

AGENDA
ONTARIO CITY COUNCIL - CITY OF ONTARIO, OREGON
Monday, May 6, 2013, 7:00 p.m., M.T.

- 1) **Call to order**
Roll Call: Norm Crume _____ Jackson Fox _____ Charlotte Fugate _____ Dan Jones _____
Larry Tuttle _____ Ron Verini _____

2) **Pledge of Allegiance**

This Agenda was posted on Wednesday, May 1, 2013, and a study session was held on Thursday, May 2, 2013. Copies of the Agenda are available at the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

3) **Motion to adopt the entire agenda**

4) **Consent Agenda: Motion Action Approving Consent Agenda Items**

- A) Minutes of Regular Meeting of April 15, 2013 1-9
- B) Request to Proceed: SRO Contract with 8C School District 2013-14 School Year 10-15
- C) Fuel Bid Award: Fiscal Year 2013-14 16-21
- D) Approval of the Bills

5) **Department Head Updates: Thursday**

- 6) **Public Comments:** Citizens may address the Council on items not on the Agenda. Out of respect to the Council and others in attendance, please limit your comment to three (3) minutes. This time limit will be enforced. Please state your name and city of residence for the record.

7) **New Business**

- A) Resolution #2013-116: Setting a Uniform Administrative Charge for PWD Services 22-24
- B) Ordinance #2678-2013: Amending OMC 8-7-4 re Installation of Sewer Back Check Devices (Backwater Valves) - 1st Reading 25-26
- C) Ordinance #2679-2013: Amend OMC 8-1-1 re Specifications Adopted - 1st Reading 27-29
- D) Kimley-Horn Contract for Engineering Services for FAA AIP 3-41-0044-011-FY'13 30-31
- E) Ubiquitel Water Tower Lease Amendment No. 1 (Lease is Handout) 32-38
- F) Crest Way and Horning Way Annexation: Set Public Hearing 39-40

8) **Public Hearing(s)**

- A) Resolution #2013-115: Amending Building Department Permit Fees 41-44
- B) Resolution #2013-117: Adopting a Supplemental Budget for the General Fund, Golf Course Fund, and Capital Projects Fund for the Biennial Budget Year 2011-2013 45-51

9) **Discussion Items: Thursday**

- A) Planning Commission Appointment Request: Craig Smith
- B) Washington Street Bids Received Update
- C) Erlebach Annexation
- D) Mayoral Appointment Process
- E) TOT Update

10) **Correspondence, Comments and Ex-Officio Reports**

11) **Adjourn**

MISSION STATEMENT: TO PROVIDE A SAFE, HEALTHFUL AND SOUND ECONOMIC ENVIRONMENT, PROGRESSIVELY ENHANCING OUR QUALITY OF LIFE

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ONTARIO CITY COUNCIL MEETING MINUTES

April 15, 2013

The regular meeting of the Ontario City Council was called to order by Council President Dan Jones at 7:00 p.m. on Monday, April 15, 2013, in the Council Chambers of City Hall. Council members present were Norm Crume, Jackson Fox, Charlotte Fugate, Dan Jones, Larry Tuttle, and Ron Verini.

Members of staff present were Jay Henry, Suzanne Skerjanec, Dan Shepard, Mark Alexander, Al Higinbotham, Mike Long, Liz Amason, Anita Zink, Larry Sullivan, and Bob Walker. The meeting was recorded on tape, and the tapes are available at City Hall.

Mark Alexander led everyone in the Pledge of Allegiance.

Councilor Jones stated their thoughts and prayers were with the victims and families of the Boston Marathon bombing, and offered a moment of silence.

AGENDA

Ronald Verini moved, seconded by Jackson Fox, to adopt the Agenda as presented. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 6/0/0.

PUBLIC HEARING

Resolution #2013-113: Approving a System Development Charge for Data Centers

It being the date advertised for public hearing on the matter of Resolution #2013-113, the Council President declared the hearing open. There were no objections to the city's jurisdiction to hear the action, no abstentions or ex-parte contact, and no declarations of conflict of interest.

Larry Sullivan, City Attorney, stated System Development Charges (SDCs) were one-time fees charged to new development to help pay a portion of the costs associated with building capital facilities to meet needs created by growth. The SDC fee schedule previously approved by the City Council included a fee for the construction of warehouses, but not for data centers. The Public Works Department was proposing that a separate fee be used for the construction of data centers, because the burden imposed on the city's transportation infrastructure was smaller (i.e. less traffic generated) for data centers than it was for warehouses. The city hired FCS Group to develop a methodology to calculate a data center SDC rate consistent with the methodology used by the city for other transportation SDCs. It was determined that the rate should be \$141 per thousand square feet gross floor area (TSFGFA). The determination was reviewed by the Public Works Committee, who recommended that the City Council adopt an SDC fee of \$141 TSFGFA for data centers instead of continuing to impose the SDC fee for warehouses of \$708 TSFGFA.

Before a formal resolution was adopted by the City Council to establish an SDC rate for data centers, a minimum 90 day notice had to be given to those people requesting notice of any modification of the City's SDC rates. On January 7, 2013, the Council authorized staff to give the required notice. A public hearing was now required to allow interested persons to support or oppose the proposed SDC rate for data centers.

The Council President opened the hearing for public testimony.

Proponents: None.

Opponents: None.

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

Norm Crume moved, seconded by Charlotte Fugate, that the City Council approve Resolution #2013-113, A RESOLUTION ESTABLISHING A SYSTEM DEVELOPMENT CHARGE FOR DATA CENTERS, effective immediately. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 6/0/0.

CONSENT AGENDA

Norm Crume moved, seconded by Charlotte Fugate, to approve Consent Agenda Item A: Resolution #2013-110: A Resolution Authorizing the Correction of Resolution(s) #2012-102 and 2012-106 Transferring Funds from the General Fund and Sewer Fund to the Grant Fund and Public Works Fund; Item B: Resolution #2013-111: A Resolution Authorizing the Transfer of Funds from the General Fund to the Golf Course Fund to Cover the Deficit of the Beginning Fund Balance on July 1, 2011; Item C: Resolution #2013-112: A Resolution Authorizing the Increase in the General Fund and the Golf Course Fund for Grant Funds Received from CIS for Risk Management Incentives; Item D: Proclamation: National Telecommunicator's Week; and Item E: Approval of the Bills. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 6/0/0.

DEPARTMENT HEAD UPDATES

*Mark Alexander, Police Chief, stated there would be a tour of the 9-1-1 facility tomorrow at 5:30 pm, in connection with National Telecommunicator Week, April 14-20, 2013.

Councilor Jones read the Proclamation into the record:

Whereas emergencies can occur at any time that require police, fire or emergency medical services; and

Whereas when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and

Whereas the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Ontario 9-1-1 communications center; and

Whereas Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and

Whereas Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and insuring their safety; and

Whereas Public Safety Telecommunicators of the Ontario Police Department have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and

Whereas each Telecommunicator has exhibited compassion, understanding and professionalism during the performance of their job in the past year; and

Therefore Be It Resolved that the Ontario City Council declares the week of April 14th through 20th, 2013 to be National Telecommunicator's Week in Ontario, in honor of the dedicated staff whose diligence and professionalism keep our city and citizens safe.

Chief Alexander recognized the Telecommunicators in the city's department: Liz Amason, Michelle Mallea, Tauni Thode, Kathy Ross, Julie Walker, and Rebecca Carter. Each and every one was an invaluable asset to this community and the department.

*Mike Long, Finance Director, stated the Council had discussed the city's credit cards on Thursday, and he and the City Manager had put together a document for the Council to review. The Department Head's had also been asked to review the document and provide feedback on the cards. Different policies had been researched, including Malheur County's, and what had been distributed to the Council was a result of that research.

*Also, Mr. Long stated the city's financial system was no longer being supported, and hadn't been supported for the past few years. If there was to be a crash, staff would not be able to process utility billing statements. After speaking with staff and doing some research on other systems, to support the current system, it would cost \$15K yearly for maintenance for the special codes used for our billing. If staff tied into the cloud, the initial cost would be \$36K, and after that it would run \$10K per year for five years, and after that it would drop to \$4,200 per year. The system would be kept updated at all times because it would be done without a server. It was the route to go. He was asking for Council consensus to bring this request before the Budget Committee at the upcoming meetings. It should be noted that staff was told there was a year wait to get into the program, but he had spoken with an individual to get both price and time estimates, and was told there had been two cancellations, so there were two openings in September. If Ontario got in there, it could up and running by November. He was looking to let the company know – by Council consensus – that the city would like one of those two slots. Also, the new Microsoft programs coming out were not going to be compatible with the city's existing system.

Councilor Fugate asked if it was just the utility billing?

Mr. Long stated no, it was the entire financial system; utility billing was just a piece, a piece that cost \$15K a year to keep just that working with the finance system. He wanted to use the Cloud for storage, eliminating the cost, and need, for a server.

Councilor consensus to move on the action.

PUBLIC COMMENT

Kevin Silence and Flora Gibbs, Ontario, stated they were there to represent The Happy Hippie and Chuck Gibbs, who was unable to attend the meeting. They were there in regards to an open letter sent to the Argus Observer by Councilor Verini. He had a letter he wanted to read: *Chuck was born and raised in Malheur County, he raised his whole family, and he was not only a long-time resident, but a tax paying citizen, a home owner, a member of the Chamber of Commerce, and he was also part of the business community as the owner of The Happy Hippie. As with many small businesses, his experience as a shop owner was no different than that it started with an initial dream and a vision, it involved a lot of hard work, and many hours, and a good share of stress and struggle, he was able to move forward [static on tape, rustling of paper on mic, couldn't understand what was being said].* What this was about was the open letter. It seemed to, it kind of hurt them because it put them in a group that they didn't feel they belonged. He wanted to read that little bit of it: *The fact that we, as a community, have attracted a porn shop, places that sell smoking paraphernalia, and a location that shows folks how to grow various plants that, in some cases, just might be on the fringe, and might tie into the smoking shops that have set up in our fair city. I've seen these places come to our city, and know we need this on the agenda for the Council.* They disagreed with that because he knew that in the beginning, they had done everything they could to abide by state laws, and everything else. They were ATF certified, and they felt this put them in a ranking they didn't deserve to be in. They brought a lot of money into this community. When customers came to see them, they also purchased food, gas, everything else. Councilman Verini did apologize to them in person, but this little paragraph in the paper really hurt them. It was public, and they felt the apology should be the same way. That was what this was all about.

Ms. Gibbs stated that Chief Alexander had come to the shop when they first opened up, and he made sure everything was in order like it should be. Before opening the business, they had done research, they had contacted the AFT, and she made sure it would be a legal business. They did everything they were supposed to do to follow the law. She had an open-door policy with the Ontario police department, the Oregon State Police, the ATF, and they were more than welcome to enter any time they wanted. She did not have anything illegal, and was not doing anything illegal.

