

GLADSTONE CITY COUNCIL MINUTES OF REGULAR MEETING – May 14, 2013

ROLL CALL

The following city officials answered the roll call: Mayor Wade Byers and Councilors Hal Busch, Ray Jaren, Kari Martinez, Thomas Mersereau, Lendon Nelson, and Neal Reisner.

ABSENT: None

STAFF

Pete Boyce, City Administrator; David Doughman, City Attorney; Jolene Morishita, Assistant City Administrator; Stan Monte, Fire Chief; Jim Pryde, Police Chief; Mike Funk, Fire Marshall; and Scott Tabor, Public Works Director.

Mayor Byers led the flag salute.

BUSINESS FROM THE AUDIENCE

Craig Seghers, 17400 Webster Road presented two petitions (300 signatures) signed by residents asking Council for a vote on any contract with LSSI.

Les Poohl, 18340 Cornell Road asked if the Chautauqua Festival is run by the City. Mayor Byers said no. Mr. Poohl asked about the light rail vote in the county. Mayor Byers explained it is not appropriate to talk about County ballot measures. Mr. Poohl stated he noticed that Council might be interested in purchasing the Olsen property and that the value of that site has been close to what his friend had said it was worth.

Rose Johnson, 5480 Abernathy Court, 6960 Winfield Court stated the statement made by Mr. Pool regarding the price of the Olsen Property was hearsay.

CONSENT AGENDA

Item(s) Removed from the agenda:

1. Approval of April 9, Minutes
2. Approval of Liquor Control Commission Application – Deli n Food Mart, 150 West Arlington Street

Councilor Martinez moved and Councilor Nelson seconded a motion to approve the Consent Agenda consisting of (3) Approval of Temporary Dwelling Permit – 18117 Oatfield Road and (4) Payment of April Claims.

Motion carried unanimously.

1. Approval of April 9, 2013 Minutes – approve next meeting.
2. Approval of Liquor Control Commission Application

Council Discussion – Councilor Jaren noted there was missing information on the application regarding previous crimes, misdemeanors, or felonies. City Administrator Boyce explained that

the Police Department reviewed and approved the application and found that the information did not pertain to the actual business.

*Councilor Nelson moved and Councilor Martinez seconded a motion to approve Consent Agenda Item 2, Approval of Liquor Control Commission Application for Deli n Food Mart, 150 W. Arlington Street with the Police Department approval.
Motion carried unanimously.*

CORRESPONDENCE

Mayor Byers acknowledged receipt of:

5. Letter from Linda Cosgrove, Bev Anslow, Cicely Sullivan, Rose Johnson regarding library outsourcing
6. Email from Herb Oetken regarding library outsourcing
7. Letter from Jaye and Yvonne Phillips regarding a 2 Hour Parking Sign at 120 E. Arlington
8. Letters and emails from Stanley Jones
9. Emails from Jim Miller – Public Works
10. Letters from Pete Steinkam

City Administrator Boyce reported he received additional letters since the mailing of the packet and noted they will be available on the website

- Email from Mary Accettura
- Email from Stacy Chamberlain
- Email from Toni and George Krummenacker
- Email from Dianne Lea
- Email from James Miller

REGULAR AGENDA

11. Authorization to Return \$1.5 million to Clackamas County – Library Capital Intergovernmental Agreement. City Administrator Boyce reported staff is requesting authorization to return the \$1.5 million Clackamas County provided to the City as part of the Intergovernmental Agreement (IGA) in exchange for providing library service to the Oak Lodge library service area. With the November 2012 ballot measure to construct a new library failing, the City cannot, at this time, meet its obligations in the IGA regarding service to the Oak Lodge area.

The County looks forward to working with the City and the District Advisory Committee to find the best path in the future to provide quality library service to both City and unincorporated residents in the affected service areas.

