



City Council Workshop Agenda Monday, August 03, 2020, 4:30 PM REMOTE MEETING PARTICIPATION

NOTE: The City welcomes public meeting citizen participation. TTY Relay Service: 711. In compliance with the ADA, if you need special assistance to participate in a meeting, contact the City Clerk's office at (360) 834-6864, 72 hours prior to the meeting to enable the City to make reasonable accommodations to ensure accessibility (28 CFR 35.102-35.104 ADA Title 1.).

Participate in this virtual Council Meeting with the online ZOOM application and/or by phone.

OPTION 1 -- Join the virtual meeting from any device:

1. First-time ZOOM users, go to <https://zoom.us>
 - To download the free ZOOM Cloud Meetings app for your device
 - Or, click the Join Meeting link in the top right corner and paste - 94585489620
2. From any device click the meeting link <https://zoom.us/j/94585489620>
3. Enter your email and name, and then join webinar.
4. Wait for host to start the meeting.

OPTION 2 -- Join the virtual meeting from your phone (audio only):

1. Dial 877-853-5257
2. When prompted, enter meeting ID 945 8548 9620#, and then ###

During Public Comment periods:

1. Attendees may click the **raise hand icon** in the app and you will be called upon to comment for up to 3 minutes.
 - If listening by phone, hit *9 to "raise your hand" and you will be called upon to comment for up to 3 minutes.
2. Residents can send public comments to publiccomments@cityofcamas.us (400 word limit). *These will be entered into the meeting record. Emails received by one hour before the start of the meeting will be emailed to the Council prior to the meeting start time. During the meeting, the clerk will read aloud the submitter's name, the subject, and the date/time it was received. Emails will be accepted until 1 hour received after the meeting and will be emailed to the Council no later than the end of the next business day.*

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS

WORKSHOP TOPICS

1. [Removal of Markings and Graffiti](#)
[Presenters: Steve Wall, Public Works Director and Shawn MacPherson, City Attorney](#)
2. [Lacamas Park Trail Bridge](#)
[Presenters: Steve Wall, Public Works Director and Shawn MacPherson, City Attorney](#)
3. Public Works Miscellaneous and Updates
This is a placeholder for miscellaneous or emergent items.
Presenter: Steve Wall, Public Works Director
4. [City of Camas 2021-2022 Revenue Budget Projections](#)
[Presenter: Cathy Huber Nickerson, Finance Director](#)
5. Community Development Miscellaneous and Updates
This is a placeholder for miscellaneous or emergent items.
Presenter: Phil Bourquin, Community Development Director
6. City Administrator Miscellaneous and Updates
This is a placeholder for miscellaneous or emergent items.
Presenter: Jennifer Gorsuch, Administrative Services Director

COUNCIL COMMENTS AND REPORTS

PUBLIC COMMENTS

ADJOURNMENT



Staff Report – Meeting Item

Removal of Markings and Graffiti

Presenter: Steve Wall, Public Works Director and Shawn MacPherson, City Attorney

Phone	Email
360.817.7899	swall@cityofcamas.us

INTRODUCTION/PURPOSE/SUMMARY: As requested by Council, this Agenda item is being presented to assist Council in discussing legally available options regarding the City’s practice of removing markings and graffiti from the City’s structures and public places, consistent with related laws which require enforcement in a content neutral matter. Typically, once a building, wall or structure is marked and it is brought to the city’s attention, a work order is generated, and Public Works Parks Division staff will remove the markings as time allows. This occurs regardless of the nature or intent of the markings.

Section 12.32.020.B (Protection of property—Destruction of buildings, monuments and other properties.) of the Camas Municipal Code states: *No person shall in any of the City parks...Cut, break, or mark any building, bridge, wall, fountain, hedge, or other structure.* Staff is not recommending that CMC 12.32.050.B be amended. Council may wish to explore options associated with artistic expression in public spaces within the City. That could be in the form of developing a program that allows art to be displayed within City Parks or within public right-of-way which could potentially allow concrete walls or walks to be used as art mediums on a temporary basis. Under this type of program, the City would need to permit and approve art in accordance with State Statutes and Constitutional limitations. A WCIA advisory note related to Public Invitations to Display Art has been provided.

As requested, staff and the City Attorney will introduce the topic and be available to answer any questions. When considering potential alternatives, Council should evaluate the city’s ability to apply any policies in practice, as well as current staffing levels and resources to be able to manage and implement new programs.

ADM.24
PUBLIC INVITATIONS TO DISPLAY ART

Issued: 12/2002
 Revised: 06/2009
 Reviewed: 12/2014
 Reviewed: 06/2017

POSSIBLE EXPOSURES:

When a Member creates a public forum and invites the public to display art, then censors or rejects certain artists or art work, the Member's actions may create liability exposure for violation of the artist's First Amendment rights. The use of an "Arts Commission" or any other volunteer oversight group or guild to enforce the Member's censorship standards may not protect the Member against liability for First Amendment rights violations.

In the United States, freedom of expression, artistic and otherwise, is ultimately governed by the First Amendment to the U.S. Constitution. The First Amendment says, "Congress shall make no law abridging the freedom of speech." The word "speech" in the First Amendment includes much more than verbal expression. The expression of artists, including the use of symbolism, is also protected. The Washington Constitution Article I, § 5, provides that "[e]very person may freely speak, write and publish on all subjects, being responsible for the abuse of that right." This provision differs from its federal counterpart, but has been construed in a similar manner when defining what are considered "public forums."

Members may not enforce a content-based exclusion unless its regulation is necessary to serve a compelling state interest and is narrowly drawn to achieve that end. A Member may enforce regulations of time, place and manner of expression which are content-neutral, are narrowly tailored to serve a significant government interest, and leave open ample alternative channels of communication.

"Content-neutral" generally means no restriction on the nature of the message which the artist tries to communicate through the artwork and prohibits restriction based on religious, ethnic, racial, political, or sexual preference and/or content.

RECOMMENDED CONTROLS:

1. Types of Public Forums

The Supreme Court identified four types of public property for First Amendment expression purposes:

- A. Traditional Public Forums include streets, sidewalks, and parks.
- B. Open or Designated Forums are other public owned property designated, by government action, ordinance or permissiveness, to be used by private groups.
- C. Non Public Forums such as government buildings, libraries, etc.

- D. Limited Public Forums, such as a City or Town hall, library, and community center that have been opened for use (invitation) by the Member as a place for expressive activity.

2. What do we mean by Works of Art

Works of art include, but are not limited to: sculpture, painting, drawing, print, photograph, film or videotape, and crafts in any material or combination of materials such as clay, fiber, textiles, wood, glass, metal or plastic.

