

COUNCIL MEETING MINUTES FEBRUARY 27, 2012

0:00

DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, FEBRUARY 27, 2012.

CONVENED The meeting convened at 7:00 p.m. with Mayor Figley presiding.

ROLL CALL

Mayor Figley	Present
Councilor Cox	Present
Councilor Lonergan	Present
Councilor McCallum	Present
Councilor Morris	Present
Councilor Pugh	Present
Councilor Schmidt	Present

Staff Present: City Administrator Derickson, City Attorney Shields, Police Chief Russell, Public Works Director Brown, Economic & Community Development Director Hendryx, Finance Director Palacios, Community Services Director Row, Police Captain Alexander, Police Captain Garrett, Human Resources Director Hereford, Recorder Shearer.

0:01

COMMUNITY/GOVERNMENT REPORTS

A. Woodburn Downtown Unidos – Erubio Valladares, President, provided an update on Downtown Unidos activities.

0:02

PRESENTATIONS

- A. Finance Director Palacios gave an overview of the 2010/2011 Audit.
- B. Economic & Community Development Director Hendryx provided a staff report outlining two alternatives for implementing a Mural program. In addition, City Attorney Shields provided an overview of the legal issues surrounding a mural program.

Council engaged in extensive discussion of the two alternatives. The primary concerns were of content and artistic quality controls, program costs and impacts to the City budget and the timing & methodology of implementation of a program which would require modifications to the Woodburn Development Ordinance (WDO).

Specifically, Councilor Cox favors option 2, which is modeled after the City of Salem program so that the City can retain control over content to ensure that the City can prevent murals that would be offensive to the public. He also believes that the cost to implement that kind of program would be significant even if the City does not have to fund acquisition, development and maintenance costs, due to the significant staff time involved in managing the program.

COUNCIL MEETING MINUTES FEBRUARY 27, 2012

Councilor Pugh also had concerns over potential budget impacts of option 2. He further stated that while he supports a Public Arts Program, he feels that the City is not prepared for one at this time, primarily due to the fiscal impacts. He feels additional time to study the alternatives and the implementation details is necessary.

Councilor Morris had a question regarding the program costs & fees, and Director Hendryx clarified that program fees would be likely and the costs would include staff time for managing the program, committee support costs, and potentially mural maintenance costs.

Councilor McCallum inquired about the logistics for the option 1 pilot program. Director Hendryx responded that there would likely be fees associated with the pilot program as well, but staff time involved would be less than under an option 2 program. McCallum also questioned whether the program could exclude residential areas and Hendryx responded that the Portland program, which was the model for option 1, does restrict the program to commercial/industrial areas and has restrictions for historical areas.

Councilor Cox asked about the status of murals approved under a pilot program after the program ends. Director Hendryx responded that they would remain as non-conforming signs under our existing code. Cox expressed concern with having to go through the process multiple times, due to the nature of the process necessary to amend the WDO. Hendryx and Shields confirmed that the process cannot be altered to accelerate the process. Any attempt to include Council flexibility in the process would be problematic and most likely not possible.

Councilor Pugh would like to spend a period of time to further study Option 2. Councilor McCallum stated that option 1 provides an opportunity to see if a program with minimal guidelines will work and that Option 2 may be impractical due to the costs.

Councilor Lonergan questioned whether public owned art could be on private property. Director Hendryx and Attorney Shields responded that it is possible as part of a Public Arts Program similar to the City of Salem's program. Lonergan also queried what kind of public input is included in the City of Portland program. Hendryx replied that community or neighborhood meetings are purely informational and non-binding. Counselor Cox indicated that he would be surprised if any sort of fee level for either option 1 or option 2 could make the program self supporting. The Mayor agreed that fee based cost recovery may not be sufficient to cover program costs, including staff time.

Councilor Morris asked what would be the effect of painting a mural under the current WDO. Director Hendryx indicated that it would be an illegal sign. Attorney Shields responded that it is a Class I Civil Infraction and could be subject to up to \$1,000/day fine.

COUNCIL MEETING MINUTES

FEBRUARY 27, 2012

The Mayor invited members of the audience to speak regarding the Mural presentation. No member of the audience responded.

Councilor Cox stated that based on the e-mails he has received, he senses that some members of the public feels this is a Hispanic vs. Anglo issue. He does not see it as such. He believes that murals are intended to convey a message and he's okay with that as long as it is not blatantly commercial.

Councilor Morris requested a show of hands vote for & against a mural program. The majority present supported a mural program.

The Mayor summarized the alternatives facing Council include doing nothing, implementing Option 1, and implementing Option 2.

