



City of Durham
CITY COUNCIL WORK SUMMARY
July 22, 2025

A. OPEN CITY COUNCIL WORK SESSION SPECIAL MEETING.

Council President Leslie Gifford opened the meeting at 6:30 PM at Durham City Hall.

B. ROLL CALL OF COUNCIL MEMBERS.

Councilors present: Council President Leslie Gifford, Councilors Gary Paul and David Streicher

Councilors absent: Mayor Josh Drake and Councilor Sean Lee

Staff present: City Administrator Jordan Parente and City Attorney Emily Guimont

Visitors: Residents Craig Mitchell, JR Tarabocchia, and Sue Fuller (via Zoom)

C. CALENDAR OF MEETINGS.

➤ Tuesday July 29, 2025, Regular Meeting of the City Council at 7:30 PM

D. CONTRACTING RESOLUTION DISCUSSION.

The Council engaged in an in-depth discussion about the City's current contracting limitations and the barriers posed by Durham's outdated procurement thresholds. Under Oregon law, cities can seek informal quotes for public works projects under \$10,000; however, Durham's own Municipal Code sets a lower threshold of \$5,000, meaning the City is required to undergo more formal and time-consuming processes for even minor maintenance or infrastructure jobs. This discrepancy hampers the City's ability to execute small-scale projects efficiently and leads to unnecessary administrative burden.

The Councilors expressed general consensus that the current limitations are impractical and may have contributed to stalled or delayed work. The idea of adopting a Qualified Bidder List (QBL)—which allows the City to solicit bids from a pre-approved pool of contractors for small projects—received support. The City Administrator also introduced the possibility of joining cooperative purchasing programs through the League of Oregon Cities, which could streamline vendor selection and pricing.

There was also brief discussion of how contracting flexibility could benefit ongoing infrastructure needs, particularly in areas like tree removal, street maintenance, and facilities improvements. City Administrator Parente committed to returning with more specific options for code amendments, including a potential QBL framework and updated dollar thresholds that better align with state law.

E. CODIFICATION DISCUSSION.

Council revisited long-standing concerns around the clarity and enforceability of Durham's tree ordinance, especially regarding procedural compliance and the City's ability to intervene when permits lapse or technical errors occur. Staff shared examples where a tree removal permit was deemed invalid—not because of a substantive issue with the application, but due to missed procedural steps, such as failure to post required signage or expiration of the permit prior to tree removal. In such cases, the City currently lacks a clear path to enforcement unless the removal can be tied directly to a development project or a defined violation of tree protection measures.

Councilors questioned whether there are gaps in the ordinance that prevent the City from holding applicants accountable, particularly in non-development scenarios. City Administrator Parente explained that under current code, "tree protection" is generally defined only in the context of development activity (e.g., during grading or construction). As a result, if a tree is removed outside of a development process—even in violation of permit terms—there is ambiguity over whether enforcement action is permitted.

Council expressed strong interest in expanding the City's ability to enforce tree protection broadly, not just during development, and suggested codifying the expectation that all trees under permit must be protected until removal occurs. There was also support for exploring changes that would allow expired permits to be flagged and require re-review before action can be taken. Mr. Parente indicated that an ordinance update will be prepared with these clarifications in mind, aiming to ensure the City's tree protection goals can be consistently enforced in all contexts.

F. FRIENDS OF TREES/ PLANTING DISCUSSION.

This topic will be discussed at the upcoming regularly scheduled meeting of the City Council on July 29, 2025.

G. TREE ORDINANCE FOR DEVELOPED PROPERTIES - MUNICIPAL CODE.

Council then moved to an extended discussion on the draft Tree Ordinance for developed properties. City Attorney Emily Guimont began by reviewing examples of fines from other jurisdictions, which ranged from flat amounts of \$250 to \$750 per tree to higher penalties tied to tree size or replacement costs. Eugene's code was noted as allowing up to \$4,000 per tree and even jail time, while Tigard and other cities required mitigation plantings. By comparison, Durham's general maximum violation penalty remains \$720, unchanged since 2005.

Council expressed concern that the current penalty is too low and may be treated as a cost of doing business. Councilors discussed increasing the maximum to \$1,500 or \$2,500 to account for inflation and to create a stronger deterrent. They also considered whether to establish a minimum fine. A portion of the councilors felt a floor was needed to reflect the administrative burden of enforcement and to ensure violations carried meaningful consequences, while others noted situations where a tree would likely have been approved for removal and where a high minimum could seem excessive.

The discussion then turned to enforcement procedures. Council weighed whether citations should be handled administratively by the City Administrator, with appeals to Council, or referred to Tualatin Municipal Court under the existing intergovernmental agreement. Court proceedings were noted as being more formal and carrying greater weight but would require additional staff and legal time. Administrative enforcement would be less costly but could lengthen Council meetings with appeals. Council expressed interest in keeping both options available, allowing flexibility depending on the case.

Council next reviewed language intended to coordinate the ordinance with the Development Code. A proposed provision would allow a building permit that requires tree removal to serve as authorization without a separate tree removal permit. Members acknowledged this avoids duplicative permitting but raised questions about whether smaller projects, such as decks or sheds that may not require building permits, should still require tree removal permits. As such, Council provided direction to clarify thresholds to ensure consistency.

The issue of public notice requirements was also discussed. The draft ordinance currently called for applicants to post notice at the time of application, but Council questioned the value of notice if neighbors have no legal standing to appeal. While some saw notice as a courtesy to the public, others noted it created significant administrative work with little effect. The consensus among Council was to remove the notice requirement while continuing to post approved permits online.

Additional topics the Council discussed included potential appeals processes, hazard tree determinations, and whether the City should consider offering voluntary arborist assessments as a public safety program once the ordinance is finalized. Council also noted that community letters on whether City tree regulations should be adopted by ordinance or resolution should be included in the next packet for further discussion.

The item concluded with Council agreeing to continue refining the draft ordinance and to carry over unresolved issues, including penalty levels, enforcement options, and the scope of regulations, for the next work session.

H. **ADJOURN.** Council President Gifford adjourned the meeting at 8:00 PM.

Approved:

Leslie Gifford, COUNCIL PRESIDENT

Attest:

Jordan Parente, CITY ADMINISTRATOR/RECORDER