Karen Douglas, Ontario, stated she wanted to comment on the misplaced funds there were supposed to go to the Public Works Department. Reading from a letter she wrote: *I've read the discussion concerning paying back the debt either in one lump sum or in payments over a certain amount of time. While it seems right for those monies to be paid back, and in a perfect world where there was money available, that would be the right thing to do. I would like to suggest, though, that you consider forgiving the debt. And I suggest that for two reasons. Number One, I can't really see that the Public Works Department has been hurt by not having these funds. Our streets in Ontario are in good shape, and maintaining those streets has continued. I would suggest that if you'd like proof of how well our streets are maintained, that you take a drive to La Grande, Oregon, and view their side streets. I realize that I'm not so naïve to think that streets are the only thing in this department, but I really believe that the department itself has continued to be maintained. The second and most important reason for suggesting forgiving the debt is the financial difficulty that it would put on the General Fund to supply needs that really need to go to other vital departments. Our Police Department is already needing more officers, and the 9-1-1 Center located in the PD is invaluable. I'm not sure of the needs of the Fire Department, but I'm sure that they too could be hurt by not having sufficient funds from the General Fund. In our own homes, in our own personal budgets, if we find we made a mistake, either by our own honest mistake, or from lack of judgment, we don't take money from important budgeted items like food, clothing and paying our bills to correct the problem. If I break an arm, I don't cut off both legs and the other arm to fix the problem. Isn't it time for a fresh start? You know, every day we get up we have a choice of how we're going to conduct ourselves on that day, and everything is fresh and new. I would encourage you, as Councilors, to consider starting fresh, and giving Ontario a fresh, clean start, and I really think that will transfer to you as a Council also. Thank you.*

[Typed from written statement]

Ruth Rolland, Ontario, stated: *Sometimes Elected Leaders Forget what the People Want. And sometimes leaders only hear what they want to hear. That only means our City Leaders are human – just like the rest of us. As the policy and decision-makers who carry a responsibility to serve all of Ontario's citizens, however, I am standing here to speak to you for many Ontario residents who do not feel represented. Too often these people have important things to say, but they shrink from attention, not willing to put themselves out there in a public forum. They are working people and business customers, parents, grandparents – and all worthy of respect as individual participants of this community – vital for their part in Ontario's past heritage, our city's present and our future. The interests and concerns of the whole City of Ontario deserve to be considered by the Council in their decision-making for this community. You were all elected to office to serve the People. Again, this evening, city workers and their supporters are carrying signs outside City Hall to let Ontario's residents and leaders know that Ontario's City Council did not negotiate fairly and straightforwardly with the City's Public Works employees to negotiate their labor contract. Rather than return to negotiation meetings and to work out solutions at the bargaining table, The City Council voted to impose their "Implemented Offer" on the Public Works employees. It was a legal device at the Council's disposal, and they used it with no real justification for even going there. The City Council's decision to effectively cut wages and benefits for these city workers certainly did no good to the fabric of our community, and continues to damage and degrade the morale, the trust, and dignity of human connections between these workers and the City Leaders. The message sent by the City Council is, "Your City Leaders have no respect for you as workers nor as human beings." This is not the way to deal with the City's Public Works employees – they are part of your community. – Every day, their work makes sure you have water in your homes and businesses, and that it's safe to drink it. They turn out in the middle of snow storms to clear streets, in the middle of the night if necessary to clear storm drains or fix water or sewer line problems. They take pride in the work they do, particularly because their actions benefit so many fellow citizens. Like any man or woman, they would like to feel some measure of mutual respect from the City Leadership – to feel they are recognized as worthy to be dealt with fairly at the bargaining table. These Public Works Employees deserve much better treatment than they have received and, and deserve earnest collective bargaining from the City Council. Because the City Council implemented a bad contract offer on the Public Works Employees, they have found themselves facing a tax penalty of over 81 thousand dollars. As you will see this evening, the City will use this penalty as a way to sidestep any criticism for HSA increases for non-represented employees. I personally believe the non-reps deserve the HSA increases, but it must be pointed out that the City Council walked themselves into being liable for an \$81,000 tax penalty by implementing an unfair contract offer on Public Works employees. Thank you.*

OLD BUSINESS

Request for Change in Non-Represented Insurance Coverage

Anita Zink, Human Resources Director, stated staff was requesting that the City Council approve covering the rest of the deductible for the non-represented personal as provided to the union employees.

On January 1, 2012, the city moved the non-represented personnel to a High Deductible Health Plan with a \$4,000 deductible. The city provided each qualified employee with \$500 towards the deductible; however, this meant each employee was responsible for out of pocket expenses of \$3,500 to cover the additional deductible expense. Implementing this proposal would cost the city an additional \$51,000 for calendar year 2013.

Councilor Verini asked what happened from the time the Council implemented the program, to this gap period - would this be done retroactively?

Ms. Zink stated they would just put the remainder of the deductible in the accounts. It could be looked as retroactive because the same amount would have been put in January 1st.

Norm Crume moved, seconded by Charlotte Fugate, that the City Council approve the submitted proposal to fund the remainder of the deductible for 2013 for each qualified non-represented staff member, effective April 22, 2013. [NO VOTE]

Councilor Fox asked for an explanation on how this savings of \$30,361 worked.

Mr. Long stated the savings was if they didn't put it into place, the city would be billed \$81K in IRS penalty fees. By paying the \$51K, the city would not be penalized the \$81K.

Councilor Fox asked if it was put in place, what was the cost to the city?

Mr. Long stated it would be the \$51K. The \$30K was the difference in what would be paid to the non-represented, and the penalty costs to the IRS.

Councilor Jones asked if it was the increase of \$51K was over what was being spent currently, or over the previous program.

Ms. Zink stated it was over the previous program.

Mr. Long stated the \$51K was the additional amount to bring the non-reps up to the \$4K deductible. All the others received the full payment, where the non-reps had only received \$400.

[Reprinted Motion]

Norm Crume moved, seconded by Charlotte Fugate, that the City Council approve the submitted proposal to fund the remainder of the deductible for 2013 for each qualified non-represented staff member, effective April 22, 2013. Roll call vote: Crume-yes; Fox-no; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 5/1/0.

Mayoral Appointment Discussion

Ron Verini moved, seconded by Norm Crume, to entertain letters of interest from the community to fill the position of Mayor, and the Council calling for a special meeting to discuss the letters of interest and to interview the individuals. [NO VOTE]

Councilor Jones asked the City Attorney if that motion was a request to see if there were letters of interest to be submitted to the Council. He didn't fully understand the motion.

Mr. Sullivan stated the motion appeared to be in two parts. First, it was to entertain the letters of interest. That would be followed by a special meeting to consider those letters and to conduct interviews with those who submitted those letters. He would suggest that the Council, before scheduling interviews, it would be prudent to review the letters first. There might be some that the Council might not choose to interview.

Councilor Fugate asked to set a deadline on the letters.

Councilor Verini stated he had not stated a deadline on the letters because he wanted to speak with Tori in regards to procedure. Currently, he wanted to at least open up the avenue for people that had letters of interest in filling the position. He could change the motion and add "...and the Council calling for a special meeting to discuss the letters of interest, and at a later date, interview the individuals."

Ron Verini moved to entertain letters of interest from the community to fill the position of Mayor, and the Council calling for a special meeting to discuss the letters of interest and at a later date interview the individuals selected. [No second, no vote]

Mr. Sullivan asked if it was necessary to include the piece about interviewing the individuals, or was that something that could be decided during the discussion phase. He was concerned about creating a compound motion that created multiple steps. Legally, they could do that, but if the Council passed the motion, it was bound to follow those steps.

Councilor Verini stated they would have those steps, regardless, so he wanted to leave the motion as stated.

Councilor Tuttle asked to have the motion restated, as he agreed with Mr. Sullivan.

Ron Verini moved to entertain letters of interest from the community to fill the position of Mayor, and the Council calling for a special meeting to discuss the letters of interest and at a later date interview the individuals selected. [No second, no vote]

Mr. Sullivan confirmed "individuals selected" meant the individuals selected from the letters received. Councilor Verini was not asking that everyone who submitted a letter be interviewed.

Councilor Verini stated that was correct.

Councilor Jones asked that the motion be made clear. He was willing to support a simple motion requesting letters of interest for the position of Mayor, but not to fill it, and to bring the letters to the Council for review. The motion was too confusing as stated; otherwise, he'd have to vote no.

Councilor Fox agreed, and supported Mr. Sullivan's advice for a single action motion, or he'd also have to vote no.

Ron Verini moved, seconded by Norm Crume, to entertain letters of interest from the community for the position of Mayor, and the Council calling for a special meeting to discuss the letters of interest. [NO VOTE]

Councilor Fox asked Mr. Sullivan if that was in proper form.

Mr. Sullivan stated they could have a compound motion. It clarified whether there had to be an interview process. It didn't necessarily require that process. Once the letters were submitted, and the Council held a special meeting, basically it was creating a two-step process. One, the invitation to accept letters of interest; and two, calling for a special meeting to evaluate them.

Councilor Crume asked if that required them to pick a Mayor from that, or just to interview.

Mr. Sullivan stated it wouldn't require either.

Councilor Jones stated that after the motion was voted on, and if it passed, then in parliamentary procedure, was there a need for an amendment to put a date on it?

Councilor Fox stated no.

[Reprinted motion]

Ron Verini moved, seconded by Norm Crume, to entertain letters of interest from the community for the position of Mayor, and the Council calling for a special meeting to discuss the letters of interest. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 6/0/0.

NEW BUSINESS

Resolution #2013-114: Recognizing the Need for Additional Industrial Land within the Multi-Jurisdictions of Malheur County, Ontario, Nyssa, and Vale and Requesting Land Use Rulemaking Specific to Eastern Oregon

Norm Crume moved, seconded by Jackson Fox, to approve Resolution #2013-114, A RESOLUTION RECOGNIZING THE NEED FOR ADDITIONAL INDUSTRIAL LAND WITHIN THE MULTI-JURISDICTIONS OF MALHEUR COUNTY, ONTARIO, NYSSA, AND VALE AND REQUESTING LAND USE RULEMAKING SPECIFIC TO EASTERN OREGON. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 6/0/0.

Approval of City Manager Contract

Larry Sullivan, City Attorney, stated City Manager Jay Henry was hired on July 12, 2012, through a contract subsequently ratified by the City Council. During several executive sessions, Jay Henry and the City Council negotiated the terms of a new contract, effective April 15, 2013. This contract replaced the July 12, 2012, contract. Both City Attorney Larry Sullivan and Jay Henry's attorney, Brian DiFonzo, reviewed the proposed contract.

Norm Crume moved, seconded by Jackson Fox, that the City Council approve the Employment Agreement with City Manager Jay Henry, effective April 15, 2013. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-Yes. Motion carried 6/0/0.

Councilor Jones voiced his appreciation to everyone for their work on this project.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Jay Henry stated he would be out of the office Thursday and Friday attending the West Coast City Manager's Summit, back on Monday.
- Norm Crume reminded everyone that Serve Day was coming up May 11th; anyone who knew of any projects in our community, or the surrounding communities, please contact him to either suggest or project or to volunteer to be a worker
- Norm Crume stated Thursday there had been a question raised and a comment made that he wanted to talk about. A comment had been made by Jackson Fox that Councilors Crume, Verini, and Fugate were liberals and both he and Councilor Fugate took great offense to that. The comment that he wanted to address was the response back from Councilor Fox that the reason Councilor Crume was a liberal was because he had eight or more city employees encourage him to run for Council a second term. To be honest, he found that appalling, that someone who sat in that chair couldn't be friends with city staff. The only comment he could make to that was that, to him, it seemed like one had to be a jackass to employees to be a conservative, and...

Dan Jones asked him to back down a notch, and to watch his language.

