

## **GLADSTONE CITY COUNCIL MEETING MINUTES of August 11, 2020**

Meeting was called to order at 6:30 P.M. – (Via Zoom)

### **ROLL CALL:**

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

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### **ABSENT:**

None.

### **STAFF:**

Jacque Betz, City Administrator; Tami Bannick, City Recorder; Chad Jacobs, City Attorney; John Schmerber, Police Chief

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Mayor Stempel called the meeting to order. She explained that per the Governor's executive order 20-16 regarding compliance with Oregon Public Meetings Law this meeting is being held virtually using the Zoom platform. She went over the call-in number and access codes. She went over the meeting agenda.

### **PRESENTATION – I-205 TOLLING PROJECT:**

Heather Wills and Hannah Williams filled in for Lucinda Broussard, Oregon Department of Transportation Director. Ms. Williams is the Community Engagement Coordinator for the Toll Program. Based on the results of the feasibility analysis the I-205 Toll Project study area is Stafford Road to OR-213 – this includes the Abernethy Bridge. The project would raise revenue and manage congestion in the I-205 corridor. The types of tolls would vary by time of day and they'd be collected electronically so drivers wouldn't be required to stop and there won't be any toll booths. Tolls could raise revenue for the planned I-205 improvements, including the seismic strengthening of the Abernethy Bridge. They conducted the value pricing feasibility analysis in 2017 and 2018. Value pricing is another term for tolling or congestion pricing. She went over how the analysis was conducted (open houses, presentations, surveys, etc.). They have begun their 45-day public comment period. They have an online open house in English and Spanish – it contains a lot of helpful information explaining the toll project. She went over the timeline for the project. The environmental review process should be wrapping up in 2022. The environmental review process for the I-5 project should begin in 2021. The 45-day comment period is going to inform the final purpose and need and the alternatives that they are going to carry forward into the analysis. They will be conducting approximately one year of more technical analysis with continued public engagement and then they will be selecting the preferred alternative prior to the publicizing of the environmental document. With that document there will be a formal comment period again and they anticipate having a decision in late 2022. Ms. Wills said they are asking for feedback on the purpose and needs and goals and objectives. The project purpose is to manage congestion and raise revenue on I-205 between Stafford Road and OR-213. The Oregon Transportation Commission ultimately makes the decision about what the toll rate will be for the project – that happens after the environmental review process.

Chi Mai, Traffic Engineer with ODOT, went over the screening alternatives and the analysis results. She gave some background information regarding the feasibility phase. They are identifying the scale of how these alternatives compare to each other and the scale of rerouting if they take place. She went over the five alternatives (tolls on Abernethy Bridge, segment tolls, etc.). The analysis they conducted was based off the 2027 Metro travel demand model. There is no significant difference in road share between the alternatives. The model tells them that rerouting to I-5 is very minimal. She went over the alternatives relating to 99E/Clackamas River and 82<sup>nd</sup> Interchange/OR-43. She went over the performance comparison summary between all the alternatives. The initial recommendation from the consultant team is to advance Alternative 3 & 4. The team doesn't recommend advancing Alternatives 1, 2, or 5.

They are going to continue to give presentations and try to get as much feedback and comments as possible regarding the purpose and need, goals and objectives, and alternatives. They provided information regarding how people can view the online open house, comment, and participate in the survey. There are three webinars coming up.

**PUBLIC COMMENTS:**

Glenda Shearer said she is very concerned about her community and the possibility of a toll coming here. She thinks the toll unfairly targets lower income people. There are a lot of people who live in Gladstone and commute for work and they are people who cannot telecommute. She is concerned that it is a tax on poor people. She is also concerned about data privacy because the State of Oregon isn't known for being good at managing systems and keeping track of things.

