

## **GLADSTONE CITY COUNCIL MEETING MINUTES of April 9, 2019**

Meeting was called to order at 6:30 PM.

### **ROLL CALL:**

Mayor Tammy Stempel, Councilor Ripley, Councilor Neace, Councilor Tracy, Councilor Reisner, Councilor Todd, Councilor Mersereau

### **ABSENT:**

None

### **STAFF:**

Jacque Betz, City Administrator; Tami Bannick, City Recorder; Jim Whynot, Public Works Director; Chad Jacobs, City Attorney

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### **AGENDA ADDITIONS OR CORRECTIONS:**

Ms. Betz added a staff report (Item 9a) to appoint John Schmerber as the new Gladstone Police Chief and an addition under "Business Carried Forward" – a discussion regarding a complaint pertaining to the parks rules that the City Council received a week ago.

### **PRESENTATION – METRO FOOD SCRAP POLICY:**

Reba Crocker, Right of Way Contract Coordinator, introduced Eban Polk, the Sustainability & Solid Waste Program Supervisor from Clackamas County. Ms. Crocker explained that this policy is mandated by Metro and must be adopted by the City Council before July 31<sup>st</sup>. There are approximately 25-30 businesses in Gladstone that will be effected by this policy. She will be coming back to the Council on May 14<sup>th</sup> with the actual code to adopt into the Gladstone Municipal Code. Mr. Polk said this policy will require businesses that generate enough food waste to collect that waste for separate processing so it does not go to the landfill. They have a goal at the state level to recover 25% of wasted food by 2020. Having a separation requirement could open doors to helping restaurants and grocery stores reduce their food waste and donate more edible food. He went over the outreach that was done with the business community. He went over the phases of the program and businesses/groups that would be effected. He went over the administrative rules and implementation. There was discussion regarding "bundling" services with the garbage haulers – the goal is to provide everyone with the opportunity for all the services (solid waste/trash, recycling, and food bins) and having that at one rate. Gladstone currently has an agreement with Clackamas County for technical assistance and some businesses are already participating in this program. There was discussion regarding the costs of the program and how that might affect businesses.

### **CONSENT AGENDA:**

1. Approval of March 12, 2019 Regular Meeting Minutes
2. Approval of February Bank Balances
3. Budget Report for Period ending 2-28-2019
4. Approval of February Check Register
5. Legal Costs on Projects
6. Department Head Monthly Reports for March 2019
7. Resolution 1157 – Adopt the Mutual Agreement Order between the City of Gladstone and Oregon Department of Environmental Quality (DEQ)
8. Resolution 1158 – Amending Use of Right of Way (ROW) Funds to include Street, Sewer, Storm and Water

Councilor Reisner asked to pull item #8.

*Councilor Reisner made a motion to approve the Consent Agenda items 1 - 7. Motion was seconded by Councilor Ripley. Motion passed unanimously.*

Councilor Reisner said he agreed with adding water/sewer/storm water. He asked how much money is involved with the increase in administrative funding from 1.7% to 2% and why we need to increase it by .3%. Mr. Whynot said that the 1.7% wasn't quite covering the costs of billing/collecting. In the last biennium budget they estimated approximately \$400,000, so that would be \$8,000 (at 2%).

*Councilor Reisner made a motion to approve Item #8 on the Consent Agenda. Motion was seconded by Councilor Todd. Motion passed unanimously.*

### **CORRESPONDENCE:**

None.

Mayor Stempel said a few words about the role of the City Council. She feels it is important for everyone to understand their limitations: they represent the citizens of Gladstone and not their own personal agendas and beliefs. There have been many times when a decision being made doesn't align with what they would like personally, but after hearing the citizens' desires they have sometimes gone a different direction. That doesn't mean that their beliefs have changed; just that they listened and acted accordingly. There are laws and rules they have to use as the basis of their decisions. They do not have the luxury of randomly making decisions, but instead have to be consistent and take the path that is defensible. They appreciate everyone's time in participating in this process. Her goal is to keep the meeting respectful and engaging and she hopes everyone will help her do that.

### **REGULAR AGENDA**

#### **9a: STAFF REPORT – APPOINTMENT OF NEW POLICE CHIEF:**

Ms. Betz went over the staff report. Back in February the City did an extensive interview process on four candidates for the position of Police Chief. A Council executive session was held on March 4<sup>th</sup> and two candidates were selected for an interview with the Council during an executive session on March 12<sup>th</sup>. The Council's consensus was to move John Schmerber through the employment process. A formal background investigation was conducted by Steve Swenson. In his report he stated: "Without reservation I have full confidence that John will make an exceptionally well qualified Chief for Gladstone P.D. You made a very good choice and will reap benefits of the substantial investment that Hillsboro put into him for the past twenty years". Mr. Schmerber went through a full psychological exam on April 3<sup>rd</sup>. The doctor also recommended Mr. Schmerber without any reservation. The final element of the employment process was a criminal and credit history check – the results indicated no issues in either regard. Ms. Betz is publically asking the Council to appoint John Schmerber to be the Gladstone Police Chief. He will tentatively begin employment in mid-May.