3. Excluding Certain Categories of Public Speech from a Public Forum

- A. The Washington State Constitution is generally more protective of First Amendment rights to free speech and/or expression than the U.S. Constitution. Based on the standards set forth in Washington law, it appears that it would be very difficult for a Member to impose speech restrictions in the context of an invitation by the Member to the public at large to submit public art for display at a public forum.
- B. Washington law suggests that even categorical exclusions based upon non-obscene but troublesome subject matter (i.e., “no profanity”, “no nudity”, “no graphic or symbolic depiction of sexual intercourse”, “no portrayal of racial hatred”) would be subject to a strict scrutiny standard, and it is unlikely that such restrictions on expressive speech in a public forum would be upheld.
- C. Therefore, it is recommended that Members do not invite public art for display at public forums if the Member is concerned about the display of potentially controversial or offensive materials, which may not meet the test for obscenity.
- D. Privately financed and donated monuments for permanent display in a Member park or other public area are “government speech,” not subject to the Free Speech Clause and possibly not be regulated by the Establishment Clause. Members may accept or decline donated monuments as they see fit.

4. The “Three-Pronged Test” for Obscenity

There are limited categories of speech such as “obscene speech”, which are specifically defined and are not constitutionally protected. For these limited categories of speech, a Member may restrict or exclude such speech or expressive activity, whether in the form of pure speech or art.

In the most important case on freedom of expression, *Miller vs. California*, the Court established a “three-pronged test” for obscenity. The Court’s decision stated that obscene material is not protected by the First Amendment and that such speech may be regulated by the state under certain circumstances.

Obscenity is a narrow category describing materials that meet all three prongs of the definition below:

- A. Whether the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest.
- B. Whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law [RCW 7.48A.010 (2)].
- C. Whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

Citizen complaints describing the artwork as “offensive” or “disgusting” is generally insufficient basis for rejecting the subject artwork.

5. Develop and Adopt a Written Policy

- A. A Member should develop a written policy addressing the display of art in public places that includes, but is not limited to:
 - 1. Purpose
 - 2. Definitions
 - 3. Artwork agreement
 - a) Written agreement with the artist that includes:
 - 1) Period of time artwork is to be exhibited.
 - 2) Responsibility for costs of permits (if required), site preparation, transportation, storage, installation, damage and liability insurance, removal of the artwork, and restoration of the site.
 - 3) Site location of the artwork.
 - 4) Conditions for sale of the artwork, if applicable.
 - 5) Conditions for termination of the agreement by the artist, donor or the Member.
 - 4. Types of Acquisitions (i.e., commissioned, purchased, acceptance of donated work, loaned, etc.)
 - 5. Selection criteria for artwork
 - a) Condition (i.e., good condition, free of safety hazards)
 - b) Availability of an appropriate site for display (size of art may be considered to determine if it fits available space)
 - c) Time Schedule
 - d) Maintenance and preservation
 - e) Restrictions
 - f) Appropriateness of artwork
 - 1) The artwork must not be lewd or obscene as defined in RCW 7.48A.010(2)
 - g) The safety of the artwork to the public (i.e., can it be placed so as to not create an unacceptable risk of physical injury to the public, traffic hazard, or be an attractive nuisance to children who could be injured playing on it)
 - 6. The Member should exercise final control and authority in the selection and/or (especially) the rejection of submitted artwork. Regardless of whether the Member utilizes an art commission or oversight committee, the

Member may be ultimately liable for any violations of an artist's First Amendment rights.

6. Open Invitations to Display Art (Indoors or Outdoors)

If a Member does not have the staff time, resources, desire, inclination, or capability to create, implement, and consistently administer a clearly articulated arts program that is considerate of the artist's First Amendment rights, WCIA recommends against creating any "limited public forums" by open invitation to the community.

7. Purchase of Art by Public Entities

Governmental entities may purchase art for display in public buildings and publicly owned outdoor locations. When acting as a purchaser of art in a proprietary capacity, governmental entities are not subject to the free speech restrictions cited above. (The same holds true for privately donated, permanent monuments. See above.) The only restrictions may be those which the entity has imposed upon itself by rule or which the entity has agreed to by contract with the artist.



Staff Report – Meeting Item

Lacamas Park Trail Bridge

Presenter: Steve Wall, Public Works Director and Shawn MacPherson, City Attorney

Phone	Email
360.817.7899	swall@cityofcamas.us

INTRODUCTION/PURPOSE/SUMMARY: As discussed at prior City Council meetings, concerns have been raised by some citizens and Council Members regarding people jumping from the trail bridge that crosses the Lacamas Lake-Round Lake Canal at Lacamas Park. Council Member Burton proposed three different strategies at the July 20th meeting. Below are the options that were identified, along with an additional option discussed amongst staff.

- Maintain status quo:
 - There is not an Ordinance in the Camas Municipal Code that addresses the topic of jumping from bridges. If an Ordinance is added, it would become law, penalties for violations would be set forth and the Ordinance enforced.
- Post a general warning sign:
 - See attached example. Cost per sign approximately \$50 (plus mounting hardware).
 - WCIA does not recommend posting a sign as it may create a duty or perception of enforcement that might not otherwise exist.
 - Would likely generate calls to the Police Department and others with complaints or requests for enforcement.
 - Should also sign existing sidewalk adjacent to road bridge.
 - Timing: Could be accomplished in approximately one week.
- Install fencing and/or other improvements:
 - See attached example. Ballpark Cost Estimate of approximately \$50,000.
 - If improvements are made, need to ensure compatibility with stated goals.
 - Other considerations: budget; aesthetics; safety; other uses.
 - Recommend removing existing sidewalk adjacent to road bridge (additional cost).
 - Timing: Late 2020 or early 2021 completion

- Hire a part time "Bridge Monitor" during warm weather
 - Cost/Year – approximately \$10,000
 - Assume 6 hrs/weekday and 8 hrs/weekend-day at \$15/hour. Memorial Day to Labor Day.
 - Timing: Contingent on budget authority and available personnel.

As requested, staff and the City Attorney will introduce the topic and be available to answer any questions.

