

GLADSTONE CITY COUNCIL MEETING MINUTES of September 10, 2019

Meeting was called to order at 6:31 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

AGENDA ADDITIONS OR CORRECTIONS:

Ms. Betz said she would like to add the consideration of accepting grant funds on behalf of the Friends of the Gladstone Nature Park from the Metro Nature and Neighborhoods Restoration Program in the amount of \$11,600. It is City-owned property but the funds will be dispersed directly to F.O.G.N.P. This is typically a consent agenda item – it was agreed to add it as item #9.

Councilor Reisner asked about an executive session being put on the agenda to discuss attorney fees. He is confused as to why we are discussing our current attorney when the question should be how we go about recruiting for a new one since the current attorney did not respond to the RFQ. He is asking to take the executive session off the agenda. There was discussion regarding what was said at the last meeting, the difference between an RFQ and an RFP, etc.

Councilor Tracy made a motion to table this conversation and go through the meeting and have the conversation in an executive session. Motion was seconded by Councilor Neace.

Discussion: There was discussion regarding a letter from Councilor Reisner/Mayor Stempel – he agreed that it should be a public document.

Motion passed (6-1) (Councilor Reisner with a nay vote).

CONSENT AGENDA:

1. Approval of August 13, 2019 Regular Meeting Minutes
2. Approval of July Bank Balances
3. Budget Report for Period ending 7-31-19
4. Approval of July Check Register
5. Legal Costs on Projects
6. Department Head Monthly Reports for August 2019
7. Approval to Extend Library Director Services
8. Consider accepting a grant from the Oregon Department of Forestry and Wildlife in the amount of \$278,175 for dredging at Meldrum Bar Park
9. Consider accepting a grant on behalf of the Friends of Gladstone Nature Park from Metro Nature and Neighborhoods Restoration Program in the amount of \$11,600.

Councilor Tracy made a motion to approve the Consent Agenda with the addition of #9. Motion was seconded by Councilor Neace. Motion passed unanimously.

CORRESPONDENCE:

None.

REGULAR AGENDA

10. GLADSTONE CIVIC CENTER PROJECT CHANGE ORDER REQUEST:

Ms. Betz introduced the Project Manager, Kim Knox from SOJ, and Steve Anderson from P&C Construction. Ms. Betz explained that this matter is coming before the Council because it exceeds her spending authority. They are talking about the removal of approximately 8,000 cubic yards of soil on the Gladstone Civic Center site. Ms. Knox explained that in 2016 the City did its due diligence and conducted an environmental site assessment. The document was included in the selection process for all the contractors. Once P&C Construction was selected as the contractor they used that as the basis of their preparation of a contaminated media management plan. While they were on site they ran into an underground storage tank, it was removed, they did all the proper documentation, had the soil tested and found some soil that did not meet the DEQ clean fill standards, although it is not considered contaminated/hazardous. The City and the contractor worked together to look at ways to address the soil and minimize the cost. P&C has agreed to cap the City's exposure for the cost of removing the soil to \$250,000 so this will increase the total project budget by \$250,000. There was discussion regarding the soil, DEQ, what is being removed, etc. Ms. Betz said that in the Urban Renewal District fund there is a reserve surplus of \$2.184 million – this will come out of the reserve money remaining in Urban Renewal that is in the Capital Fund budget line item. The cost of removing the storage tank was \$47,000, which was taken from the Civic Center contingency fund (\$159,000). They are also exploring a grant for \$60,000.

AUDIENCE COMMENTS:

Mindy Garlington asked for clarification regarding the funds used to pay for the removal of the storage tank and the removal of the soil.

Councilor Reisner asked if the remaining funds in the Urban Renewal District were earmarked for anything. Ms. Betz said they are not at this time, but she may ask to use some of the money for the demolition of the current City Hall building.

Councilor Tracy made a motion to follow the recommended staff action authorizing an increase in the Guaranteed Maximum Price in the Gladstone Civic Center contract to allow additional soil removal of approximately 8,000 cubic yards in cost-sharing responsibility that does not meet DEQ's definition of clean fill. Reimbursement to P&C Construction would occur on a time-and-materials basis not to exceed \$250,000. Motion was seconded by Councilor Neace. Motion passed unanimously.

11. ENGINEERING SERVICES CONTRACT:

Mayor Stempel said this is to consider approving the City Engineering Services Contract with Murraysmith & Associates. Ms. Betz said the City solicited for proposals for engineering services – they received four responses. They evaluated and reviewed the proposals. She went over the evaluation/scoring/reviewing process. Murraysmith was the most qualified firm. She and Mr. Whynot met with them to talk about negotiating a contract. If the City goes with this firm it will approximately double the current budget – those additional funds would be available by reallocating out of the capital improvement and adding to professional services. The next step is for the City Council to consider moving forward with Murraysmith.

Councilor Mersereau asked if Sisul Engineering is qualified to do the work. Mr. Whynot said they are. Councilor Ripley asked how often they are used. Mr. Whynot said they use them regularly; approximately 325 hours/year. There was discussion regarding location/travel time/etc. Councilor Ripley said he has two issues: doubling the amount and not supporting a local business. Councilor Neace asked about the qualification scores. Mr. Whynot explained that Murraysmith has a much larger arsenal of engineers that specialize in certain areas. He said that all the firms are qualified. He has not had any issues with Sisul Engineering. He went over the negotiations. Ms. Betz explained that we could go with Murraysmith and just reduce the number of projects we do to get the costs within the budget. Mr. Whynot went over some of the duties of the engineer. He said he would like to use someone like Sisul – close, convenient, very cost effective, to do all our basic stuff (reviews, be the City Engineer of Record, small projects) and if we do get to a point where we're going to do big projects we get an engineer firm on an on-call basis.

