GLADSTONE REGULAR CITY COUNCIL MEETING MINUTES of April 8, 2014

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; Rhonda Bremmeyer, Senior Center Director; David Doughman, City Counsel; Irene Green, Library Director, Stan Monte, Fire Chief; Jolene Morishita, Assistant City Administrator; Jim Pryde, Police Chief; and Scott Tabor, Public Works Director.

Mayor Byers led the flag salute.

BUSINESS FROM THE AUDIENCE

Sherry Hall, 6820 Angus Way is here tonight because she as a community is overdue in honoring the hardworking Gladstone Police Department and Chief Pryde. Our Police Department has handled some difficult cases in our city and it is important to let them know that they have support and appreciation from the community they serve. The Police Department also works with students in the Gladstone School District and helps them become role models. They also work with neighborhoods to establish neighborhood watch programs.

Anneleah Jaxen, 4400 SE Naef Road, Milwaukie, Executive Director of Family Stepping Stones Relief Nursery located here in Gladstone. This program serves high-risk multi-stressed families and their children trying to stop child abuse and neglect. Chief Pryde was a very active member of the Board of Directors for three years and she is here tonight to recognize the amazing Police Department we have as a result of his leadership. She has been a resident of Gladstone for 23 years, raised three children in this city and all three of them went from kindergarten through 12th Grade in the Gladstone School District and are now starting to graduate from college. Through those 23 years she had different experiences in Gladstone. At one point she had a stocker that had stocked her for three months and was trying to kill her. Without the vigilance of this Police Department in 1998 she probably would not be here speaking. At other times she has lived in a condominium complex where owners decided to rent to a mother of three children who was dealing drugs. Because she is a mandatory reporter she had to call the Police Department often in order to try to keep those children out of danger. This Police Department responded immediately and accurately and eventually was able to move that mom and her children into a better situation. She has watched Police Chief Pryde carefully complete a culture of success in the Gladstone Police Department, always putting others first, making sure he considers the greater good and the development of his team. He sets up conditions for other people's success. He has developed a Police Department that is current, forward looking and developed programs, systems and strategies that will enable his officers to collaborate with other cities and do their work with excellence.

Larry Bingham, Pastor of the Church of the Nazarene, 4180 SE Jennings Avenue stated he is one of five rotating Pastor Chaplains for the Gladstone Police Department. On behalf of the Chaplains, they too appreciate the Police Department, their level of respect, integrity, compassion and the way they

consistently go about their job 24/7. It is a great opportunity to serve as Chaplin to them and to be a part of this great community.

Sherry Hall, 6820 Angus Way passed out bumper stickers she had made thanking the Police Department.

Douglas Buchner, 160 Beatrice stated he has been a resident here for about 8 years. He asked with the demise of the trolley bridge, is there no further construction consideration for a bridge there. Mayor Byers stated there is a bridge five blocks away. Councilor Jaren stated the people who were working on using that bridge is still working on options as a group.

CONSENT AGENDA

Item(s) Removed from the agenda:

2. Approval of Planning Commission Code Recommendation Chapter 2.28.040 – Vacancies and Removal

3a. Proclamation – Month of April a Child Abuse Prevention Month

Councilor Nelson moved and Councilor Jaren seconded a motion to approve Consent Agenda items:

1. Approval of January 28, 2014, February 25, 2014, and March 11, 2014 Minutes
3. Payment of March Claims

Motion carried unanimously.

2. Approval of Planning Commission Code Recommendation Chapter 2.28.040 – Vacancies and Removal. Councilor Martinez expressed concern that at the Council's last meeting they discussed vacancies and decided there was no need to have an excused absence. The Planning Commission has changed it to have Council hold a hearing after three absences. Mayor Byers stated this is a step in a potential process. He is fine with it.

3a. Proclamation – Month of April as Child Abuse Prevention Month. Councilor Mersereau feels this is a very important issue and wanted to bring it up for discussion by the Council. He asked if there is something Council can do to help with this cause. Councilor Jaren suggested in March of every year there should be a banner advertising April as Child Abuse Prevention Month.