Norm Crume continued in that he obviously wouldn't be the supreme conservative on the Council if that was what it would take to have to have employees appreciate his work. The second issue was one raised by Councilor Larry Tuttle, asking Councilor Fugate why "we" didn't converse with you guys about some of the questions going on with the Council. He thought he could clear the air up. Up until the time that they had to vote on the Mayor, he used to go in and talk with Dan [Jones] quite regularly and to Mr. Tuttle quite regularly about different things going on. But that has stopped. For him, the biggest reason was he was lied to about a particular instance that happened here. There was a letter that Joe Dominick penned and sent to a city employee earlier this year, gratifying that person's work, and calling the rest of us turkeys. It was told to him by Councilor Jones that that email was gathered up, you guys were able to get ahold of it because it Joe inadvertently cc'd that letter to other people. You knew that wasn't the case. You knew that Councilor Fox had asked the City Manager to dig up Joe's emails to try to find dirt on him.

Councilor Jones stated Councilor Crume was wrong. That was not the truth.

Councilor Fox stated Councilor Crume should ask the City Manager.

Councilor Crume asked how they had gotten the email.

Councilor Jones stated they had the email way before that. The question from Councilor Fox was hit and miss.

Councilor Fox stated that must have gotten multi-texted out.

Councilor Crume stated it had not. He saw the text. It said to the person that it went to.

Councilor Jones stated it did not come from Councilor Fox, and he had not lied to Councilor Crume.

Councilor Crume asked for verification from the City Manager.

Councilor Jones asked what point Councilor Crume was trying to make.

Councilor Crume stated he was getting there. There were a lot of points to make. He was told by the City Manager that you got it by asking him to get it. He apologized for putting the City Manager on the spot, but he had clear the air as to why there was friction.

Mr. Henry stated before he went on public record with something that was contentious between two different Councilors, he wanted to go back to make sure he was absolutely correct in what he would say.

Councilor Crume stated he could continue, as there was a lot more to the story. That piece was not that critical. After that, there was a rumor spread around the community, clear to the county level, that he cheated and gave Councilor Verini the questions to the debate that he presented to the two Mayoral candidates. And frankly, Larry, that hurt like hell.

Councilor Tuttle asked if Councilor Crume was speaking to him.

Councilor Crume stated yes, because he was the one that spread it around.

Councilor Tuttle stated he took exception to that.

Councilor Crume continued that it was said he cheated and gave Ron [Verini] the questions to the debate beforehand. Nobody asked him if happened, it was just spread all over town. He stated it in the public record, in this Council Chambers, that that had not happened, but he did not get an apology. It was things like that that went on, as to why they didn't feel comfortable going to those guys and talking about things. It was to the point right now that they didn't feel comfortable not making a meeting because they were

afraid that those guys would vote in your candidate for Mayor with one of them being gone. They didn't know that, but they were afraid of it. That was their fears. He'd like them all to go on record saying they would or wouldn't do that. He was serious – they didn't trust them. It was those types of actions, calling them liberals, saying something so off the wall, that they couldn't be friends with city staff, that didn't make them a conservative. It was a morality issue for him to not want to be involved with them anymore. It was a situation where he could look all of them in the eye, that in the past he honestly hadn't given much credence to Mr. Verini. They hadn't seen eye to eye on a lot of political issues, but since this issue had come up, he found that he was a very kind man to work with. In fact, he thought of him as a Bozo before, and he never gave him a chance, and he never talked to him. This was coming from that heart, and that was wrong. Lately, it made his job impossible to work with the other Councilors because of the treatment he felt he was receiving back and with them not being straight forward. That was all he had to say.

- Charlotte Fugate stated they had their Feral Cat Yard Sale and had raised over \$4000. They would now begin trapping cats again.
- Larry Sullivan stated with regard to a legal issue with the vote required to select a new Mayor. The way the Charter read it read that "...a majority of the remaining Council members shall select a Mayor". It didn't require a unanimous vote. The number of people required to vote in that would not change if one or two of the members were absent. If someone wasn't present, and there was only five at a meeting, it would still take four of them to agree on a Mayoral candidate.

Councilor Jones stated his position was that there was going to be a time when one of them would be gone. For him personally, that had never been an issue. He thought they would all have...if was on the schedule, it would be postponed until the full Council was present. Also, one little statement. He was going to make a request to the entire Council -everyone needed to relax. This thing was blown so much out of proportion. It was okay if there was a dislike for a Councilor. There was a lot of work to do, and they were getting some work done. He wanted the Councilor relax, work through the Agenda, and if there were some letters coming before them for Mayor, they would review those. If that didn't come forward, they would continue on and work as a Council. They were going to work right through the budget, and they were going to have a budget passed. They were passing things now with just six, and they were going to pass more. As he had stated in the newspaper article, there would be some surprises that would surprise this town on how some Councilors were going to vote. There would be discussion, and they needed to be professional, and they needed to work through the details.

ADJOURN

Meeting adjourned.

APPROVED:

ATTEST:

Dan Jones, Council President

Tori Barnett, MMC, City Recorder

CONSENT AGENDA REPORT
May 6, 2013

TO: Mayor and City Council
FROM: Mark Alexander, Chief of Police
Through: Jay Henry, City Manager
SUBJECT: REQUEST TO PROCEED- SRO CONTRACT WITH ONTARIO 8C SCHOOL DISTRICT
DATE: April 19, 2013

SUMMARY:

Attached is the following document:

- Proposed School Resource Officer (SRO) contract with Ontario 8C School District.

The Police Department would like to enter into a contract with the Ontario 8C School District to provide two SRO's for the 2013-2014 school year.

PREVIOUS COUNCIL ACTION:

The Council approved the same contract in August of 2012 and November of 2011.

BACKGROUND:

The Police Department has partnered with the Ontario 8C School District to provide SRO's for several years. The level of service and associated costs has fluctuated, depending upon budget conditions.

The School District has budgeted money to fund two SRO's for the 2013-2014 school year. The Police Department has prepared a contract outlining the services and associated costs.

FINANCIAL IMPLICATIONS:

Ontario 8C School District will pay the City fully burdened wages for actual hours performed by SRO's, up to \$125,000. The City will provide equipment and training for the officers. The City will provide payroll costs that exceed \$125,000.

RECOMMENDATION:

Staff recommends approval of the contract.

**LAW ENFORCEMENT SERVICES AGREEMENT
ONTARIO SCHOOL DISTRICT/CITY OF ONTARIO**

THIS AGREEMENT commencing on the _____ day of _____, 2013 by and between the ONTARIO SCHOOL DISTRICT, a unit of local government, hereinafter referred to as "District" and ONTARIO CITY, a unit of local government, hereinafter referred to as "City".

WITNESSETH:

WHEREAS, District desires to enter into a contract with City for the performance of law enforcement services at schools within the District and at after-school events, and

WHEREAS, the Ontario Police Department, hereinafter referred to as "OPD" has personnel qualified and capable to provide law enforcement protection and services within the City of Ontario and is agreeable to rendering such law enforcement services and protection on the terms and conditions set forth in this Agreement, and

WHEREAS, the parties to this Agreement are authorized by the laws of the State of Oregon to enter into such an agreement pursuant to ORS 190.003 through 190.085.

NOW, THEREFORE, the parties hereto agree as follows:

1. The City agrees to employ, furnish and supply police officers referred to herein as School Resource Officers ("SROs") together with equipment, supplies, vehicle, supervision and such other items that are reasonably necessary to provide law enforcement services to District, under the following terms and conditions:
 - a. OPD will provide two (2) officers as SROs who will work with the District an average of 40 hours per week while school is in session.
 - b. OPD agrees to provide a SRO for certain after-school activities. Any hours worked by the SRO at an after-school activity shall be counted in the hours worked by the SRO in that week as mentioned in subsection (a) above unless such hours qualify for overtime under the Ontario Police Officers Collective Bargaining Agreement. It shall be the responsibility of the Principal or designee to request the presence of the SRO for any after school activity. The Principal shall by mutual agreement with the SRO determine the date and hours to start and end for each after school activity at which the SRO's presence is requested. The Principal shall coordinate with the SRO concerning the number and attire of school security guards required, if any, at such after school activities.

- c. The personnel used by OPD to perform the law enforcement services shall remain under the jurisdiction and control of OPD while rendering the services, and OPD shall maintain the standard of performance of such personnel. Although SROs will operate within a formal educational environment, they are not relieved of their official duties as law enforcement officers. Decisions to intervene formally will be made when it is necessary to prevent any criminal act. Citations will be issued and arrests made when appropriate and in accordance with OPD's standard operating procedure
 - d. If, at any time the SRO is called to respond to an emergency by other OPD personnel during the course of providing law enforcement services to the district, the emergency shall take precedence and the SRO shall respond accordingly.
 - e. Except as otherwise specifically set forth in this Agreement, such law enforcement services shall only encompass duties and functions of the type coming within the jurisdiction of and customarily rendered by a police officer of a city in the State of Oregon under the statutes of the State of Oregon and the ordinances of the City.
 - f. The law enforcement services to be rendered by OPD are services of an independent contractor with District and the standards of performance, the discipline of officers, patrol of personnel rendering such services, and other matters incident to the performance of such services shall be the responsibility of OPD.
2. The District shall pay the City for law enforcement services to be rendered pursuant to this Agreement. Said sum shall be paid to the City upon receipt of invoices that will be submitted in the following manner:
- a. The District shall pay the fully burdened cost for two SROs for hours worked for the District during the school year at a rate of \$49.87/hour/SRO, not to exceed \$125,000.
 - b. The District shall pay the fully burdened cost for overtime worked by officers during after-school activities when those hours are after the completion of a workday or workweek as defined in the Ontario Police Association bargaining agreement at a rate of \$68.39/hour/SRO. Billing for overtime hours shall be included in the above listed cap of \$125,000.

- c. Invoices will be submitted by the City on a monthly basis. The City shall provide copies of payroll records for verification purposes of hours worked at the request of the District.
3. To further facilitate the performance of services, the District agrees to set aside a workspace and make facilities at the District available to the SROs performing services under this Agreement so they may write reports, conduct interviews, make phone calls, and complete other administrative tasks without leaving the area.
4. It is agreed that all employees of OPD shall remain employees of the City for all purposes including the payment of wages and benefits, withholding or deductions from wages and/or salaries, retirement benefits, insurance, worker's compensation, and unemployment or other compensation to any City personnel performing services pursuant to this Agreement.
5. Nothing herein shall be deemed to create a joint venture or principal-agent relationship between the parties, and neither party is authorized to, nor shall either party act toward third persons or the public in a manner that would indicate any such relationship with each other.
6. Each party shall indemnify and hold the other harmless for any acts of that party and that party's employees and agents, to the extent of the limits set forth in the Oregon Tort Claims Act, ORS 30.260-30.300.
7. This Agreement shall be effective commencing on the date of execution of this Agreement by the parties and shall continue in full force and effect to the end of 2013-2014 school year.
8. This Agreement may be renewed by a mutual agreement of the parties for additional one (1) year periods under the terms and conditions terms as the parties agree. Funds under a renewed contract shall be paid to the City within thirty (30) days of renewal or execution of the contract.
9. Each of the parties has designated an employee to be its administrator of this Agreement for the purpose of coordinating the efforts of employees of the District and the employees of OPD. The District designates the Ontario School District Superintendent as its administrator and OPD designates the Police Chief as its administrator. Communications between the parties concerning this Agreement shall be made between the Administrator or their designee.