Submittal Drawing

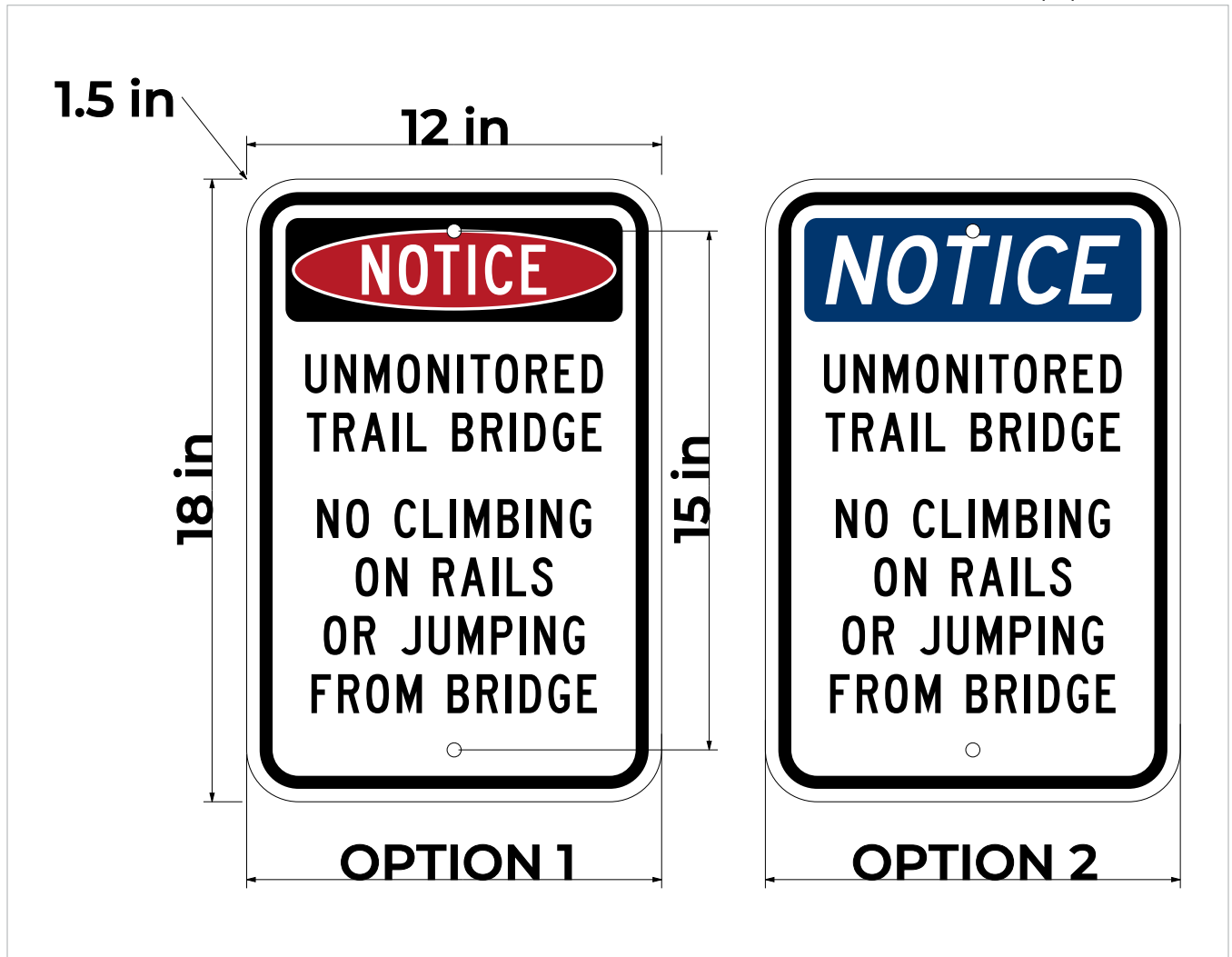


Job Number: SQN 22154

File Name: SQN 22154 - NOTICE UNMONITORED TRAIL BRIDGE NO CLIMBING - 12 x 18.fs

Drawn By: SJ

Date: 7/21/2020



REVISIONS &/OR ADDITIONS REQUESTED

Sheeting & Materials:
HIP 0.063 AL

Colors:
● Black ● Red
○ White ● Blue

Fonts:
HWYC-Regular HWYD-Regular

APPROVED FOR PRODUCTION

By checking & signing customer agrees to purchase sign as it appears on this artwork proof. Once approval is received by TSSCO, production will begin & any changes &/or cancellations will not be possible.

APPROVAL SIGNATURE:



Pedestrian Bridge Safety Improvements – Proposed Fencing Concepts



Staff Report – Meeting Item

City of Camas 2021-2022 Revenue Budget Projections
Presenter: Cathy Huber Nickerson, Finance Director

Phone	Email
360.817.1537	chuber@cityofcamas.us

INTRODUCTION/PURPOSE/SUMMARY: This presentation is to review the preliminary revenue projections for 2021-2022 of the City for the purpose of providing context in building the 2021-2022 biennial budget. The presentation will also provide the assumptions which are used to project the revenues and highlight the changing COVID-19 economy.



2021-2022 Revenue Projections

Cathy Huber Nickerson, Finance Director

Budget Process

Jul

- Budget Kick-Off Presentation to Council
- Departments begin building 2021-2022 Budgets both Operating and Capital

Aug

- Preliminary 2021-2022 Revenue Forecast
- Budget Guidance Strategy for 2021-2022
- 2021-2022 Capital Budget Preview

Sep

- 2021-2022 Revenue Presentations
- Special Workshop with Council on Operating Decision Packages
- Balancing Act for Public Engagement on Operating Packages

Oct

- 2021-2022 Mayor's Budget Presented
- Special Workshop with Council on Capital Budget Packages
- Balance Act for Public Engagement on Capital Packages
- Performance Measurements

Nov

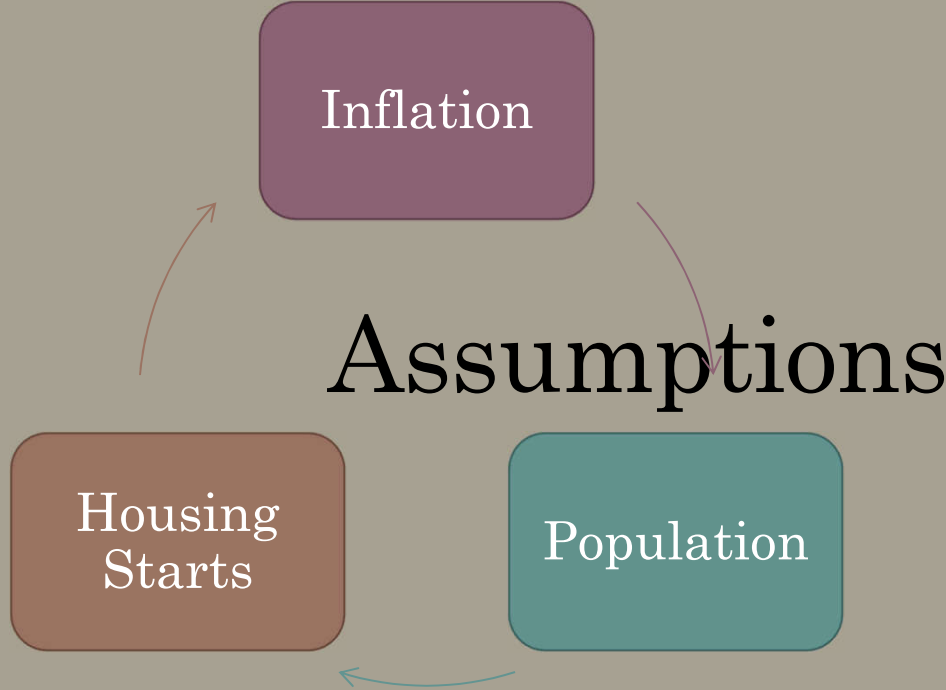
- 2021-2022 Budget Presentation with any updates
- 2020 Fall Omnibus Presentation
- Public Hearings