*Councilor Neace made a motion to accept the appointment of John Schmerber as Chief of Police. Motion was seconded by Councilor Mersereau. Motion passed unanimously.*

#### **9. COMMUNITY FESTIVAL APPLICATION:**

Bob Everett, representing both the Gladstone/Oak Lodge Rotary Club and the Gladstone Community Festival, said there aren't many changes from last year's festival. They are planning on having a Pickle Ball tournament during all three days of the festival. The beer garden will be there as well as entertainment and different activities. He always appreciates the City's support – everyone is courteous and cooperative. There was discussion regarding using the economic development fund for any expenditures outside of "in kind" costs.

*Councilor Neace made a motion to approve the Gladstone Community Festival application. Motion was seconded by Councilor Tracy. Motion passed unanimously.*

**10. ORDINANCE 1496 – AMENDING GLADSTONE MUNICIPAL CODE (GMC) CHAPTER 9.60 – CAMPING PROHIBITED IN CERTAIN PLACES, SECTION 9.60.030 – VIOLATION PENALTY TO CLASS “B” VIOLATION:**

Ms. Betz said this is the second reading of this ordinance. This was approved at the March 12<sup>th</sup> meeting, however, there was a dissenting vote, which requires a second reading. Mr. Jacobs gave the second reading of the ordinance.

*Councilor Tracy made a motion to amend Gladstone Municipal Code Section 9.60.030, Penalty Section, changing violations of Chapter 9.60 to a Class “B” violation. Motion was seconded by Councilor Todd. Ms. Bannick took a roll call vote: Councilor Ripley – yes. Councilor Neace – yes. Councilor Tracy – yes. Councilor Reisner – yes. Councilor Todd – yes. Councilor Mersereau – yes. Mayor Stempel – yes. Motion passed unanimously.*

**11. RESOLUTION 1156 – UPDATE ON PUBLIC CONTRACTING RULES:**

Ms. Betz said that staff is very pleased that this is coming before the Council tonight. Mr. Jacobs went over the highlights of the proposed changes. The State law permits the City to enact its own public contracting code, which the City has done. This updates the code in some significant ways. The first focuses on something called “QBS” (Quality Based Selection); a process that the State enacted to require us to use a certain process to hire certain professionals in construction type contracts. They have been following the State’s model code, but have found a cleaner and more direct process that they can use to implement the QBS. Most of the changes relate to the implementation of the QBS at the local level. The second area is looking at the cost of services – the City has not updated its contracting rules since 2005, so they are proposing changing the process in which they award contracts for personal services to increase the dollar value from \$25,000 to \$50,000 for when a formal bidding process is required. The last aspect is personal services contracts – changing the threshold so it conforms to State law. This is about the process the City uses for awarding contracts – it doesn’t change the authority for who actually signs off on the contracts. Councilor Reisner said he is not comfortable raising the dollar amounts. Mr. Parsons said the dollar amounts effect what process is used (direct award, intermediate process, or a formal process) – the approval authority is not changing. Ms. Betz said staff feels that this would give some internal relief so they can streamline some projects to keep moving forward.

*Councilor Tracy made a motion to approve Resolution 1156, a Resolution adopting updated public contracting rules and repealing Resolution 902. Motion was seconded by Councilor Neace. Motion passed unanimously.*

**12. REPORT FROM GLADSTONE SCHOOL DISTRICT BOARD – Kristin Eaton:**

Ms. Eaton said they have a lot going on in the schools. Last month they had “Everybody Reads Day” at John Wetten Elementary. Gladstone schools are continuing to experience declining resident enrollment. They have a large number of administrative transfer requests for incoming kindergarten kids. For the first time in at least twelve years the Governor’s budget came in only slightly short of what they needed for a “hold harmless budget” for the State. The Joint Chairs came back and suggested a much lower budget. This has caused some active lobbying of the legislature to try to come up with more money for students.

They just had their Gladstone Education Foundation dinner/auction – their focus was the dental clinic that’s going in the Gladstone Center for Children & Families. They have gotten a sizable grant from Care Oregon to put in three dental chairs (to serve two children and one adult at one time).

This year there has been a lot of focus on the social and emotional health of students. As mental health services are declining behavioral issues in the classroom are escalating. Gladstone is becoming a state and national leader in building resilience in students with high “ACE’s” (Adverse Childhood

Experiences) scores – kids who are having problems with regulation of their self-control as a result of social and emotional traumas.

Their annual budget committee meeting is coming up on May 1<sup>st</sup>. There will be a joint meeting with the City Council on April 24<sup>th</sup>.