10. Any notice to be given pursuant to the terms of this Agreement shall be sufficiently given for all purposes if delivered personally or if sent by U.S. Certified Mail, Return Receipt Requested, addressed to the party in question at the address as hereinafter set forth:

Superintendent
Ontario School District
195 SW 3rd Avenue
Ontario, OR 97914

Chief of Police
Ontario Police Department
444 SW 4th Street
Ontario, OR 97914

For purposes of this Agreement, a notice served by mail shall be deemed to have been delivered three (3) days after the date mailed as indicated by the postal service postmark on the certified mail receipt or on the envelope containing the notice. Either party shall be entitled to change the address for service of notice hereunder by notifying the other party, in writing, of the new address.

11. This Agreement encompasses the entire agreement of the parties and may not be modified or changed in any way except by written document signed by all the parties hereto.
12. Any provision of this Agreement which is found by a court of competent jurisdiction to be invalid or illegal shall in no way affect or invalidate any other provision of this Agreement, and the remaining provisions of this Agreement shall remain in full force and effect.
13. This Contract shall be executed in two (2) originals with each party retaining an original.

IN WITNESS WHEREOF, the parties have adopted this Agreement by its governing bodies and this Agreement has been signed and attested by the authorized officials of each party.

DATED this _____ day of _____, 2013.

Ontario Police Chief

Ontario City Council President

Mark Alexander

Dan Jones

Attest:

Tori Barnett, MMC, City Recorder

Ontario School District Superintendent

Nicole Albisu,

Date

CONSENT AGENDA REPORT

May 6, 2013

TO: Mayor and City Council

FROM: Bob Walker, Public Works Director
John Bishop, PW Operations Manager

THRU: Jay Henry, City Manager

SUBJECT: FUEL BID AWARD

DATE: April 29, 2013

SUMMARY:

Attached are the following documents

- Advertisement for Bid
- Attachment I – Information to Bidders
- Attachment II - Technical Specification
- Attachment III – Proposal – Vehicle Fuel

Bids were opened on Wednesday, April 24, 2013 at 2:15 p.m. to secure a bid price for petroleum products for fiscal year 2013-14. Bid packets were sent to Grant's Petroleum, Inc., Farmer's Supply Co-op and Campo/Poole Distributing, LLC. The only bid received was from Campo/ Poole Distributing, LLC.

Bids for Card Lock usage of Unleaded, Midgrade Unleaded, Super Unleaded gasoline and Ultra Low Sulfur B20 Diesel were requested. Also requested were bids for delivery of Ultra Low Sulfur B20 Diesel to the sites noted on the attached bid form.

BACKGROUND:

Employees operating City vehicles and equipment require the ability to access fueling stations via a card lock system with commercial fueling stations located within the City limits or Urban Growth Boundary of Ontario and throughout the Northwest. The pumps must be open 24 hours a day, seven days a week for the entire year. The supplier will furnish access cards for this card-lock system to all City of Ontario employees and vehicles as requested by the City.

Fuel to be delivered will be delivered and pumped into tanks owned or controlled by the City of Ontario.

The fuel bid is for a three year contract which begins on July 1, 2013 and expires June 30, 2016, unless written notice of intent not to continue is given by either party at least forty-five (45) days prior to the annual anniversary date of this contract.

This is the first year the bidding process has reflected the margin markup rate for fuel products rather than the current fixed price per gallon on a given day. Due to the volatility of petroleum pricing, prices of fuel vary on a daily basis. The markup percent quoted by Campo/Poole Distributing to the City will be applied to the per gallon cost they pay. The per gallon costs are modified weekly for the City of Ontario rather than daily. The markup percentage for the City is 4.5% per gallon on gasoline, 5.0% per gallon on diesel and 11.75% per gallon for on-site delivery. This markup covers Campo/Poole Distributing's overhead and operating costs.

FINANCIAL IMPLICATIONS:

It is important to understand that fuel prices fluctuate daily. The contract between the parties allows the supplier to adjust prices during the life of the contract. The Contractor must provide proof of said fuel changes whenever the price is changed.

Markup percentages bid by Campo/Poole Distributing are as follows:

Card Lock

Gasoline, Unleaded	4.5%/gal
Gasoline, Midgrade Unleaded	4.5%/gal
Gasoline, Super Unleaded	4.5%/gal
Ultra Low Sulfur B2 Diesel	5.0%/gal

Site Delivery

Ultra Low Sulfur B20 Red Dye Diesel	11.25%/gal
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RECOMMENDATION:

City Staff recommends the City Manager be authorized to be signatory to the agreement to award the contract for Fuel Supply to Campo & Poole Distributing, LLC, the apparent lowest, responsive and responsible bidder.



City of Ontario
 Public Works Department
 444 SW 4th Street
 Ontario, OR 97914
 Voice (541) 889-8572
 Fax (541) 889-3488

ADVERTISEMENT FOR BID
City of Ontario
April 10, 2013

Sealed bids will be received at City of Ontario City Hall, 444 SW 4th St., Ontario, Oregon, until 2:00 p.m. on Wednesday, April 24, 2013 to furnish the City of Ontario with vehicle fuels for the period of July 1, 2013 to June 30, 2016. Proposals submitted after the above-specified time will be received and potentially opened, but not considered for bid. The sealed bids will be publicly opened and read in the City of Ontario Public Works Director's office at City Hall on April 24, 2013 at 2:15 p.m.

The per-year quantities are stated with as much accuracy as possible; however, the actual purchases may vary. The award of this bid must be assumed solely on the calculation of the **percent of markup over the OPIS Daily Rack Price** for all products.

Proposals shall be submitted on the form provided, Attachment III.

The fuel requested for bidding purposes consists of the following:

Schedule A: Card Lock

A-1	Gasoline, Unleaded	23,000 gallons
A-2	Gasoline, Midgrade Unleaded	220 gallons
A-3	Gasoline, Super Unleaded	350 gallons
A-4	Ultra Low Sulfur B20 Diesel	10,000 gallons
A-5	Ultra Low Sulfur B5 Diesel	10,000 gallons

Schedule B: Site delivery

B-1	Ultra Low Sulfur B20 Red Dye Diesel	
a.	SRCI Lower Lift Station	100 gallons
b.	NW 8 th Ave. Lift Station	250 gallons
c.	SRCI Headworks	100 gallons
d.	Murakami Lift Station	210 gallons
e.	Regional Lift Station	210 gallons
f.	Tapadera Lift Station	200 gallons
g.	City Hall	250 gallons
h.	Waste Water Treatment Plant	500 gallons
i.	Water Treatment Plant	1,500 gallons
j.	West Side Generator (WTP)	300 gallons

The contract will begin July 1, 2013 and expire June 30, 2016, unless as noted in Section I-C herein. Specifications and conditions may be obtained at City Hall, City of Ontario, 444 SW 4th Street, Ontario, Oregon.

Sincerely,

John Bishop
 Operations Manager
 JB:kfm

City of Ontario

ATTACHMENT I INFORMATION TO BIDDERS

I-A INTENT OF SPECIFICATIONS: It is the intent of these specifications to provide all prospective bidders with adequate information to supply the City with the fuel required at the most competitive price possible. The bid will be awarded to Schedule A and B separately unless the bidder states otherwise on the proposal.

I-B TAXES: Quote markup percentage excluding Federal fuel tax on gasoline and excluding Federal and State fuel tax on diesel.

I-C LENGTH OF CONTRACT: The Contract shall begin on July 1, 2013 and end June 30, 2016, a three year contract unless written notice of intent not to continue is given by either party at least forty-five (45) days prior to the annual anniversary date of this contract (July 1).

I-D PRICE CHANGE: If the dealer's price of gasoline or diesel changes during the life of this contract, the dealer shall adjust the price to the City to reflect the amount of such change. The dealer shall provide proof of price change whenever the fuel price is changed

I-E AWARD OF BID: The City reserves the right to reject any or all bids, and to accept the bid which is to the best interest of the City of Ontario on an "any or all" basis.

City of Ontario

ATTACHMENT II TECHNICAL SPECIFICATION

II-A SCHEDULE A - CARD LOCK

II-A-1 General: The fuel to be furnished under this schedule will be self-service, featuring a card lock system with commercial fueling stations located throughout the northwest and also have a fueling station located within the City limits or Urban Growth Boundary of Ontario. The pumps will be open 24 hours a day, seven days a week for the entire year. A copy of the location directory will be provided with the bid proposal. The City will consider the available fueling sites throughout the northwest when awarding the bid.

II-A-2 Cards: The supplier will furnish cards for all City of Ontario employees and designated vehicles which are requested in writing by the City.

- a) Security: Each employee card will be protected by an individual ID Code which must be entered by the employee at the time of the fuel purchase. The mileage or hours must also be entered.

II-A-3 Records: The supplier will furnish the City with a detailed printout by Department of all sales with the following information:

- a) Name of Purchaser
- b) Vehicle ID Number
- c) Mileage/Hours
- d) Cost of fuel
- e) Total gallons of fuel sold for current month
- f) Total gallons of fuel sold to date
- g) Total cost of fuel sold to date

II-B SCHEDULE B SITE DELIVERY

II-B-1 General: The fuel sold under this Schedule will be delivered and pumped into tanks owned or controlled by the City of Ontario.

II-B-2 Tank Site: The size and location of the tanks are as follows:

- | | | | |
|----|---------------------------------------|-------------|---------------|
| a) | SRCI Lower Lift Station | Diesel Fuel | 100 gallons |
| b) | NW 8 th Ave. Lift Station | Diesel Fuel | 250 gallons |
| c) | Murakami Lift Station | Diesel Fuel | 210 gallons |
| d) | Regional Lift Station | Diesel Fuel | 210 gallons |
| e) | Tapadera Lift Station | Diesel Fuel | 200 gallons |
| f) | SRCI Headworks | Diesel Fuel | 100 gallons |
| g) | City Hall | Diesel Fuel | 250 gallons |
| h) | Waste Water Treatment Plant | Diesel Fuel | 500 gallons |
| i) | Water Treatment Plant | Diesel Fuel | 1,500 gallons |
| j) | West Side Generator | Diesel Fuel | 300 gallons |
| k) | Others which may be added by the City | | |

**ATTACHMENT III
PROPOSAL - VEHICLE FUEL**

TO: City of Ontario
Public Works Director
444 SW 4th Street
Ontario, OR 97914

To be considered, this Proposal must be delivered to the Public Works Director, Ontario, Oregon, by 2:00 p.m. April 29, 2013.

The undersigned herein declares that the only persons or parties interested in this Proposal are those named herein, that this Proposal is in all respects fair and without fraud, that it is made without collusion with any official of the City of Ontario, Oregon, and that the Proposal is made without any connection or collusion with any person making another Proposal on this Contract.