**COUNCIL COMMENTS:**

Councilor Reisner said he teaches in the Beaverton School District so he takes I-205/I-5/Highway 217 to work so he has a stake in this. He asked how much ODOT has spent since House Bill 2017 was passed. They did not have a figure on that but will get back to him. Councilor Reisner said he has yet to talk with anyone who is in favor of this. He said the material is extremely vague as to the negative comments. He asked if most people don't want this. They said they do receive a lot of comments from people who are opposed to tolls and those comments should be included in the comment reports, they should be accurately reflected during the comment period and those results will be published. Councilor Reisner asked if the tolling and the project could be independent – they said yes, they are two separate projects. He said the freeway needs to be widened and asked if ODOT is working on doing that – they said they are. Metro has a policy that our freeway is limited to a maximum of three through lanes in each direction. They are having funding issues. Councilor Reisner asked about tolling multiple roadway segments in Option 4 – if that means sections of I-205. Ms. Mai said right now they are being asked to toll this segment of I-205. Councilor Reisner feels that a lot of drivers are going to take different routes in order to get to the west side of town instead of paying tolls. He is totally against this and plans to continue fighting it. Councilor Mersereau asked what percent of the I-205 tolls are going to the I-5 bridge replacement project – they did not have an answer to that but that decision would be made by Oregon Transportation Commission (OTC). At the OTC meeting on Thursday Ms. Broussard will be formally requesting that toll revenue that is collected in the corridor remain in that corridor. Councilor Mersereau feels people need to know what the amount will be.

Councilor Tracy asked for clarification regarding the funding mechanism. Ms. Wills said House Bill 2017 did dedicate the congestion relief fund but there is not a process for how those funds get spent or the decisions on what projects. Ms. Broussard is requesting that the OTC make that policy. Councilor Tracy asked if there would be a separate entity that would be the disbursement mechanism/committee for these funds – Ms. Wills said Ms. Broussard will continue to work on the toll program to figure that all out. Councilor Tracy feels that if they are going to ask people to participate in this process they need to be clear about the funding, where it's going to go, and who is going to control it.

Mayor Stempel said this is going to be something ongoing and they are going to have a lot of opportunities to get some questions answered. She thanked them for the presentation.

**AGENDA ADDITIONS OR CORRECTIONS:**

Ms. Betz said the executive session that was scheduled at the end of the regular meeting has been canceled, which was included in the amended agenda, as well as adding item #6-A in the Consent Agenda.

**CONSENT AGENDA:**

1. Approval of July 14, 2020 Regular Meeting Minutes
2. Approval of June Bank Balances

3. Budget Report for Period ending 06-30-2020
4. Approval of June Check Register
5. Legal Costs on Projects
6. Department Head Monthly Reports for July 2020
- 6-A: Traffic Safety High Visibility Enforcement Grant

*Councilor Reisner made a motion to approve the Consent Agenda. Motion was seconded by Councilor Tracy. 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.*

### **CORRESPONDENCE:**

None.

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 have made a decision based on what is based on the City as a whole. That doesn't mean that their personal 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 they 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**

#### **7. RESOLUTION 1182 – UPDATING THE MASTER FEE SCHEDULE:**

Ms. Betz said they typically like to bring the Master Fee Schedule update twice a year to the Council, however, when staff was reviewing the current ordinance they realized that the City never established a fee for someone who wanted to declare candidacy. After the ordinance was implemented in 2011 there was no fee established so City staff researched what other cities do and they are recommending a \$50 fee in lieu of collecting signatures.

Councilor Neace would like to move forward with this recommendation due to COVID-19 and what's happening. She feels it's fair.

Councilor Tracy asked if this is an either/or situation – either they get the signatures or pay the fee – Ms. Betz said that is correct. Ms. Betz said if they choose to collect signatures they have to submit them a couple of weeks sooner than the actual deadline because they have to be verified through the City and the County Elections. If the person chooses to pay the fee instead that can be done on the last day that the petitions are accepted. Councilor Tracy asked if they can make that clear if they pass this resolution – Ms. Betz said yes.

Councilor Reisner appreciates the comments made by Councilor Neace and said he is opposed to just having a declaration and paying a fee – he thinks it's special going out and getting signatures because it shows some support from the community, but the pandemic is going to change things. Councilor Todd agreed with Councilor Reisner and said we are in a different time and place right

now than we have been. She doesn't think it should cost money to run for City government but this is a different time and if you're not comfortable with going out and getting the signatures then there has to be some sort of a balance to that.

