



Mayor
Patricia Smith

Council President
Mark Clark

Councilors
Stanley Dirks

Timothy Clark

Scott Harden

**REGULAR MEETING OF THE
WOOD VILLAGE CITY COUNCIL
September 23, 2014
MINUTES**

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

ABSENT: Council President Mark Clark.

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

CITIZEN COMMENTS

There were none.

RESOLUTION 34-2014: BID AWARD - RESERVOIR PAINTING

Gunter presented the resolution and stated that the staff report is in the packet, and the bids were opened this afternoon. A summary of bids was presented to the Council. Gunter stated that the low bid was \$133,600 and the high bid was \$275,000. Gunter explained that because of the specialized process for this job, an engineer's estimate was not produced. Gunter stated that staff is confident in the low bidder, and the budget for the project is \$145,000. The staff recommendation is to award the bid to the low bidder.

Smith asked if the low bid is from an established company. Gunter stated that it is the same firm that painted the other reservoir last year, and they have a good track record. Dirks stated that his only comments relate to the range of bids. Peterson stated that part of the difference is due to the geographical location of some of the bidders. There is also a difference in cost related to the paint removal process.

Upon motion by Harden, seconded by Tim Clark and passing 4-0, Resolution 34-2014 awarding the Reservoir 2 painting contract to Long Painting Company for \$133,600 was approved.

DISCUSSION: SEASONAL BANNERS

HR/Records Manager Greg Dirks presented the discussion. Greg Dirks stated that the City has had a community banner program in place for about two years. A community banner design contest was held, and ten locations around the City were selected for the banners. Greg Dirks explained that last year the bracket design was modified, and eight additional locations were

selected. The banners were printed by the Reynolds High School print shop, and while the quality is good, the material was not intended for this type of use. Greg Dirks stated that several banners have become damaged in the recent winds, and they will need to be replaced.

Greg Dirks explained that there are several options for the replacement banners. Greg Dirks stated that the banners could be replaced in-kind with the same design and material. The banners could be replaced with fabric banners intended for outdoor use, or the banners could be replaced with premade seasonal designs. Greg Dirks explained that if the current banners were replaced with fabric banners, the original style brackets would need to be replaced. The original style brackets do not allow the fabric banners to be mounted. Greg Dirks stated that there are nine original style brackets remaining, and it would cost about \$50 each to replace them. The banners cost between \$50 and \$100 each depending on the material and number of colors. Greg Dirks stated that the full replacement of the banners and updated brackets would cost about \$1,500, and there is \$2,500 in the budget.

Dirks asked how the banners would be installed. Greg Dirks stated that we rely on outside companies with a lift truck. Greg Dirks explained that Comcast has provided the service in the past, and indicated they would be willing to continue to do so in the future. Tim Clark stated that he would like to see the current program expanded before we switch to seasonal banners. Tim Clark explained that he would also like to have the old style bracket replaced with the newer style. Smith stated that she likes the current design, and it would be better to have the banners on more durable material. Harden agreed and stated that in the future some locations could be used for seasonal or event banners.

Greg Dirks stated that he understands that the Council would like all the current banners replaced with a more durable material, and the original style brackets replaced with the newer style. The Council stated that is correct. Peterson asked if the Council would like to expand the program with 3-5 new additional locations. The Council stated that they would.

Upon motion by Harden, seconded by Dirks and passing 4-0, replacing the banners with fabric, updating the original style brackets, and expanding the community banner program was approved.

DISCUSSION: GRAFFITI

Peterson presented the discussion and stated that eradicating graffiti in the City has been a priority of the Council for some time. As a result, the City has put together a number of tools that have been identified as best practices in preventing and reducing graffiti. Peterson explained that the primary emphasis is on the rapid removal of graffiti. Peterson stated that with the help of the local Walmart, the City was able to put together graffiti removal kits that have been used

extensively around the community. Peterson explained that these kits do not remove everything, but it is a good free resource to the community.