Dec

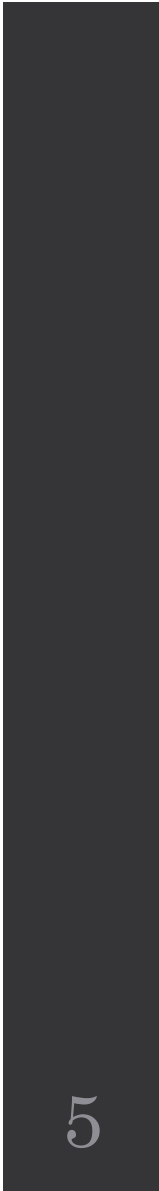
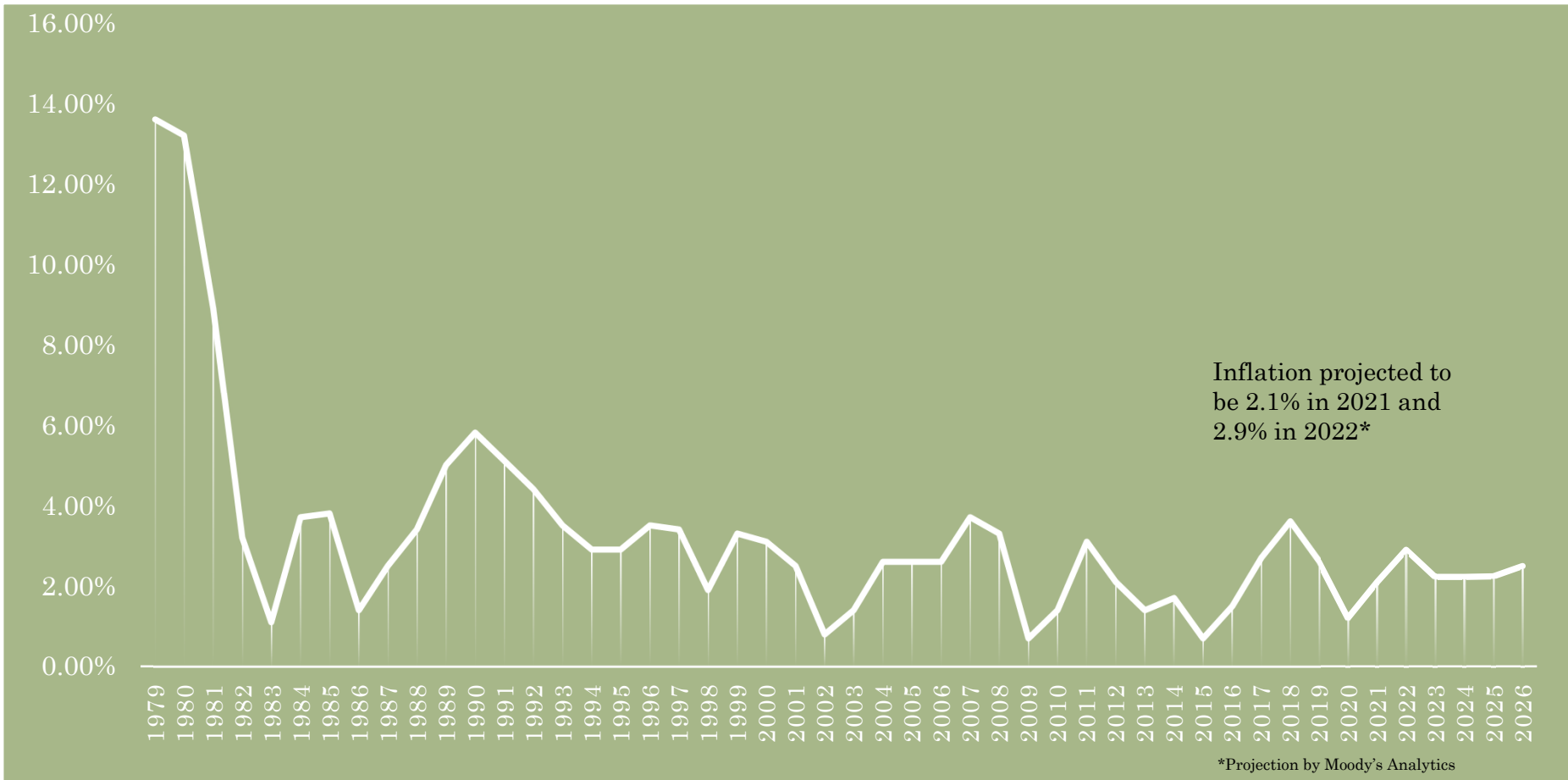
- Budget Ordinance Final Consideration and Approval