SCHEDULE A - CARD LOCK

<u>Item</u>	<u>Description</u>	<u>Approximate Quantity</u>	<u>Markup% (OPIS) Per Gallon</u>
A-1	Gasoline, Unleaded	23,000 gallons	____ %/gal
A-2	Gasoline, Midgrade Unleaded	2,200 gallons	____ %/gal
A-3	Gasoline, Super Unleaded	350 gallons	____ %/gal
A-4	Ultra Low Sulfur B20 Diesel	10,000 gallons	____ %/gal
A-4	Ultra Low Sulfur B5 Diesel	10,000 gallons	____ %/gal

SCHEDULE B - SITE DELIVERY

<u>Item</u>	<u>Description</u>	<u>Approximate Quantity</u>	<u>Markup % (OPIS) Per Gallon</u>
B-1	Ultra Low Sulfur B20 Red Dye Diesel	3,620 gallons	____ %/gal

DATED this _____ day of _____, 2013

SUBMITTED BY & AGREED TO:

Company

Address

Name

Signature

**ACCEPTED BY:
CITY OF ONTARIO**

City Manager
Date: _____

AGENDA REPORT

May 6, 2013

TO: City Council

FROM: Larry Sullivan, City Attorney

THROUGH: Jay Henry, City Manager

SUBJECT: RESOLUTION #2013-116: SETTING A UNIFORM ADMINISTRATIVE CHARGE FOR PUBLIC WORKS DEPARTMENT SERVICES

DATE: April 29, 2013

SUMMARY:

Attached is the following document:

- Resolution #2013-116

BACKGROUND:

The City Council has approved various resolutions authorizing the Public Works Department to impose an administrative charge of 25% on fees charged by the Public Works Department for performing various services. For instance, Resolution 2004-118 imposed a 25% administrative charge, in addition to the City's actual staff costs, for repairing a service connection that was not damaged by the City. The purpose of the administrative charge is to compensate for the City's administrative overhead.

Public Works Director Bob Walker investigated the administrative charge and determined that it was unnecessary high. He proposes that the administrative charge should be set at 7% rather than 25%.

Resolution #2013-116 revises the administrative charge to 7% for all Public Works Department services, with the exception of system development charges (SDCs). SDCs are not charges for services performed by the Public Works Department but are used to finance capital improvement projects.

At its meeting on April 25, 2013, the Public Works Committee recommended that the City Council approve Resolution #2013-116.

RECOMMENDATION:

Staff recommends that the Council approve Resolution #2013-116.

MOTION:

I move the City Council approve Resolution #2013-116, A RESOLUTION SETTING A UNIFORM ADMINISTRATIVE CHARGE FOR PUBLIC WORKS DEPARTMENT SERVICES, effective immediately.

RESOLUTION 2013-116

**A RESOLUTION SETTING A UNIFORM ADMINISTRATIVE CHARGE FOR
PUBLIC WORKS DEPARTMENT SERVICES**

- WHEREAS,** The Ontario City Code authorizes the Public Works Department to impose various charges for its services in amounts set by fee resolutions approved by the City Council; and
- WHEREAS,** For a number of years, the City has imposed a surcharge of up to 25% on Public Works Department services to cover administrative overhead; and
- WHEREAS,** The Public Works Director has determined that the cost of administrative overhead is typically 7% rather than 25%, and that the administrative charge should be changed accordingly; and
- WHEREAS,** The Public Works Committee has reviewed the administrative charge and recommended that a uniform administrative charge of 7% be imposed on all Public Works services for which fees are set by City Council resolution, with the exception of system development charges (SDCs); and
- WHEREAS,** The City Council accepts the recommendations of the Public Works Director and Public Works Committee.

NOW, THEREFORE, BE IT RESOLVED by the Ontario City Council as follows:

- 1) For all Public Works Department service charges which are authorized to be set by resolution of the City Council, a uniform administrative or overhead charge of seven percent (7%) shall be added to the service charge to cover the administrative overhead of the Public Works Department.
- 2) This resolution replaces and supersedes prior resolutions setting the administrative charge in a different percentage.
- 3) This resolution does not apply to systems development charges (SDCs) imposed under City Code Title 8, Chapter 13, for which no administrative charge shall be separately imposed.

EFFECTIVE DATE: Immediately upon passage.

PASSED AND ADOPTED by the Ontario City Council this ____ day of _____, 2013.

Ayes:

Nays:

Absent:

APPROVED by the Council President acting as Mayor this ____ day of _____, 2013.

ATTEST:

Dan Jones, Council President

Tori Barnett, MMC, City Recorder

AGENDA REPORT

May 6, 2013

TO: Mayor and City Council

FROM: Larry Sullivan, City Attorney

THROUGH: Jay Henry, City Manager

SUBJECT: ORDINANCE NO. 2678-2013 AMENDING CITY CODE SECTION 8-7-4 REGARDING INSTALLATION OF SEWER BACK CHECK DEVICES (BACKWATER VALVES)-First Reading

DATE: April 29, 2013

SUMMARY:

Attached is the following document:

- Ordinance No. 2678-2013

BACKGROUND:

In December, 2012, staff brought the City Council proposed Ordinance 2672-2012, which amended the sewer back check requirements of Subsection (O) of City Code Section 8-7-4, which allowed the City to require the installation of backwater valves (back check devices) on old service connections in some circumstances. During Council discussion of the proposed ordinance, Councilor Fox questioned whether the ordinance language was consistent with the State building Code. As a result of that discussion, consideration of Ordinance 2672-2012 was tabled.

Subsequent investigation by staff confirmed that the proposed language was inconsistent with Section 710.1 of the State Plumbing Specialty Code, which prohibits the installation of all backwater valves that are above the elevation of the next upstream manhole cover. Oregon Administrative Rule 918-750-0100(2) prohibits cities from enforcing any city code provisions that are inconsistent with the Oregon Plumbing Specialty Code.

The matter was brought to the Public Works Committee, which recommended on April 25, 2013, that the reference to sewer back check devices in subsection (O) of City Code Section 8-7-4 be deleted entirely, in order to resolve the inconsistency between the State and City code provisions. Ordinance 2678-2013 accomplishes this.

RECOMMENDATION:

Staff recommends the Council approve a first reading of Ordinance No. 2678-2013.

PROPOSED MOTION:

I move the City Council approve Ordinance No. 2678-2013, AN ORDINANCE AMENDING CITY CODE SECTION 8-7-4 REGARDING INSTALLATION OF SEWER BACK CHECK DEVICES (BACKWATER VALVES), on First Reading by Title Only.

ORDINANCE NO. 2678-2013

AN ORDINANCE AMENDING CITY CODE SECTION 8-7-4 REGARDING INSTALLATION OF SEWER BACK CHECK DEVICES (BACKWATER VALVES)

WHEREAS, Subsection (O) of City Code Section 8-7-4 and Section 710.1 of the Oregon Specialty Plumbing Code both attempt to regulate the installation of backwater valves in sewers (which the City Code refers to as sewer back check devices);

WHEREAS, Subsection (O) is inconsistent with Section 710.1 of the State Code; and

WHEREAS, The reference to sewer back check devices in subsection (O) of City Code Section 8-7-4 must be deleted in order to bring the City Code into compliance with Chapter 7, Part 1, Section 710.1 of the Oregon Specialty Plumbing Code, which takes precedence over municipal ordinances pursuant to Oregon Administrative Rule 918-750-0100(2).

NOW THEREFORE, The Common Council For The City Of Ontario Ordains As Follows:

Section 1. Subsection (O) of Section 8-7-4 of the Ontario City Code is hereby amended by deleting that portion that is stricken.

8-7-4 Use of public sewer restricted.

(O) Valves and Sewer Laterals: No sewer pipe within a street or alley right of way shall be less than four inches (4") internal diameter, and all sewers shall be of sufficient size to accommodate any property they are intended to drain in accordance with the State of Oregon Plumbing Code. ~~The City shall require a Sewer Back Check device on all new construction or the rehabilitation of an old service connection when there is any occupied space below the elevation of the street.~~

PASSED AND ADOPTED by the Common Council of the City of Ontario this ____ day of _____, 2013, by the following vote:

AYES:

NAYS:

ABSENT:

APPROVED by the Council President acting as Mayor this ____ day of _____, 2013.

ATTEST:

Dan Jones, Council President

Tori Barnett, MMC, City Recorder

AGENDA REPORT
May 6, 2013

To: Mayor and Council

From: Dan Shepard, Engineering Technician III

Through: Jay Henry, City Manager

Subject: **ORDINANCE NO. 2679-2013: AN ORDINANCE AMENDING TITLE 8, CHAPTER 1, SECTION 1, OF THE ONTARIO MUNICIPAL CODE, SPECIFICATIONS ADOPTED (First Reading)**

Date: April 29, 2013

SUMMARY:

Attached is the following document:

- Ordinance #2679-2013

The City of Ontario adopted the 2002 edition of the Idaho Standards for Public Works Construction (ISPWC) in 2002. Since then, five editions have superseded one another. Each in turn has been adopted by the Public Works Department.

PREVIOUS COUNCIL ACTION:

July 1, 2002 Council adopted Ordinance 2497-2002, an Ordinance amending Chapter 1 of Title 8 to adopt Idaho Stands for Public Works Construction and City of Ontario Supplement to the ISPWC.

BACKGROUND:

The ISPWC is a set of comprehensive specifications that govern Public Work projects and work that is done in the public right of way. Periodically these specifications are updated and a new edition is issued.

PROBLEM DISCUSSION:

The adopting ordinance of the ISPWC specifically refers to the 2002 edition. Since 2002, five editions of the ISPWC have been issued and the Public Works Department has, in turn, adopted them. As the ISPWC is the standard referenced in most Public Works contracts, it is important to be able to stay current on the edition being used. By deleting the number "2002" from the ordinance, Public Works, with the recommendation of the Public Works Committee, may update the Idaho Standards For Public Works Construction more efficiently.

FINANCIAL IMPACT:

There will be no financial impact.

RECOMMENDATIONS:

Staff recommends, with approval from the Public Works Committee, that the City Council approve deleting the year "2002" from Chapter 1, Section 1 of Title 8 of the Ontario Municipal Code.

PROPOSED MOTION:

I move the City Council adopt **ORDINANCE 2679-2013, AN ORDINANCE AMENDING TITLE 1, CHAPTER 1, SECTION 1, OF THE ONTARIO MUNICIPAL CODE - SPECIFICATIONS ADOPTED**, on first reading, by title only.

ORDINANCE NO. 2679-2013

**AN ORDINANCE AMENDING CHAPTER 1 SECTION 1
OF TITLE 8 - SPECIFICATIONS ADOPTED**

WHEREAS, the City of Ontario is engaged from time to time in certain public works projects; and

WHEREAS, it has been deemed to be in the best interest of the City of Ontario to have a current standard set of specifications for such public works projects.

NOW THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

1. Section 1: That 8-1-1 of the Ontario City Code be amended to read in its entirety as follows:

"The Idaho Specifications for Public Works Construction and City of Ontario Supplement are hereby adopted by reference in its entirety. A copy of said Idaho Specifications for Public Works Construction and City of Ontario Supplement shall be kept on file in the office of the City Manager and the office of the Public Works Director at all times and shall be made available for public inspection during normal office hours." (Supersedes Ord. 2497-2013, July 1, 2002; and Ord. 2235, 4-18-88)

PASSED AND ADOPTED by the Common Council of the City of Ontario this _____ day of _____, 20____, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor on this _____ day of _____, 2013.

