



Mayor
Patricia Smith

Council President
Mark Clark

Councilors
Stanley Dirks

Timothy Clark

Scott Harden

**REGULAR MEETING OF THE
WOOD VILLAGE CITY COUNCIL
May 14, 2013
MINUTES**

PRESENT: Mayor Smith, Council President Mark Clark, Councilors Stanley Dirks, Tim Clark and Scott Harden, City Attorney Condit, City Administrator Bill Peterson, Finance Director Peggy Minter, Public Works Director Mark Gunter, and interested parties.

ABSENT: None.

MAYOR SMITH CALLED THE MEETING TO ORDER AT 6:00 PM.

PLEDGE OF ALLEGIANCE

CITIZEN COMMENTS

There were none.

PUBLIC SAFETY REPORT

Chief Deputy Jason Gates of the Multnomah County Sheriff's Office presented the report. Gates stated that for the month of April the MCSO provided 189 hours of dedicated service with 407 calls for service and 32 written reports. Gates explained that there was a case involving counterfeit money at Wal-Mart. That case has been turned over to the Secret Service for investigation.

Gates stated that drug dog Spencer has been doing really well, and recently found drugs in a vehicle that was parked at a nearby state park. Gates explained that the MCSO also conducted a controlled buy with the help of a confidential informant. At the same time that arrest was occurring, the deputies noticed a domestic disturbance which resulted in the arrest of another drug dealer.

Gates stated that a lot of the reports were based on self-initiated activity. A deputy stopped a car on Glisan, and the driver was arrested for possession of stolen property including a Portland Police Badge, and other items that could be used to imitate a police officer. Gates explained that overall, it is business as usual in the City with no major concerns or incidents.

Gates stated that on a separate note, the Warrant Strike Team has arrested over 2,200 people since the team was created in 2007. There have been 906 attempts so far this year. Gates explained that the unit is doing a great job. Gates explained that the MCSO had a 1% budget reduction this year, which is the best it has been in years. Gates stated that a vacant administrative position was cut.

Mark Clark asked if Portland Police's budget cuts will affect the MCSO. Gates stated that there is not a lot he can talk about publicly regarding that situation, but it will not affect the service level the MCSO provides to the City and other agencies.

The council thanked Gates, and the MCSO for their service.

CONSENT CALENDAR:

- a. Review of bills paid in April, 2013
- b. Contracts \$2,500 - \$50,000
 - Overhead Door Co – Ops Automatic Garage Door: \$3,331
- c. Council Minutes:
 - April 9, 2013
 - April 23, 2013
- d. Commission Appointments:
 - MHCRC: Clark Santee: Term to expire 5/31/16
 - Planning Commission: Charles Rhoads: Term to expire 3/18/17
 - Urban Renewal: Steven Morasch: Term to expire: 12/31/16

Upon motion by Tim Clark, seconded by Harden and passing 5-0, the Consent Calendar was approved.

PROJECT ACCEPTANCE: WOOD VILLAGE BLVD. WATER/SEWER LINE PROJECT

Peterson presented the project and stated that the project consisted of adding about 600 feet of water and sewer lines from Arata to Halsey along the Wood Village Blvd. alignment. Peterson stated that the project estimate was \$241,000, and the final price including change orders was \$145,204.58. Peterson explained that except for a few outstanding issues, the project is ready to close. Peterson stated that one of the issues is with an outside engineering firm, but that should not affect the underlying contract amount. Peterson stated that the staff recommendation is to accept the project and approve the final payment.

Smith asked what the issue is with the engineering firm. Peterson stated that the firm went over their budget, and staff has to meet with them to determine why. Peterson explained that there were some issues regarding larger rocks, and a connection that was off about 100 feet. Smith asked what the difference in price is. Peterson stated that he does not have hard numbers, but it is around \$3,000. Tim Clark asked if that was added to the change order. Peterson stated that it was not. Peterson explained that the change orders were for additional flagging for pedestrians who used the pathway during construction, and for the removal of large boulders which was noted in the original award.

Mark Clark stated that he drove by the site and noticed that there was a manhole about three feet above the ground and asked if that matched up with the new road template. Peterson stated that it is set at the correct height for the new roadway improvements. Tim Clark asked about the final punch list items. Peterson stated that it is a list of minor items that are not substantive, but will need to be completed before the final payment is made.

