

**COUNCIL MEETING MINUTES**

**November 5, 2012**

The regular meeting of the Ontario City Council was called to order by Mayor Joe Dominick at 7:00 p.m. on Monday, November 5, 2012, in the Council Chambers of City Hall. Council members present were Norm Crume, Joe Dominick, Jackson Fox, Charlotte Fugate, Dan Jones, David Sullivan, and Ronald Verini.

Members of staff present were Jay Henry, Tori Barnett, Larry Sullivan, Mark Alexander, Mike Long, Bob Walker, Dan Shepard, and Loren Wiedeman. The meeting was recorded on tape, and the tapes are available at City Hall.

Charlotte Fugate led everyone in the Pledge of Allegiance.

**AGENDA**

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

**CONSENT AGENDA**

Councilor Jones stated at the Thursday study session, he had asked for a breakdown of the costs associated with the receiving station – did Mr. Walker have that available?

Bob Walker, Public Works Director, stated he did, and distributed a hand-out to the Council outlining the expenditures to date on the project. This project was planned to be done in three phases. Phase One would be the equipment purchase; however, Franklin Miller was located in New Jersey, and they had been experiencing some difficulty in contacting them since Hurricane Sandy raced through the Eastern Seaboard. He believed the equipment was on its way. Phase Two would be the site preparation work; and Phase Three would be the installation of the equipment. He estimated city staff would be able to complete certain pieces of the project, potentially cutting ~\$29,500 from the bid.

Councilor Sullivan asked what the \$29,500 would be.

Mr. Walker stated it would be city crews, and there would be no charge for labor.

Councilor Sullivan asked why we wouldn't reduce the overall contract down from the \$110,109.43?

Mr. Walker stated it would be done during negotiations.

Councilor Sullivan wanted to see the contract solid before negotiations. If they didn't realize the \$29,500 savings, the project would be upside down.

Mr. Walker stated they would have to re-advertise and rebid.

Mayor Dominick verified Mr. Walker had the option of reducing things up to 25%.

Mr. Walker stated that was correct. It was allowed in the RFP.

Councilor Fox asked why city crew wages and time wouldn't be assigned to the project.

Mr. Walker stated that wasn't how projects were done.

Councilor Jones voiced his disagreement with this issue being in the Consent Agenda.

Councilor Sullivan stated when these were bid in the future, the cost for labor needed to be bid in the project.

Mr. Walker stated the city had the right to negotiate out 25% of the bid.

Councilor Fox wanted to move the project down to New Business.

Mayor Dominick stated they could move item 4E to Old Business as 6A.

Dan Jones moved, seconded by Jackson Fox, to amend the Agenda to move Consent Agenda item 4E to New Business 6A. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-no; Dominick-no. Motion carried 5/2/0.

David Sullivan moved, seconded by Dan Jones, to approve Consent Agenda Item A: Approval of the Regular Minutes of 10/15/2012; Item B: Approval of the Telephonic Meeting of 10/29/2012; Item C: Liquor License Application: New Outlet – IOU Sushi 3; Item D: Resolution #2012-126: Transfer Funds within Sewer Fund Operating Contingency to Public Works Fund Utility Maintenance Lift Station Maintenance Line for Emergency Repair of the 8<sup>th</sup> Avenue Lift Station; Item F: Building Demolition and Asbestos Abatement Bid Award: 3 Kings Environmental, Inc.; and Item G: Approval of the Bills. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-no; Dominick-no. Motion carried 5/2/0.

#### **PUBLIC COMMENTS/PRESENTATIONS**

Rudy Marostica, Dennis Carter, and Will Hasley, presented a check to the City to cover their share of costs necessary to repair the flag pole at the bottom of hospital hill (intersection of SW 4<sup>th</sup> Avenue and SW 9<sup>th</sup> Street). The Lions, the Elks, and the City of Ontario worked together to fund the repairs on the pole, and Kinney Repair did an outstanding job.