Dan Jones, Council President

ATTEST:

Tori Barnett, MMC, City Recorder

AGENDA REPORT

May 6, 2013

TO: Mayor and City Council

FROM: Alan Daniels

THROUGH: Jay Henry, City Manager

SUBJECT: **KIMLEY-HORN CONTRACT FOR ENGINEERING SERVICES FOR FAA AIRPORT IMPROVEMENT PROJECT AIP 3-41-0044-011-FY'13**

DATE: April 26, 2013

SUMMARY:

Attached is the following document:

- Fee Negotiation Letter

This contract is for engineering on a FAA funded project to Rehabilitate and Construct Taxi lanes and to Rehabilitate the Beacon. This engineering contract is for \$145,352, of which 90% will be paid by the FAA.

BACKGROUND:

This project is supported by the Airport Master Plan and is on our Capital Improvement Projects list. It has been reviewed by the FAA and approved for funding. The entire project is expected to cost about \$600,000. FAA funding is 90% leaving the city a match of about \$60,000.

ALTERNATIVE:

We could delay starting the project until next year, but this project is scheduled to be done this year and the FAA is somewhat inflexible.

FINANCIAL IMPLICATIONS:

This contract will be paid out of the FAA reimbursement grant at 90%.

RECOMMENDATION:

Staff recommends that the contract be approved.

PROPOSED MOTION:

I move that the City Council approve the contract with Kimley-Horn for engineering services for AIP project 3-41-0044-011



City of Ontario
Office of the Airport Manager
581 SW 33rd St.
Ontario, OR 97914
Voice (541) 212-1676
alan.daniels@ontariooregon.org

April 5, 2013

Mr. Jason Ritchie
Seattle Airports District Office
1601 Lind Avenue SW, Suite 250
Renton, WA 98055-4056

Re: Ontario Municipal Airport- AIP 3-41-0044-011
Consultant Services Contract-Fee Negotiation
Reconstruct Hangar Taxilanes, Construct Hangar Taxilane, and
Rehabilitate Rotating Beacon

Dear Mr. Ritchie:

The City of Ontario, Oregon and Kimley-Horn and Associates have negotiated a Professional Engineering Services Agreement for the performance of design, bidding and construction services related to the above referenced project. Pursuant to that effort, the City contracted an engineering firm for the purpose of reviewing the Kimley-Horn consulting services Fee Proposal.

Enclosed are detailed man-hour and costs submittals from Kimley-Horn and a qualified Independent Fee Estimator, Century West of Bend, Oregon. As shown on the attached Final Cost Comparison table, Kimley-Horn had less proposed overall costs and less overall man-hours than Century West.

City personnel compared the two estimates. Kimley-Horn was 23% lower on overall costs than Century West for the Design Services (Phase 1-4). Kimley-Horn was also 26% lower on overall man-hours for the Design Services (Phase 1-4). The major differences were in Phase 3. These differences were determined to be acceptable by the City.

Comparing the Bidding and Construction Services (Phase 5-7), the two consultants were a little closer. Kimley-Horn was 11% lower on overall costs and 18% lower on overall man-hours for Bidding and Construction Services (Phase 5-7) than Century West. The differences were in Phases 6 and 7. These differences were determined to be acceptable by the City.

Even though individual line items may vary and one firm may have more hours or different costs than the other, the bottom line to the City is the fact that Kimley-Horn appears to be able to work more cost effectively when it comes to total Engineering Services costs than the Independent Estimator, Century West.

It is therefore the City's recommendation that Kimley-Horn's proposal be approved and that the FAA concurs in the approval to conclude a contract with them for the performance of services related to the above referenced project. The total fee will be \$145,352.00 consisting of \$70,936.00 for the design phase and \$74,416.00 for the bidding and construction phase.

If you have any questions, please contact me at 541-212-1676.

Sincerely,
Alan Daniels

Airport Manager
Ontario Municipal Airport

AGENDA REPORT
May 6, 2013

TO: City Council

FROM: Larry Sullivan, City Attorney

THROUGH: Jay Henry, City Manager

SUBJECT: UBIQUITEL WATER TOWER LEASE AMENDMENT NO. 1

DATE: April 29, 2013

SUMMARY:

The following document is attached:

- Amendment No. 1 to Lease (ten-year term plus three optional five-year terms)

PRIOR COUNCIL ACTION:

March 4, 2013 City Council postponed further discussion pending a recommendation by the Public Works Committee.

March 25, 2013 City Council voted against a 20 year lease extension.

April 15, 2013 City Council approved lease extension with ten-year fixed term.

BACKGROUND:

After the Council approved the Ubiquitel lease extension with a ten-year fixed term, Ubiquitel asked staff to consider whether it would present to the Council another alternative, namely, a lease with a ten-year fixed term, followed by three optional five-year terms. Ubiquitel proposes that the City would have the right to prevent renewal of the lease if the City gave Ubiquitel notice of non-renewal at least 12 months before the expiration of the ten-year term or before the end of the first or second five-year renewal term. Ubiquitel is requesting these additional five-year renewal options in order to help spread its costs for putting new equipment on the water tower as part of the lease extension. Ubiquitel informed staff that if the Council does not approve Ubiquitel's requested change in the extension, Ubiquitel will sign the fixed ten-year lease extension approved by the Council on April 15, 2013.

Under the lease formula (\$1,500/month, increasing annually by 3%), renewing the lease for an additional five year term at the end of the initial ten-year term would generate \$128,431 in revenue; renewing it for a second five-year term would generate \$148,886 in revenue; and renewing it for a third five-year term would generate \$177,778 in revenue.

RECOMMENDATION:

Staff takes no position with respect to Ubiquitel's request.

MOTION:

1. (Approving) I move that the City Council approve Amendment No. 1 to the water tower lease with UbiquiTel, Inc. for a fixed ten-year term, followed by three optional five-year terms.
2. (Disapproving) I move that the City Council disapprove Ubiquitel's request for a lease extension that includes a fixed ten-year term followed by three optional five-year terms.

AMENDMENT NO. 1 TO WATER TOWER LEASE WITH OPTION

This Amendment No. 1 to Water Tower Lease with Option (this "**Amendment**"), effective as of the date last signed below ("**Effective Date**"), amends a certain Water Tower Lease with Option between UbiquiTel Leasing Company, a Delaware corporation, successor-in-interest to UbiquiTel, Inc., a Delaware corporation (erroneously identified in the Agreement as an Idaho corporation), ("**Tenant**"), and City of Ontario ("**Landlord**"), dated October 7, 2002 (the "**Agreement**").

BACKGROUND

WHEREAS, Tenant desires to modify its installation on the Premises by adding or swapping out antennas and other equipment to the Antenna Facilities, as more particularly described in Exhibit B-1 annexed hereto, and Tenant and Landlord desire to modify the provisions of the Agreement as provided below.

AGREEMENT

For good and valuable consideration the receipt and sufficiency of which are acknowledged, Landlord and Tenant agree as follows:

1. **Modification to the Antenna Facilities.** Exhibit B to the Agreement is hereby amended to include the modifications identified on Exhibit B-1, a copy of which is attached and made a part hereof. Exhibit B-1 supplements Exhibit B to the Agreement, and shall not be deemed to supersede or otherwise modify Exhibit B or any part thereof except to the extent specifically set forth in Exhibit B-1. Upon full execution of this Amendment, Tenant is permitted to do all work necessary to prepare, maintain and alter the Premises to install or otherwise modify the Antenna Facilities, all as more fully described and contemplated in Exhibit B-1

2. **Term.** Section 1 and Section 4 of the Agreement are amended by adding the following:

"Notwithstanding anything set forth in Section 1 or Section 4 to the contrary, the current Term of this Agreement will expire on June 30, 2013. Commencing on July 1, 2013, the term of this Agreement ("New Initial Term") is ten (10) years. This Agreement will be renewed for three (3) additional terms (each a "New Renewal Term") of five (5) years each. Each New Renewal Term will be deemed automatically exercised unless either Landlord or Tenant gives written notice of its decision not to exercise any option(s) to the other party-Tenant at least twelve (12) months before expiration of the then current term-New Initial Term or New Renewal Term", the Termination Date. Notwithstanding anything to the contrary contained in the Agreement, Tenant agrees to remove all equipment one hundred twenty (120) days after Termination Date the expiration or earlier termination of the Agreement."

3. **Frequency Use.** Provided that any frequencies used by Tenant will not cause interference with the properly licensed and permitted pre-existing frequencies in use or in operation at the Antenna Facilities and notwithstanding anything to the contrary contained herein, Tenant may operate the Antenna Facilities at any frequencies for which it has all requisite permits, leases or licenses.

4. **Modification to Rent.** As additional consideration for the modification and other rights set forth in this Amendment, starting on the date that is 30 days after the start of construction of the modifications to the Antenna Facilities, the monthly rent will be increased by \$647.00 per month, partial months to be prorated.

5. **Modification to Rent Escalation Rate.** Notwithstanding anything contained in Section 3(b) of the Agreement to the contrary, commencing on July 1, 2013 and on each July 1 thereafter, the monthly rent shall be subject to an annual increase of three percent (3%) of the monthly rent in effect for the previous year.

6. **Notice Address.** The notice addresses in Section 12 of the Agreement or referenced therein for the party or parties listed below are hereby deleted in their entirety and replaced with the following:

To Landlord:

City of Ontario
444 SW 4th Street
Ontario, Oregon 97914

To Tenant:

Sprint/Nextel Property Services
Sprint Site ID: SL03UB621
Mailstop KSOPHT0101-Z2650
6391 Sprint Parkway
Overland Park, Kansas 66251-2650

With a mandatory copy to:

Sprint/Nextel Law Department
Sprint Site ID: SL03UB621
Mailstop KSOPHT0101-Z2020
6391 Sprint Parkway
Overland Park, Kansas 66251-2020
Attn.: Real Estate Attorney

7. General Terms and Conditions.

- a. All capitalized terms used in this Amendment, unless otherwise defined herein, will have the same meaning as the terms contained in the Agreement.
- b. In case of any inconsistencies between the terms and conditions contained in the Agreement and the terms and conditions contained in this Amendment, the terms and conditions herein will control. Except as set forth herein, all provisions of the Agreement are ratified and remain unchanged and in full force and effect.
- c. This Amendment may be executed in duplicate counterparts, each of which will be deemed an original.
- d. Each of the parties represents and warrants that it has the right, power, legal capacity and authority to enter into and perform its respective obligations under this Amendment.

*****SIGNATURES ON FOLLOWING PAGE*****

The parties have executed this Amendment as of the Effective Date.

Landlord:

City of Ontario, a municipal corporation

Tenant:

UbiquiTel Leasing Company,
a Delaware corporation

By: _____

By: _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

Date: _____
(Date must be completed)

Date: _____
(Date must be completed)

Exhibit B-1

[see attached]

AGENDA REPORT

May 6, 2013

TO: City Council

FROM: Larry Sullivan, City Attorney

THROUGH: Jay Henry, City Manager

SUBJECT: CREST WAY AND HORNING WAY ANNEXATION

DATE: April 29, 2013

SUMMARY:

The purpose of this agenda item is to obtain the Council's permission to schedule a public hearing on the proposed Crest Way/Horning Way annexation.

BACKGROUND:

On April 16, 2013, staff had a meeting with nine residents of the proposed Crest Way/Horning Way annexation area to discuss whether they were willing to voluntarily annex into the City if the City did not require them to connect to City services at the time of annexation. The residents had a number of questions, but only one couple said they were opposed to annexation because they have more chickens and dogs than are allowed under the City Code. After that meeting, staff also contacted residents who did not attend the meeting.