Councilor Martinez moved and Councilor Nelson seconded a motion to approve Consent Agenda items 2 and 3a.
Motion carried unanimously.

CORRESPONDENCE – None.

REGULAR AGENDA

4. Legislative Update – State Representative Brent Barton. Mr. Barton prepared a power-point presentation on the last legislative session. There were things passed that effects Gladstone disproportionately. In 2010 Oregon voters adopted annual sessions. When annual sessions began his thought was they would continue to have this long session in the odd number year and the even number year there would be a short session. The short session would be of limited purpose (budget changes, technical choices, time-sensitive things) and not try to do major policy changes in 35

days. The legislative process takes time to do well. The short sessions have already deviated from its limited purpose. They try to do way too much in 35 days. He served on the judiciary committee and they did not reach a conclusive resolution. It was continued until the next legislative session in 2015.

The Willamette Falls Legacy Project is just picking up again. They received $5 million on the last long session and will go back for another $4 million to create safe public access to the waterfalls.

Councilor Reisner email him regarding the state putting in some money for a new library in Cornelius. Cornelius had a library bond that failed in 2013. The city was planning to go out for the bond in 2014. It was not just a library, but also was a mixed use project. The first floor was a library and on top of that was 41 housing units for low income seniors. The entire project cost about $12.8 million. $8 million of that came from a non-profit (federal pass through money for the housing component) and $4.8 million is for the library. The state kicked in half of that $2.4 and the city has to go out and raise another $2.4. They are doing it like a non-profit capital campaign, a professional fund raiser, trying to raise the money outside the city because Cornelius would have a hard time doing that on its own.

The Washington County land use wars are more active than in Clackamas County. Cornelius was right in the center of it and ended up giving up as part of that deal a thousand acres of potentially developable land. For them to go along with this and agree to this deal, the State funding $2.4 million was part of that. To the extent Gladstone is interested in getting State participation in a new library construction he would be honored to help. It helps if it is a mixed use project. It would bring different partners and funding sources to the table. The City can exploit the opportunity.

Councilor Reisner stated Gladstone has an interesting intersection on McLoughlin and Arlington. He asked what Mr. Barton could do to help the City out and get that fixed. Mr. Barton stated he was familiar with the intersection, he drives it every day. He does think he can help. The reason why he is poised to help there is because it is a state highway (99E). In the 2015 legislative session there is a lot of talk about what kind of investments made in transportation and infrastructure in the State can move forward. As part of that discussion in 2015 he is potentially going to get funding. He would like to see safety procedures all along McLoughlin. Mayor Byers stated he would like see consistency so that every intersection has the same left turn and through lane.

Mr. Barton state the one thing he would like to work on is the key bottleneck is Abernathy Bridge, the on and off ramps and expanding the entire 205 corridor. Another project would be 99E. A lot of people have shown interest in seeing the Blue Heron Project. He feels the state will take an active interest in McLoughlin and he thinks it is very reasonable for Gladstone to get in on that and take the improvements further north.

Councilor Jaren stated he has raised the issue several times over the last 15 years that has to do with Strawberry at 82nd. Sometimes during the day rush hours it is impossible to make a left turn going east. It goes to the State and comes back with the answer that the traffic level does not meet the warrant. It is frustrating during the rush hours; there should be a traffic light. There is only one of three ways to get from the west side of Gladstone across the freeway (Fred Meyers, Safeway, or cross at Strawberry) to go east.

5. Brown & Caldwell Water and Stormwater Masterplan Update. City Administrator Boyce introduced Jim Harper from Brown & Caldwell who is here tonight to give an update. Originally they were asking for an additional $5,000 and they have withdrawn that.

