

City of Durham
DURHAM CITY COUNCIL MEETING
Tuesday, September 24, 2019

A. OPEN REGULAR COUNCIL MEETING. Mayor Schirado opened the Durham City Council Meeting at 7:28 PM at Durham City Hall.

B. ROLL CALL. *Council Present:* Gery Schirado, Leslie Gifford, Chuck Van Meter
Council Absent: Chris Hadfield, Keith Jehnke
Staff Present: Linda Tate and Emily Baker
Public Present: Bill Steele, Tualatin Police Chief and Julia Surtshin, Durham resident.

C. COUNCIL MINUTES. Councilor Gifford moved to approve the minutes of July 23, 2019 meeting. Councilor Van Meter seconded. The minutes were approved unanimously (3-0).

MO 092419-1

D. CALENDAR OF MEETINGS. Mayor Schirado read the calendar of meetings.
Tuesday, October 1, 2019, Regular Meeting of the Planning Commission at 7:30 p.m., Durham City Hall
Tuesday, October 22, 2019, Regular Meeting of the City Council at 7:30 p.m., Durham City Hall

E. PUBLIC FORUM. None.

F. PLANNING COMMISSION UPDATE. Mayor Schirado asked if there were any questions about the July 2, 2019 Planning Commission meeting. There was none.

G. ANNUAL VISIT FROM POLICE CHIEF BILL STEELE. Mayor Schirado welcomed the Tualatin Police Chief Bill Steele. Chief Steele provided the council with a handout with data of police activity in Durham over the last year. He said the police department receives different types of calls from Durham, but most of them are general questions for the police. Also, they do not receive many complaints about the services they provide and have good response times.

He discussed police employment. On paper, they are fully staffed, but they have a few officers out for various reasons, which is causing them to be understaffed. Tate asked if anyone is asking to retire to rehire. Steele replied that with the changes to PERS it will be interesting to see what happens in those cases.

Steele talked about STOP, a program that was created through the enactment of HB 2355 in 2017 to collect specific data on police initiated traffic and pedestrian stops. He brought a print out of a PowerPoint with information on how this program looks in Tualatin. The Tualatin Police are a Tier 2 agency and were required to start collecting data by July 1, 2019, but Tualatin started collecting data before then. The data being collected is what race, age, and sex the officers perceived the person they are stopping to be as well as the reason and outcome of the stop. The data that is collected is shipped to the Oregon Criminal Justice Commission (CJC) for evaluation.

Steele talked about cameras on officers and said they are watching how other jurisdictions are working through the details of cameras. Mayor Schirado asked about cameras in police cars. Steele replied there are no cameras on Tualatin Police cars, partially due to the logistics of storing and retaining the information.

Steele talked about homelessness related incidences and said, while there is no data, he feels the number of incidences is down this year, from last year. Councilor Van Meter asked Tate about problems in the parks. Tate replied that there have been some incidences but they usually been short durations. Steele added when a camp is set up, they are often reported and dealt with in a reasonable amount of time. Councilor Van Meter asked about posting and Steele explained what posting is and discussed police procedures for cleaning up a camp. Mayor Schirado asked about Metro's involvement and Tate replied the police do the posting and Durham contracts with Metro for clean-up.

Mayor Schirado asked how the data from the City of Durham compares with Tualatin and larger jurisdictions for the number of incidences broken down by hour of day. Steele replied the numbers are similar to Tualatin and, overall the data tends to be consistent across larger jurisdictions. He added calls later in the evening tend to be more dynamic and violent requiring two officers, whereas in the afternoon one officer is usually enough. Mayor Schirado noted the relationship between the volume and severity of calls. Steele said he is more concerned about calls that come in during the night because he wants to make sure everyone is safe. Mayor Schirado asked if Steele knew where in Durham the calls are coming from. Steele said it is hard to map out, but the majority of the activity takes place in the apartment complexes. Mayor Schirado followed up by asking about the number of incidences broken down by days of the week. Steele said the data includes traffic stops and during the week days they have their motorcycle officers out. He added, if the data was broken down more, they could look at whether the incidences were officer initiated or public demand.

