GLADSTONE CITY COUNCIL SPECIAL MEETING MINUTES of November 27, 2018

Meeting was called to order at 6:30 PM.

ROLL CALL:
Mayor Tammy Stempel, Councilor Milch, Councilor Neace, Councilor Tracy, Councilor McMahon, Councilor Mersereau

ABSENT:
Councilor Reisner

STAFF:
Jacque Betz, City Administrator; Tami Bannick, City Recorder; Jim Whynot, Public Works Director; Kim Knox, Project Manager; Jeff Jolley, Police Chief; Jeff Jolley, Police Lieutenant; Jeff Smith, Interim Fire Chief; David Doughman, City Attorney

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Police Chief Jeff Jolley said he is going to be leaving for a job in Washington. He said he loves and appreciates this community. He introduced Kim Yamashita – she has been serving as City Manager for the City of Sandy and before that she served for seven years as their Police Chief and has an extensive career in law enforcement. She is also a veteran, having served in the U.S. Air Force and retired after a stellar career. She has a great educational background, including a Master's Degree. Ms. Yamashita thanked Ms. Betz for the opportunity. She said she will always have an open door for anyone who wants to ask questions or voice concerns. Her first day will be January 1st, 2019. She will be sworn in at the City Council meeting on January 8th.

Mayor Stempel wanted to clarify that it is her policy that the first meeting of the month is the regular meeting that includes standard business and business from the audience. She has expanded the public participation in the first meeting to not only be at the beginning, but also to allow people to speak on specific agenda items. The second meeting of the month has been work sessions or special meetings. This meeting will not include public participation and will be a bit more informal. She said there has been some misunderstanding regarding what a public hearing process is. There are certain topics, such as ordinance revisions, that require them to follow a specific format. This includes a public notice and public testimony at a regular City Council meeting. Once the public testimony is done the Council votes on closing the public hearing – this means that no more emails or testimonies are accepted. The Council then votes – if it is unanimous then they can follow that up with a second reading. If it is not unanimous then the second reading is held over until the next meeting. During that time the Council discusses it, but the public testimony piece is done. She asked everyone to turn off their cell phones. Her goal is to keep the meeting respectful and engaging and she hopes everyone will help her do that.

CONSENT AGENDA:

1. Certify Results of the November 6, 2018 Election
2. Resolution 1151 – City Administrator Employment Agreement Amendment

Ms. Betz said that copies of the certified election results came in after the packets were printed, but they were provided to the Councilors on the daises.

Councilor Neace made a motion to approve the Consent Agenda. Motion was seconded by Councilor Mersereau. Motion passed unanimously.

REGULAR AGENDA:

3. **SEWER RATE STUDY AND MUTUAL AGREEMENT AND ORDER:**

Mr. Whynot said they will be talking about the study that was done earlier this year and the mutual agreement and order with DEQ. He introduced Tiffany Yelton-Bram, with DEQ. Mr. Whynot gave some history on the topic. He said they did a rate study based on the projects listed in the updated Sanitary Sewer Master Plan in 2017. Shortly after the study was done they were contacted by DEQ regarding the continued sanitary sewer overflows to the Clackamas River – there is a long history of this. He explained that this happens because of a controlled overflow at the river so that it overflows to the river before it backs up into basements, etc. DEQ has offered to work with the City to come up with a mutual agreement and order. Ms. Yelton-Bram said she is a Water Quality Manager with the Oregon Department of Environmental Quality – their job is to implement federal/state laws regarding water quality. The City of Gladstone does not have a permit for sewage directly with DEQ because the sewage is actually conveyed through a collection system to sewage treatment plants primarily owned by Water Environment Services. So instead they are looking at the collection system and the fact that the collection system has overflows that go directly into the Clackamas River. Bacteria, which is conveyed when these overflows happen, is unhealthy for humans and also contributes to algae blooms and other things that can happen in the water. They want to make sure that those things get controlled so they have had conversations with Mr. Whynot regarding approaches to doing that. When they do a mutual agreement and order it is an enforcement action and they have penalized the City in the past. In 2011 the City was penalized $4,000 and $6,400 in 2014. They would rather have an agreement so that the City can put their money toward improving the system overall. The agreement also pauses any penalties on the City as long as they are meeting the steps in the agreement and order. A third party, such as an environmental group, could still file a third-party lawsuit under the Clean Water Act, but if there is a mutual agreement and order in place their case isn't as good.

