GLADSTONE CITY COUNCIL MEETING MINUTES of May 12, 2020

Meeting was called to order at 6:30 PM. – Via Telephone Conference Call

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; John Schmerber, Chief of Police; Rick Huffman, Fire Chief; Cathy Brucker, Interim Finance Director; Chad Jacobs, City Attorney

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Mayor Stempel called the meeting to order. She said with things changing constantly the best place for up to date information is through official channels, and the City's website is one of those. She explained that per the Governor's executive order 20-16 regarding compliance with Oregon Public Meetings Law this meeting is being held electronically by telephone. She went over the call-in number and access codes. She went over the meeting agenda.

AGENDA ADDITIONS OR CORRECTIONS:
None.

CONSENT AGENDA:

1. Approval of March 23, 2020 and April 27, 2020 Regular Meeting Minutes
2. Approval of February and March Bank Balances
3. Budget Report for Periods ending 02-29-2020 and 03-31-2020
4. Approval of February and March Check Registers
5. Legal Costs on Projects
6. Department Head Monthly Reports for March and April 2020
7. Approval of Intergovernmental Agreement (IGA) between Clackamas County Sheriff's Department and Gladstone Police Department for Participation in the Special Weapons and Tactics (SWAT) Program

Councilor Neace made a motion to approve the Consent Agenda. Motion was seconded by Councilors Ripley and Mersereau. 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.

Mayor Stempel said for those members of the public who wished to speak the deadline for accepting comments was noon today. They allow three minutes for public comment unless there are special circumstances and additional time has been approved beforehand by staff. She 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.

CORRESPONDENCE:
None.

REGULAR AGENDA

8. **COVID-19 UPDATES INCLUDING REOPENING PLAN PHASE 1 AND FINANCIAL IMPACTS TO CITY SERVICES:**
Ms. Betz said she will be going over the reopening planning guidelines specifically related to the City of Gladstone facilities and the financial impacts to City services due to Covid-10 to date that they are aware of. The documents related to these topics have been posted on the City's website. Since mid-March they have activated their emergency management team, have met on a weekly basis and have provided the City Council and the community with weekly situational reports. Last week when the Governor's office allowed guidance for outdoor recreation organizations they met as a team to talk about preparing their reopening phase for City facilities. They have not included Phase 2 or Phase 3 because they would rather focus on those as they get more information from the Governor's office. Phase 1 is a City facilities document and it is not related to the reopening of businesses or establishments in the community. They would like to open the new City Hall lobby on May 18th and enforce social distancing guidelines. They have utility billing drop off boxes located outside and at the lobby window and they will schedule meetings by appointment. They will require people that come into the lobby to wear masks and they also have the ability to take temperatures. They will also have the lobby open for Municipal Court and they are working with the Judge and court staff to make appointments in the courtroom beginning June 9th. Once they have refined that plan they will share that information. The Fire Department will remain closed to the public and meetings will be by appointment. The Police Department, which is now located in the new building, will also have reception open beginning May 18th and will enforce social distancing guidelines as well. Public Works administration will remain closed to the public because they are not able to meet the social distancing guidelines but will continue to have meetings by appointment.

The parks have always remained open, however, they have closed the playgrounds and the boat ramp because of the size of Meldrum Bar Park. During the Phase 1 plan they will address Meldrum Bar Park separately. During Phase 1 most parks are open to the public (including restrooms) but the playgrounds are to remain closed per the Governor's orders, field reservations are canceled, programming and events are canceled, Spray Park will remain closed, and the Pickleball/Tennis Courts will reopen if they can keep the number of people assembled under 10 (per the Governor's ruling). For Meldrum Bar Park they would like to remove the barricades tomorrow morning and open it up to vehicular traffic and reopen the restrooms. They are prepared to bring on four seasonal employees which will meet the Governor's requirements. There will be a stronger police presence to assure there are no large social gatherings. AMR is not going to have a lifeguard on duty at High Rocks beginning Memorial Day weekend. They are working with the City of Oregon City to do some social messaging.