Mr. Harper presented a project schedule they have updated this month based on some of the activity that has been going on. The stormwater masterplan has been completed and was submitted to DEQ (Department of Environmental Quality) in December to meet the January first deadline. They will do a small update to it as the water masterplan comes in because if you are looking at potential projects, you want to compare the water lines and the stormwater lines to make sure you are not tearing up the street twice. If you have a consistent project in one street, you want to look at the CIP's together to make sure they are all scheduled at the same time.

The water mapping was completed by Sisul Engineering in March of this year. They have completed mapping of storm, sanitary and water systems for the city. Those have been turned over to Scott Tabor. They are prepared to test the water system. In late April they will be out putting meters on several pipe systems and opening the hydrants to see how they react, how the pressure drops, etc. That will help them build a more accurate model. There is a certain amount of modeling that will follow in May.

The original contract was scheduled for one year; Sisul Engineering was doing the mapping for them and they came across a lot of problems with the sanitary and storm system. Some of the key pipes were on private property. To survey on private property homeowners permission is needed and that took a little bit or coordinating with the homeowners getting them to sign allowing them to access the property. Some of the manholes had been paved over so they had to wait until the manholes were uncovered from the asphalt so they could get into the manholes. Connections between pipes had no manhole.

The stormwater mapping system was ahead of the water mapping because of the state requirement to get the stormwater masterplan completed by January 1. The water system is all buried; there are a few valve boxes on the surface. A lot of what is underground needs to be confirmed from a city staff. They are reviewing information but there are a lot of other things city staff should be doing besides reviewing maps; keeping the system operating and getting the water to homes. It is all mapped now and they are to the point of testing and are asking the specific questions of how the valves operate, are they really closed, how some of the pressure zones are operating within each other, how the reservoirs are balanced with the system, etc.

Sisul Engineering has gone well above and beyond what they were called on to do. They did a really good job, a lot of weekend work to get the maps done.

Mr. Harper noted that their contract limit has come and they are asking for an extension. The calibration work is done and they will go right into developing CIP's and solutions to some of the issues on the water system and develop the Masterplan in June and hopefully wrap it up in July and August. There will be a rate evaluation looking at the stormwater portion of the project. It will be going hand and hand with the water and that will be going on at the same time. Hopefully in a couple of months they will be bringing in proposed CIP's for the city and the corresponding rate studies to go along with the rate evaluations.

Councilor Reisner asked if communication back and forth is still going on. Mr. Harper said yes. Some of that has not involved Brown and Caldwell directly; some has been between city staff and Sisul Engineering. They talk with city staff every two to three weeks by phone or meeting.

Councilor Mersereau stated that many decisions are being worked on at this point which the masterplans from the water and sewer count on. It is hard to make these decisions without knowing what some of these big items are actually going to be like. The requested extension makes the City's project more difficult. The City would appreciate any assistance to meeting those a dates rather than asking for another extension at some point in the future. Mr. Harper stated they will not be asking for another extension. They will be doing a realm of the project where they are confident that they can complete it. The mapping process was the big problem. He will be pushing hard to get this project done as soon as possible. Some of the key information that the City needs to know will be prior to the documents being finalized.

6. Ordinance 1447 – An Ordinance Declaring a Moratorium On Medical Marijuana Facilities Within The City Of Gladstone Pursuant to Senate Bill 1531 and Declaring an Emergency. Mayor Byers asked for the first reading or the Ordinance. Assistant City Administrator Morishita read the Ordinance by title only.

Councilor Nelson moved and Councilor Martinez seconded a motion to consider the first reading of Ordinance 1447.
The motion carried unanimously.

Councilor Reisner asked how this is different from what was done recently. Answer: City Attorney Doughman stated it is different in that the City now has a Senate Bill 1531 that both houses of the Oregon Legislature passed and governor signed. That is new since Council last discussed this topic. The law is now that under state law they view this as one source of authority for a City to prohibit dispensaries. This ordinance responds to express authority under State Law for cities and counties to place a moratorium (temporary ban) on dispensaries until May 2015. The previous ordinance had a timeline of 90 days after the legislature (August) when that prohibition would expire.