Staff believes that there is enough interest among the residents to justify moving forward with the annexation process. The next step is to schedule a public hearing to allow the residents as well as voters in the City to comment on the proposed annexation. Prior to the hearing date, staff will circulate consent forms among the property owners and the registered voters who live in the proposed Crest Way/Horning Way annexation area.

If, before the public hearing, the City receives signed consent forms from property owners who own more than one-half of the property by area, and signed consent forms from a majority of registered voters within the proposed annexation area (at least 12 of the 23 registered voters), the City can proceed with the next steps in the annexation process without holding an election for the people in the proposed annexation area. The public hearing must be advertised for two full weeks before it is held, which would mean that the earliest hearing date would be at the regular Council meeting on June 3, 2013.

If the City receives the required number of signed consent forms, the City can proceed with the annexation and rezone of the annexation area into the City. This would mean starting the formal land use process through the Planning Commission and City Council for the enactment of annexation and rezone ordinances.

If the City fails to receive the required minimum number of consent forms, the City Council does not have to move forward on the annexation process. Various options will be presented to the Council at the time of the public hearing if an insufficient number of consent forms are received.

RECOMMENDATION:

Staff recommends that the Council schedule a public hearing for the proposed Horning Way/Crest Way annexation on June 3, 2013.

MOTION:

I move that the City Council schedule a public hearing on the proposed Horning Way/Crest Way annexation on June 3, 2013, at 7 p.m. in the City Council chambers.

PUBLIC HEARING AGENDA REPORT

May 6, 2013

TO: Mayor and City Council

FROM: Marcy Skinner, Planning & Zoning Technician

THROUGH: Bob Walker, PW Director

SUBJECT: RESOLUTION #2013-115: A RESOLUTION AMENDING THE BUILDING DEPARTMENT PERMIT FEES

DATE: April 29, 2013

SUMMARY:

Attached is the following document:

- Resolution #2013-115

PREVIOUS COUNCIL ACTION:

2005 Resolution 2005-105 increased building permit fees for the City's Building Department
2004 Ordinance 2543-2004 authorized the City Council to set fees by resolution.

BACKGROUND:

In 2004 an Ordinance authorized the City Council to set building permit and related fees. It was stated at that time that a review should be performed every three years to evaluate the permit fees and the last review performed was in 2005. The Building Department would like to remove some permit fees that were not deemed necessary and clear up some inconsistencies which were found when transferring from the old Permit Tracker permit software (an in-house, homemade program) to the new Sassy Software Solutions permit software.

RECOMMENDATION:

On Thursday, April 25, 2013, the Public Works Committee moved to recommend the request to the City Council.

PROPOSED MOTION:

I move that the City Council adopt Resolution #2013-115, A RESOLUTION AMENDING BUILDING DEPARTMENT PERMIT FEES.

RESOLUTION #2013-115

A RESOLUTION AMENDING BUILDING DEPARTMENT PERMIT FEES

WHEREAS, A review should be performed every three years to evaluate the permit fees; and

WHEREAS, The last review performed was in 2005; and

WHEREAS, Any surplus fees obtained will be placed in a dedicated fund for the Building Department; and

WHEREAS, Ordinance 2543-2004 authorizes the City Council to set fees by resolution; and

WHEREAS, Staff requests authority to alter fees for the Building Department permits and related fees; and

WHEREAS, Staff request that the schedule entitled "City of Ontario Building Department Rates and Charges" be adopted; and

WHEREAS, Staff requests authority to charge the fees adopted.

NOW, THEREFORE, BE IT RESOLVED by the Ontario City Council:

Building Permit fees shall be as adopted as follows:

CITY OF ONTARIO BUILDING DEPARTMENT RATES AND CHARGES		
Building / Mechanical Permits Fees:		
Other fees may apply, see the State of Oregon Structural Specialty Code, as adopted. Valuations are determined by the Building Official or are based on Ontario's existing adopted 2012 published Building Valuation Data table as amended.		
Building Permit Fee Table:		
Total Valuation	Fee	Description
Residential permit fee	\$40.00 minimum	Use current fee schedule
Commercial permit fee	\$76.00 minimum	1.9 times figure arrived at by using current fee schedule
Building Plan Review fees.	65% of Building Permit Fee	This is in addition to building fees
Fire and Life Safety Plan Review Fee	40% of Building Permit Fee	This is in addition to building fees
State Surcharge Fee	12% of Building Permit Fee (or current state rate)	This is in addition to building fees
Residential Sprinkler; Alarms	Includes Plan Review & Fire & Life Review	Use current fee schedule

Residential Sprinkler, Alarms	Includes Plan Review & Fire & Life Review	1.9 times figure arrived at by using current fee schedule
Demolition permit	\$50.00 residential \$100.00 commercial	Plans and scope of work shall be submitted showing all work. Plans may be required to be engineered. Proof of DEQ permits shall be submitted
Starting construction prior to obtaining a permit	Base Fee Admin/handling \$50.00 plus	Double base permit fee first offense, triple permit fee second offense and thereafter
Temporary residential Certificate of Occupancy (C of O)	Not issued	
Residential C of O	No charge	
Temporary Commercial C of O	\$50.00 per request	
Commercial C of O	No charge	Required by law
Additions to existing residential and commercial structures		Fee based on valuation
Mechanical Permit Fees:		
Commercial Mechanical Permit Fees	Use current existing unmodified building permit schedule	Permit fee will be based on valuation of the project
Residential Mechanical Permit Fees	.8 times the current unmodified building permit schedule	Permit fee will be based on valuation of the project
Mechanical permit fee minimum	\$32.00 residential, \$40.00 commercial	Minimum fee
Residential Mechanical Plan Review Fee		No charge
Commercial Mechanical Plan Review Fee		40% of Base Mechanical Permit Fee.
State Surcharge		12% of Base Mechanical Permit Fee (or current state rate)
Minimum fee for All signs excluding paper signs and temp banners:	\$20.00 plus \$1.00 per sq. ft.	Drawings to be submitted for all signs. Letter signs will be calculated by gross area used. Temp signs; 30 days. Vinyl, canvas etc are exempt up to 9 sq. ft. Sandwich board signs are exempt up to 6 sq. ft. with a max. 3 feet in height.
Signs over 20 sq. ft. or over 10 ft. high requires plan review.		Signs over 12 feet high will require the foundation to be engineered. Sign heights are measured from the top edge to grade.
Sign plan review fee	permit fee times .65	
Replace existing sign panels same size same business or new business.	permit fee times .5	

Manufactured Dwelling Installation Permit:		
Manufactured home set-up and installation fee (\$175.00 1st unit) (each unit \$100.00 additional thereafter) Includes portable commercial buildings such as but not limited to classrooms, etc.	\$175.00 single wide units Add \$100.00 for each additional unit	Includes prescriptive foundation system, plumbing and crossover connections, 30 lineal feet of sanitary sewer, storm and water lines, <u>the \$30 state cabana fee is additional</u> (unless state rates are modified). Manufactured home set up <u>does not</u> include; garage's, car ports, decks, patio's,
Other fees, refunds		
Refund of any plan review that has been started or completed.	no refund	
Electrical/Plumbing Permits		Issued and inspected by Malheur County

All surplus revenue will be placed in a dedicated fund for the Building Department.

Every three years a fee review will be performed to evaluate the fee structure and surplus account.

PASSED AND ADOPTED by the Ontario City Council this ____ day of _____, 2013, by the following vote:

Ayes:

Nays:

Absent:

APPROVED by the Council President this ____ day of _____, 2013.

Dan Jones, Council President

ATTEST:

Tori Barnett, MMC, City Recorder

PUBLIC HEARING AGENDA REPORT

May 6, 2013

TO: Mayor and City Council

FROM: Michael Long, Finance Director

THROUGH: Jay Henry, City Manager

SUBJECT: RESOLUTION #2013-117: ADOPTING A SUPPLEMENTAL BUDGET FOR THE GENERAL FUND, GOLF COURSE FUND, AND CAPITAL PROJECTS FUND FOR THE BIENNIAL BUDGET YEAR 2011-2013

DATE: April 24, 2013

SUMMARY:

Attached are the following document(s):

- Resolution # 2013-117
- Summary of Supplemental Budget
- Notice of Supplemental Budget Hearing

The purpose of this agenda item is to adopt and appropriate the supplemental budget after holding the public hearing on the proposed supplemental budget.

BACKGROUND:

The City's Budget Committee met on January 29, 2013 to review and discuss the operations, then pass a motion recommending the Council adopt the supplemental budget for 2011-2013. The City Council will hold a public hearing on Monday, May 6, 2013 to discuss the Aquatic Center in the General Fund and the Golf Course Fund changes in operations and the Capital Projects Fund unanticipated revenue from the sale of surplus property.

FINANCIAL IMPLICATIONS:

The financial implication is increasing the General Fund by \$100,862, the Golf Course Fund \$122,212, and the Capital Projects Fund \$100,000 for a total of 323,074.

RECOMMENDATION:

Staff recommends the City Council adopt Resolution # 2013-117.

PROPOSED MOTION:

I move that the City Council adopt Resolution # 2013-117, A RESOLUTION ADOPTING THE SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2011-2013 AND TO APPROPRIATE THE ADJUSTMENTS.

RESOLUTION #2013-117

**A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET FOR THE
GENERAL FUND, GOLF COURSE FUND, AND CAPITAL PROJECTS FUND
FOR THE BIENNIAL BUDGET 2011-2013**

- WHEREAS,** the City of Ontario adopted the 2011-2013 budget document based upon known or anticipated revenues and expenditures; and
- WHEREAS,** the City's Aquatic Center in the General Fund and the Golf Course Fund had changes in operations and Capital Projects Fund had unanticipated revenue from sale of surplus property; and
- WHEREAS,** the City's Budget Committee reviewed the proposed Supplemental Budget and passed a motion recommending the Council adopt the Supplemental Budget; and
- WHEREAS,** the City Council, following a public hearing on the matter, desires to formally adopt a Supplemental Budget to the City's 2011-2013 budget in the amount of \$100,862 in the General Fund, \$122,212 in the Golf Course Fund, and \$100,000 in the Capital Projects Fund for a total of \$323,074.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council, to approve the following adjustments to the fiscal year 2011-2013 Budget:

Account Number	Account Name	Adopted FY 11-13 Budget	Proposed Change Change	Revised FY 11-13 Budget
GENERAL FUND				
AQUATIC				
REVENUE				
001-000-4060700	LESSONS	21,000	16,724	37,724
001-000-462300	SWIM POOL RENTALS	3,800	1,315	5,115
001-000-469211	AQUATIC MISC REVENUE	1,500	2,616	4,116
001-000-477200	SEASON TICKETS	57,358	36,087	93,445
001-000-478000	GENERAL ADMISSIONS	49,875	23,250	73,125
001-000-478005	AQU-TRIATHLON	1,600	1,304	2,904
001-000-478010	AQU-BIRTHDAY PARTY RENTALS	900	795	1,695
001-000-478015	AQU-SWIM TEAM POOL RENTAL	1,800	750	2,550
001-000-478020	AQU-PUNCH CARD SALES	33,110	18,021	51,131
TOTAL REVENUE - AQUATIC		170,943	100,862	271,805

