

City of Durham
CITY COUNCIL MINUTES
May 26, 2020

A. OPEN REGULAR COUNCIL MEETING. Mayor Schirado opened the Durham City Council meeting at 6:52 PM via Zoom.

B. ROLL CALL OF COUNCIL MEMBERS. *Councilors Present:* Gery Schirado, Chris Hadfield, Keith Jehnke, Leslie Gifford, Chuck Van Meter.
Staff Present: City Administrator Linda Tate and Administrative Assistant Emily Baker
Public Present: TVF&R's Chief Les Hallman, Assistant Chief in Charge of Governmental Affairs and Division Chief Allen Kennedy.

C. COUNCIL MINUTES. Councilor Gifford moved to adopt the City Council minutes from April 28, 2020. Councilor Van Meter seconded the motion. The vote was unanimous (5-0).

MO 052620-1

D. Mayor Schirado read the **CALENDAR OF MEETINGS.**

Tuesday, June 2, 2020, the regular meeting of the Planning Commission is cancelled

Tuesday, June 23, 2020, the regular meeting of the City Council will be at 7:30 PM at Durham City Hall.

E. PUBLIC FORUM. City Administrator Tate stated that the city website and front door offered the public a method to attend the meeting virtually and to submit written testimony. No public took up that offer.

F. PLANNING COMMISSION UPDATE. There was no Planning Commission meeting in April or May.

G. STATE OF THE DISTRICT/COVID-19 UPDATE BY TVF&R CHIEF HALLMAN, ASSISTANT CHIEF IN CHARGE OF GOVERNMENTAL AFFAIRS. Chief Hallman discussed TVF&R's new station on McEwan Rd. He said the open house for the station has been postponed but the station is operational and has improved their response times to Durham.

Chief Hallman discussed TVF&R's response to COVID-19 and some of the policies and procedures that they have implemented to protect TVF&R responders. TVF&R has had a COVID-19 response team since early March and they have recently created a second task force that is looking into the best way to transition out of COVID-19 policies, when the time comes for that. They transitioned to using reusable Personal Protective Equipment (PPE) early on in response to shortages. He added that they are trying to educate the public on this new PPE because their suits, which look similar to hazmat suits, can look frightening to some people if they are not expecting them. They have been testing firefighters for COVID-19 and have only had one case, and that person has recovered fully and is back on duty. Chief Hallman also noted that the number of calls are down due to people staying home and following the COVID-19 health and safety guidelines. He stated that their stations are closed to the public and their non-response personnel are working from home to answer questions and address city and county needs. They have been doing drive-by birthday parties, helping out with high school graduations and parades, and hospital visits during COVID-19. Also, he added that the firefighter and paramedic recruit academy has still been going on with COVID-19 related precautions and they should be joining the normal line by June 1st. Lastly, he said they have

asked people not to burn outside in order to keep the air clear and help those who may have COVID-19, due to the fact that it is a respiratory disease.

Mayor Schirado asked about TVF&R's annual report for activity in Durham and if there are any trends in the types of calls the City should be aware of or if the City can do anything to help. Chief Hallman said TVF&R has a really good team that monitors for trends and he is not aware of any in Durham. Mayor Schirado also asked about the Tualatin View apartment complex, which has high number of incidences, compared to other areas in Durham, and what can be done to lower that number. Assistant Chief Hallman said they work closely with partners and health departments to train apartment managers on how to look for fire and safety hazards in areas of apartment complexes TVF&R cannot access such as private residences. Chief Kennedy went over data of the 2019 annual report for Durham. Councilor Hadfield asked about the hot spots besides the Tualatin View apartment complex. Tate said the other spots were at Eddyline Apartments and on Upper Boones Ferry Rd near Peters Rd.. Mayor Schirado asked if the map included the 2020 fire in Afton Commons. It did not, but Chief Hallman told the Council that they investigated the fire and, while they could not give a definitive cause, they are confident that it was started due to smoking near oxygen.

H. RESOLUTION 629-20, A RESOLUTION OF THE DURHAM CITY COUNCIL AUTHORIZING THE MAYOR TO SIGN AMENDMENT NO.1 TO THE INTERGOVERNMENTAL AGREEMENT WITH WASHINGTON COUNTY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM. Councilor Gifford moved to adopt Resolution 629-20, a Resolution of the Durham City Council authorizing the Mayor to sign an intergovernmental agreement with Washington County for the Community Development Block Grant program. Councilor Van Meter seconded the motion. The vote was unanimous (5-0).

MO 052620-2

J. ADMINISTRATOR'S REPORT. Tate asked if Councilors Gifford, Jehnke, and Van Meter were planning to run for re-election in the November election. All three said they will run again.