2021-2022 Revenue Budget Projections

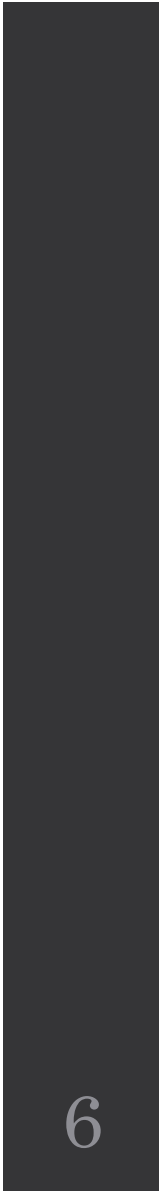
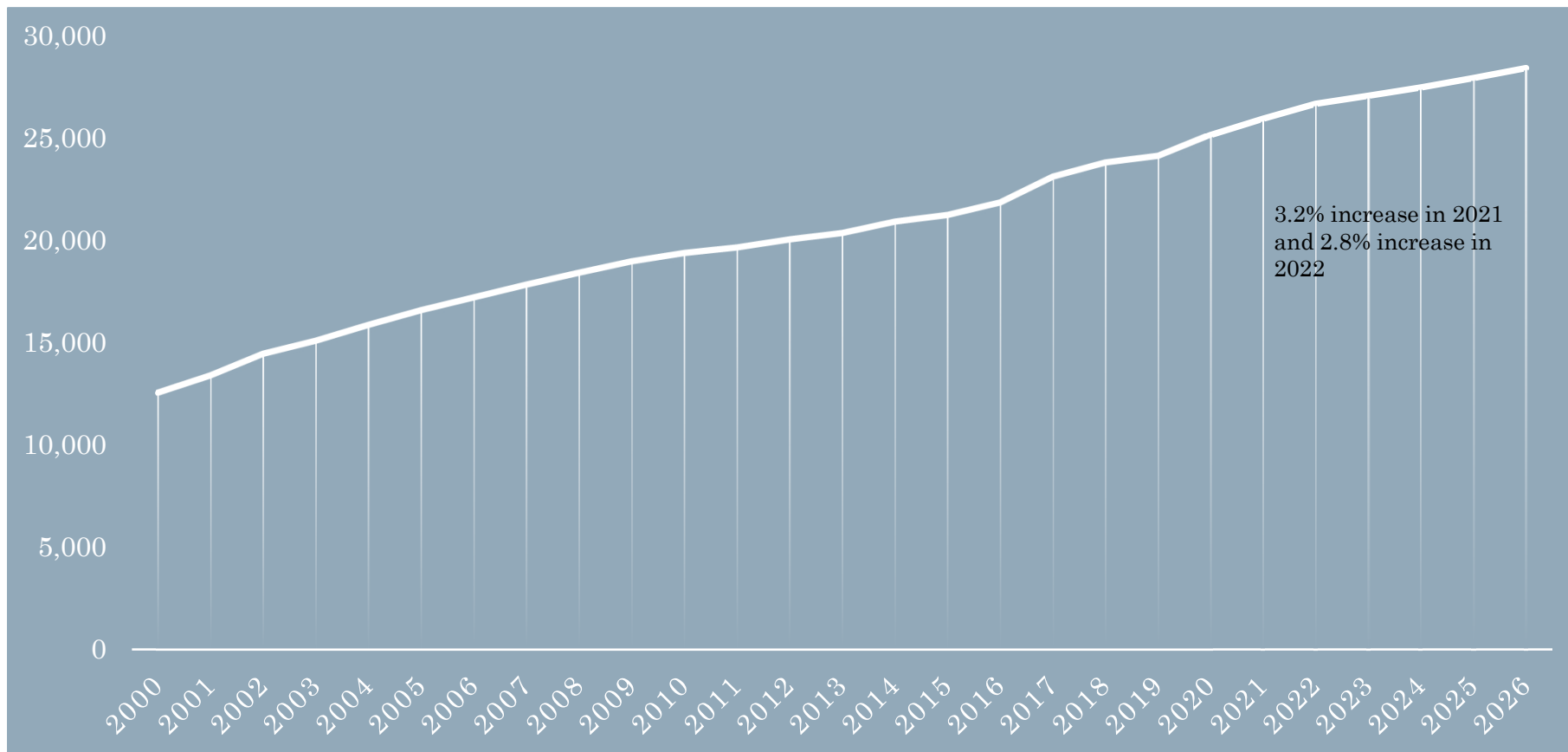




