were severe crimes in this community, and the police department was reactive instead of proactive. A report like this was important to get better efficiencies for the safety of the community. The \$57K would be earned back. It was a small amount to pay to see better efficiencies in the community, both with police and fire. Both departments were short-staffed. He believed they needed more personnel in the ranks, but it appeared they had been doing the same thing for years. The study was thinking outside the box. With the results, maybe they'd see the light at the end of the tunnel. He was 110% behind the study. By the time 9-1-1 was installed for the switch, it would take place prior to the date the study would start, maybe. He believed the consolidation would be good for the community, but they didn't know the true reality of the cost.

Mayor Cammack stated he wasn't opposed to the study, or the consolidation of 9-1-1, but he was opposed to the timing of the study.

Councilor Tuttle stated he was not opposed to the evaluation, but was opposed to the timing, too. Like Councilor Jones stated, seven months into the 9-1-1 issue, they were paying the City Attorney to work through this, and waiting for the Police Chief and Fire Chief to give breakdowns. They needed to get this back with the horse in front of the cart. Get the 9-1-1- thing closed up, or shut up. Get it done, and then do the evaluation. Why were they paying Mr. Sullivan to work on a contract, when the Council hadn't seen it? They had never received a cost breakdown. What was the city going to save? What's the city going to pay? The Council had never voted on any type of contract.

Councilor Fox stated it appeared everyone wanted to wait on the study until the 9-1-1 consolidation was complete.

Mr. Henry stated the Council paid for his opinion, and what they had was one of the most dangerous cities in Oregon, and it wasn't getting any safer. He believed the timing was right for the study, and changes could be implemented in the next budget cycle, or, they could drag it out. The city needed the study done, and it was needed now. He understood the points by the Council, but regardless of the 9-1-1 consolidation, the study would be helpful. Regarding 9-1-1, the city was only one-half of the equation, trying to make the Agreement. The actual mechanics were complicated, and they were working on a contract that protected the city. Regarding the ICMA report, everyone looking at development in Ontario, looked at the crime statistics. People didn't want to move here and/or work here. However, if the Council opted to not do the study, he would support their decision.

Councilor Tuttle asked how long it was going to take to wrap up the 9-1-1 project.

Mr. Henry stated he didn't know the answer to that. They were still waiting on quotes for radio gear for the Fire Department. Also, some contract language needed to be worked out, but they were close with that. It was mostly on cost allocation. But, he couldn't give numbers or set dates; however, staff supported the consolidation.

Councilor Verini stated they were doing the community a disservice if they waited until 9-1-1 was completed.

Mayor Cammack believed the new 9-1-1- location should be a part of the study.

Councilor Fugate asked if the survey would take into consideration the influx of people from the surrounding area?

Mr. Henry stated yes, they would.

Councilor Jones stated regarding Councilor Verini's comments, if it took five more months to wrap up 9-1-1, then it would take two years to get through this proposed survey. What Council was telling staff was to make the 9-1-1 project a priority and get it done. Then move into the survey. At least accomplish a piece of a project, before going into another one. When 9-1-1- was done, bring the survey back. Mr. Henry would probably see full Council support at that time. Just finish some projects.

Councilor Crume asked Mr. Henry about work that wasn't currently being done, such as the graffiti clean-up. He struggled to find money to do some things, so please explain the financing part.

Mr. Henry stated the recliner was a simple decision for him. When personnel was being cut, he couldn't justify buying a recliner for the break room. Every decision he made, the Council could comment on. On the graffiti, that was an issue of man hours. Regarding the cost of the study, it wasn't that much. They couldn't hire a fulltime graffiti remover for that price, for one year. What else did Councilor Crume want to know?

Councilor Crume stated that was a lot of money, and he didn't know what police or fire needed. He appreciated what the study would provide, but some of this should be simple. To fight crime, it took cops on the beat. Some cops had seen crimes in action while on patrol, like cell phone use or seatbelt violations. They didn't currently have that ability to be on patrol all the time. To him, it was obvious they needed more cops, but he could be wrong. It was hard for him to spend money to have someone tell them yes they did, or no they didn't; that was a struggle. He appreciated every tax dollar given, and he tried to get the right, best answer, on how to spend those funds. \$57K was a lot to swallow.

Mr. Henry stated everyone made good points, but the city would never be able to afford enough cops to have a cop on every corner. They needed to operate smarter - review location and/or times cops were on duty. Do things that could be done to get the most efficient use of both police and fire.

Councilor Crume stated with regard to the comments from Councilor Jones, if the results were to hire or fire personnel, the fight would be on for taking care of that. How would Mr. Henry handle that?