*(Typed verbatim from hand-out provided by Ms. Rolland)*

**Ruth Rolland, Ontario:** *There are a bunch of people outside City Hall this evening – with signs, protesting the City Council's treatment of people who work for the City. (I should say that they're out there again, like they have been for every City council meeting lately.) A lot of the protestors are Ontario's City Public Works employees and others in the community are also out there holding signs, because they agree with these workers, and share the same sense of insult at the underserved bad treatment of these City workers. The City unilaterally implemented a so-called labor contract on these City Public Works employees. The City Council says they could legally do this. But this is my question...Why do you want to treat the employees the way you treat them? These guys keep the city infrastructure functioning at the most basic down to earth level. They are dependable – knowledgeable – their skills are something to be appreciated – not belittled! That goes for the other employees of the City too! The Police – Firefighters – and volunteer firefighters! Where would this city and its Leaders be – without their quality performance of the duties they are entrusted with. Do you think that because City employees are hired to SERVE the City, that they are second-rate members of the community? These guys got retroactive pay for their last 4 months of back pay, and it was between 40 or 50 dollars total for the whole four months. This was their fist [sic] pay increase since 2009! And where is Lisa Hansen? Did she deserve to FIRED...And then was told that the City would like her to stay on a while longer, and be INTERIM Finance Director, until a suitable replacement could be obtained. My understanding is that Lisa pretty shortly became aware of how intolerable her newly time-limited working arrangement was, so she made a clean break and resigned. It seems that a good number of valued, capable and dedicated city staff are parting ways with the City recently. Some are voluntary, probably because they've figured out that there's something just not right here and it's going in the wrong direction. Others have found themselves sent packing down the road and feeling they were set up to fail. City leadership should be LIFTING UP, NOT TEARING DOWN the citizens and workers – of the City you are entrusted to govern. The Public Works employees did not want to be forced to work under this City-implemented offer that took away a good quality*

*Teamster Health Insurance Plan and replaced it with the high deductible [sic] CIP Plan. My understanding is that the CIP Plan doesn't have coverage for Prescriptions. Some health conditions require high-priced medication that can add up to \$1000 a month or more. We are not happy with the actions of the City Council. They pretend they are saving taxpayers' money, but it looks to me like they are excessively taxing the city's employees – sort of reaching in these employees' wallets and saying "Tough luck guys. We're doing this simply because we can!"*

**OLD BUSINESS**

**Septage Receiving Station Site Work Construction Bid Award: Granite Excavation, Inc.**

Bob Walker, Public Works Director, presented his report on the project. The septage haulers in this community had been asking for a Septage Receiving Facility to be installed in this community for many years. City staff completed the design of a septage receiving system to be installed at the Wastewater Treatment Plant. The Septage Receiving equipment had been purchased and was being delivered to the City within the next few days. The work to be completed on this project was to prepare the Wastewater Treatment Plant site for the installation of the septage receiving equipment. This work included the installation of access roadways, fences, concrete slabs, drainage piping, plumbing, etc. to accommodate the new equipment for disposal of septage the haulers would be bringing to this facility.

Bids were opened on October 17, 2012, for the Septage Receiving Station Site Work Construction 2012-2 project, with the following result:

CONTRACTOR	TOTAL
GRANITE EXCAVATION, INC.	110,109.43
GOODMAN SANITATION, INC.	118,763.00
MIKE BECKER GENERAL CONTRACTOR, INC.	127,735.00

The current line item for this project was:

Project	2012 Bid Amount	FY 11-13 Budget
Septage Receiving Facility 010-165-719220 (11SEW-11)	\$110,109.43	\$305,000 \$128,852 (Avail)

Councilor Sullivan wants everything brought to the Council if it was going to exceed the budget.

Mr. Walker stated he would certainly do that.

Norm Crume moved, seconded by Ron Verini, that the City Manager be authorized to be signatory to the agreement and to award the Septage Receiving Station Site Work Construction 2012-2 project to Granite Excavation, Inc. Roll call vote: Crume-yes; Fox-no; Fugate-yes; Jones-no; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 5/2/0.

**NEW BUSINESS**

**Resolution #2012-127: Transfer Funds within Water Funds for Additional Repairs (\$38,879)**

Bob Walker, Public Works Director, stated the purpose of the agenda item was to obtain the approval of the Council to transfer an additional \$38,879 of funds from the Water Fund Contingency to three accounts in the Water Treatment Plant Operations Budget.

Due to past maintenance practices at the Water Treatment Plant, there had been several equipment failures and staff also uncovered some electrical situations that posed a danger to personnel or anyone else that visited the facilities. Those items were presented to both the City Council and the Public Works Committee over the past

several months to keep them informed of the situation. On October 15, 2012 the City Council approved Resolution #2012-119 which authorized a reallocation of \$118,188 from Water Contingency to four accounts in the Water Fund operations budget for emergency repairs at the Water Treatment Plant. This current proposed resolution would reallocate an additional \$38,879 from Water Contingency for emergency repairs that had occurred subsequent to the initial transfer of funds via Resolution #2012-119. As a result of the emergency repairs, the second year of the biennium's budget continued to be negatively affected: Filter Materials = \$7,000; Contract Services = \$12,241; and Equipment Repair = \$19,638. Currently, there was a balance in Water Fund Operating Contingency of \$1,157,698. After the proposed transfer, that line would be reduced to \$1,118,819.