*Councilor Nelson moved and Councilor Martinez seconded a motion to authorize the return of the \$1.5 million to Clackamas County (Library Capital Intergovernmental Agreement).
Motion carried unanimously.*

12. Urban Growth Management Agreement (UGMA). City Administrator Boyce reported Clackamas County has been negotiating an Urban Growth Management Agreement (UGMA)

with the cities of Happy Valley and Milwaukie. A map was provided showing the areas each city would like to have the ability to annex to over time.

Staff is asking Council if they have interest in any of the mapped areas. Will they want to discuss this issue or some guidance on how to proceed? The last discussion was in August 2012 when Council discussed some interest. An agreement was made at that time where there was a different boundary drawn and research by the County has shown there was a 1988 agreement between the cities of Gladstone, Happy Valley and Milwaukie. That agreement was terminated in 2005 by the City of Happy Valley.

Council Discussion

- Question: Councilor Jaren asked if there is a map showing the previous agreement and is it consistent with the current map? Answer: City Administrator Boyce stated it is different.
- Question: Councilor Jaren asked if the 2005 letter terminating the agreement is a valid termination between Gladstone and Milwaukie? Answer: City Administrator Boyce noted it was a three-party agreement; if any of the parties wanted to dissolve the agreement they could. There is nothing on the books to indicate Milwaukie and Gladstone have a new agreement.
- Councilor Jaren asked what the chances are that Happy Valley could annex everything from Camp Whitecomb down to the River and Milwaukie annexing everything up to I-205.

If Gladstone should consider annexation, it seems a good dividing point would be from Highway 212 to the River and all the way to the Dixon Farm. If Happy Valley and Milwaukie are so ambitious in their desires, so should Gladstone. There is a large tax base there and not a lot of support for the industrial area. City Administrator Boyce acknowledged Martha Fritzie and Mike McAllister from Clackamas County.

Suggestions from Council as to a designated planning area for Gladstone would be:

- Highway 212 south to the River (Dixon Farm Curve)
- South of Camp Whitecomb

City Administrator Boyce stated Jason Tuck, City Manager for Happy Valley raised the issue of Gladstone not being included in a 2012 discussion. Gladstone advised the County of their interest at that time in an email. At a recent County meeting it was asked where Gladstone stands.

*Councilor Jaren moved and Councilor Neal Reisner seconded a motion to direct staff to study the area below Highway 212, the area to the Milwaukie boundary, and the area west of I-205 for possible inclusion in the Urban Planning Area for Gladstone.
Motion carried unanimously.*

13. Chautauqua Festival Cancellation Announcement. City Administrator Boyce reported that the Chautauqua Committee informed the City that the 2013 Chautauqua Festival has been

cancelled. Information was sent out to the Oregonian and the Clackamas Review thanking the Chautauqua Committee and volunteers for their many years of service.

There is community interest to revive the Festival and the City will work with anyone who wants to do that.

- Question: Councilor Martinez asked if the Library Friends, Library Foundation, and the Library Board will be able to continue their book sales during that time since it was not part of the Chautauqua Festival. Answer: City Administrator Boyce said yes as the arrangement is with the school.
- Question: Councilor Martinez asked if any organization can continue their Festival event even though the Chautauqua Festival is cancelled. City Administrator Boyce said yes. He has been contacted by individuals who have expressed interest in participating and they are trying to organize an event.

Mayor Byers noted the Chautauqua Committee has always produced a great community festival. Last year's finances were in peril until a late sponsor was found and this year sponsors have not been found.

Community Comments: Scott Farrar graduated in 1989 in Gladstone. The community is concerned about the cancellation of the Festival. There are two face book banners, "Save Chautauqua and Save the Chautauqua Festival." If they can work with Martha Wooldrige there is a possibility the Festival can happen.

Theresa Schmit, 175 E. Berkeley Street asked what the community can do if the Chautauqua Committee cannot get the funds together. What is needed to make it come to fruition. Answer: Mayor Byers stated it would take another committee.