This bill was passed, signed and now Gladstone has the authority under State law to a year of prohibition. After action in the 2015 Legislature, cities have a decent potential in November of this year for ballot measures making recreational legalization like Washington and Colorado.

Councilor Reisner asked for the reason for the declaration of an emergency. Answer: Mayor Byers stated the moratorium has to be in place by May 1st. City Attorney Doughman stated a person could claim that since you haven't adopted an ordinance pursuant to 1531 you really don't have a moratorium that complies with State law.

Councilor Nelson moved and Councilor Martinez seconded a motion to adopt Ordinance 1447 – An Ordinance Declaring a Moratorium On Medical Marijuana Facilities Within the City of Gladstone Pursuant to Senate Bill 1531 and Declaring an Emergency. A roll call was taken with the following results: Councilors Busch, ***yes;*** *Jaren,* ***yes;*** *Martinez,* ***yes;*** *Mersereau,* ***yes****; Nelson,* ***yes;*** *Reisner,* ***yes;*** *and Mayor Byers,* ***yes.***
The motion carried unanimously.

Mayor Byers asked for a second reading of Ordinance 1447. Assistant City Administrator Morishita read the Ordinance by title only for the second time.

Councilor Nelson moved and Councilor Busch seconded a motion to adopt Ordinance 1447 – An Ordinance Declaring a Moratorium On Medical Marijuana Facilities Within the City of Gladstone Pursuant to Senate Bill 1531 and Declaring an Emergency. A roll call was taken with the following results: Councilors Busch, ***yes;*** *Jaren,* ***yes;*** *Martinez,* ***yes;*** *Mersereau,* ***yes****; Nelson,* ***yes;*** *Reisner,* ***yes;*** *and Mayor Byers,* ***yes.***
The motion passes and the Ordinance is adopted.

7. K-9 Program Update. Jim Pryde, Chief of Police reported the memo in Council packet is regarding Officer Mixson stepping down from the K-9 program. At the time the memo was sent, the department had begun a recruitment to find a new K-9 handler. None of the staff were interested in taking the position so there is no one to handle the dog. After discussions with the City Administrator, they have begun the process of dismantling the program. Officer Mixson is taking this very hard; he has his own reasons for stepping down. This is a real loss to the department in terms of a program.

   Question: Councilor Martinez stated she understands that it didn't work; if this is done now could in the future another K-9 program be restarted. Answer: Chief Pryde said yes, he believes that to be true. Ultimately it will be the Council's decision. Officer Hill has indicated an interest in being a K-9 handler. With his situation in his life the timing is not right. Perhaps somewhere down the road he might be interested.

   Question: What happens with the dog? Answer: Chief Pryde said there are a couple of options.
   - Offer Dyno to Officer Mixson
   - Dyno is an incredible police service dog. He has received very high ratings and certifications. He is regarded by his Clackamas County trainers as a rock star. He still has many serviceable years in law enforcement. There has been one department that has indicated interest so far.

   Question: Councilor Mersereau asked if Dyno had drug certification. Can another officer take on the handling of dog specifically for drug situations? Answer: Chief Pryde stated Dyno was certified in drug and tracking. Yes another handler can be used; he believes that Dyno has the capability to take to another handler. Councilor Jaren stated it is very important for Gladstone to have a K-9 Unit.

   Question: Does the dog have to be worked in order to retain its capability. Answer: Chief Pryde said yes. This dog is bred for work. For him to not be working or training is not a good thing.

   Question: Councilor Reisner asked for a timeline when his previously submitted questions would be answered. Answer: Chief Pryde stated they are working on getting the answers to him and a news media source to get similar work products developed. The goal is to have a presentation to the next Council meeting.

   Councilors congratulated Chief Pride on accreditation. The K-9 policy proofs all passed.

8. Authorization to purchase Flashing Cross Walk Sign at Oatfield Road and Ridgegate Drive. Scott Tabor, Public Works Supervisor reported he has submitted all the information on obtaining a new flashing cross walk sign at Oatfield and Ridgegate. He was asked to receive quotes for similar signs for reference. He found vendors in California and Grainger that carries the sign but it did not include all the parts needed. Traffic Safety Supply is supplying everything that is needed for that intersection so they are the preferred vendor.