K. FINANCIAL REPORTS. Councilor Gifford moved to approve payroll checks 587 to 588, vendor checks 16672 to 16684, and electronic fund transfers totaling \$5713.25. Councilor Hadfield seconded the motion. The vote was unanimous (5-0)

MO 052620-3

L. COUNCIL COMMENTS & MISCELLANEOUS INFORMATIONAL ITEMS. Mayor Schirado informed the Council of repair work that will be done on 99W northbound on the bridge over the Tualatin River between Tigard and Tualatin this summer.

Mayor Schirado also informed the Council that Washington County has applied for Phase 1 of reopening under the Governor's Coronavirus Plan and could potentially reopen by June 1st. He added that Tigard-Tualatin School District is working on a plan for reopening community centers and schools, but they have not released any information yet. Councilor Hadfield asked what reopening would look like at City Hall. Tate said she and Baker have been working on creating policies and procedures. She said they are already self-reporting temperature and symptoms every day and have increased how frequently things are cleaned. She added that once City Hall is reopened to the public the door will remain locked and visitors can ring the doorbell. Staff will determine if they need to enter City Hall. Many times visitors are just people who are looking for directions. If someone besides staff enters the building they will be required to sign in and self-report if they are experiencing any COVID-19 symptoms. Councilor Hadfield asked about businesses in Durham and if any of them have inquired about assistance from the City. Tate

said there have been no calls and that they have been forwarding any information on assistance programs from the state or county to all the businesses with a Durham business license.

Mayor Schirado told the Council about a letter he and Tate received from Laurie Volm regarding concerns over a BMX style ramp that is being built in the driveway of 8080 Peters Rd.. Tate told the Council that she had been discussing the issue with the City's building official, who said the homeowner will be adjusting his plans in order to not need a building permit for the ramp. She added that the ramp is still violating the City's Land Use code due to its location on the property. Councilor Jehnke asked how it is in violation. Tate responded that section 3.1.6.1 of the Land Use Code states no temporary structure can be built in the front or side setbacks of a property and the ramp is currently placed in the side setback. Councilors Jehnke and Van Meter both stated they had seen the ramp and had concerns. Councilor Hadfield asked when it became an issue and Tate said she first got a complaint on May 18th. Mayor Schirado added that the home owner had previously had an issue with the city after he cut down five trees illegally on his property. Tate said the ramp does not fit under anything listed specifically in the nuisance ordinance and that once wheels are put on it, it will be exempt from needing a building permit. However, it is not allowed in its current location. Councilor Jehnke said that he thinks it is a reasonable request to ask the property owner to move it to the back yard.

Mayor Schirado summed up the issue as the property owner has built a ramp in a location he can't have it and a solution would be for him to move it to his backyard or just out of the setback. Tate said the Planning Commission could issue a variance for the ramp or the City Council could determine the ramp is a nuisance and send a notice to abate the nuisance. Mayor Schirado said the structure is questionable due to its location and that the City has the authority to ask the home owner to move it. Councilor Van Meter said he thinks the ramp is dangerous and poses a safety risk to children in the neighborhood. Councilor Jehnke asked if the City could do anything about this concern. Councilor Gifford said the City could determine it is an attractive nuisance and require a fence around it. Mayor Schirado does not think the City has the right to question the structure's safety. Tate said the City can require the home owner to go to the Planning Commission to get a variance if they do not want to move it, or the City Council can declare the ramp a nuisance. Councilor Hadfield said that the City should act soon on it, and Tate stated that the home owner has already been informed about the setback violation and that she is waiting to hear from the building department when they remove the Stop Work order. Mayor Schirado said he would like the Planning Commission to have a part in the conversation. Councilor Handfield agreed and asked when the next Planning Commission meeting will be. Tate said they would meet in July, but that she can send a letter to the home owner telling him to move the ramp before that. Councilor Gifford said to let the home owner appeal to the Planning Commission if he does not want to move the ramp. Councilor Jehnke said that if the situation escalates, to send the City Attorney a picture of the ramp and get their advice on the matter. Mayor Schirado agreed and said to let Tate handle the admin aspect and to also get counsel insight.

M. EXECUTIVE SESSION TO CONSIDER SALARY OF CITY ADMINISTRATOR. Mayor Schirado closed the regular meeting of the City Council at 8:15 pm. City Administrator Tate and Administrative Assistant Baker left the meeting. Mayor Schirado opened an executive session to consider the salary of the city administrator.

N. REGULAR MEETING REOPENED.

O. SALARY OF CITY ADMINISTRATOR. Councilor Van Meter moved to approve the budgeted amount of \$74,313 for the City Administrator's annual compensation for FY 20-21. Councilor Gifford seconded the motion. The vote was unanimous (5-0). **MO 052620-4**

ADJOURN. Councilor Gifford moved to adjourn the meeting. Mayor Schirado adjourned at 8:45 pm.

Approved:

GERY SCHIRADO, MAYOR

Attest:

LINDA TATE, CITY ADMINISTRATOR/RECORDER