Upon motion by Dirks, seconded by Mark Clark and passing 5-0, the Arata to Halsey Water and Sewer line project was accepted, and the City Administrator was authorized to make the final payment to CG Contractors LLC upon receipt of signed change orders and the completion of all items identified in the punch list.

RESOLUTION 16-2013: PERSONNEL MANUAL UPDATE FOR MEDICAL LEAVE

Records Manager/HR Specialist Greg Dirks presented the resolution. Greg Dirks explained that this resolution was brought before the Council at their last meeting, and the Council requested a revision to the policy. Greg Dirks explained that the policy was revised to mandate that sick leave be used when using medical leave. The revision was presented to staff, and there were no concerns. Greg Dirks stated that the policy was also reviewed by the Local Government Personnel Institute and there were no concerns. Greg Dirks explained that this policy will replace the City's current language regarding FMLA and OFLA which employees are not eligible for. Greg Dirks stated that the staff recommendation is to approve the resolution.

Upon motion by Tim Clark, seconded by Harden and passing 5-0, Resolution 16-2013 revising the City's medical leave policy was approved.

RESOLUTION 17-2013: ARATA ROAD TEMPLATE REVISION

Peterson presented the resolution and stated that this resolution is a follow up from the last Council meeting where Adam Soplop from Multnomah County presented a revised roadway template for Arata Road. Peterson explained that the revised template will serve bicycles and pedestrians better, and reduce the cost of the project. Peterson stated that the Council requested a resolution to adopt the proposed revisions.

Peterson explained that since the Transportation System Plan is adopted by an ordinance, an ordinance will have to be developed to revise the plan. Condit stated that the resolution can be approved which shows the intent of the revision, but to an ordinance will have to be adopted to formally approve and incorporate the revision.

Mark Clark asked why this item was not brought before the Planning Commission. Peterson stated that jurisdictionally it is a Council matter, but revisions to the comprehensive plan are done with a review by the Planning Commission. Peterson stated that he will present the issue at the next Planning Commission meeting, and then bring back an ordinance for the Council. Dirks asked what the new timeline is. Peterson stated that the Council may approve the resolution tonight, which will allow the county to move forward with the design work. The project will be brought to the next Planning Commission meeting, and then back to the City Council as an ordinance to formally revise the Transportation System Plan.

Upon motion by Tim Clark, seconded by Mark Clark and passing 5-0, Resolution 17-2013 supporting the revisions to the Arata Road template was approved, and the City Administrator was directed to move forward with the formal adoption process.

PUBLIC HEARING – RESOLUTION 18-2013: SEWER SYSTEM DEVELOPMENT CHARGES AND METHODOLOGY

Peterson presented the resolution and stated that a public hearing is required.

Smith opened the public hearing.

There were no comments.

Smith closed the public hearing.

Peterson explained that staff sent out the required notices, and there were no responses. Peterson stated that he was surprised that there were no responses, and the staff recommendation is to adopt the updated SDC.

Upon motion by Harden, seconded by Tim Clark and passing 5-0, Resolution 18-2013 adopting a new sewer system development charge methodology and rates was approved.

RESOLUTION 19-2013: ADOPTING THE SEWER SYSTEM CAPITAL IMPROVEMENT PLAN

Peterson presented the resolution and stated that only two projects from the current capital improvement plan have not been completed. Those projects include the Halsey sewer line project, and purchasing additional treatment capacity from Gresham. Peterson stated that both of

those projects have been added to the updated plan, as well as the Sewer Master Plan. Peterson explained that this capital improvement plan will probably change once the master plan update is complete, but there are no rules prohibiting revising or updating the capital plan.

Mark Clark asked about the industrial pretreatment program, and if there are any businesses in the City that are under that program. Gunter stated that the City has several businesses under the industrial pretreatment program. Mark Clark asked who is responsible for the added cost of that treatment. Peterson stated that the City's sewer rates do not take into account the strength of the flow. The SDC does take into account flows that have a higher strength based on their industrial category. Gunter stated that it is possible there are industrial users who have a higher strength, but do not fall into the industrial pretreatment category. Peterson explained that the City only bills for flow which is odd, but that may change once the rate evaluation is complete.