The Senior Center will remain closed to the public and will likely not reopen until Phase 3. Programming and reservations are canceled. The manager is working on soliciting a survey to implement virtual programs.

Mayor Stempel thanked staff for all their work on this. This has been changing constantly for the past two months and they were not able to create their plan until the Governor created hers and the County created theirs.

Councilor Tracy asked what precipitous event would cause a closure at Meldrum Bar Park due to noncompliance. Chief Schmerber said that if rules/warnings aren't adhered to regarding social gatherings that would be a decision based on photographs, police officer observation, and his observations that he would make a recommendation to the City Administrator and they would go from there. He is hoping that people will adhere to the rules. He said the police will be frequenting the park often to get a good gauge of what's going on. Ms. Betz said that they want people to have access to these amenities but if they aren't self-policing then they will come back with a recommendation to close the park again. The City can't just randomly make these decisions - they have to be in compliance with the State and County.

Ms. Betz went over the financial impact to City Services. She and Cathy Brucker, Interim Finance Director, considered the following things in the analysis: accumulating of information received from the Oregon Department of Revenue, Clackamas County, the League of Oregon Cities and other miscellaneous sources applicable to reduced revenues or increased expenses, a full review of actual City revenues and expenditures through April 30, 2020, and estimation of impacts as applied to ending balances as of June 30, 2020 and projecting into the first half of fiscal year 2020/21 ending December of 2020. They identified areas of revenue shortage and expenditure savings to help minimize the impact. They are projecting a revenue shortage of approximately $850,000 due to the following reasons:

- Court fines have dropped over previous years and they have not had court for two months now to collect revenues or impose fines
- Transient Lodging Tax is anticipated to be negligible until the economy rebounds
- Department of Revenue estimates impacts to state shared revenues, including as taxes in the Roads and Street Fund
- March utility billing – actual revenue loss of $233,000, estimated loss from late charges, "Support Local Business" program, etc. of $75,000
- Other miscellaneous revenues generated from business licenses, building rentals, recreation programs, senior programs, etc.

To mitigate the resulting deficit to the biennial budget, the following restrictions have been enacted until economic conditions improve:

- Hiring freezes have been placed on all vacant positions, along with new (unfilled) positions that were approved in the biennial budget
- Part-time positions will not be filled unless absolutely necessary to assist in operations
- Training opportunities have been frozen (except when mandated in Fire and Law Enforcement), along with other related activities
- Continued evaluation of costs will be ongoing to identify other areas of savings

These reductions will help offset revenues by approximately $425,000 within the same time period. The City ending the previous fiscal year in a good position and they have adhered to budget throughout the first half of this biennium. Revenues have been strong to date, allowing the City to be in a relatively good position. Ms. Betz thanked Ms. Brucker for all the work she has done in analyzing the City's financial condition since the onset of Covid-19.

9. DECLARE FIRE DEPARTMENT LADDER TRUCK AS SURPLUS PROPERTY:

Fire Chief Rick Huffman said they purchased the current ladder truck, a 2007 Pierce Velocity Quint Aerial Ladder, in 2006 at a cost of $685,525. They propose to surplus the truck due to the financial burden of replacement, the impact to staffing, maintaining training standards, and the redundancy of this type of apparatus in our response area. It is also proposed that any revenue generated be deposited into the Apparatus & Equipment Reserve fund. The benefits to this recommendation are the ongoing maintenance fees and funding for replacement will be discontinued with a positive influence on the budget, staffing and training impacts will be reduced, the effective response force for a structure fire that is dispatched after a 911 call has and will continue to include a ladder truck (or multiple ladder trucks) from surrounding fire agencies under mutual aid and automatic aid that are staffed 24/7, tall buildings require special fire code requirements that help protect occupants and reduce fire spread due to the height or size of the building, and available parking space will increase within the fire station apparatus bay. Chief Huffman said that providing an all risk response strategy is difficult at best and unattainable under current conditions and for the foreseeable future.