*Councilor Neace made a motion to approve Resolution 1182, adopting a Revised Master Fee Schedule to include a declaration of candidacy file fee. Motion was seconded by Councilor Reisner. 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.*

**8. PARKLET PILOT PROGRAM AND OUTDOOR DINING AND RETAIL IN PRIVATE PARKING LOTS PROGRAM:**

Ms. Betz said they are excited about this opportunity. Since the pandemic they have been trying to be creative as to how they can assist local businesses. Oregon City and Milwaukie have started a pilot program for parklets. This basically means that if a business has a parking spot in front of their business that they want to put outdoor seating into there is a process where they could fill out an application and as long as they meet certain design standards that the City would allow them to do that. They are hoping that it will help with the businesses that are effected by the social distancing requirements and it would be a temporary program that would start August 15<sup>th</sup> if the Council chooses, through November 30<sup>th</sup> and the Council will review the program to determine if this is something they want to continue year-round seasonally in March 2021. They are also looking at an outdoor dining and retail in private parking lots program where outdoor seating would be provided in the parking area instead of on the street. The application fee is \$25. Their goal is to streamline the process. This would specifically be in the community commercial zone, which is primarily on Portland Avenue. The outdoor dining/retail in the private parking lot would be for the entire City. Staff would like to be able to send the applications out beginning this week. Councilor Tracy asked if they are governing the number of parklets allowed along the roadway – Ms. Betz said they are governing the number of spots that a business could close off. So far they have two businesses that are interested but they share two parking spots. They have one business that is interested in using the private parking lot for outdoor seating. Councilor Tracy asked how they are going to work through an issue if one business wants outdoor seating and the other wants to maintain the parking spot. Ms. Betz said they would have to mitigate through it. Councilor Tracy said he is hesitant because it sounds like there's more room at the table to have this conversation. Ms. Betz said it is going to take permission from your neighbors to want to make this work – the property owner has to provide consent in order to do this.

Councilor Reisner has talked to several business owners so he supports it and understands Councilor Tracy's concern. He said this is only a pilot project and the weather is only going to be nice for the next couple of months so it will give them an idea as to what kind of glitches will happen.

Councilor Todd asked who will be dealing with issues such as maintenance/litter removal, failure to maintain the parklet, no smoking/vaping, etc. Ms. Betz said it would be Code Enforcement and they will have to assess that if they receive complaints. She said they could add a stipulation that an applicant is required to get consent from the neighboring businesses. Councilor Todd thinks it's a great idea and they should see how they can make it work for everybody. Councilor Mersereau agreed with Councilor Todd and Councilor Tracy. He said there needs to be communication between the businesses to iron things out.

Councilor Tracy said he has heard that things are fairly congenial back and forth between the businesses – maybe they have already started a dialog and maybe this is just a continuation of the dialog. He wants to make sure they don't get caught in the middle of it.

*Councilor Reisner made a motion to approve the City of Gladstone Parklet Pilot Program and Outdoor Dining and Retail in Private Parking Lots Program to allow businesses to use outdoor parking spaces for seating and retail uses. Motion was seconded by Councilor Neace. 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.*