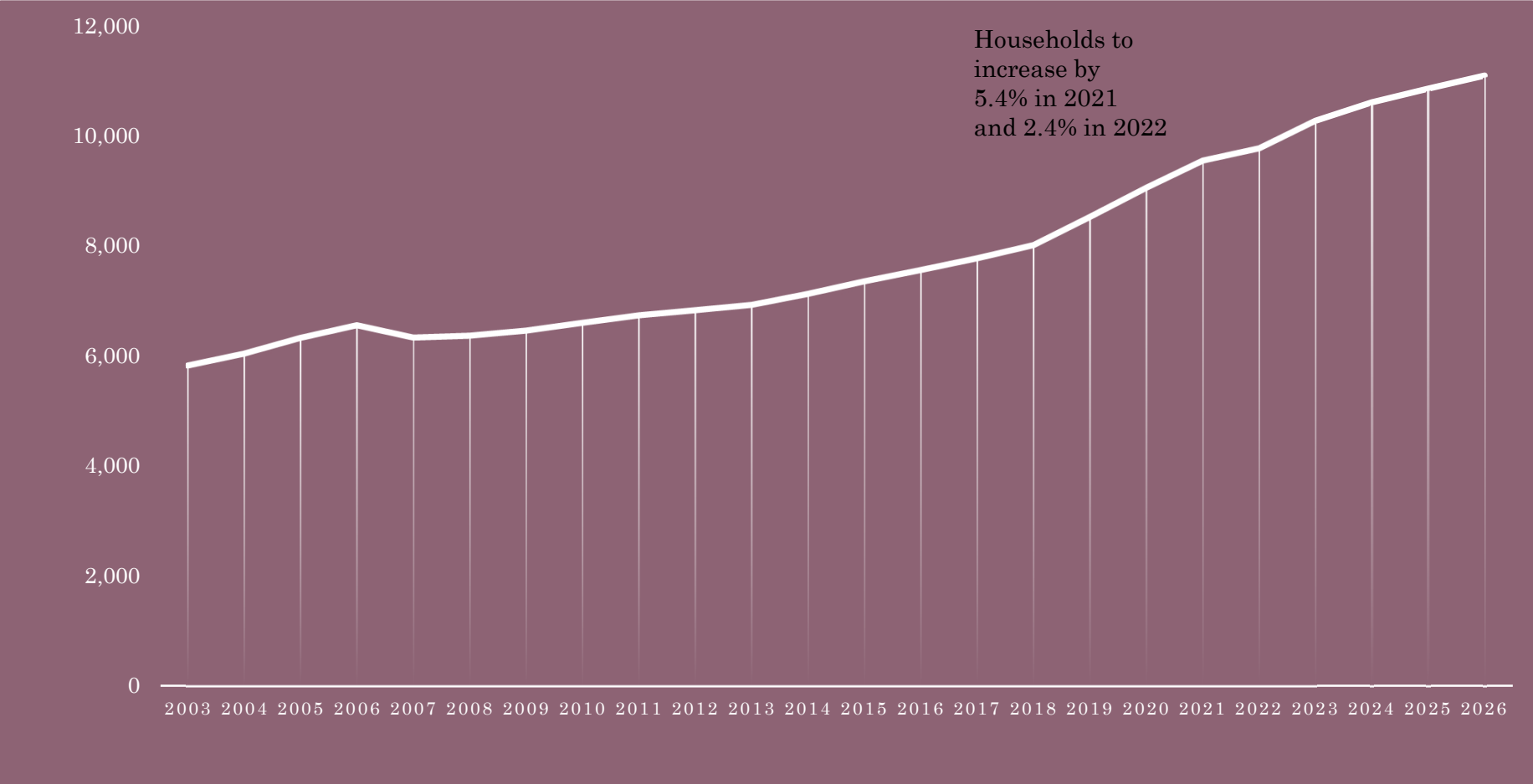
Inflation



Population



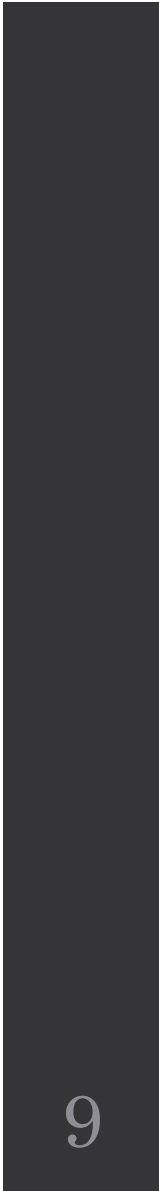
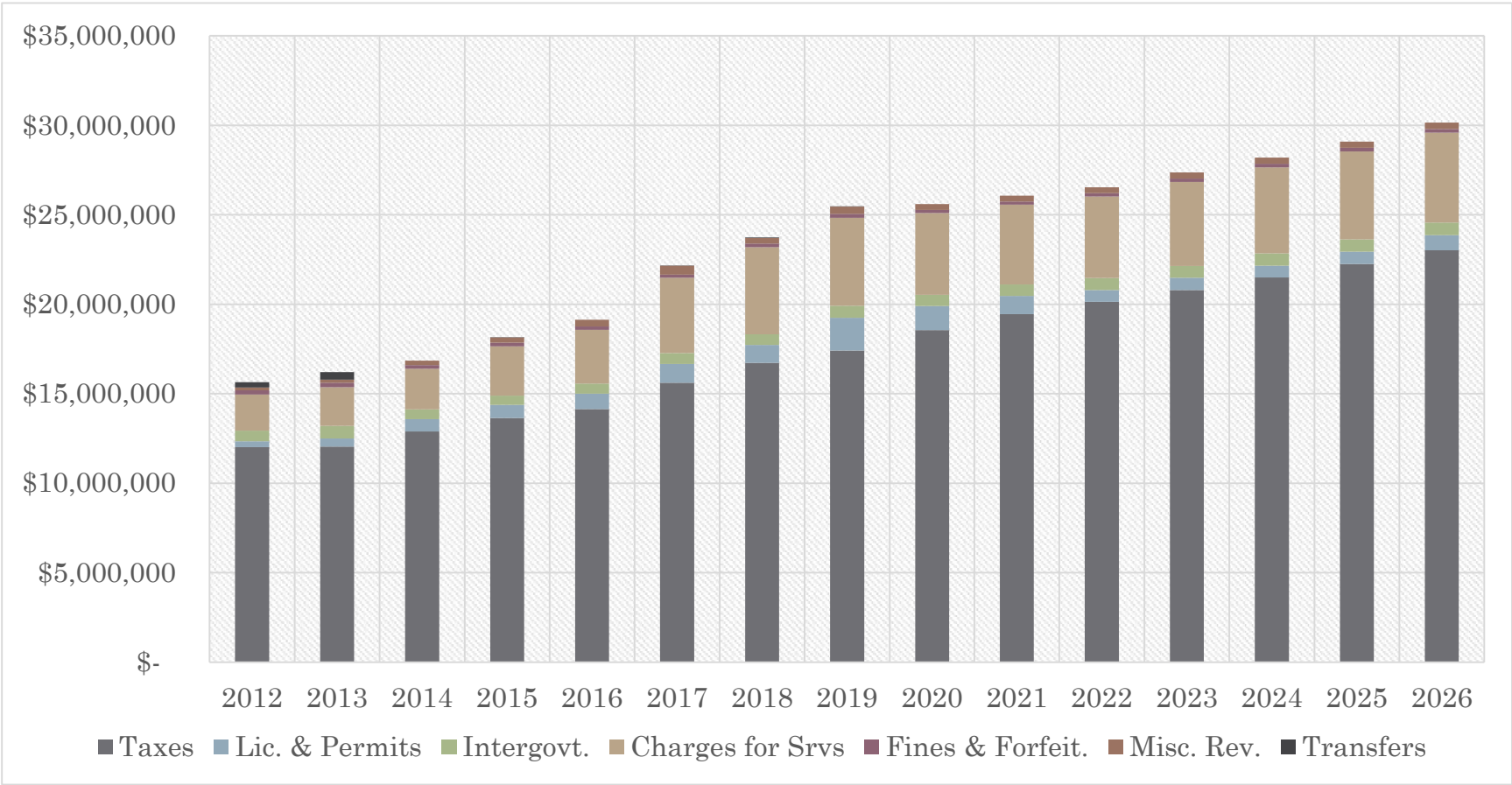
Households