The projects in the 2017 Sanitary and Sewer Master Plan total $28,000,000. In the study it shows six options for funding. Once the mutual agreement and order is in place then they can look at where the City wants to go. This will probably be discussed in February. Part of the plan includes public education/outreach. They will be updating the rate comparisons in January.

Councilor Mersereau asked why the rates increase so drastically in 2020. Mr. Whynot said that the consultant that put this together looked at everything over a twenty year period, but they gave a 10 year snapshot. They did an upfront bump to get the funds in to start doing projects. Councilor Mersereau wanted to clarify that if the City follows the Master Plan then they won't be fined by DEQ – Mr. Whynot said it's whether or not we stop the overflows to the river and the Master Plan does talk about projects that will help mitigate that. Mayor Stempel said then the priority capital improvement projects should align with what the MAO in going to require. Councilor Milch said that even if we didn't have this problem of overflowing into the river we still have a very aging, neglected infrastructure system – Mr. Whynot agreed. Councilor Milch asked if they can identify those things which do address the issue of the overflow into the river and focus on those first without throwing off the whole general system upgrade – Mr. Whynot said absolutely. Mr. Whynot said we are treating massive amounts of rain water now and the most cost effective thing to do is to fix the pipes. Councilor Tracy said that if this system fails this is potentially a public health hazard and we're going to have to pay for it some way. He said this gets more expensive every time we talk about it and not do something. Mr. Whynot said he wants to come back with more information once the MAO is in order. He would like to come back with a phased-in sustainable approach. Chris Storey, Assistant Director of WES, said this is an issue of regional concern and Gladstone is not alone.

4. **SECOND READING OF ORDINANCE 1482 – AMENDING TITLE 17 OF THE GLADSTONE MUNICIPAL CODE – TEMPORARY STRUCTURES:**

Ms. Betz said she and Mr. Doughman would like to provide an option for the Council to consider before moving forward with the second reading. She said in Section 3 on page 4-2, under Building, Siding, and Design General Standards of the Gladstone Municipal Code, item C it says: "This section shall apply to all temporary structures in place before, on, or after the effective date of this section". They are recommending that it say: "This section shall apply to all temporary structures in place after the effective date of this section". They would essentially be grandfathering in the temporary structures and that their enforcement then becomes complaint driven. Mr. Doughman explained that in a land use context, generally speaking, when you make a change those things are applicable to things going forward. Ms. Betz feels that this will help resolve some of the concerns that they have been hearing about people that currently have temporary structures on their property.

Councilor McMahon made a motion that the Council approve Ordinance Amending 1482, an ordinance amending Chapter 17 of the Gladstone Municipal Code pertaining to Temporary Structures and reaffirming all remaining provisions of the Gladstone Municipal Code with the change from Section 3, Subsection C, to state: This section shall apply to all temporary structures in place after the effective date of this section. Motion was seconded by Councilor Neace. Mayor Stempel gave a second reading.

Discussion: Councilor Milch asked what the effective date would be if this is adopted tonight. Mr. Doughman said it would be 30 days hence.

Motion passed unanimously.

Ms. Betz wanted to point out that there is a provision in Chapter 17.82 that allows the City Administrator, the Planning Commission, or City Council to waive, reduce, or defer fees related to a land use process and if such a matter does arise that they've been working on regarding a specific piece of property it may be that she asks for just cause by the Council to allow for waiving that if the person has to go through the variance process to get it into compliance. However, she thinks with the adjustment that they made tonight that may not be necessary. If they have to file for a variance it will go through the Planning Commission first. Councilor Milch said it also came to light that there is something called an adjustment (a "mini variance") – a lower priced variance for certain classifications of minor adjustments which require no more than 20% decrease in the variance,for example. Adjustments would be done at the staff level.