**9. DISCUSSION REGARDING APPOINTMENT PROCESS TO CITY BOARDS, COMMITTEES, AND COMMISSIONS FOR JANUARY 2021:**

Ms. Betz said they have discussed this throughout the year and Council had asked for this to come back to them this month. Staff did some research with neighboring cities to look at their process. In general, they do some form of interviews with new applicants. Reappointments are typically done without an interview. Currently they have two vacant positions on the Audit Committee, three vacant positions on the Budget Committee, two vacant positions on the Library Advisory Board, one vacant position on the Senior Center Advisory Board, and two vacant positions on the Traffic and Safety Advisory Board. During the pandemic there were several months when they weren't even having meetings. Given the time of year they are focusing their efforts on January 2021 instead of trying to fill the vacancies now. They are proposing that the Council go ahead and start advertising for the January 2021 year the beginning of November, get through the election process, then December 1<sup>st</sup> through the 5<sup>th</sup> interview new applicants, appoint members on December 8<sup>th</sup> for the January 2021 year, on January 5<sup>th</sup> they would do the annual orientation/training, January 22<sup>nd</sup> and 23<sup>rd</sup> the City Council will do their new strategic planning session, and they would like to get the boards, committees, and commissions to submit their annual workplan sooner rather than later in the year. When other cities conduct interviews it's not the full City Council – typically it's the Mayor, one other City Councilor, the staff liaison of the specific committee, and the chair from the committee that the applicant is applying for. They will be discussing dissolution of the Gladstone Library Board as it is currently written in the charter, which is one of the reasons they have left the vacant positions open this year. They also have positions that are expiring this year so there will be more vacancies coming up. And since they have a biennium budget process next year they need a full Budget Committee appointed.

Councilor Ripley thinks it's a great idea. He would like to see an outline of the duties and responsibilities for each committee so they can spend their time appropriately.

Councilor Neace agreed with Councilor Ripley – they need to have better job descriptions so people have a better understanding of each of the positions and what they're applying for. Ms. Betz said the Municipal Code has the bylaws and the requirements for each committee – they would make sure that applicants get a copy of that before they apply so they understand what their role is. That is also the focus of the annual orientation. Mayor Stempel said they could also give them better direction when discussing their workplan.

Councilor Tracy is good with it and he would like to see one or two Councilors participate in the interviews – he volunteered. Councilor Neace volunteered as well.

Councilor Reisner likes what is proposed.

Councilor Todd likes it as well. She asked what will happen if they have three vacant positions and only one person applying. Ms. Betz said it would probably be up to the committee to make a

recommendation after they interview that person. She said the City needs to get creative on how they are attracting people to want to volunteer. They have to have the Budget Committee vacancies filled – that is an ORS statute that you have the same number of Budget Committee members as you do elected officials.

Councilor Mersereau said in the past things were sometimes done last minute and there wasn't consistency. They didn't always know what capabilities an applicant had or a desire to do the job. He is in favor of this.

*Councilor Neace made a motion to approve the City of Gladstone's process for appointments to boards, committees, and commissions for January 2021. 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.*

### **BUSINESS CARRIED FORWARD:**

Ms. Betz gave an update regarding the mutual agreement and order (MAO) between the City of Gladstone and the Department of Environmental Quality (DEQ). Back in April of 2019 the City of Gladstone and DEQ entered into a mutual agreement and order that allows the City to make capital improvements to correct the deficiencies in our sanitary sewer overflows in the Clackamas River. They have met the compliance order. The compliance requirement is to begin data analysis, hire a consultant, and allocate budget for the inflow and infiltration study, and share budget and consultant deliverable requirements with DEQ when determined. Clackamas County Water and Environmental Services (WES) took an interest in doing some inflow and infiltration also so they let the contract out and the City of Gladstone is going to be able to piggyback onto their contracts to complete this work. They are going to bring the contract to the Council for approval on September 8<sup>th</sup>. The utility rate increase money is going toward this estimated \$462,000 study that the City is required to do by DEQ to help fix the infrastructure.

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

Angela Riley said, regarding the listening sessions last month, that she feels we can do much better. We need to see that the City cares about participating in anti-racist work. She said we need to get a moderator trained in diversity – someone who can do justice. She felt the lack of engagement while people were sharing their experiences with racism was disappointing. She said we need to hear from the Police Chief – she would love to know where he stands on this topic and what's being done in Gladstone to train officers in diversity and how we're going to keep our force free of discrimination. She said that Gladstone needs to acknowledge and publicly address racism.

Kelly Chaney said she tried to find info regarding some sort of COVID response committee in Gladstone. She found other information regarding COVID (update page, videos, etc.). She said after hearing about the parklet program she wondered if that had been run by the City Attorney. She said there are COVID guidelines that these businesses are responsible for. Have we put Gladstone on the hook now if somebody sues one of those businesses for a COVID related matter? Does it increase our insurance? She said maybe having some citizens on the committee might help divert animosity later on. She thinks this would be a preemptive move.