Councilor Van Meter, referring back to the STOP program, asked about a Tier 3 and 4. Steele replied there is a Tier 3 who will begin collecting data on July 1, 2020, but he does not believe there is a Tier 4. Councilor Van Meter followed up saying he would be interested in seeing the data for Durham since the City is so small. He then asked how the Tualatin Police view the city of Durham in regards to patrols. Steele said Tualatin is broken up into three patrol districts and Durham is the fourth. Councilor Van Meter then asked about the number of officers on a patrol. Steele said there is a minimum of three officers on duty at any given time, but depending on the day of week or time of day, the numbers could go up to 10+. Tate added that the total number of officers is not per district, but for the entire city.

Councilor Van Meter asked if there were any programs with apartment managers to help reduce the number of calls, such as tenant screening programs. Steele said they have a good relationship with the apartment managers and work together to provide resources when needed, but there are no screening programs in place.

Tate asked about FirstNet. Steele explained that FirstNet is a national cellular network that reserves a certain amount of bandwidth for first responders. He said Tualatin is not using it because they have better coverage with Verizon. He said FirstNet will be good eventually, but

currently does not have enough cell towers to support it and Verizon gives the police priority access to the network. Councilor Van Meter asked about 5G and Steele said it has not been implemented.

Mayor Schirado asked about the City's liaison officer and Captains. Steele said Seth Ceciliani, the night shift sergeant, is their liaison officer and the two Captains are Greg Pickering and Brian Struckmeier.

Mayor Schirado, referring back to Steele's comments on employment, made the comment that other mayors have been losing officers to Clackamas County and that the City of Portland is 100 officers understaffed. Steele added that the State Police are now financially independent and have a new goal of hiring 100 new troopers.

Mayor Schirado thanked Steele for coming out and speaking to the City Council.

I. ORDINANCE 261-19, AN ORDINANCE OF THE CITY OF DURHAM ADOPTING REGULATIONS RELATING TO LITTERING AND REPEALING ORDINANCE 173-93. Mayor Schirado asked Tate to walk through this Ordinance change. Tate explained how the city has overlapping ordinances relating to transportation of solid waste and trash. She asked the city attorney what the best way of handling this overlap would be and if he could consolidate the ordinances, and this new ordinance is the result. She explained Ordinance 173-93 is about hauling trash, Ordinance 190-97, Section 7 is about transporting solid waste, and Ordinance 224-04 includes a section on violations. So, there is no need for the older more extensive ordinance from 1993. The new ordinance would just addresses litter, which would be lost if 173-93 was repealed.

Councilor Van Meter said he is fine with this change. Mayor Schirado mentioned the Council would not be voting on the Ordinance tonight, they will just read through it by title and they will be able to hear a motion on it at the next City Council meeting. He asked if there were any questions. Councilor Gifford said it works for her. Mayor Schirado read the Ordinance by title.

J. PROPOSALS AND CONTRACTS FOR PLAY STRUCTURES IN PARK. Councilor Van Meter said Tate walked him through the options prior to the meeting and Mayor Schirado said he has had conversations with Tate and Martha from the playground equipment company about the options

Tate went over the two design proposals she would recommend. The options included a Tri-net plan for \$90,000 and variations of plans with a Spider-net ranging from \$112,000 to 115,000.

Councilor Van Meter asked which fund the money was coming from. Tate replied it is coming from the park SDC fund. He followed up asking where the money in the fund comes from and how much is currently available. Tate replied the money comes from SDCs when new houses are built and there is currently \$297,414. He asked about the Greenspace Fund, and if that could be used. Tate replied that the Greenspace fund is supposed to be used for green spaces and trees. Mayor Schirado said if they go with the \$115,000 option they would exceed the project budget but not the park SDC fund. Councilor Gifford then asked about contingencies in the budget and Tate said there is \$18,000 in contingencies. Mayor Schirado added the only thing that would change if there is no vote tonight would be a loss of construction time.