### **BUSINESS CARRIED FORWARD:**

1. **Public Records Request for Attorney Bills:**

Ms. Betz said they received the public records request, acknowledged it, and provided a copy of the requestor's memo that was prepared when this was last discussed in September of 2018 when the Council had decided to release the invoices and keep them in a binder in the City Recorder's office. Mr. Jacobs gave some background information on this issue. He said this request is for bills from a period between December of 2016 and June of 2018 - the existing policy covers bills from September of 2018 forward. If the Council wants to allow individual access to bills from December of 2016 to June of 2018 they can be added to the binder and they can amend the policy to do that. The State Courts have determined that the bills are attorney-client privileged. There was discussion regarding the costs involved, what the request is asking for, etc. Mr. Parsons said that if the bills are made accessible to the Council that may remedy this request. It was agreed to release the bills requested and add them to the binder.

2. **Letter of Appreciation to the Oregon City Pioneer Center:**

Ms. Betz said that Colin Black, Senior Center Manager, would like each of the Councilors to sign the letter. He will then attend a City Council meeting in Oregon City and present it to them. The Pioneer Center was instrumental in helping us out with continuity in providing meals to our homebound clients while Gladstone's Senior Center was going through the construction process.

3. **Complaint regarding Parks Rules:**

Ms. Betz said there was a complaint from Bill Osburn regarding the Park Rules. Mr. Parsons said that from a legal perspective there is no obligation on behalf of the City to respond to these kinds of complaints – there is no legal requirement. He recommends talking with the new Police Chief and have him work with the attorneys regarding constitutional concerns (clarifying language/repercussions/etc.) and then come back to the Council with some sort of recommendation. Councilor Reisner suggested including the Parks Board also. Ms. Betz will follow up with Mr. Osburn.

4. **Fire Chief Hiring Process:**

Ms. Betz said this is moving along beautifully. The next phase will be April 23<sup>rd</sup>. She may need to ask for a special meeting in order to expedite the appointment of the new Chief - she is tentatively looking at April 29<sup>th</sup> or 30<sup>th</sup>.

### **BUSINESS FROM THE AUDIENCE:**

None.

### **BUSINESS FROM THE COUNCIL:**

#### **Councilor Todd:**

She wanted to remind everyone that they are looking for nominations for Grand Marshal for the parade this year. It is open to anyone who lives or works in Gladstone that has been a volunteer, leader, etc. There is additional information on the Community Festival's website ([gladstonecommunityfestival.org](http://gladstonecommunityfestival.org)). The deadline for nominations is June 15<sup>th</sup>.

**Councilor Reisner:**

He said that Item #11 brought up thoughts regarding personnel contracts, etc. He said staff has been working on some RFQ's in regard to an attorney and engineer. They were holding off until they hired the Police and Fire Chiefs. Ms. Betz said she hasn't had the time to work on this and won't be able to until this summer – she only has a part time Human Resources person. Councilor Reisner asked about the timeline on staffing decisions/recommendations. Ms. Betz said at the budget committee meeting they had a proposal to increase part time to full time but the budget will not sustain that. On the list of positions to hire is an Executive Assistant for the Police Department, Utility Billing, and they will be hiring for Nancy's replacement before the end of this year, and she will be talking with Ms. Brucker at the end of May regarding her future employment desires.

He said there will be an Easter Egg Hunt and pancake breakfast at the High School on April 20<sup>th</sup>.

**Councilor Tracy:**

He wanted to commend all of the departments for putting together thorough staff reports. He is very impressed and appreciative in regard to how the Police Department handles extremely difficult challenges. He said there are challenges coming up with the water rates. He doesn't know how Jim Whynot deals with some of the issues that Public Works has been facing.

**Councilor Neace:**

She is on the steering committee for the homeless and they had a meeting last month – she had the opportunity to tour the Oregon City Courts. She was very impressed with the way they handle things and the way they go through the homeless courts as opposed to the regular courts. She would like Gladstone to look at some partnerships of what we can do to make some improvements to help our City.

She encouraged everyone to attend the Kiwanis spaghetti dinner on May 18<sup>th</sup> at the Gladstone Senior Center from 5:00 – 8:00 P.M.

**Mayor Stempel:**

She said yesterday was the tour of the lower Clackamas River with the Water Tourism/Recreation Studio – they highlighted High Rocks. They have some amazing ideas such as a whitewater park. They are focusing on the Clackamas River and trying to get funds to connect the communities with the river. Energy Kayak is going to host an after school kayak program for kids on the lower Clackamas River and the Willamette. There will be some Olympic kayakers teaching the classes.

Food Pantry – donations of food are down significantly regionally. She encouraged everyone to donate. There will be an Arbor Day event on April 27<sup>th</sup> at the Gladstone Nature Park.

**ADJOURN:**

Meeting was adjourned at 8:12 P.M.

Approved by the Mayor this 14<sup>th</sup> day of MAY, 2019.

ATTEST:

  
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Tamara Stempel, Mayor

  
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Tami Bannick, City Recorder