Tim Clark asked about the treatment costs at Gresham. Gunter stated that the City's numbers are down, and are more in line with industry standards. Gunter explained that new testing procedures have been put into place to double check high numbers. Gunter stated that the City is having discussion with Gresham about a possible reimbursement. While the savings may not be as high as originally projected, the City is still trying to pursue that option.

Upon motion by Harden, seconded by Dirks and passing 5-0, Resolution 19-2013 adopting the Sewer System Capital Improvement Plan was approved.

RESOLUTION 20-2013: LOAN MODIFICATION FOR THE URBAN RENEWAL AGENCY

Peterson presented the resolution and stated that the agency was formed in 2010. A loan was provided by the City to the agency to cover the startup costs. Peterson explained that the increment in the zone was reduced significantly after the greyhound park successfully appealed their property tax rate. In order to have the agency stay within the operating parameter of the revenue, the Urban Renewal Agency requested to defer the loan payment. Peterson stated that this resolution would defer the loan payment for up to ten years, and requires an annual interest payment. Peterson explained that the deferral can go on beyond ten years, but the staff recommendation is a ten year loan deferral with an annual interest payment.

Upon motion by Mark Clark, seconded by Tim Clark and passing 5-0, Resolution 20-2013 modifying the loan terms to the Urban Renewal Agency was approved.

DISCUSSION: 14TH ANNUAL CITY NITE OUT

Greg Dirks presented the report and stated that the 14th annual City Nite Out is scheduled for Friday, July 19th. Greg Dirks stated that the event will feature a parade, free music, food and activities. There will also be vendors and several demonstrations. Greg Dirks explained that the

parade route has been revised to take it off of 238th and Glisan and into more areas with people. The Council requested that the route be revised to still include Arata Road. Greg Dirks stated that could be done. The Council asked that the parade also start at City Hall this year. Greg Dirks stated that he would incorporate those revisions to the parade route.

Greg Dirks explained that other event features include Wood Village logo balloons, and helium for the balloons has been secured. Greg Dirks stated that door prizes can be added to the event, and the MCSO and Baptist church are interested in having a bike helmet program for children. Greg Dirks explained that the MCSO liaison to the event Deputy Volker found a manufacturer that will deliver 300 helmets of assorted sized and colors for about \$1,200. The Baptist Church indicated that they could sponsor \$500 of that cost. Tim Clark stated that he is not a fan of door prizes and feels like they are used to keep some people at the event. Smith stated that she liked the idea of having disaster preparedness items for door prizes last year, but helmets are needed. Dirks stated that it is rare to see a child with a helmet. The Council asked that information about the helmet program be put in the newsletter and possibly in Spanish.

Dirks stated that several agencies have already signed up to participate in the event. The Coast Guard will not be coming this year because of federal budget issues, but the Army, Navy and Marines indicated that they will be at the event with unique and interesting equipment. Life Flight has indicated they will be at the event unless they are needed for an emergency. Dirks explained that he will continue to solicit for vendors and sponsors, and asked if there were any questions.

The Council asked which band will be playing at the Nite Out. Greg Dirks stated that it can be either Whistlin' Rufus or Clark Bondy. The Council requested Clark Bondy. Mark Clark asked if the City could purchase additional speakers for the City's PA system. Tim Clark stated that he and Mark Clark have talked about adding more speakers to the system. Peterson stated that staff can research the cost and compatibility.

Upon motion by Dirks, seconded by Mark Clark and passing 5-0, the 14 Annual City Nite Out was approved as modified.

DISCUSSION: APPROVED SIGNAGE - WARNING SIGNS FOR CHILDREN PLAYING

Peterson presented the report and stated that this situation has been brought up in communities all over the region. Peterson stated that the issue is that all road signs have to conform to the Manual on Uniform Traffic Control Devices. Peterson explained that there are some signs in the City that do not conform to the manual. Peterson stated that the lollipop style entrance signs do not conform, and neither do the children at play signs. Peterson explained that neither signs is mandated to be removed. The children at play signs were removed from the manual in 2009

because there is a potential liability of indicating that it is okay to play in the street. There was also the concern that too many warning signs can lead to driver's ignoring them. Peterson stated that the final issue is that when a sign goes up, it stays up even if children are no longer in that area.

