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Regular City Council Meeting
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MINUTES

CITY COUNCIL MEETING
COUNCIL CHAMBER, CITY HALL
JULY 8, 2024
5:30 p.m.

VIA ZOOM/ IN PERSON

PRESIDING: Mayor Richard Mays

COUNCIL PRESENT: Darcy Long, Tim McGlothlin, Rod Runyon, Scott Randall, Dan Richardson

COUNCIL ABSENT:

STAFF PRESENT: City Manager Matthew Klebes, City Attorney Jonathan Kara, City Clerk Amie Ell, Public Works Director Dave Anderson, Police Chief Tom Worthy, Finance Director Angie Wilson, Community Development Director Joshua Chandler, Human Resources Director Daniel Hunter, Executive Assistant Abby Jara

CALL TO ORDER

The meeting was called to order by Mayor Mays at 5:30 p.m.

ROLL CALL OF COUNCIL

Roll Call was conducted by Executive Assistant Abby Jara. Long, McGlothlin, Runyon, Randall, Richardson, Mays present.

PLEDGE OF ALLEGIANCE

Mayor Mays invited the audience to join in the Pledge of Allegiance.

APPROVAL OF AGENDA

Kara, noted the removal of Executive session to the agenda.

It was moved by Randall and seconded by Long to approve the agenda as amended. The motion carried 5 to 0, Randall, Long, McGlothlin, Richardson, Runyon voting in favor; none opposed

AUDIENCE PARTICIPATION

There was none.

CITY MANAGER REPORT

City Manager Matthew Klebes reported;

- Community survey for input on Tourism & Transient Room Tax (TRT) funds was open.
- Strategic Investment Plan (SIP) survey closed on July 5th and will report data at SIP work session.
- Local Government Academy (LGA) for Fall 2024 will be live on the City's website on July 15th. Applications due August 9th.
- Security Camera Registration program, where citizens can register their personal security cameras with the Police Department to help officers locate cameras after an incident has occurred. Business cards available at the City Manager's office.
- The Dalles Disposal will be shifting their schedule to 5:00 am due to the heat wave; if a constituent is missed, they'll provide additional pick up at no charge.
- Cooling Shelter operations at the Gloria Center, that'll keep operating through Wednesday; they'll assess day by day as the weather changes. They also provide water snacks, hygiene items, and first aid items. Updated emergency shelter and other updates can be found on their website and Facebook page.

CITY COUNCIL REPORTS

Councilor Runyon reported;

- Met with City Attorney
- Met with City Manager
- Citizen concern on proposed Wi-Fi project, referred him to the City Manager

Councilor Richardson reported;

- Nothing to report

Councilor Randall reported;

- Attended Historic Landmarks Commission meeting on June 26th where Ann Moorhead presented on the Waldron Drugstore Light Projector project completion and Tony's building site public survey results.
- Participated on the 4th of July parade

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Councilor Long reported;

- Attended Community Outreach Team (COT) meeting where she updated them on the Wifi project. COT will be going to Washington DC in September and she will be attending to represent the City.
- Met with the City Manager.

Councilor McGlothlin reported;

- Attended State Eagle Convention.
- Airport System Development meeting; they discussed creating plans to ensure fair development of water, sewer, and internet connectivity services. They will abandon the term SDC (System Development Charge) and instead implement a usage-based fee structure to share the expenses.
- Houselessness meeting.
- Airbnb issues on Scenic Drive, no incident. Nothing to report.
- Attended the 4th of July parade.

Mayor Mays reported;

- Attended Wildfire Open House at the Readiness Center.
- Visited the new Farmstand Grocery Store and encourages everyone to stop by.
- Thanked Councilor McGlothlin for stepping in for him while he was in Japan.

CONSENT AGENDA

McGlothlin requested to make corrections on the June 24th minutes.

It was moved by McGlothlin and seconded by Randall to approve the Consent Agenda as amended. The motion carried 5 to 0, McGlothlin, Randall, Long, Runyon, Richardson voting in favor; none opposed;

Items approved on the consent agenda were: 1) The minutes of the June 24, 2024 Regular City Council Meeting.

CONTRACT REVIEW BOARD

Authorization to Award Annual Water Treatment Chemical Supply Contract

Public Works Director Dave Anderson reviewed the staff report.

Richardson asked how long the city has been using ACH as a main coagulant, ballpark.

Anderson responded since about 2008-09.

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Runyon asked if down the line it'll put them in trouble because of the amount that is taking funds.

Anderson responded funds were budgeted for this purchase. The only question was what bids were going to come in at.

McGlothlin said the chemical coagulates the particles and they're clumped together and filtered out, what happens to the aluminum chlorohydrate.

Anderson responds it becomes part of the particle that gets filtered out.