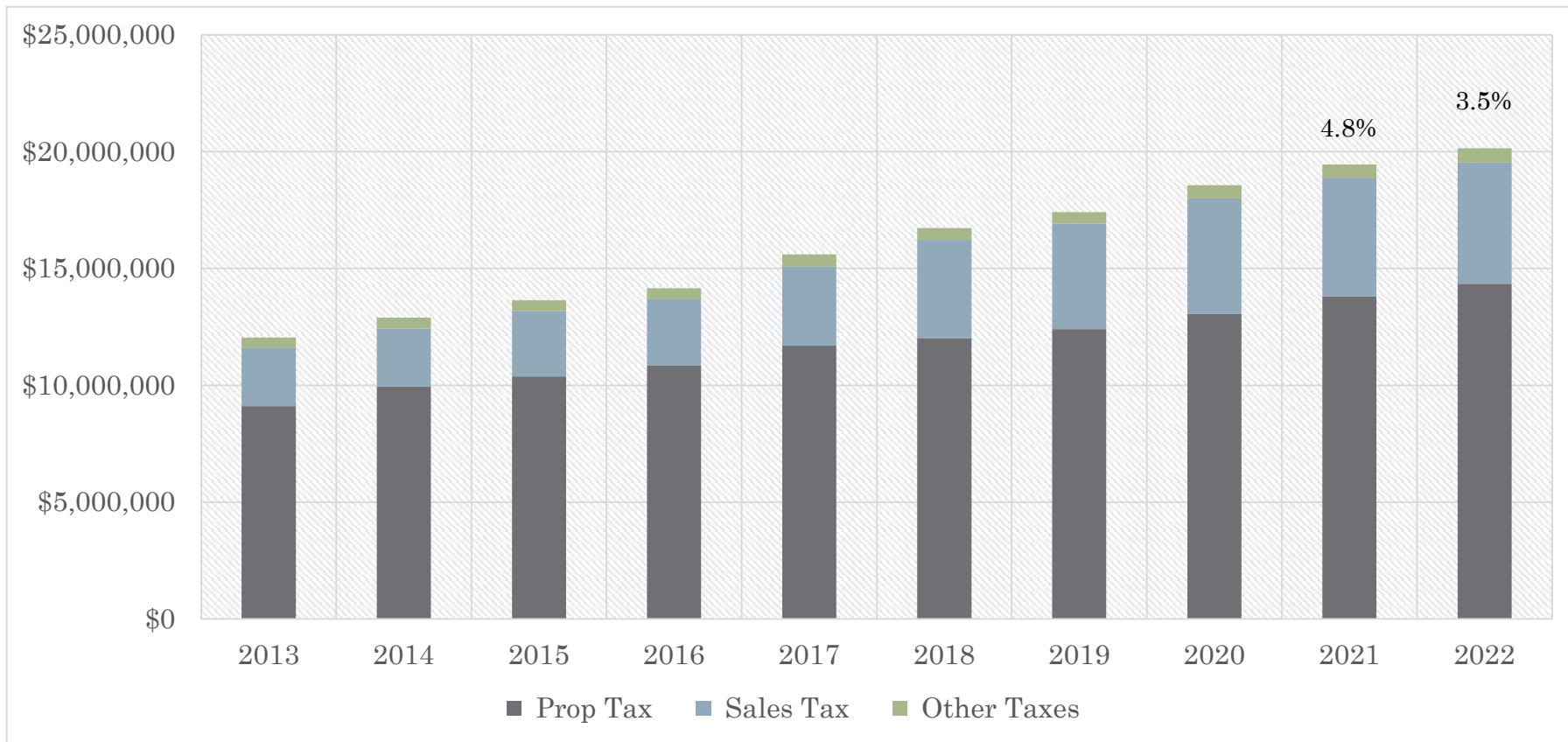
General Fund

Revenue Projections

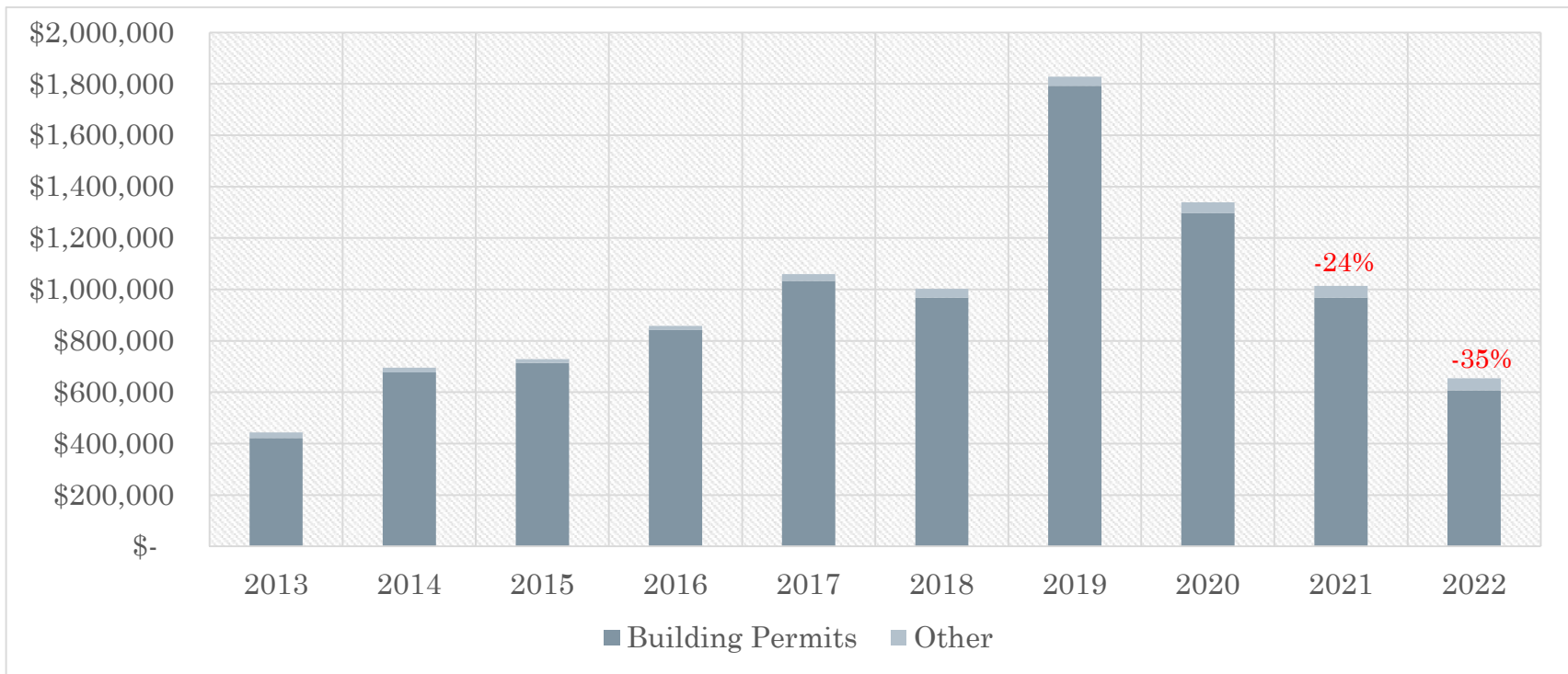
Sources of Funding



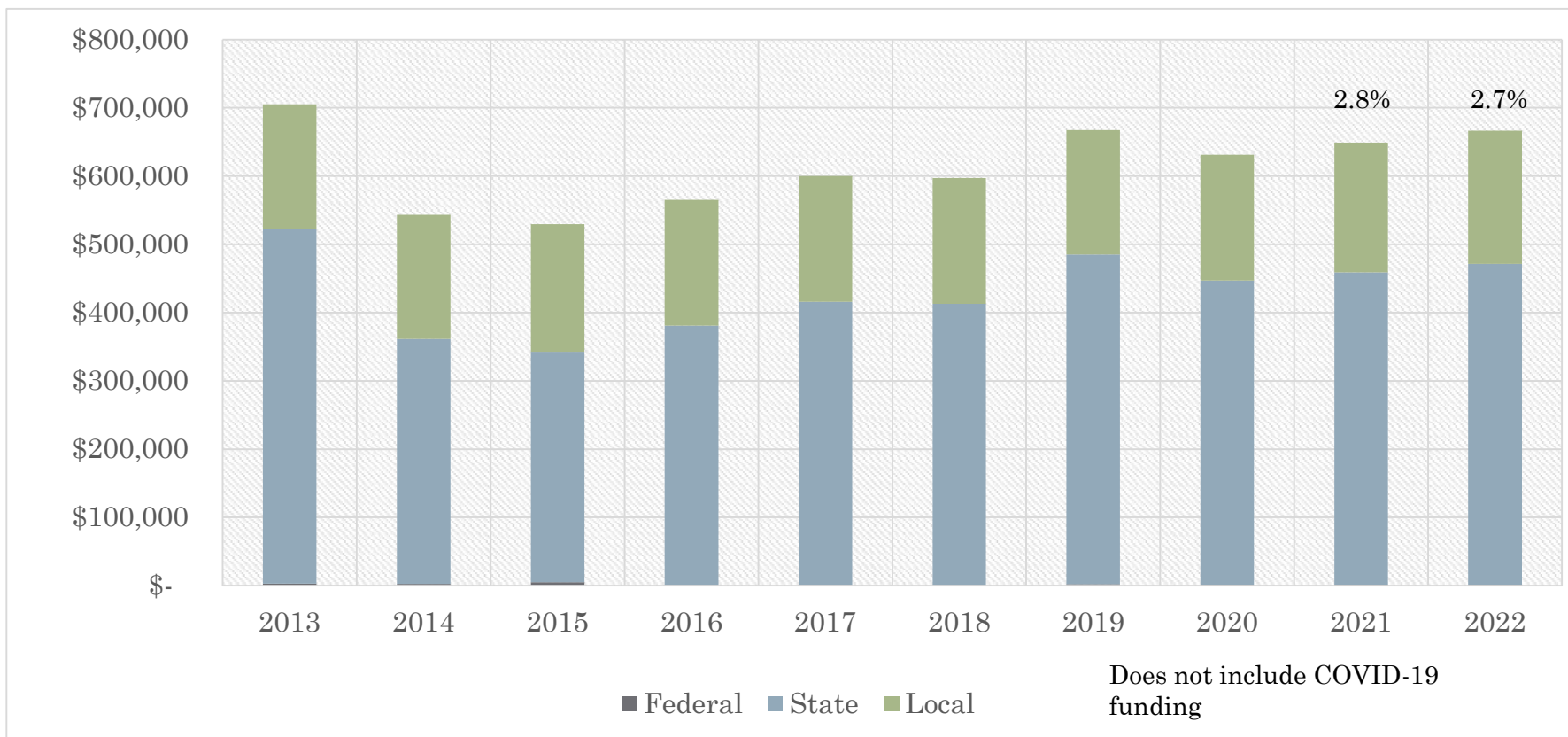