The Public Works Department was requesting a transfer of \$38,879 from the Water Fund Contingency to the three accounts as listed in Resolution #2012-127, as outline above. This request was presented to the Public Works Committee, who approved a recommendation to the City Council for approval of this request.

Councilor Jones asked if the Finance Director had a chance to review the numbers on this project?

Mike Long, Finance Director, stated he had, and the numbers were correct. He was comfortable working with those.

Ron Verini moved, seconded by Jackson Fox, that the City Council adopt Resolution # 2012-127: **A RESOLUTION AUTHORIZING A REALLOCATION OF EXPENDITURES WITHIN THE WATER FUND FOR ADDITIONAL REPAIRS.** Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

#### PUBLIC HEARING

#### Ordinance #2669-2012: Rezone Public Facility (PF) to Light Industrial (L-I) for Property Located at 55 NE 2<sup>nd</sup> Avenue (1<sup>st</sup> Reading by Title Only)

It being the date advertised for public hearing on the matter of Ordinance #2669-2012, the Mayor declared the hearing open. There were no objections to the city's jurisdiction to hear the action, no abstentions, ex-parte contact, and no declarations of conflict of interest.

Bob Walker, Public Works Director, stated due to the City's ownership, the Comprehensive Plan and Zoning labeled the site as PF, (Public Facility), in which any activity that was strictly for direct public benefit was permitted and private ownership or activities were excluded. Because the City retired both the shop and water tower, consideration was being given to the ideas of rental, lease, or sale of the site to private interests. Removal of the PF zone was necessary for the purpose of allowing private interests to use the site. Heavy Industrial land designations were on adjacent private ownerships, plus some adjacent additional City owned industrial land.

At its regular meeting of October 8, 2012, the Planning Commission heard the above-referenced proposal contained in Planning File 2012-07-07CPAMD, which was applicable to the 0.98 acre of City property generally known as Tax Lot 5800, Assessor's Map 18S4705C, located at 55 NE 2<sup>nd</sup> Avenue, Ontario, and recommended approval of the change to the City Council.

Councilor Fugate asked if Public Works would be reviewing all the property in that area, and getting it cleaned up?

Mr. Walker stated they would be.

The Mayor opened the hearing for public testimony.

Opponents: None.

Proponents: None.

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

David Sullivan moved, seconded by Charlotte Fugate, that the City Council accept the Findings of Fact as presented. Roll call vote: Crume-yes; Fox-no; Fugate-yes; Jones-no; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 5/2/0.

David Sullivan moved, seconded by Norm Crume, that the Mayor and City Council adopt Ordinance #2669-2012, **AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP FOR A PARCEL OF REAL PROPERTY LOCATED AT 55 NE 2<sup>ND</sup> AVENUE AND CHANGING ITS ZONE CLASSIFICATION FROM (PF) PUBLIC FACILITY TO (L-I) LIGHT INDUSTRIAL**, on First Reading by Title Only. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

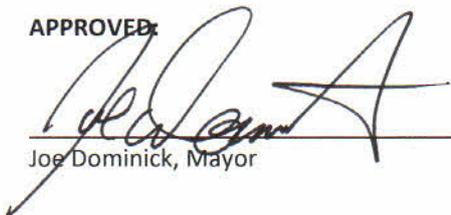
**CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS**

- Jay Henry stated the City was moving ahead on the recruitment of a City Engineer. They had a prospective candidate. He wanted to bring him on as an interim Civil Engineer, or on a 6-month contract. The contract itself would come before the Council before moving forward with it. He estimated the pay range to be around \$35K, and he would begin in early December.
- Jay Henry stated he had put together an Ad-Hoc Committee to review the golf course and the Ontario Aquatic Center as requested by Council. The first meeting would be with Department Heads and Councilor Fugate on Wednesday, November 7<sup>th</sup>, at 10:00.
- Ron Verini reminded everyone that November 11<sup>th</sup> was Veteran's Day, and the annual parade would be on November 10<sup>th</sup>, beginning at 1:00.
- Joe Dominick thanked everyone who turned out on Monday for the WWII Memorial Wall that passed through on its way to Salem. There were 68,000 names of WWII soldiers from Oregon, who lost their lives in the war, who would be listed on the wall.

**ADJOURN**

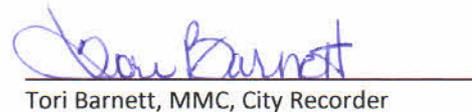
David Sullivan moved, seconded by Ron Verini, that the meeting be adjourned. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

APPROVED:



Joe Dominick, Mayor

ATTEST:



Tori Barnett, MMC, City Recorder