It was moved by McGlothlin and seconded by Richardson to authorize the award of Contract No. 2024-007 for the purchase of aluminum chlorohydrate (ACH) to Brentagg Pacific Inc. in an amount not to exceed \$120,000.00. The motion carried 5 to 0, McGlothlin, Richardson, Randall, Runyon, Long, voting in favor; none opposed;

ACTION ITEMS

Authorizing the City Manager to Execute Participation Form and All Other Necessary Documentation for the Kroger Co. National Opioid Settlement

City Attorney Jonathan Kara presented the staff report.

McGlothlin asked what is the basis of the settlement. What did they do wrong in the opioid crisis.

Kara responded the basis of the settlement with Kroger and all other pharmaceutical distributors (i.e., Rite Aid, Walmart, Teva) are all the same. The argument the State Attorney General has made is the pharmacies did not do enough to prevent the opioid crisis and they played a role by taking lax measures in ensuring the prescriptions they filled were valid. There are examples, if somebody came in on a Monday and fills a prescription for 20 Oxycontin pills produced by Purdue Pharma, then they come in on Tuesday and fills the same prescription but by a different doctor, instead of flagging it for authorities the pharmacies thought they needed to fill the prescription or one of their competitors will.

McGlothlin said thank you, now he understands.

Mays said if Kroger is expected to pay 1.2 billion and it was said earlier the more cities and counties participate the more, they'll get. It seems to him it'll be the opposite, its more cities and counties that will be dividing up a finite number.

Kara responded the 1.2 billion mentioned in the staff report is theoretical maximum assuming

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full participation of the Oregon jurisdictions. It would be less than the amount if fewer than the maximum number of Oregon jurisdiction participate.

Mays asked if the 1.2 billion just goes to Oregon.

Kara said no, it's the total. Previous settlements, like Johnson & Johnson, by far the largest settlement. It was 17 billion dollars. This one is 1.2 billion, smaller, but a ludicrous number. The toll of the opioid epidemic in the United States has been a ludicrous toll.

It was moved by Long and seconded by Randall to authorize the City Manager to execute the Participation Form and all other necessary documentation for the Kroger national opioid settlement. The motion carried 5 to 0, Long, Randall, McGlothlin, Runyon, Richardson voting in favor; none opposed;

Adopting Resolution No. 24-016, A Resolution Prescribing the Updated City Council Rules and Code of Conduct Policy

City Attorney Jonathan Kara presented the staff report.

Runyon said they should not approve this tonight, to delay for another meeting. There are a couple of verbiage items in the document to look at. First, on page 47, has to do with Mayor pro tem, where 'he may vote' and he's still sitting councilor and is acting as Mayor but does not have the same rules of not voting unless there's a tie; Should not say that. Should be looked into by City Attorney in changing it. The Council rules they're not part of a vote by the people, that's the charter. But in the council rules could be corrected without a problem.

Klebes said looking at page 47, 2A5 (Council President Powers and Duties) at the last sentence. Can strike out the word 'may.'

Runyon said they can do it tonight as an amendment. He then gave the second item, on page 48 section C1 'Vacancies,' halfway down the paragraph. The rules say they have to bring it to council to vote if taking a vacation. Then said if they can take a vacation and says it should be re worded.

Long said she missed the City Attorney's email regarding the deadline to return comments on council rules and asked if they could not vote on this tonight. She would like to review it.

Runyon said he missed the email as well.

Kara said one of the council alternatives, alternative number 3, to decline action and provide staff additional direction, if council majority wants. He then asked if he can respond to Runyon's concerns that he flagged. First one is, is to the Councilor President, can change the language.

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Asked if he would rather have it say “shall” still vote as opposed “may” still vote.

Runyon responded “still” votes, would be more effective. To leave out the word ‘may’ and add the letter ‘s’ on the word ‘vote.’

Kara said sure. He then said on the ‘vacancy’ issue, he clarified when Runyon said “it wasn’t a charter issue,” but in fact it is in the charter section 18.2b. This was copied directly from the charter and not much can’t be done. Council consent is required based on the charter.

Kara also stated about councilors taking vacations, they can take a vacation but there are also consequences, and this is what the people of the city of The Dalles wanted when they adopted the charter. He also said it does not mean anything arduous, it says ‘without councils’ consent’, council gives its consent handily on the consent agenda at every meeting; this can be one way to go about the vacation issue. Or during a meeting, when the mayor asks the presiding officers if there are any business to come before the city council, this would be another way to inform the council and ask for consent on vacation being taken.

Mays said since this is going to be delayed, to give staff direction on what they would like to see changed.

Richardson asked for clarity on the vacancies if its currently enshrined in the charter. If that’s not something they can take action on but they can strike it out of their rules and still in effect.

Kara said correct. Everything that’s in section 2 of the council rules, page 2-4, cannot be changed. Without amending the charter.