Peterson stated that the next step is in public outreach and education. Peterson explained that educating the public on increased landscaping to prevent access, or additional lighting or preventative coatings has been occurring in the City's newsletter. Peterson stated that extra patrols also occurred in the high target areas. Peterson explained that staff has done a lot of the best practices in an attempt to discourage or reduce the amount of graffiti in the City.

Peterson stated that the City had some persistent taggers this past summer despite all the best practices. Peterson presented the character of the tags that have occurred this past summer. Peterson stated that a lot of the vandalism occurred on the fence at Rvierwood, and the HOA has spent over \$4,000 this past summer just on graffiti removal. Peterson explained that the HOA has also just planted additional landscaping to prevent access at a cost of over \$7,000. Other businesses have had to spend thousands of dollars repainting buildings and structures because of the graffiti.

Peterson stated that the successful prosecution of graffiti vandals is very difficult. Peterson explained that he has had the best experience in reducing graffiti by doing exactly what the City is doing now. Peterson stated that the question is whether to add additional strategies and services to aid in this problem.

Peterson stated that additional options include temporary cameras. Peterson explained that these cameras cost about \$500 each, but prosecution is still low even if the suspect was caught on tape. Peterson stated that there would probably be some community feedback regarding government surveillance as well. Peterson stated that cash reward systems have different results depending on the system. If the reward is just for tips, you get all kinds of calls and irrelevant information. If the reward is for the successful prosecution, no one gets a reward. Peterson explained that the main advantage of the reward is the ability to put up signs indicating an award which might deter some vandals.

Harden asked about pursuing the vandal in civil court to recoup the costs of abatement, and if that would be easier than the criminal charges. Condit stated that that is not a yes or no answer. Condit explained that it would be easier to build a case for civil court, but the costs of going through that process would probably be higher than the abatement costs.

Peterson stated that establishing a graffiti hotline is another option. There is a graffiti line in Troutdale which goes to a secondary location. Peterson explained that he was unable to get any real information to determine the success of the hotline. Peterson stated that saturation patrols are another option, but it is an expensive option with a low chance of catching the suspect.

Peterson stated that the question is what is the most financially beneficial program or option. Peterson explained that Portland found it cheaper to finance graffiti removal teams than to prosecute the vandals.

Smith asked what it costs to have graffiti removal teams. Peterson stated that it depends on the community, and it can run into the thousands of dollars per location. Harden asked if funds could be used to make landscaping improvements to reduce or prevent access to targets, and how these funds would be allocated. Peterson stated that once the Council provides direction on the programs, staff will put together the cost estimates. The programs would be brought back to the Council, and a budget adjustment would be needed.

Harden stated that there had been discussions on changing the fencing styles in the Urban Renewal area, and asked if Urban Renewal funds could be used in this area. Peterson stated that streetscape improvements are an authorized Urban Renewal project. Dirks stated that he would like to see the removal of wood fences on the main roads because graffiti is difficult to remove from those fences, and pressuring washing the graffiti makes the fence look bad. Peterson stated that could be accomplished with a combination of revised building standards and Urban Renewal funds.

Peterson presented the remaining additional practices, and stated that another big success has been in the form of a community based response of some kind. Peterson explained that these community based response teams are made up of volunteers that clean up graffiti. Peterson stated that forming a group here could be problematic. Smith stated that she does not see that occurring here. Peterson stated that he has attempted to engage some potential parties, and they all declined. Harden stated that maybe Riverwood and Treehill would have interest in sharing costs and services. Peterson stated that a victim's assistance program could be put together.

Dirks stated that he is concerned about the residents' ability to continuously remove graffiti both financially and physically. Tim Clark asked about a community clean up option a few times a year. Smith stated that would mean some graffiti would remain for a long time. Peterson explained that some years the graffiti has not been too bad, and an occasional cleanup response would work. That would not have worked this past summer.