Councilor Reisner moved and Councilor Nelson seconded a motion to authorize the purchase of a Flashing Cross Walk Sign for Oatfield Road and Ridgegate Drive from Traffic Safety Supply.
Motion carried unanimously.

9. Dog Park Project. City Attorney Doughman reported he advised Council in Executive Session about some of the legal deficiencies and risks with respect to the current application. It is his recommendation that the City put the application on hold and instruct the Planning Commission and the Park Board to consider alternative sites for a dog park.

   Scott Tabor, Public Work Superintendent recommended an area at Meldrum Bar known as the Orchard area which is paralleling the Gladstone Community Garden. It is about the same size and meets all the criteria. It is not close to residential people to cause any trouble, plenty of parking, and meets all the zoning.

   It was mentioned that dogs run loose at the ball field in Meldrum Park. It would be advantageous to have a fenced area for those dogs.

   The City Attorney's office have determined that there are several issue that need to be resolved that would cost a fair amount of money and take some time. Possibly a less expensive and more expedient solution would be attractive to people.

   City Attorney Doughman stated he will go to the Planning Commission meeting and inform them that this project is being put on hold. Then this issue can be brought back. If there is another location that is logical, the city would pull the application that is pending right now.

BUSINESS FROM THE COUNCIL

Councilor Mersereau reported on March 31st was the fourth meeting of the Library Advisory Committee. There were a lot of questions and they have decided to extend meetings until May 5th. Hopefully there will be a recommendation that Council can accept. Information from an Oak Grove meeting will also be brought before Council.

Councilor Mersereau reported he was introduced to the Meals on Wheels Program. There have been a lot of good things happening in the program. He has been on two visits and met some really neat people who needed help. Super job Senior Center!

Councilor Martinez reported she too had an opportunity to go out on Meals on Wheels and found it to be very interesting. The driver was really great; his relationship with the people is very impressive. He has a personal word with each person he delivers to.

Councilor Busch reported the Clackamas County Coordinating Committee meeting last Thursday was focused on transportation. There were presentations from Tri-Met, SMART (South Metro Transportation Group), and there were discussions on the county's research and efforts to come up with an effort to raise some maintenance funds for the $22 million shortfall they currently have. There was a discussion on the National Highway Trust Fund. In the packet was a letter written by the director of ODOT (Oregon Department of Transportation) regarding the Highway Trust Fund which will run out of funds this year unless Congress acts to help? They have funds to meet the projects they have committed to for 2014, but unless Congress re-ups the trust fund, there will not be $150-175 million next year from the federal government. Cities will not be able to bid or take any construction activity in 2015. Any projects done by ODOT will not happen until the Federal government takes action.

Councilor Busch stated his wife is on the board of Portland Audubon and they are looking for a new site to build a new wildlife care center. The one near Forest Park is grossly inadequate and they need 3-4 acres to build a new state of the art wildlife care center, education center, etc. He has been contacted by the Executive Director of Audubon for more information on the 11-acre site near Walgreens. Having that site there would be a big boom to the east side of Portland.

Councilor Reisner reported he also participated in the Meals on Wheels program. He was impressed and would like to get more involved.

Mayor Byers announced this Saturday the Senior Center is having their Spring Fling Craft and Collectable sale. He encouraged people to come out. This is a fund raiser and outreach for the community.

City Administrator Boyce reported he is working on obtaining a date from Lake Oswego/Tigard to get a tour of the facilities.

Mayor Byers reported tomorrow night is the Gladstone Business meeting at Lazerworks located by GG's Restaurant.

Mayor Byers adjourned the Council Meeting into Executive Session 192.660(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. The Council will not be coming back into open session.

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

Approved by the Mayor this 13 day of May, 2014.

Attest:

Wade Byers
Mayor

Assistant City Administrator

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