Mays asked if it’s necessary to include provisions that are already in the charter. He prefaced when he first became mayor, he thought being prudent for city council to pass new rules and one of his objectives was to cut down on the number of pages. He said Runyon and Long was part of the effort.

Runyon said he worked on both the rules and the charter. But it directed him to only work on a specific area and not the whole charter.

Mays said he brought the reduction of pages up because provisions are already on the charter.

Kara responded it’s not required to include the charter requirements and rules but it is advisable.

Long said she agrees with the city attorney that it’s nice to have it in one place where they can read and refer back to.

Richardson agreed as well and is okay with holding off on voting on these rules until next city council meeting. Then said he has a comment for the mayor. Page 40 of the packet, ‘under public

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comment rules' '3D the in-person comment,' and point out if that is something he feels comfortable enforcing. Given that sometimes there are people who show up and want to comment at the last minute without identifying themselves. Are they going to make the people participate in identifying who they are and if they're a member of the city.

Mays said he brought this up to Kara and has a problem with it. He said he is not sure why we recently started doing this in the past year.

Runyon said he also brought this issue up as well.

Richardson said he feels it's not necessary for people to sign in if they want to speak. But does believe it's wise for the council to insist, if people who want to comment in public on city business at the city council meeting, identify themselves.

Mays said following on paragraph E, people won't know to contact the city clerk if they want to comment and zoom in before noon, day of.

Klebes said the reason for the sign up for the virtual option was in direct response to the zoom bombings incidents that have occurred, which occurred last week at the Wasco County Commission meeting.

McGlothlin asked for clarification on what Klebes commented about the reason for the virtual option.

Klebes clarified regarding the zoom bombings. Then said those provisions were put in place to guard against these types of incidents.

McGlothlin said there should be some formality, even when they come to the city council meetings, they identify who the person is and if they're a resident.

Klebes then said in regards to the virtual option on the city's website, where you access our agenda packets, it's noted prominently on the top of the page. The sign up requirements for the virtual option is noon on Monday that way the city can provide the link to the individual who would like to submit comment.

McGlothlin said number 5 on the agenda gives an open on having the right to speak but they need to identify themselves, in the audience participation section.

Kara mentioned this particular agenda item is handled by the City Clerk, who was not present, the issues that have risen regarding public comment is the city has to include the names of the participants of the meeting and their views on a subject in the minutes, it's a requirement of the public meetings law. There will be an adjustment with many of the council rules, the intent here

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not to stifle public comment but to organize the city's meetings. When there's a standing room only, its helpful to have these rules, with the understanding of not being possible to add new rules on the fly but always possible for a council majority to waive those rules in any given situation. If the direction is to add in an exception provision for the presiding officer, while maintaining the sign up rules and requirements, this can be an acceptable compromise for everyone.

Mays asked Kara how would he word it.

Kara responded keeping it how it currently is and saying presiding officer has discretion to allow those deadlines. Exception can be made by the presiding officer.

Mays asked Kara the way he worded it if it would be his decision.

Kara said unless council had anything else to qualify it by.

Long said she thought the reason council wanted to hammer this down is because they were trying to protect themselves legally and if they have the right to waive but don't waive it for someone that is a problem.

Then she also said the council is discussing this as if someone can come and talk about something with urgency, that's on the agenda but city council doesn't allow. It says, in the rules, "not on the agenda" people should know ahead of time, unless they're commenting off someone else coming up and making a comment, city council is not allowing back and forth. Long said she does not like the rule of can't talk about anything that's not later on the agenda.

Kara said these rules are only applicable to the public comment section on the agenda.

Mays asked Long on clarification of what she previously said about city council does not allow people to have interaction or give and take, thought it was eliminated.

Long corrected her comment.

Mays asked the question whether council were going to require people to sign up to talk in person.

Runyon said he doesn't have a problem with constituents signing up to speak but he will not eliminate someone for being 2 minutes late. Suggested having a big sign outside the chambers saying if residents intend to speak tonight, to sign up. Still in favor in delaying action on this item to make sure council looks at the additional items that were discussed and give the City Attorney and City Manager time to review and to speak with League of Oregon Cities (LOC).

Mays asked if there are any objections in delaying the council rules. No objections were made.

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Klebes mentioned to Council, the next meeting has a full agenda already, no meetings in August, the following City Council meeting will be in September.

Mays said for staff direction, leave it in as is or take it out and put verbiage for the mayor's discretion.

Long said striking 'before the meeting' or residents can speak so they have their names written down correctly, to control the flow.

Kara clarified Long was saying council should strike the provision requiring that sign up be conducted before the presiding officer calls the meeting to order. Having the sign up sheet available, at the entrance, at least before they submit comment.

Long said having a big sign in the entrance.

Kara said perhaps having a clipboard on of these podiums where council can see residents signing in front of them and collecting it afterwards.