EXPENSE				
001-008-513100	VACATION/SICK BUYOUT	1,909	(955)	954
001-008-514000	EMPLR-PAID EMPLR BENEFITS	414	(111)	303
001-008-514100	MEDICAL INSURANCE CO-PAY	17,372	(13,505)	3,867
001-008-515000	WORKMANS COMP	3,940	(556)	3,384
001-008-610050	TANK, BOILER, COMPRESS PERMIT	1,992	(1,645)	347
001-008-610850	CELL PHONES	890	(681)	209
001-008-615200	POSTAGE	300	(125)	175
001-008-615300	PRINT/AD/RECORD	525	(47)	478
001-008-617500	TRAINING SUPPLIES	4,000	(158)	3,842
001-008-618000	TRAVEL DUES & SCHOOL	800	(800)	0
001-008-618310	EQUIPMENT REPAIR	800	(235)	565
001-008-511000	WAGES & SALARIES	99,268	1,818	101,086
001-008-512000	PRT-TIME EMPLOYEES	48,000	31,917	79,917
001-008-513000	OVERTIME	0	46	46
001-008-516000	RETIREMENT	25,664	2,891	28,555
001-008-516500	SOCIAL SECURITY	11,412	2,280	13,692
001-008-610600	BLDG MAINT & MAINT	8,575	1,273	9,848
001-008-610900	CHEMICAL/FERT/SEED	4,248	5,540	9,788
001-008-611900	DATA PROCESSING	2,850	593	3,443
001-008-612400	ELECTRICITY	48,000	23,906	71,906
001-008-613300	FUEL HEAT	43,000	1,088	44,088
001-008-613500	GENERAL SUP & MAINT	4,410	1,828	6,238
001-008-613700	HVAC MAINTENANCE CONT	9,550	783	10,333
001-008-614900	OFFICE SUPPLIES	700	912	1,612
001-008-615550	CONTRACT SERVICES	97,425	100,113	197,538
001-008-616300	REFUND	0	427	427
001-008-617300	TELEPHONE	1,780	170	1,950
001-008-617520	UNEMPLOYMENT CLAIMS	0	4,730	4,730
001-008-714120	AQU-50 SITE IMPROVEMENTS	0	28,865	28,865
TOTAL EXPENSE – AQUATIC		437,824	190,362	628,186
ADMINISTRATIVE OVERHEAD EXPENSE				
001-004-87100	OPERATING CONTINGENCY	1,494,186	(60,635)	1,433,551
001-004-871100	EQUIP REPL CONTINGENCY	133,000	(28,865)	104,135
TOTAL EXPENSE - ADMINISTRATIVE		1,627,186	(89,500)	1,537,686
TOTAL EXPENSE - GENERAL FUND		2,065,010	100,862	2,165,872

Account Number	Account Name	Adopted FY 11-13 Budget	Proposed Change Change	Revised FY 11-13 Budget
GENERAL FUND				
ADMINISTRATIVE OVERHEAD EXPENSE				
001-004-87100	OPERATING CONTINGENCY	1,433,551	(122,212)	1,311,339
001-004-828000	GOLF COURSE EXPENSE - FUND 001	786,365	122,212	908,577
TOTAL EXPENSE - ADMINISTRATIVE		2,219,916	0	2,219,916
GOLF COURSE FUND				
REVENUE				
005-034-458100	GENERAL FUND REV - FUND 005	786,365	122,212	908,577
TOTAL REVENUE - GOLF COURSE		786,365	122,212	908,577
EXPENSE				
005-034-512000	PART-TIME EMPLOYEE	122,900	(19,405)	103,495
005-034-516000	RETIREMENT	17,624	(668)	16,956
005-034-516500	SOCIAL SECURITY	9,402	(62)	9,340
005-034-610600	BLDG MAINT & REPAIR	6,850	(199)	6,651
005-034-610900	CHEMICAL/FERT/SEED	44,000	(20,273)	23,727
005-034-613000	EQUIPMENT LEASE	12,000	(2,930)	9,070
005-034-613900	INS PREM & SURETY BOND	11,600	(413)	11,187
005-034-615300	SALES & MARKETING	3,000	(1,134)	1,866
005-034-712100	EQUIPMENT PURCHASE	20,000	(6,800)	13,200
005-034-712105	13GLF-01 SPRINKLER BACKDF	15,000	(1,935)	13,065
005-034-511000	WAGES & SALARIES	0	19,314	19,314
005-034-513000	OVERTIME	0	792	792
005-034-514100	MEDICAL INSURANCE CO-PAY	0	1,800	1,800
005-034-514200	DEFERRED COMPENSATION	0	138	138
005-034-515000	WORKMANS COMP	913	541	1,454
005-034-610500	BANK CHARGES	4,400	113	4,513
005-034-612400	ELECTRICITY	43,200	22,379	65,579
005-034-613300	FUEL HEAT	8,000	453	8,453
005-034-613400	GARBAGE SERVICE	1,500	3,601	5,101
005-034-613500	GENERAL SUP & MAINT	14,200	12,033	26,233
005-034-613600	COURSE MAINTENANCE	11,000	2,965	13,965
005-034-614900	OFFICE SUPPLIES	800	311	1,111
005-034-615100	PETROLEUM SUPPLIES	20,000	8,338	28,338
005-034-615410	COURSE OPERATIONS EXPENSE	0	4,642	4,642
005-034-615550	CONTRACT SERVICES	154,080	88,814	242,894
005-034-617100	COURSE UTILITIES	0	2,802	2,802
005-034-617300	TELEPHONE	3,000	3,790	6,790
005-034-617520	UNEMPLOYMENT CLAIMS	6,300	2,278	8,578
005-034-618310	EQUIPMENT REPAIR	54,000	927	54,927
TOTAL EXPENSE - GOLF COURSE		583,769	122,212	705,981

Account Number	Account Name	Adopted FY 11-13 Budget	Proposed Change Change	Revised FY 11-13 Budget
CAPITAL PROJECTS FUND				
CP SPECIAL PROJECTS DEPARTMENT C01				
REVENUE				
030-000-469600	SPECIAL PROJECTS	0	100,000	100,000
TOTAL REVENUE - CAPITAL PROJECTS		0	100,000	100,000
EXPENSE				
030-086-615550	CONTRACT SERVICES	0	100,000	100,000
TOTAL EXPENSE - CAPITAL PROJECTS		0	100,000	100,000

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this ____ day of _____ 2013, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Council President this ____ day of _____, 2013.

ATTEST:

Dan Jones, Council President

Tori Barnett, MMC, City Recorder

SUMMARY OF SUPPLEMENTAL BUDGET

Account Number	Account Name	Adopted FY 11-13 Budget	Proposed Change Change	Revised FY 11-13 Budget
GENERAL FUND				
AQUATIC				
REVENUE	TOTAL REVENUE - AQUATIC	170,943	100,862	271,805
	TOTAL REVENUE - GENERAL FUND	170,943	100,862	271,805
EXPENSE	PAYROLL RELATED EXPENSES	207,979	23,825	231,804
	MATERIAL & SUPPLIES	229,845	137,672	367,517
	CAPITAL	0	28,865	28,865
	TOTAL EXPENSE - AQUATIC	437,824	190,362	628,186
ADMINISTRATIVE OVERHEAD EXPENSE				
EXPENSE	OPERATING CONTINGENCY	1,494,186	(182,847)	1,311,339
	EQUIP REPAIR CONTINGENCY	133,000	(28,865)	104,135
	GOLF COURSE EXPENSE - FUND 001	786,365	122,212	908,577
	TOTAL EXPENSE - ADMIN OVERHEAD	2,413,551	(89,500)	2,324,051
	TOTAL EXPENSE -GENERAL FUND	2,851,375	100,862	2,952,237
GOLF COURSE FUND				
REVENUE	GENERAL FUND REV - FUND 005	786,365	122,212	908,577
	TOTAL REVENUE - GOLF COURSE FUND	786,365	122,212	908,577
EXPENSE	PAYROLL RELATED EXPENSES	150,839	2,450	153,289
	MATERIAL & SUPPLIES	454,630	128,497	583,127
	CAPITAL	35,000	(8,735)	26,265
	TOTAL EXPENSE - GOLF COURSE FUND	640,469	122,212	762,681
CAPITAL PROJECTS FUND				
REVENUE	SPECIAL PROJECTS	0	100,000	100,000
	TOTAL REVENUE - CAPITAL PROJECTS	0	100,000	100,000
EXPENSE	MATERIAL & SUPPLIES	0	100,000	100,000
	TOTAL EXPENSE - CAPITAL PROJECTS	0	100,000	100,000

NOTICE OF SUPPLEMENTAL BUDGET HEARING

A public hearing on a proposed supplemental budget for the City of Ontario, Malheur County, State of Oregon for the fiscal year July 1, 2011 to June 30, 2013 (biennial budget) will be held at the Ontario City Hall Council Chambers, 444 SW 4th Street, Ontario, Oregon. The hearing will take place on Monday, May 6, 2013, at 7:30 p.m. The purpose of the hearing is to discuss the supplemental budget with interested persons.

A copy of the supplemental budget document may be inspected or obtained on or after April 9, 2013 at the front desk of Ontario City Hall, 444 SW 4th Street, Ontario, Oregon, during regular business hours.

SUMMARY OF SUPPLEMENTAL BUDGET

Account Number	Account Name	Adopted FY 11-13 Budget	Proposed Change Change	Revised FY 11-13 Budget
GENERAL FUND				
AQUATIC				
REVENUE	TOTAL REVENUE - AQUATIC	170,943	100,862	271,805
	TOTAL REVENUE - GENERAL FUND	170,943	100,862	271,805
EXPENSE				
	PAYROLL RELATED EXPENSES	207,979	23,825	231,804
	MATERIAL & SUPPLIES	229,845	137,672	367,517
	CAPITAL	0	28,865	28,865
	TOTAL EXPENSE - AQUATIC	437,824	190,362	628,186
ADMINISTRATIVE OVERHEAD EXPENSE				
EXPENSE	OPERATING CONTINGENCY	1,494,186	(182,847)	1,311,339
	EQUIP REPAIR CONTINGENCY	133,000	(28,865)	104,135
	GOLF COURSE EXPENSE - FUND 001	786,365	122,212	908,577
	TOTAL EXPENSE - ADMIN OVERHEAD	2,413,551	(89,500)	2,324,051
	TOTAL EXPENSE -GENERAL FUND	2,851,375	100,862	2,952,237
GOLF COURSE FUND				
REVENUE	GENERAL FUND REV - FUND 005	786,365	122,212	908,577
	TOTAL REVENUE - GOLF COURSE FUND	786,365	122,212	908,577
EXPENSE				
	PAYROLL RELATED EXPENSES	150,839	2,450	153,289
	MATERIAL & SUPPLIES	454,630	128,497	583,127
	CAPITAL	35,000	(8,735)	26,265
	TOTAL EXPENSE - GOLF COURSE FUND	640,469	122,212	762,681
CAPITAL PROJECTS FUND				
REVENUE	SPECIAL PROJECTS	0	100,000	100,000
	TOTAL REVENUE - CAPITAL PROJECTS	0	100,000	100,000
EXPENSE				
	MATERIAL & SUPPLIES	0	100,000	100,000
	TOTAL EXPENSE - CAPITAL PROJECTS	0	100,000	100,000

Michael R. Long, Finance Director
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