Mayor Stempel thinks it's amazing that Ms. Chaney wants to help because this has been a very challenging experience. The City doesn't have a whole lot of decisions or leeway on what they can do because they have to abide by what the federal government tells them, then the State, then the County. Their only job is to make sure they're in compliance. They have an emergency operations group already in place and it is their job to work through that. She doesn't know where a citizens committee could fit in that because of the liability and risk. She would be hesitant to have a citizen be the conduit for information because they

wouldn't want them to be the target. Maybe they can do a better job of providing solid resources on the City's website (CDC, OHA, the County, the State, etc.). They also have CERT – she would love for people to get involved with – it's an emergency citizen group that should be on the group helping if we need the support. She agreed that there is a lot of risk and liability.

Mayor Stempel said since they had to have people's comments by noon today she advised anyone else who wanted to speak to either send them an email with questions or bring their concerns/comments to the next Council meeting.

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

#### **Councilor Reisner:**

He wanted to let everyone know that the Library Board has been very active in their role as we go forward with having the County build a new library and the combining of both boards. Many of their members are on other committees and have been very active. They need to start the discussion before December regarding an advisory type committee related to the library being that the official library board is going to be coming to an end.

#### **Mayor Stempel:**

She said the Food Pantry is still a big part of our community – food and security is huge even though we don't see it. The weekly numbers are rising, especially in the homebound senior delivery group. They are still doing the modified walk-up pre-packed box model on Thursdays off Nelson Lane from 3:30 to 5:30 p.m. Last week she met with Senior Center Director Colin Black and the Senior Advisory Board Chair, Nancy Turner to talk about the senior delivery program and how it's expanding. They decided that they are going to start delivering boxes to their seniors and customize the boxes to individuals. If you know of anyone who needs help – send them her direction. The program is confidential.

The Clackamas County Coordinating Executive Committee and the C-4 regular meeting spent all of their meetings talking about I-205 tolling. She said the majority of the leadership is not in favor of tolling unless they are assured that the funds stay in the I-205 corridor. They will not support anything other than that. They urge everybody to stay informed and provide comments as appropriate. They would like the individual jurisdictions or individuals to send letters with their comments to the Oregon Transportation Commission – 355 Capitol Street N.E., MS#11, Salem, Oregon 97301-3871. The Chief of Staff is Jess McGraw.

During the Parks and Recreation Board meeting last night Chief Schmerber went over his review of the Park Rules – he is recommending that the violations be changed from misdemeanors to Class A Infractions that will have a civil penalty. This is more in line with other jurisdictions. There was a presentation from Jean Akers regarding the status of the Gladstone Nature Park master plan – everything is moving forward. She hopes to have concept options to the Parks Board next month. Then there will be community engagement during October and November and they hope to have the master plan done by the end of December. They received updates regarding what the police are doing on encroachment issues in the Ridgeway park/property. Jim Whynot gave an update on the issues with the hot weather and the parks and the amount of garbage that's being collected and thrown around. There was concern regarding the original agreement with the Fire Department and their training facility down at Meldrum Bar – there were a lot of promises and it doesn't look like a lot of them have been completed. There's a SOLVE clean-up at High Rocks this Saturday, August 15<sup>th</sup> from 10:00 to noon and they will be staging on the bridge next to DMV.

She said that COVID is still very important – a lot of people don't believe it exists, but it does. It is effecting absolutely everybody. As of August 7<sup>th</sup> Gladstone had increased its cases by 11 in the past 30 days, which

brings it to 40 (27% increase). She said doing very simple things can make a difference – wearing a mask in public, social distancing, and don't gather in groups of more than ten.

*Councilor Reisner made a motion to adjourn the meeting. Councilors Todd and Tracy seconded the motion. 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.*

**ADJOURN:**

Meeting was adjourned at 8:19 P.M.

Approved by the Mayor this 8<sup>TH</sup> day of SEPTEMBER, 2020.

ATTEST:

  
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Tamara Stempel, Mayor

  
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Tami Bannick, City Recorder