Mays asked the City Manager to check with the City Clerk to ensure she is on board.

Klebes said he most certainly will. This public comment piece both in person and virtual, the city clerk did substantial outreach with her clerk network around the state around best practices when it comes to public comment.

Mays said on page 49, section A(i), points out the last sentence where it states 'no person is authorized to serve as city manager pro tem more than 6 consecutive months,' and says that other cities have gone 6 months without a permanent city manager. If it's in the charter, he understands.

Kara said this is another item to look at for a charter review in the future.

Mays said on page 59, it stated council should not ask people to attend a council meeting to notice a complaint. This is already in the rules but wanted to know how council felt about this item.

Richardson said he would be in favor of striking it. It may be proper for people to go to the city manager first but having it a rule is discouraging people from coming and talking to the council.

Runyon said a resident came to him to talk about their issue and he directed to call City Hall and ask to have a meeting with the city manager. The job of council is policy not day to day administration. He said it's up to the constituent if there's a course of action or be done with the issue he raised. He does not want to cause a delay by going through different channels but

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finding solution and starting on the process.

Richardson said when residents come to a meeting, council directs them to talk to city manager anyway.

Long said the way she understood it was for councilors to do this because that's how they prevent misinformation when residents come to speak and council hasn't had a chance to put together a response.

Richardson said to change the word 'shall' to should.

McGlothlin said remove the first sentence and will say 'councilors shall refer such matters to the city manager, if people aren't happy with this option, then they can appear at city council.

Long said it should not be 'shall' because one can weaponize it.

Runyon said let's make the sentence more positive.

McGlothlin said he also has a problem with shall.

Kara said this provision is copied and paste from their existing rules.

Klebes said council can strike the beginning portion of the paragraph and start with 'when contacted by citizens about a complaint or question councilors shall encourage citizens to contact the city.'

Mays asked if its okay with council.

Councilors agreed.

Mays said on page 61, citizen removal.

Kara said section C & C1 are copied and paste from the current council rules section 16.2.

Mays said on paragraph C, 'reasons for removal include missing two consecutive meetings' and asked if they should add without an excuse.

Kara said no. He would not recommend it.

Mays asked if someone misses two consecutive meetings, they can be removed.

Kara said the subcommittee's only meeting once a month, they've missed a significant amount of

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meetings for a year.

Mays said some subcommittee's meet twice a month.

Kara said these are reasons for why a mayor can recommend to the council for removal. They don't automatically trigger a removal. There are other provisions for the person on the committee to make their case and if they have a compelling reason as to why, then its something council will look at. Would like to give the mayor the authority to have some flexibility.

Mays pointed at C1, second sentence, 'citizen may submit a letter of response.' Mays asked if there should be a time restraint on this.

Kara said he will make this sentence clearer on submitting a letter of resignation to respond within 10 days. He then said he will target this item for the first meeting in September, if not then it'll be for the second meeting in September.

Mays asked the reason council does not meet in august is because if its in the rules.

Kara said its in the rules.

Long said she'll take the opportunity to go through this and give feedback.

Kara said he does welcome the feedback.

Adopting General Ordinance No. 24-1406, an Ordinance Repealing and Revising Certain Provisions of The Dalles Municipal Code Chapter 1.08 (City Council), Chapter 1.36 (Public Library), and Chapter 11.24 (Enterprise Zone) for Legal Sufficiency

City Attorney Jonathan Kara presented the staff report.

Mays asked the council if they have any questions about the ordinance.

McGlothlin said 1.36 020 Library board, asked if they have had open communications with what they're doing to the agreement, if the board is aware.

Kara responded he does not know.

McGlothlin said it does not affect them but it's the relationship with the library board and not have the oversight.

Klebes said he has not explicitly contacted the library district as this was a cleanup, particularly

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we have a fourth IGA now and the appointment of the library board is a function of the district itself. Its not in any sense cutting them loose. There's a provision in the municipal code that is not relevant anymore and the fourth IGA would control.

McGlothlin said he sees the intent. Because there was some contention with city and library, he would like to see open communication so that way they know what they're doing doesn't affect them directly.

Klebes says he understands and can reach out to the district to let them know.

Mays asked the audience if they would like to weigh in on the ordinance.

No one commented.

It was moved by Long and seconded by McGlothlin to adopt General Ordinance No. 24-1406 as presented, by title only. The motion carried 5 to 0, Long, McGlothlin, Randall, Long, Richardson Runyon voting in favor; none opposed;

EXECUTIVE SESSION

No Executive Session

ADJOURNMENT

Being no further business, the meeting adjourned at 6:31pm

Submitted by/
Abby Jara, Executive Assistant

SIGNED:



Richard A. Mays, Mayor

ATTEST:


Amie Ell, City Clerk