Mr. Jacobs went over the State law that governs this process and what options we have. He said the question tonight is are these fees reasonable – and if not should staff go back and try to renegotiate with them or should staff move on to the second bidder?

Mayor Stempel said that Murraysmith has a wonderful reputation and almost every jurisdiction around us uses them. Her only concern with Sisul is on one project where they couldn't make a determination where it took five minutes to actually find the information that they charged us \$18,000 for and said they couldn't find it. She doesn't feel it's right to keep these firms on forever without some checks and balances.

AUDIENCE COMMENTS:

Les Poole said he has concerns with the cost of the contract. He has concerns with this happening now, in the middle of so many projects. He recommends revisiting this in the future because he doesn't see the need.

Councilor Reisner made a motion for the City of Gladstone to appoint Murraysmith Inc. as a City Engineer of Record. Motion was not seconded.

Councilor Mersereau made a motion that we take the next steps that we are required to take, which he prefers to get a bid/quote from Sisul Engineering or ask Murraysmith to lower their bid/quote. Motion was seconded by Councilor Todd. Motion passed unanimously.

BUSINESS FROM THE AUDIENCE:

Les Poole said he is a petitioner on a State-wide measure that he hopes to put on the ballot in November of 2020 to require a vote on the plan to toll drivers for using existing lanes. It is not legal at this time. The State is doing a pilot project and the money goes into a vague fund. Tolling is certainly a viable option to finance a project. Their measure would have no effect on that and tolling, like any other tool or instrument, certainly has a place. The tolling scheme that is planned for the area is going to have some really dramatic impacts on Gladstone. Should the issue come to the Planning Commission he would be happy to recuse himself from participation, but he doesn't see it coming there. It is coming to Gladstone and it's coming to the Council. Transportation is the number one concern in the last two surveys in Clackamas County. If you look at the choke points and the constrained environment we have here with the rivers, bridges, and the fact that 99E and I205 come together at the edge of Gladstone, if he were on the Council he would be looking deeper at this. He encourages people to sign the petition so that the public has the opportunity to vote on this in the future.

He said in the past they had Business from the Audience at the start of the meeting and at some point it was put at the end of the meeting. He said what really happened was that we eliminated one of the opportunities

to speak but he believes that Business from the Audience should happen at the start of the meeting. He believes the citizens that wish to speak should be allowed to do so. Their time is precious and he believes having citizen input at the start of the meeting would be a real good move. He thinks that having people wait until the end of the meeting and not knowing how long the meeting will take is a way of inadvertently disenfranchising them.

BUSINESS FROM THE COUNCIL:

Councilor Reisner:

On Saturday, September 21st, SOLVE is doing a State-wide rivers and ocean clean-up. They will meet by the bridge at 10:00 A.M.

Councilor Tracy:

He is going tomorrow to a Patriot Remembrance event in Red Soils in Oregon City – he encouraged everyone to attend. One of our officers is being honored.

Councilor Neace:

She wanted to remind everyone about the wedding anniversary luncheon that is being held at the Senior Center on September 12th from 11:30 to 12:30. Rotary will be serving. Everyone is invited.

Mayor Stempel:

She said she is on the Clackamas County Coordinating Committee (C4 Group) – their big push for this next couple of months is going to be the vehicle registration fee. After that will be the affordable housing push because they just did a housing needs assessment and how that is going to filter down to the cities and what they can do collectively to push that forward.

The Parks and Recreation Board is doing an amazing job as always – they are having the special interest groups that use the parks come to their meetings to discuss future partnering. The Garden Association came last night and the RC car group came a couple months ago and will come again to talk more in depth. They will be starting on their work plan next month.

ADJOURN:

Meeting was adjourned to Executive Session at 7:34 P.M.

Meeting was reconvened at 8:19 P.M.

CITY ATTORNEY SERVICES:

Councilor Tracy made a motion to retain City Attorney services for duration as we work on these projects and going forward working on rebuilding a relationship and discussing our future work with them. Motion was seconded by Councilor Mersereau.

Discussion: Councilor Reisner said the name was not mentioned in the motion. Councilor Tracy said he meant to say “current” and it is BEH.

Motion passed unanimously.

BUSINESS FROM THE AUDIENCE:

Pat McMahan said he watched the video last week and a couple of the comments from Chad Jacobs, BEH, were outstanding. He said that the staff is amazing, great to work with, and they work really hard. Mr. McMahan wanted to talk about some of the concerns that Mr. Jacobs talked about. He said when he looked at it independently and he came to the same sort of conclusion pretty quickly that he thinks the rest of the

staff of BEH had and it was their concerns that the trust in their relationship, beating around the bush on significant issues, and Council is not clear on communication with them about what it is they want and the big gotcha moments. Mr. McMahon said that Councilor Reisner is probably the biggest one for the big gotcha moments so he would ask that the Council try and refrain from the big gotcha moments. He said the reason no other law firms applied for the City is because they paid attention and watched and did not want to have to deal with this. He feels that Mayor Stempel has also caused a lot of consternation as well and he is disappointed in both of them, but he is happy that we are keeping the law firm that we have.

Natalie Smith said she had concerns about keeping our current law firm after attending the last Library Task Force meeting because they are still working on the IGA that hasn't been finalized yet. It was her feeling that the IGA and the Clackamas County Board of Commissioners scope of work should kind of mirror each other and the timelines should be similar. They put out some dates on the timeline in last week's meeting so she is thankful they are retaining the current counsel so we can have their vast knowledge and the history so that we can make this a win-win situation and everything being settled with the County and moving forward with the Library.

ADJOURN:

Meeting was adjourned at 8:24 P.M.

Approved by the Mayor this 8th day of October, 2019.

ATTEST:



Tamara Stempel, Mayor



Tami Bannick, City Recorder