5. **CONTRACT AMENDMENT TO AMERICAN INSTITUTE OF ARCHITECTS (AIA) DOCUMENT AGREEMENT FOR THE GLADSTONE CIVIC CENTER:**

Ms. Betz said this is an exciting project. She said on the agenda, under item #5 it says that it's in the amount of $12,550,000 – it is actually $12,565,338, which is correct in the packets in the contract documents. She introduced Kim Knox, the Project Manager. Ms. Knox commended staff as well as Council for their deliberations, very thoughtful and insightful input into the project and how efficiently and quickly this process has gone. She gave some background information on the project/timeline. On November 13th the Council approved $566,560 worth of enhancements which have been moved into the base project that they are approving today. The Council will be approving the base project, the contract sum of $12,565,338 and the contract date will be changed to March 16th for substantial completion. Exhibit "A" also approves the personnel – the designated project manager and there is a place holder for a site superintendent that will be established prior to start up construction. Ms. Betz said there is roughly $209,000 remaining for enhancements – they would like to schedule another community open house after

the first of the year and ask the community what enhancements they would like to see in the larger lobby and community room. They architects will be meeting with the Gladstone Historical Society to get their input as well. They will bring those recommendations back before the Council at a future meeting.

Councilor Mersereau asked if the police station was the only area that had sprinklers – Ms. Knox said everything will be built to code, but there are some additional provisions in the public safety portion that are above and beyond code.

Councilor McMahon made a motion to authorize the City Administrator to approve Exhibit A to the American Institute of Architects (AIA) document agreement for the Gladstone Civic Center in the amount of $12,565,338. Motion was seconded by Councilor Tracy. Motion passed unanimously.

6. **CITY OF GLADSTONE SECOND AMENDMENT TO PERSONAL SERVICES AGREEMENT:**
This is the second amendment to an existing agreement for Project Management for Shiels Obletz Johnsen for the Gladstone Civic Center Project. Ms. Betz said they would like to keep Kim Knox on as Project Manager.

Councilor McMahon made a motion to approve the second amendment to an existing agreement for Project Management of the Gladstone Civic Center for Shiels Obletz Johnsen to continue as the Owner's representative to complete Phase 2 Design-Permit-Construction, and authorizing the City Administrator to sign the agreement. Motion was seconded by Councilor Neace. Motion passed unanimously.

7. **COUNCIL REPRESENTATIVE FOR THE WILLAMETTE FALLS LOCKS PROJECT:**
Ms. Betz said the Council authorized $2,500 toward the project at the last meeting. They also asked if they could have representation - this will be a non-voting member. Mayor Stempel said that she has been involved already – the rest of the Council agreed that she will be the representative.

8. **DISCUSSION OF FIRE CHIEF AND POLICE CHIEF RECRUITMENT PROCESS:**
Ms. Betz said the packets include a proposed timeline and a job description for the Fire Chief and Police Chief positions. She said they are very fortunate that they will have Kim Yamashita and Jeff Smith here for at least six-eight months. She shared the correct job description for the Fire Chief position – the one in the packets did not talk about a college degree. They also had to remove one reference to a Lieutenant in the job description because there is no Lieutenant in the Department. They just went through a City-wide compensation study increase. They would like to start next week with the recruitment process and have someone on board by mid-June. She would like the Council to participate in the selection process.

Councilor McMahon made a motion to approve the process and timeline identified for both the Fire Chief and the Police Chief recruitment with the addition that we use the updated Fire Chief job description. Motion was seconded by Councilor Neace. Motion passed unanimously.

BUSINESS CARRIED FORWARD:
None.

ADJOURN:
Meeting was adjourned at approximately 7:34 P.M.

Approved by the Mayor this 11TH day of DECEMBER, 2018.

ATTEST:

Tamara Stempel, Mayor

Tami Bannick, City Recorder