

City of Durham
CITY COUNCIL MINUTES
May 22, 2018

- A. OPEN REGULAR COUNCIL MEETING.** Mayor Schirado opened the Durham City Council meeting at 7:30 PM at Durham City Hall.
- B. ROLL CALL.** *Council Present:* Gery Schirado, Chris Hadfield, Leslie Gifford, and Chuck Van Meter
Council Absent: Keith Jehnke
Staff Present: City Administrator Linda Tate, Administrative Assistant Lynn Schroder
- C. APRIL 24, 2018 COUNCIL MINUTES.** Councilor Gifford moved to approve the minutes of the April 24, 2018 City Council meeting. Councilor Hadfield seconded the motion. The minutes were approved unanimously (4-0). **MO 052218-1**
- D.** Mayor Schirado read the **CALENDAR OF MEETINGS.**
Tuesday, June 5, 2018, Regular Meeting of the Planning Commission at 7:30 pm, Durham City Hall
Tuesday, June 26, 2018, Regular Meeting of the City Council at 7:30 pm, Durham City Hall
- E. PUBLIC FORUM.** None.
- F. PLANNING COMMISSION UPDATE.** Councilor Van Meter asked if the trees recently cut down on SW 80th PL had a tree removal permit. Tate stated that the City did not issue a tree removal permit for the trees cut down and that the tree removals are on the agenda for the next Planning Commission meeting.
- G. PUBLIC HEARING ON THE DRAFT PARK AND RECREATION PLAN.** Mayor Schirado closed the regular meeting of the City Council and opened a public hearing on the draft Park and Recreation Plan. No one was present to testify. Mayor Schirado closed the public hearing and reopened the regular meeting of the City Council.
- H. RESOLUTION 605-18, A RESOLUTION OF THE CITY OF DURHAM ADOPTING THE DURHAM PARK AND RECREATION PLAN.** Councilor Van Meter asked if the City could use park funds to improve the streetscape along the City-owned vacant lot between Rivendell and Willowbottom. Tate stated that she uses Street funds to maintain the streetscape. Van Meter asked if the Plan included a stream erosion component. Mayor Schirado stated that Clean Water Services manages Fanno Creek. Clean Water Services would manage any projects or improvements to Fanno Creek.
- Councilor Gifford moved to adopt resolution 605-18, a Resolution of the City of Durham adopting the City of Durham Park and Recreation Plan. Councilor Van Meter seconded the motion, and the resolution passed unanimously (4-0). **MO 052218-2**
- I. PRESENTATION OF SCOPE OF WORK FOR COMPREHENSIVE PLAN BY CITY PLANNER, CAROLE CONNELL.** Contract City Planner Carole Connell provided a status report on the update to the 1997 Durham Comprehensive Plan. Connell reported that Bill Scheiderich prepared a legal outline for the Comprehensive Plan update that tracked the

required 19 State Planning Goals. His objective was to better correlate the Comprehensive Plan to the previously updated Durham Development Code and the State Goals.

She stated that the City is currently in compliance with Metro and state planning requirements. The Oregon Department of Land Use and Conservation does not require the City to update the Comprehensive Plan because there is no funding available to cities to do the work. Additionally, she stated that cities under 2,500 in population are often exempt from new planning mandates. In addition, the state recognizes that Durham is within the planning jurisdiction of the Portland Metro Urban Growth Boundary and the Regional Transportation Plan. Last, Durham does not have significant changes in land use, significant development pressures, or interested parties pushing for changes. She stated all the required planning elements are in the current Comp Plan.

Connell noted that Cities have latitude to organize their Comprehensive Plans to suit their needs as long as it incorporates the State Planning Goals and Metro's requirements. She stated that generally Comp Plans are organized with a section for background, goals, and policies. The Comp Plan needs to provide the policy guidance for the Development Code requirements.

She stated that the Comp Plan could be reorganized to provide more policy guidance with supporting materials included as appendices. She noted that the new document could not just follow the outline prepared by Bill Scheiderich because there is too much required information and policy guidance embedded in the current document.

She stated that an update is a time-consuming effort. The first step is to codify all the updates to the Comp Plan that have been made since 1997 so it is current. City staff has completed this task. Next, Connell proposes to use the Bill Scheiderich's outline to reorganized the Plan and add language to connect the Comp Plan to the Durham Development Code. She proposes to update all inventories, maps, and statistics and include these documents as appendices.

Mayor Schirado asked about Metro housing requirements in regarding affordable housing in Durham. Connell stated that the City is currently in compliance with Metro requirements.

Van Meter asked about requirements for transportation. Connell stated that Durham received an exemption from the State Transportation Goal because Metro is has created the multi-jurisdictional Regional Transportation Plan that addresses transportation on a regional-wide basis. The City does not need to address transportation in the updated Comp Plan.

The Council supported updating the Comprehensive Plan with a goal of a completing a draft document by June 30, 2019. They requested that Connell provide quarterly progress reports.

J. RESOLUTION 604-18, A RESOLUTION OF THE DURHAM CITY COUNCIL AUTHORIZING THE MAYOR TO SIGN THE 2017 SPECIAL CITY ALLOTMENT AGREEMENT WITH THE OREGON DEPARTMENT OF TRANSPORTATION. Tate noted that this grant is to repave Afton Lane.