Peterson explained that there is a push to eliminate or reduce the non-conforming signs which includes the children at play signs. Peterson stated that there are currently several variations of the children at play signs in the City, and staff still receives requests to add more. Peterson explained that the last request was in March, and there was one in November as well. Peterson stated that residents like these signs because of the perception that they reduce speed. Peterson explained that if the goal is to reduce speed, there are more effective engineering methods to accomplish that goal.

Mark Clark stated that his neighbor displays a children at play curb sign when their children are playing outside. Peterson stated that private property cannot be placed in the street, and directional traffic signs cannot be placed by members of the public. Peterson explained that the MUTCD only recognizes two options for this type of sign. There is a crosswalk sign that is to be placed only where there is an implied crosswalk, and there is a playground sign that can only be placed near bona fide playgrounds.

Peterson stated that several area counties including Washington, Multnomah, Marion and Tillamook actively remove children at play signs. Peterson explained that Portland also actively removes those signs as well. Fairview will install children at play signs, and Troutdale permits residents to place any sign they want in the right of way. Peterson stated that there is a mix of what the area agencies do regarding these and other non-conforming signs.

Tim Clark asked if those cities install the signs because they perceive that they are effective. Peterson stated that those signs are installed for political reasons because their residents want them. Peterson explained that if those signs are removed from the City, people will call in about it. Peterson stated that several of the signs need to be replaced, and unless the Council provides direction otherwise, the signs will simply be removed.

Peterson explained that he discussed this topic with the City's insurance provider, and they indicated that the signs are valueless, and there could be increased liability regarding the perceived ability to play in the street. Peterson stated that the provider also indicated that it is up to the City to determine what is right for the community, and they will defend those actions.

Tim Clark stated that he is okay with removing the signs. Mark Clark stated that since the signs really do not have any value, then they should be removed. Smith stated that it might be worth removing the signs, and see what the reaction is. Peterson stated that he brought this item to the

Council so a legislative decision can be made. Peterson explained that there is more legal protection with legislative decision versus administrative decisions. Condit stated that while a legislative decision does not guarantee absolute immunity, it does provide for increased protections compared to an administrative decision.

Harden stated that if the signs are statistically useless, they should be removed from the entire City. Mark Clark asked if something could be put into the newsletter to see what the reaction is. Harden stated that the reaction could be to add more signs which the opposite of what the Council wants. Peterson stated that he will bring back a resolution indicating that the signs will be removed, and an article will be added to the newsletter as well.

FINANCE DIRECTOR'S REPORT

Minter presented the report, and stated that it is through the month of April. Minter stated that revenue is at 98% of the budgeted amount, and there are two months left to still collect. Minter explained that the Business Income Tax is still down despite reports from the county that the revenue is increasing. Minter stated that there will need to be a budget adjustment in June to cover some additional sewer treatment costs, and revenues received for workplace modifications. Overall that budget is on track.

Mark Clark asked about the software acquisition. Peterson stated that staff is still negotiating one contract provision, and Condit did a great job with the initial review and proposal. Peterson explained that the contract should be good to go by the end of the week. Minter stated that still allows for the October first start date. Tim Clark asked if staff was planning on running parallel systems. Minter stated that is not the plan. There will be several tests of the new system, and it will be the system once it goes live.

The Council thanked Minter for the report.

COUNCIL COMMENTS

Tim Clark asked if the City has received any reports of coyotes in the area. Peterson stated that there have been reports at Gresham Vista, but none in the City. Smith stated that she has seen several around the City. Condit stated that they had a similar issue in Lake Oswego, and removing Coyotes actually caused an increase in their population. The best way to deter coyotes is to not leave food out, and bring your pets inside at night.

Peterson stated that there is not another meeting scheduled in May, but a bid will need to be awarded. Peterson explained that with proper notice, the bid award can be conducted via email with the Councilors. Peterson stated that he would also like to award an employee who came up with a metal recycling \$100 for the innovation. The Council approved, and requested that be added to the newsletter.

Tim Clark asked about the upcoming Gresham Vista meeting, and stated that he feels the project has a good plan and vision. Mark Clark stated that he is planning on attending that meeting. Peterson explained that even though that development is not in the City, the City can become party to the development and be included in the notices.

ADJOURN

With no further business coming before the Council, and upon motion by Tim Clark, seconded by Harden and passing 5-0, the Council adjourned at 7:51pm.



Patricia Smith
Mayor

8-11-2013

Date

ATTEST:



Greg Dirks
City Recorder