Councilor Van Meter clarified that there is no time constraint on the project and asked about moving the park south 50 ft. Tate replied that the area in question is the only flat grassy area for picnics and kids to play. Mayor Schirado talked about the safety areas for the structures and moving the tire swing. Councilor Van Meter said he like the final spider net option with the tire swing being moved to the area with the swings and that there is no rush on it. Tate replied that the tire swing was the only structure she got public comments on. He then asked about having both the tri-net and spider-net structures, to which Tate replied there was not enough room for both. Councilor Gifford added she thought it was a good idea to move the tire swing over.

Councilor Van Meter asked about Martha's opinion. Tate said Martha was trying to stay neutral and went over Martha's notes on the options. He then asked about the location and overhang for one of the options. Tate said the option he is talking about fits in the area with no overhang. Councilor Van Meter said he supports the final spider-net option. Mayor Schirado said he supports the final spider-net option and that it does not change the footprint of the play area for all intents and purposes. Councilor Gifford stated that she shares the same opinion and that she believes the final spider-net option has the best value.

Councilor Gifford moved to give the Mayor permission to sign a contract for the final spider-net park option. Councilor Van Meter seconded. Mayor Schirado asked to label the schematic voted on as "final spider net." The vote was unanimous (3-0) **MO 092419-2**

Van Meter asked a clarifying question about the cost and schematic for the final spider net option and Mayor Schirado asked for Councilor Jehnke's written comments to be entered into the record. They are as follows

"Comments on Agenda Item J-Play Structures:

I would like to thank Chris Hadfield for all of his time and energy into getting the City the best option.

From reading Linda's summary, and a brief discussion with her, I am leaning towards an option that does not include any earthwork, but does include the spider net."

The Council recognized Tate for her hard work on gathering information and coordinating all the park information.

H. REQUEST FROM RESIDENT FOR PLAQUE OR SIGN IN KINGSGATE WOODS. Mayor Schirado gave an overview of the request and introduced Julia Surtchin. Surtchin explained the reasons why she thinks the Kingsgate Woods should have a plaque or sign commemorating the two men, Rich Sessions and Rick North, who spearheaded the effort to save the wooded area.

Councilor Van Meter said he was originally neutral on the topic, but after reading Councilor Jehnke's written comments, he is now against the request. Councilor Jehnke submitted the following written comments;

"Comments on Agenda Item H-Plaque at KingsGate:

I have reviewed the Agenda, and would like to add my thoughts on the plaque for KingsGate Woods. I DO NOT feel that a plaque is appropriate, for many of the reasons you gave in your

Memo. As a Durham “outlier”, living on Peters Road, I felt that the folks heading up the purchase of KingsGate Woods were doing it for their own personal reasons. Protecting the value of their personal property. And that they were not doing it for the good of all Durham citizens. I believe Rick and Rich lived near the property, and they, and their property, would have been impacted by the increased traffic, and noise/people disturbances caused by an office park-so they mobilized and got enough voters to back this protection of a specific neighborhood.

As a Durham “outlier” citizen on Peters Road, I felt, and still feel, that all the KingsGate purchase provided me and my family, was higher taxes, and less money in my checking account at the end of the year. And on top of that, less ongoing tax money for the City of Durham-that impacts the City finances each year. I also recall the door-to-door canvassing that occurred within the Tualatin View Apartments. Harvesting votes from folks that would not be paying the increased property taxes. I suppose that I am one of the residents for which it “is not a positive thing.”

Surtchin responded by saying, a lot of people appreciate the buffer the trees create from traffic and that people’s perspectives have changed in the 20 years since the bond was voted on.