Councilor Gifford moved to adopt resolution 604-18, a resolution of the Durham City Council authorizing the mayor to sign the 2017 special city allotment agreement with the Oregon

Department of Transportation. Councilor Van Meter seconded the motion and the resolution passed unanimously (4-0). **MO 052218-3**

K. REQUEST FOR DONATION FROM MAP YOUR NEIGHBORHOOD. Last month, Barb Bracken, Durham resident and MYN Coordinator, requested that the City donate \$375.00 to the Durham MYN neighborhood group activities. She requested that the City sponsor two individuals to take Red Cross Training and provide funds to purchase toner and paper.

The Map Your Neighborhood program guides neighbors through simple steps to help enhance preparedness for an emergency. These steps will help residents to quickly and safely take actions that can minimize damage and protect lives. It is designed to improve disaster readiness at the neighborhood level, 15-20 homes or a defined area that can be canvassed in 1 hour. It teaches neighbors to rely on each other during the hours or days before fire, medical, police or utility responders arrive. The MYN Training is Free. Volunteer speakers are available to present the topic to neighborhood groups and facilitate the initial MYN meeting.

Tate stated that she heartily supports the efforts of Durham citizens to organize and coordinate disaster plans. However, Tate stated that there is a concern about HIPPA privacy laws. Tate stated that the MYN process could include the collection of personal health information. Because the City's insurance policies do not cover potential HIPPA breaches, the City should maintain a wall between itself and entities that collect personal health information.

Tate stated other cities have established official Citizen Involvement Committees or official Neighborhood Committees. These groups are covered under the City's insurance policies and must follow the Oregon Public Meeting and Disclosure rules. Tate stated that providing financial support to an unofficial neighborhood group may have unintended legal and liability concerns.

Additionally, Durham's past policy has been to limit donations. The City donates to the City of Tualatin for the Juanita Pohl Senior Center and the Washington County for the Family Justice Center. The City has never donated funds to a citizens' group.

Generally, Cities do not financially support MYN neighborhood group activities. The MYN program is not intended to provide public funds for first aid training for individual citizens or printing costs of individual neighborhood efforts. If the City chooses to fund this neighborhood group's activities, other neighborhood groups may also request donations. Additionally, other Durham residents may request a donation to take a Red Cross training class. Tate questioned the value to the City of the training two residents in first aid because it is unclear what their obligation to Durham residents would be. Additionally, they may not be in Durham when a disaster strikes or they may not be in the neighborhood where first aid response is needed.

Tate reiterated her support of the MYN activities. She believes the City should promote their efforts. She stated that the City has supported the group by providing the initial copies of the flyer delivered to all Durham residents. In addition, the City offers on-going space in the quarterly newsletter for the group to communicate with Durham residents. The City has provided business contact information as requested by the group. Further, Tate personally can donate the paper they need for their activities.

Tate stated that the City's responsibility for disaster preparedness and response includes coordination of City infrastructure repairs and communication with emergency response agencies and service providers. In the case of where City staff is not available, the City Councilors would need to be available. Tate provided contact information for service providers.

Mayor Schirado stated that he was still unclear on the training reimbursement request. He was not sure who would take the training and what the curriculum was. He wanted to know if it was first aid training or emergency management training. He also wanted a better understanding of the specific benefit to the City from the training. He questioned whether the City should provide public funds for private Red Cross training. He said the City could provide space at City Hall for a first aid training event for all Durham residents.

Gifford did not think public funds should be used for individual training. She was concerned about the potential liability of HIPPA breaches. She stated that the City is providing support to the group through the City newsletter and the initial flyers. She felt additional communications from the group should be through email. Gifford did not support reimbursement for toner or printing costs. She felt that neighborhood groups should self-fund these costs.

Hadfield stated that the donation the Durham MYN group is nominal, but the legal and liability concerns are issues to consider. He applauded the efforts of the group to organize Durham residents for disaster preparedness. He wanted to show support for the group's effort, but he questioned whether it was appropriate to use public funds for individual training.

Van Meter would like to encourage the MYN efforts. He stated that he may support a donation for a different request but did not support funding private first aid training of two individuals.

The Council voted to reject the donation request 3-0 with Hadfield abstaining.

L. ADMINISTRATOR'S REPORT. Tate presented an email from a Durham resident requesting that Durham appoint a transportation representative on the Southwest Corridor Advisory Committee. Mayor Schirado stated that he is a member of the SW Corridor Steering Committee. The Steering Committee consists of elected and appointed officials and makes final recommendations to the Metro Council and other jurisdictions for the Southwest Corridor Plan.

Tate stated that she would like to retain Frahler Electric to install street poles at two locations along Upper Boones Ferry Road. The locations were determined initially in 2013 when the City installed streetlights on Upper Boones Ferry Road. At the time, the property owner did not authorize an easement to install the lights. Tate stated that the property has changed owners and the current owner has signed an easement to allow the City to install the streetlights. Tate stated that Frahler's bid to install two street light poles is over \$10,000 so the City Council would need to authorize a sole-source procurement contract. The City Council requested that Tate prepare a sole-source procurement contract with Frahler for consideration at the next City Council meeting.

M. FINANCIAL REPORTS. Councilor Hadfield asked for clarification on three checks to Stumps Be Gone. Tate stated that the payments were for removal of diseased and

dangerous trees in Durham City Park. Councilor Gifford moved to approve the financial reports for April 2018, payroll checks 538-539, vendor checks 16214 to 16235, and electronic fund transfers totaling \$5,293.5. Councilor Van Meter seconded and the motion passed (4-0). **MO 052218-4**

N. COUNCIL COMMENTS. None.

O. ADJOURN. Mayor Schirado adjourned the regular meeting at 9:30 pm.

Approved:

GERY SCHIRADO, MAYOR

Attest:

LINDA TATE, CITY ADMINISTRATOR/RECORDER