Tim Clark stated that he is concerned about the costs, and where the money would come from. Peterson stated that the City has a balanced operating budget, and any additional spending would tip that out of balance and would be deficit spending. Tim Clark stated that there is a finite amount of money available. Harden stated that keeping the City clean is not a bad way to spend money.

Peterson stated that there is also a municipal code provision that requires owners remove graffiti within ten days or face a civil citation. Peterson stated that the City has been soft in that area because the owners are already victims of a crime. Tim Clark stated that the MCSO indicated that the rapid removal of graffiti is the best deterrent. Harden stated that overtime the program costs could be reduced as less graffiti appears. Peterson stated that is not always the case, and Riverwood is a good example of that. They would remove graffiti almost right away, and the graffiti would reappear the following day.

Smith stated that we cannot keep graffiti from occurring. Peterson stated that graffiti will continue unless there are continued saturated police patrols which would be a large expense. Tim Clark stated that a reward system for the prosecution could be a good deterrent. Peterson stated that the costs of the signs are about \$100 each.

Tim Clark stated that he would be interested in a grant program for lower income residents, but not for those people who just do not want to take the time to remove graffiti. Smith stated that she would like to see additional plantings to help create a longer term solution, and asked if a reduced cost plant program would work.

Dirks stated that there is a lot of concern about the cost of a program, but a community that has a lot of graffiti does not offer a good perception for people. Graffiti affects property values, and property tax income. Dirks explained that sometimes it takes money to make money, and perception is everything. Dirks stated that he does not mind spending some money to make the community look better. Tim Clark stated that he feels the concept of paying for graffiti removal may not be the best approach, especially when the City has not received any requests for that kind of service. Tim Clark explained that he would like to find creative ways to fix the problem instead of continuously spending money on it year after year. Tim Clark stated that he wants to find a long term solution that would reduce the problem without long term spending. People have been removing graffiti over and over, and it still occurs. Tim Clark explained that having the City pay to remove graffiti will not fix the problem. Harden stated that expediting the removal could help. Smith stated that she likes the idea of preventive measures.

Peterson stated that collectively the Council appears to want strategies to induce a change to reduce the number of graffiti incidents and the length of time it takes to have graffiti removed. Peterson explained that he heard the Council express interest in graffiti prosecution signs, free or reduced paint for residents, low cost landscaping options, and increased enforcement from the City to have people remove graffiti. The Council stated that is correct. Peterson stated that staff will work on implementing those items.

DISCUSSION: CHARTER AMENDMENTS

Condit presented the discussion and stated that this item is about looking at potential amendments to the City Charter. Condit explained that this item was discussed at the last retreat, and the City Charter basically acts as the constitution for the City. The charter sets the City's powers and duties, and allows for home rule authority. Condit explained that the City Charter assumes are power unless specifically preempted by state law. Condit stated that most charters have a periodic review for updates, but this charter does not have that provision. The last major charter updated was done in 2002, with another change in 2006. Condit explained that this discussion is to determine if updates are needed, and how the Council would like to go about that process.

Condit stated that when he arrived in 1999, the City's Charter was essentially the same as it was when it was adopted in the 1950's. Condit explained that the charter contained outdated language and items that were in conflict with state laws. The charter also did not recognize the professional management, and created a lot of potential risks and liability. Condit stated that substantial revisions were made to the charter. The charter was revised to reflect the Council Manager form of government, and articulated the powers of the City Administrator to comply with the ICMA standards. Condit explained that a lot of the changes were based on the 1988 League of Oregon Cities model charter, and reflected how the Council was already operating. Condit stated that the LOC put out a revised model charter in 2004 and contains some updated language that is easier to read and understand.

Condit explained some of the main differences in the model charter compared to the City's Charter. Condit stated that the selection of Mayor is different. The model charter provides for the separate election of the Mayor, and Condit explained that he has been involved with both aspects and prefers the Council selection of the Mayor. Condit explained that the model charter also explains the City's powers more clearly, but the City's Charter gets the job done. Harden asked about the County's gun control code, and if the charter needed to be augmented to keep from being preempted. Condit stated that the answer is no, and the issue of county rule is being litigated in a different city.