Councilor Ripley asked if there was any liability to Gladstone if they sell the truck and it has a damaged ladder. Chief Huffman said to his knowledge the Fire Department had not taken possession of that ladder truck until it was reviewed by Underwriters Laboratory and the ladder manufacturer who stated that it was repaired in better condition than when it was initially manufactured. They received unofficial estimates on the value of the truck being at least $350,000 in its current condition. Mr. Jacobs said as long as they make full disclosure to any potential buyer that absolves the City from any potential liability.

Councilor Neace made a motion to approve the surplus of the Gladstone Fire Department Ladder Truck and the resulting revenue be placed in the Apparatus & Equipment Reserve fund. Motion was seconded by Councilor Reisner.

Discussion: Councilor Ripley said when they sold equipment in the past the money did not go into the Apparatus & Equipment Reserve fund. Ms. Betz said they are asking that the money go into that fund so that when they go through the next biennium budget process the Budget Committee can help allocate those funds.

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.

10. <u>LOW INCOME UTILITY BILLING ASSISTANCE PROGRAM:</u>

Ms. Betz said that Ms. Brucker has done a comprehensive review of the City's Low Income Utility Billing Assistance Program. They surveyed five other entities, including WES, then compared the income qualification guidelines and other requirements to what the City of Gladstone has been utilizing for years. They found out that there are three qualifiers in use, which are all federal or state established. Staff would like to go with the HUD very low income level for the Portland/Hillsboro area – it would be far more reflective of cost of living in this area than the one they are currently using and give families a better chance of qualifying based on the incremental levels from 1-8 family members. This should make the program accessible to more residents. If Council agrees with the modifications staff will remove the low income references from the Gladstone City Code and prepare a resolution to move the Low Income Assistance Program and rates to the Master Fees and Charges Schedule and make an effective date of July 1, 2020. Mayor Stempel asked the Councilors how they felt about this proposal – all were in favor of it.

11. <u>I-205 TOLLING DIVERSION COMMITTEE FRAMEWORK:</u>

Ms. Betz said Clackamas County has been considering the idea of convening a small group to consider issues related to the I-205 tolling project with the cities that are most impacted. This group will establish a direct line of input into ODOT's I-205 tolling process and deliver its policy position to the Region 1 Area of Commission on Transportation (R1ACT) and the Oregon Transportation Commission (OTC). Gladstone needs to appoint an elected official to serve on this committee. Ms. Betz and the Public Works Director will also be participating. The group will be meeting once a month through August.

There was discussion regarding the best choice of representative.

Councilor Ripley was appointed and Councilor Reisner will be alternate.

BUSINESS CARRIED FORWARD:
None.

BUSINESS FROM THE AUDIENCE:
Mindy Garlington read a letter to the people of the City of Gladstone, the City Administrator, the City of Gladstone attorney, and the City Council. "I do solemnly swear that I will support the Constitution of the United States and of the State of Oregon and the Charter and the Municipal Code of the City of Gladstone and that I will, to the best of my ability, perform the duties of City Councilor and Mayor for the City of Gladstone, Oregon during my entire term, so help me God. I would like this Council to remember back to the day before this oath because clearly the exact words have been forgotten. Let me remind you of a portion of our City Charter that each of you swore to uphold. The City of Gladstone Charter Chapter 3, Section 12, Qualifications of an officer. 'No person shall be eligible for an elected office of the City unless at the time of his election he is a qualified elector within the meaning of the State Constitution and has resided in the City during the past twelve months immediately preceding the election and maintain continuous residency during the term of office'. The Council shall be the final judge of the qualifications and election of its own members. Our charter reads 'maintain residency during the term of office'. This is a clear requirement for all Councilors and not meant to be reinterpreted by anyone. The words as written were a decision of the people when voting in the current City charter. And after the failure to pass a new charter in 2017 it is evident to me that the people in this City want the charter to read and mean just as it is. The last line reads 'The Council shall be final judge of the qualifications and election of its own members'. This line refers to the qualifications of being able to vote and our State Constitution is very specific in the section included below." Ms. Garlington said she emailed this letter. "My point is that Linda Neace has not been a resident of the City of Gladstone since June of 2019 when she vacated her home at 730 Riverdale Drive in Gladstone. She has not and does not live at her relatives' home on Exeter Street and a post office box is certainly not a residence. While I can sympathize with Linda's misfortunes over the past year I cannot understand her blatant disregard for the rules that guide and govern this city. Maintaining a home in this city is a rule, not a choice for a City Council position. The current City Council has skirted this issue for almost a year now and failure to uphold our Charter and call her out on this issue as a City Council member is no less than inexcusable. I am demanding that Linda Neace immediately step down from her seat as a City Council member for the City of Gladstone and every single one of her votes beginning June of 2019 should be voided from the city records. And should that result in a change in decision…" (Ms. Bannick announced that the three minutes were up and that Ms. Garlington had been muted.)