Mr. Henry stated it was his job. He handled personnel. Committees bogged things down. If the Council would let him do his job, and set some parameters, then they could tell him to take care of it. Funding for the study would come from Contingency.

Jackson Fox moved, seconded by Dan Jones, that the Council table both motions - the personal service contract and the review board - until the 9-1-1 vote is up or down, and then it would come immediately back to the Council. Roll call vote: Crume-no; Fox-yes; Fugate-no; Jones-yes; Tuttle-yes; Verini-no; Cammack-yes. Motion carried 4/3/0.

CONSENT AGENDA

Jackson Fox moved, seconded by Larry Tuttle, to approve Consent Agenda Item A: Minutes of the Regular Meeting Minutes of October 21, 2013; and Item B: Approval of the Bills. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Tuttle-yes; Verini-yes; Jones-yes; Cammack-yes. Motion carried 7/0/0.

PUBLIC COMMENT(S)

[From written document]

Ruth Rolland, Ontario, stated: One of the people who made public comment at the last City Council meeting made an observation about the residents of Ontario that when it comes to voting for community improvements, the citizens tend to vote in favor of the funding to have great things for our community – great schools, a Library district, and so on. I personally am not surprised by this. This is our home – these are our families who live here. What we invest here is for our families and neighbors. This is, for most of us, where we want to be – here in Ontario. For Ontario to remain, or to continue being the place we all want to live and work, do business, and personally thrive to the best of our efforts, the City government needs to be focused on making Ontario – on maintaining Ontario as a city where good things are happening, and there are positive things for children, families, and elders to be involved with. The more resources that are here to enrich the lives of Ontario’s families and working people the more enriched the whole City and region will become. You can’t even start – let alone harvest – a good crop, without investing in the seeds and caring about what happens to them. The residents and the working people of Ontario are also the voters and the tax payers of the City. And the City leaders are the ones they look to, to help keep Ontario a good place to live and work. Looking around a town like Ontario, you sense what the community cares about when you see nice parks, schools and sports activities, a community college campus – you see churches and a hospital, and you see friendly people greeting customers in the stores and businesses. Going back to the seeds for a good crop – you have to care about what happens to them and do your part. The City talks about attracting new business, new residents – but it’s not like setting a snare to trap an animal – you don’t just attract the new jobs and new residents, and say task well done. What do you do, that helps assure that new residents – and even current resident – want to stay here? – You have to care about what happens to them. That, too is a purpose of government – whether it’s city or state – or whatever level. But City government is truly where people connect with other people. We all should care – and most of us do – about what happens to one another within the community. Pretty nearly everyone living in Ontario are working people, with families to look after, who each make their own many contributions to the community. Working people deserve consideration, respect, and fairness. Outside City Hall, working people and supporters of working people are carrying signs again this evening on behalf of the Ontario Public Works employees. They are looking for fairness, and a fair, mutually negotiated Labor Contract with the City, instead of this “Implemented offer” that the City forced on them. They do their work, and continue to care about their responsibilities to serve this community in the jobs they do, but they are looking for some respect regarding their labor contract, from the city’s leaders.

OLD BUSINESS

Ordinance #2685-2013: Amend OMC 3-11-4 re TOT Allocations (Percentage Split between Public Safety and Streets) (Final Reading)

Jackson Fox moved, seconded by Norm Crume, that the City Council approve Ordinance No. 2685-2013, AN ORDINANCE AMENDING CITY CODE SECTION 3-11-4 TO ALLOCATE A PERCENTAGE OF FUTURE TRANSIENT ROOM TAX REVENUES FOR PUBLIC SAFETY AND TO CORRECT PAST TRANSIENT ROOM TAX MISALLOCATIONS, on Second and Final Reading by Title Only. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

NEW BUSINESS

Bid Award: City Hall Lower Roof

Brad Howlett, Facilities Manager, stated the lower portion of City Hall’s roof had had recurring leak problems over the last three years. The cause of the leaks was penetrations that were made during the installation of the HVAC systems during City Hall’s upgrade. They have been patched in response to leaks for a couple of years, but the roof developed more leaks within the next year. Patching had proven to be inadequate in addressing the leaks, so staff asked for, and received, bids to renovate or replace the roof entirely.

Patching continuously failed in the past and, therefore, was not considered an option. A roof renovation involved using as much existing insulation as possible, removing any loose or failed patching materials, and covering the existing roof with a weather-tight membrane. A roof replacement removed all of the old roof materials and installed new materials (adhesive, insulation, crickets, membrane) all the way down to the concrete structure.