Councilor Gifford said this was not a shining moment in Durham’s history. Mayor Schirado asked about the importance of a memorial to the City’s founders compared to a memorial to Rich and Rick. He said the vote was an extraordinary civic lesson, but very contentious. Tate added the mayor at the time received death threats. Surtchin said she was unaware of the extent of contention that surrounded the vote and wanted her request to be a positive gesture.

Surtchin withdrew her request for a plaque. She asked if there was something she could do to recognize the work of Rich and Rick. Mayor Schirado said the Council will discuss her request at the next City Council meeting. The Councilors expressed appreciation for Surtchin’s intent with the plaque request.

K. DISCUSSION ON TREE ORDINANCE. Mayor Schirado opened a discussion about the Work Shop that was on September, 17th 2019 with the Planning Commission. There was not a real to-do list that came from the Work Shop, but he feels the Council got their message across to the Planning Commission. He added that the Council should consider the long term life of trees and they may want to develop guidance on preserving trees and canopy with this frame work. Councilor Van Meter said the Ordinance mentions maintenance and should serve as guidance.

Councilor Gifford pointed out that “canopy” is in the Development Code in Section 5.8.1 for when a new home is being built. She read section 5.8.1 and Tate explained how she has used that section. Councilor Gifford said they may want to tweak something in the tree removal permit to address canopy.

Mayor Schirado added the effect that addressing canopy may have on neighbors who each want to remove a tree. He said he feels the moratorium on the Planning Commission should be lifted. Councilor Gifford asked about the requests that have come in since the moratorium was

put into effect. Tate said she has been able to deal with most of the requests administratively, but there is one that will need to go to the Planning Commission.

Councilor Gifford moved to remove the moratorium on tree permits being decided on by the Planning Commission. Councilor Van Meter asked about the accomplishment of the Work Shop and if the Planning Commission really got the City Council's message. Tate said the Planning Commission did get the message and at the last Planning Commission meeting they were more in line with the guidelines. Mayor Schirado added that the new vacancy could alleviate some of the strife on the Planning Commission and between the Commission and Council. Councilor Gifford said the worst case scenario would be an emergency meeting of the Council to appeal a decision. Councilor Van Meter seconded the motion. The vote was unanimous (3-0)

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Mayor Schirado said that there needs to be more clarification on the term "economically beneficial." Tate replied that some Planning Commissioners see the term relating to property values, but added that the Planning Commission has been open to new considerations following the letter from the City Council.

L. ADMINISTRATOR'S REPORT Tate went over the spreadsheet on fund balances. Councilor Van Meter asked about the Police contract. Tate said the current contract ends on June 30th, 2021 and they will want to increase the amount. Councilor Van Meter then asked about the general fund being in the red. Council Gifford replied as long there are enough funds then it is okay.

Mayor Schirado asked the council if they had prepared any questions for MYN/CERT regarding the purchase of the HAM radio. Tate explained how FirstNet could work in Durham, but that Tualatin Police is not using it. Councilor Van Meter asked about the service going out during a crisis. Tate replied there are portable towers that can be used during crises. Mayor Schirado stated that he had questions about the cost and management of a HAM radio purchased by the City.

M. FINANCIAL REPORTS There were no questions about the financial reports. Councilor Gifford moved to approve payroll checks 568 to 571, vendor checks 16512 to 16554, and electronic fund transfer totaling \$10,714.50. Councilor Van Meter seconded the motion. Vote was unanimous. (3-0)

MO 092419-4

N. COUNCIL COMMENTS & MISCELLANEOUS INFORMATIONAL ITEMS Mayor Schirado said he will be attending the League of Oregon Cities conference. Also, he said he had spoken with other mayors about accessory dwelling units (ADUs) and forwarded Tigard's reason for their ADU ordinance to the City. Councilor Van Meter brought up a potential example of an ADU in Durham.

O. ADJOURN Mayor Schirado adjourned at 9:20.

Approved:

GERY SCHIRADO, MAYOR

Attest:

LINDA TATE, CITY ADMINISTRATOR/RECORDER