BUSINESS FROM THE COUNCIL:

Councilor Mersereau:
He said he doesn't believe the Council Rules or the Mayor's Council Rules have changed for quite some time. He believes the Mayor's methods of communication to the Willamette Week as one of the five rogue mayors was out of line with the Gladstone Council Rules.

Councilor Todd:
She agreed with Councilor Mersereau. She would like everyone to follow the Council Rules so that they can all be in the loop and not shocked when we hear things.

Councilor Tracy:
He believes when you serve in any position it's incumbent upon you to follow the rules. He is not accustomed to following councilors home to see where they lay their head after a meeting. He thinks if there is a councilor in violation that's up to the councilor to correct that. He does take exception and offense to how that letter was delivered and the content of the letter. He is not sure what the remedy is.

Councilor Neace:
She is very sorry that Ms. Garlington feels that strongly. She said she hasn't done anything incorrect. She said that Ms. Garlington should not listen to gossip.

Councilor Ripley:
He said he was walking his dog at Meldrum Bar Park recently and there are two signs on the nature trail that say it's a natural area and to keep out, which is confusing. He feels they need to be re-worded to make it clear that you're supposed to stay on the trail.

He is working on some fund raising ideas for Traffic Safety and Parks & Recreation – he will be meeting with those boards to share those ideas to present to the Council.

Mayor Stempel:
She said the big topics for C-4 (Clackamas County Coordinating Committee) are: a regional climate action plan that the County is going to be formulating and a lot of the cities are going to look to them for direction, a transit development plan, and the Metro South station.

The Food Pantry is up and running in a modified manner. Food and security are huge issues nationally. They have added a homebound senior component that she believes is working well. She hopes they can keep that going even after the Covid crisis. She thanked the volunteers that have come forward.

She thanked staff for finding their way through the maze of regulations, conflicting information, and tremendous risk to our city and our citizens. She wants to make sure they know how much they are appreciated. She thinks they should have a big celebration after all of this is over.

She wanted to address the concerns voiced by Councilors Mersereau and Todd. She said by now they should know that what's printed in the newspaper isn't always what happened. She said she was not quoted in that newspaper article, which should have told them something. If they had listened to the Zoom meeting that she was on with other mayors and other people her comments were completely about a plan; needing a plan. They were not getting one. The City could not formulate its plan until the State had one and then, in turn, the County needed to have one. That's all that they were advocating for was a plan. It wasn't anything out of line or anything that required a decision – it was the mayors begging for the past month to have a plan so that they could start pulling their pieces together. There wasn't anything rogue about it. She doesn't think that was out of line as a mayor or as a city councilor to expect something that's been promised you for over a month.

Councilor Reisner made a motion to adjourn the meeting. Councilor Ripley seconded the motion. Ms. Bannick took a roll call vote: Councilor Ripley – yes. Councilor Neace – yes. Councilor Tracy – no (he wanted to make further comments regarding what the Mayor just said). Councilor Reisner – yes. Councilor Todd – yes. Councilor Mersereau – yes. Mayor Stempel – yes. Motion passed (6-1).

ADJOURN:
Meeting was adjourned at approximately 7:35 P.M.

Approved by the Mayor this 9TH day of JUNE, 2020.

ATTEST:

Tamara Stempel, Mayor

Tami Bannick, City Recorder