Many local contractors toured the roof, and most withdrew their interest when they saw the complexity of the project. Four Seasons Roofing was the only local contractor to submit bids. Staff also received bids from companies located in the Boise area. Due to the superior warranty coverage, staff recommended awarding the bid to Four Seasons Roofing.

Company	Renovation	Replacement	Warranty: material/labor
Four Seasons Roofing		\$46,000	20yr/20yr
Four Seasons Roofing (RMI liquid membrane)	\$25,700		20yr/20yr
Four Seasons Roofing (GAF overlay membrane)	\$25,133		5yr/20yr
Upson Roofing		\$54,440	20yr/20yr
Pro Tech Roofing	\$36,124		5yr/5yr
Pro Tech Roofing		\$50,451	20yr/20yr

Councilor Fox asked if any research was done regarding a possible legal action against the HVAC installers?

Mr. Sullivan stated the two-year statute for a negligence claim didn’t pertain to a public body. A public body had 10 years to file a claim.

Councilor Verini asked if repairs were made, could the city still make a claim?

Mr. Sullivan stated yes, it would actually be better, because there would be proof of the cost of repairs.

Ron Verini moved, seconded by Larry Tuttle, to award the bid to Four Seasons for the RMI liquid membrane option in the amount of \$25,700 for the restoration of the lower City Hall roof and authorize the City Manager to act as signatory to enter into an agreement with and to authorize payment to Four Seasons Roofing. Roll call vote: Crume-yes; Fox-no; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/1/0.

Bid Award: 2013 WTP Performance Audit (14WAT-08)

Jerry Elliott, City Engineer, stated in July 2013, staff issued a Request for Qualification (RFQ), in compliance with Oregon rules for professional procurement. Eleven firms requested the RFQ; one response was received. The response was from Murray Smith and Associates (MSA). The MSA team included Murray Smith, CH2MHill and the past director of the Oregon Health Department who now worked as an independent consultant. The Public Works Director, City Engineer and Councilman Larry Tuttle reviewed MSA's response and concluded that the team met or exceeded all of the qualifications requested in the city's RFQ.

Staff asked MSA to prepare a scope of work and fee for the project. MSA returned a comprehensive scope of work and a fee of over \$239,000. Staff informed MSA the bid exceeded the budget and requested that MSA delete a comprehensive electrical evaluation from the scope (as city staff can use the SCADA consultant for such an evaluation); to rely on the city for increased data gathering; to carefully examine the amount of work required; and to eliminate some meetings. MSA presented a second scope and fee for a price of over \$156,000 and after additional negotiations completed a full scope, fee and contract for \$149,905. This final proposal was again reviewed by city staff and Councilman Tuttle.

This request for bid award was presented to the Public Works Committee for their comments at the October 30, 2013 meeting. They recommended 5/0/2 the Council approve the Award.

Councilor Jones asked if the Council awarded this, what was the time frame?

Mr. Elliott stated it would be around four and a half to five months. There was not a lot of time left in this year, so they'd start vigorously in January, with a report ready in late March with some recommendations.

Councilor Jones asked if would tie in with the RFQ, and hopefully RFP, for management of water treatment?

Mr. Elliott stated it would tell the consultant what they had to work with and what they were getting into.

Jackson Fox moved, seconded by Dan Jones, that the City Council award the bid for the Water Treatment Plant Performance Audit to Murray, Smith & Associates, Inc. in the amount of \$149,905, and authorize the City Manager to sign the Agreement and the Purchase Order in that amount. 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

- Jay Henry stated staff had been recruiting for the Assistant Finance Director position, and had made an offer to one of the finalists, who verbally accepted. She would begin work tomorrow (Tuesday). He would bring her to the next Work Session to be introduced.
- Mike Long distributed a list of current Franchise Fee Agreements.
- Mike Long stated he was working on a formula for fine-tuning the different administrative departments on how time was allocated out per department. It would spread out the costs properly. Any ideas, he would like to hear. He would bring a final back to the Council for next year's budget.
- Councilor Fugate stated the Feral Cat Fundraiser had raised nearly \$10K. She thanked the community for all the support.
- Councilor Jones stated there would possibly be a Golf Committee meeting tomorrow. The Mayor had asked the committees to meet and to provide feedback to the Council He had heard back from four members. Everyone was invited to attend – it would be at the Golf Course beginning at 5:00 pm.

- Councilor Verini reminded everyone that November 11th was Veteran's Day, and on Saturday, November 9th, there would be a Veteran's Day Parade in Ontario, sponsored by the Legion. There were other events going on around the community, and anyone with questions could contact the local veterans groups.

ADJOURN

Jackson Fox moved, seconded by Ron Verini, 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