Pugh/Cox...continue to study Option 2, Public Arts Program, by referring the issue to a 3 person committee who will return with recommendations. After further Council discussion, the motion was altered to refer to staff for evaluation of Option 2 and return within 90 days with a recommendation.

Councilor Lonergan stated that he is a supporter of the arts and of the community but cautions that this is a terrible time, from a fiscal standpoint, to be discussing a program like this. He also feels that any public art is vetted or juried by those knowledgeable about art and the community. He is not in favor of expending public funds on this program at this time, but supports planning for the future.

Councilor Morris inquired why the Planning Commission could not develop the plan and proposal. Staff responded that the Planning Commission's duties and roles are defined by state statutes and rules.

The Mayor restated the motion as staff will (with the assistance of appropriate community members) return to Council with a proposed mural program modeled after the City of Salem's program that does not rely on City financial support other than staff time. This proposal would then go to the Planning Commission for incorporation into the WDO. Councilors Pugh & Cox agreed to the summary.

On a roll call vote, the motion passed unanimously.

1:07

BUSINESS FROM THE PUBLIC

Ray Vittorio of Beaverton, spoke in favor of the City of Portland's model for the mural program and supports a mural program that mirrors that program.

COUNCIL MEETING MINUTES FEBRUARY 27, 2012

1:13 **CONSENT AGENDA**

- A. Approve Woodburn City Council minutes of February 13, 2012,
- B. Accept Recreation and Park Board minutes of February 7, 2012,
- C. Accept the Crime Statistics report for January 2012,
- D. Recommend OLCC approval of a Greater Privilege application for Woodburn Bowl,
- E. Recommend OLCC approval of a Change of Ownership and Change of Business Name application for El Agave Grill Restaurant LLC, and
- F. Recommend OLCC approval of listed renewals for the year 2012.

Councilor Schmidt declared a conflict of interest and did not participate in the approval of this item.

McCallum/Pugh... approve the consent agenda as presented. Motion passed unanimously.

1:15 **COUNCIL BILL NO. 2886 – A RESOLUTION REDUCING THE 457 DEFERRED COMPENSATION MATCH AMOUNT FOR MANAGEMENT AND NON-UNION EMPLOYEES.**

McCallum introduced Council Bill No 2886. Recorder Shearer read the bill by title only since there were no objections from the Council. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2886 duly passed.

1:17 **MODIFICATION OF EMPLOYMENT AGREEMENTS**

Cox/Lonergan... authorize the Mayor, on behalf of the City, to modify the employment agreements of the City Administrator and City Attorney to reduce their 457 Deferred Compensation City match amount by 3%. Motion passed unanimously.

1:17 **MILL CREEK GREENWAY CULVERT CROSSING**

Cox/Lonergan... direct staff to construct a culvert crossing to connect Hermanson Street to the Mill Creek Greenway Trail. Motion passed unanimously.

1:22 **APPOINTMENT OF ADMINISTRATOR PRO TEM**

Cox/McCallum... appoint Christina Shearer as Administrator Pro Tem for the period of March 5 through March 10, 2012. Motion passed unanimously.

1:24 **CITY ADMINISTRATOR'S REPORT**

- Will be in training next week.

1:24 **MAYOR AND COUNCIL REPORTS**

- Councilor McCallum reported that the recent District 2 walkabout was a success.
- Mayor Figley extended congratulations to the recipients of the Chamber Junior First Citizen awards: Chief Scott Russell and Marta Trinidad of the Public Works Department.
- Councilor Schmidt commented on traffic on Settlemeir St in the morning and had a suggestion for better traffic control. Public Works will look into it.

**COUNCIL MEETING MINUTES
FEBRUARY 27, 2012**

1:28

EXECUTIVE SESSION

Mayor Figley entertained a motion to adjourn into executive session under the authority of ORS 192.660(2)(e). **Loneragan/McCallum...** adjourn to executive session under the statutory authority cited by the Mayor. The motion passed unanimously

The Council adjourned to executive session at 8:30 pm and reconvened at 8:50 pm. Mayor Figley stated that no action was taken by the Council while in executive session.

1:55

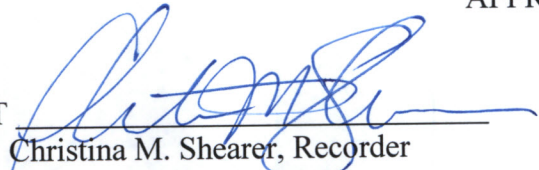
ADJOURNMENT

McCallum/Loneragan... meeting be adjourned. The motion passed unanimously. The meeting adjourned at 8:55 p.m.

APPROVED


KATHRYN FIGLEY, MAYOR

ATTEST


Christina M. Shearer, Recorder
City of Woodburn, Oregon