Condit explained that the powers clause in the current charter is broad and grants the full set of powers. Smith asked about the ability to tax marijuana, and if it would be in the best interest of the City to implement a tax. Peterson stated that the City cannot issue a tax without a vote of the people. Condit stated that when the City proposed a sales tax about nine years ago, a citizen initiative was approved which required a public vote on all new taxes. There is not enough time to put a tax measure on the ballot before Measure 91 is voted on.

Condit explained that any revisions to the charter have to be approved by the voters. The timeline does not have to be discussed tonight, but the earliest this item could go before the

voters in in March. Condit recommended a May election because the City could share the costs of the election. The charter review process would have to be completed by the first part of March in order to get on the May ballot.

Condit stated that other differences in the model charter include the creation of employee positions. The model charter does not include that provision, but the Council would still have some authority through the budget process. Condit stated that provision has not been a real issue, but it is something to think about. Tim Clark asked what Peterson thought of that provision. Peterson stated that he has not seen that provision in other cities. Peterson explained that you want the chief executive officer to respond quickly to what is needed, and this provision can delay actions.

Dirks asked about section 13 in the City's Charter and what it really entails. Condit stated that section is regarding the qualifications under the charter to take office. Condit explained that the model charter is more straight forward, and the 12 month residency provision in the City Charter may be skirting state laws. Condit stated that most residency requirements have been changed to six months, and a registered voter of the City. Condit explained that the model charter also specifics that the City Manager does not have to live within the City, whereas the current charter is silent on that issue.

Harden asked if this would have to go to the voters if the charter amendments were just cleaning up language. Condit stated that it all has to go to the voters, but housekeeping items can all be put on one measure, and significant revisions on a separate measure.

Condit stated that the model charter has an expedited ordinance process. Condit explained that the current charter requires two separate readings, but they can be completed in one evening. The model charter allows for one reading if it is unanimous. Condit stated that the two readings provision is a throwback to before the open public meetings laws.

Tim Clark stated that the model charter was developed in 2004, and asked if a new update was coming. Condit stated that the league typically updates that charter every ten years, but he has not heard anything from the league on this issue. Peterson stated that he contacted the league, and it is not in the work plan anytime soon. Condit stated that a lot of cities have fairly standardized charters, and most items are very similar to the model charter.

Condit stated that there are a few other housekeeping items such as absences, and updating the charter to reflect modern communication. Harden asked who would run the meetings if the Mayor and Council President were gone. Condit stated that it would be up to the Robert's Rules of Order, and the first item of business for the meeting would be to elect someone to preside over the meeting.

Tim Clark asked if it is common to deal with minor issues all at once or separately over time. Condit stated that if there are particular issues that come up, they can be done as a separate referral. Housekeeping items are typically done as a package. Condit explained that there is typically a periodic review of the charter, but there are no requirements to do so. Harden asked if a charter review has to be in the charter, or by ordinance. Condit explained that it can be done either way. Tim Clark stated that he would be concerned about getting enough people to volunteer to serve on a charter review committee. Tim Clark stated that he would like Condit to put together a package of items that should be updated in the charter, and bring those back to the Council. Condit stated that he can do that, and the model charter provides a lot of clarification and is better written even if the changes are not substantial. Smith asked if the review could be conducted at the retreat. Condit stated that he could do that.

Harden asked if there is still time to put it on the May ballot if it was not discussed until the retreat. Condit stated that the entire package would have to be completed by mid-March. Peterson stated that is a realistic timeline unless there is a full committee review process. Harden stated that he has no concerns with a Council review. Peterson stated that he would also like to engage the new Councilors as well.