- Councilor Jaren asked if there is a permit process that has to be initiated by a certain date? Answer: City Administrator Boyce said there is no special event permit.
- Councilor Martinez asked if organizations have to have a 501C-3. Martha Wooldrige said yes; the County requires a license. Last year the permit fees were \$1,500 which has varied over the years to as high as \$3,000.

Martha Wooldrige, 1100 Clayton Way is the former chairperson of Chautauqua Festival. Until the time they started serving the alcohol themselves they were on the city's insurance, but when they decided to do serving themselves they had to provide their own insurance. The person who gets the insurance is totally responsible. There were many obstacles to putting on this Festival.

David Doughman, City Attorney, explained there is a legal firm in Portland (Miller Nash) that runs a pro-bono legal clinic to advise people on how to start a 501C-3.

14. Resolution 1022 – PGE Franchise Agreement. City Administrator Boyce submitted the negotiated franchise agreement with Portland General Electric (PGE). Staff is recommending approval.

Councilor Jaren asked what changes were made in the new agreement. City Attorney Doughman stated there are a few things that have changed since the last agreement in 1992. State law has changed a bit; however, most of the authority rests with local jurisdictions. It was basically rewritten to make it clearer and easier to understand, and to address the possibility of PGE moving its facilities to a different part of the right-of-way.

Annette Matton, Portland General Electric and Government Affairs, 121 SW Salmon Street, Portland noted the previous agreement was 5 pages and it was signed 20 years ago by Wade Byers. Legal requirements have changed and what took 5 pages now takes over 20 pages for the language of the times. The agreement is based on a template PGE developed over negotiating numerous franchise agreements over the last few years. 20 percent of the agreement is about issues relating to right-of-way and language around liability and cost. Cities now have the ability to pass privilege tax, a 1.5% line item on the electric bill.

Community Participation: Kim Sieckmann, 145 W. Dartmouth Street asked if PGE has a period of time allotted for the removals of poles or trees. Councilor Jaren stated there is a 90-day period to get those things done. If it isn't done within that time period the City has the right to go to an outside contractor and then bill PGE.

Ms. Sieckmann asked if undergrounding is included in the agreement. City Administrator Boyce stated the City has the right to require PGE to underground facilities under State Law. PGE passes the cost of that undergrounding on to PGE customers in Gladstone. The City has the right to require undergrounding for new construction.

Councilor Martinez moved and Councilor Nelson seconded a motion to adopt Resolution No. 1022, A Resolution Authorizing the City to Enter into a Franchise with Portland General Electric Company to use the City Rights of Way for the Purpose of Providing Electric Services in the City.

Motion carried unanimously.

BUSINESS FROM THE COUNCIL

- Councilor Martinez asked that the letter from the Phillips regarding an issue with parking be responded with any help the City can give. This business has been there for 33 years.
- Councilor Martinez thanked all the people who came out tonight that have issues with outsourcing the library. It is a real testimony to community involvement.
- Councilor Nelson announced May 18, 2013 will be the bike rodeo at the early childhood center. There should be a good turnout with kids with bicycles.
- Councilor Busch reported the gardening is going strong. There are a couple of lots available at the garden. There will be a work party this Sunday to install locks and keys on the 22 gates that were installed. Illegal dumping has been taking place in the garden.

Adjourn

Mayor Byers adjourned the May 14, 2013 Council meeting at 8:35 p.m. into Executive Session ORS 192.660(2)(f) to consider information or records that are exempt by law from public inspection and ORS 192.660(2)(e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions.

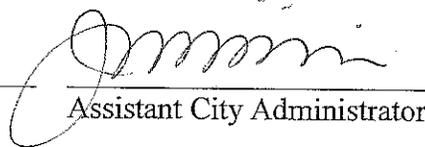
The next City Council meeting was adjourned to _____, 2013, at 7:30 p.m.

Approved by the Mayor this 11 day of June, 2013.

Attest:



Mayor



Assistant City Administrator