Harden asked why the City Administrator title was not changed in 2002. Condit stated that there was some hesitation by the Council at that time to change the name. The model charter does not have any substantial changes to the City Administrator's duties, but the language is clearer.

Condit stated that there are two appointment methods for the City Attorney. One is appointment by the City Administrator; the other is by the Council. Condit explained that both the current charter and model charter have the City Attorney appointed by the Council. Tim Clark stated that he likes it the way it is. The Council agreed. Condit stated that it is all about getting the right person for the City.

Condit stated that the Council can read through the model charter and footnotes, and bring back any questions they may have. Tim Clark stated that he likes the idea of doing a review session at the retreat. The Council agreed. Tim Clark asked about the tax preemption provision, and if that would be an issue. Peterson stated that item could be better defined, and would recommend that be on a separate measure. Harden asked if any of the housekeeping issues would be hot items. Condit stated that there should not be any hot items, and it mainly cleans up language and ambiguities.

Condit stated that he will prepare a report for the Council retreat in January, and is open to questions or comments during that time. The Council thanked Condit for his work on this item.

PUBLIC WORKS DIRECTOR REPORT

Gunter presented the report and stated that the Waste Water Master Plan is underway, and an initial briefing will occur in December. Gunter explained that the Shea Lift Station has bids for the replacement, and staff will be meeting with DEQ for a review of the replacement plan. Gunter stated that the rain prevented the second day of slurring to occur, and staff is looking at next week to complete the project. Gunter stated that the reservoir valve replacement project will start tomorrow, and the water transfer process has been going well so far.

Gunter stated that the Building Department is cleaning up some past issues. Those items include the fire system at the former dog track facility. There are also some issues at the facility next to City Hall that staff is working on correcting. Gunter explained that there are several permits pending for structures, and a nuisance violation report is in the packet.

Tim Clark asked about the stop sign located in Lowe's parking lot, and who is responsible for the maintenance. Gunter stated that it would be up to Lowes. Harden asked about the fire system at the dog track facility. Gunter stated that the owner will post a fire watch with specific duties.

FINANCE DIRECTOR'S REPORT

Minter presented the report and stated that there is not a lot of new information because of the new fiscal year, but everything is looking good at this point. Minter stated that staff interviewed for the vacant finance position, and staff has narrowed down the pool to two people.

CITY ADMINISTRATOR'S REPORT

Peterson stated that the Annual Performance Plan is in the packet. Items are on track, and other items have been updated to reflect modifications to the plan. Peterson stated that the Waste Water Master Plan is a little behind, but overall items are on track.

COUNCIL REPORTS

Tim Clark stated that EMCTC discussed the regional transportation options for the 2015-17 plan. Tim Clark stated that MPAC had a meeting on the Climate Smart Communities, and the plan as written will cost about \$24 billion over 35 years, or about \$635 million a year. Tim Clark explained that the discussions have not indicated where all that money will come from. Peterson stated that part of the funding may come from shifts in the gas tax and charging per mile for vehicles.

Harden stated that he attempted to follow up with the principal at Fairview Elementary, but has not received a reply. Harden stated that he is discouraged about the process, and may be ready to drop the program soon. Harden stated that the learning center discussed by the MHCRC was recently opened and dedicated. Harden explained that this center and program will help children catch up to their grade level.

Tim Clark asked if a debrief on the League of Oregon Cities could be added to the October 28th agenda. Peterson stated that it can be added. Tim Clark asked if there has been any feedback from the community on the televising of the Council meetings. Peterson stated that he has not received any feedback. Tim Clark asked what the process would be if the Council moves forward with televising meetings. Peterson stated that the pilot program will be discussed at the retreat, and if approved Metro East will come in for a design of the system. It is a competitive grant, and there may be a local match required.

ADJOURN

With no further business coming before the Council, and upon motion by Tim Clark, seconded by Harden and passing 4-0, the Council adjourned at 9:03pm.



Patricia Smith
Mayor

10/14/14
Date

ATTEST:



Greg Dirks