Tax Projections



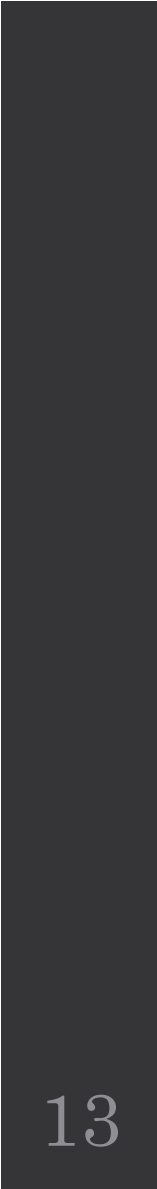
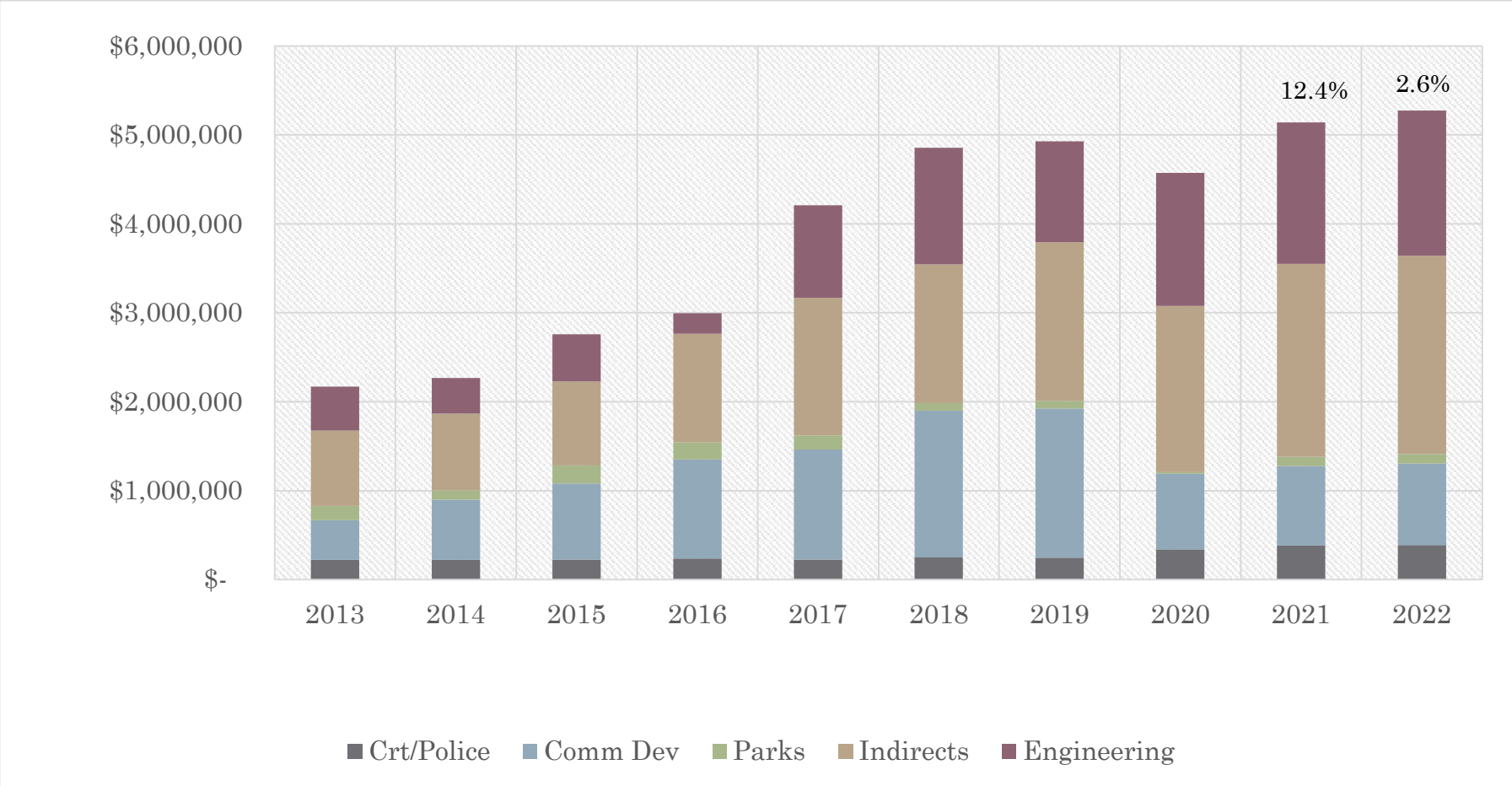
Licenses & Permits



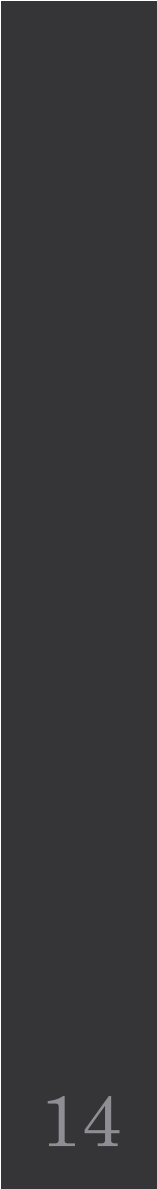
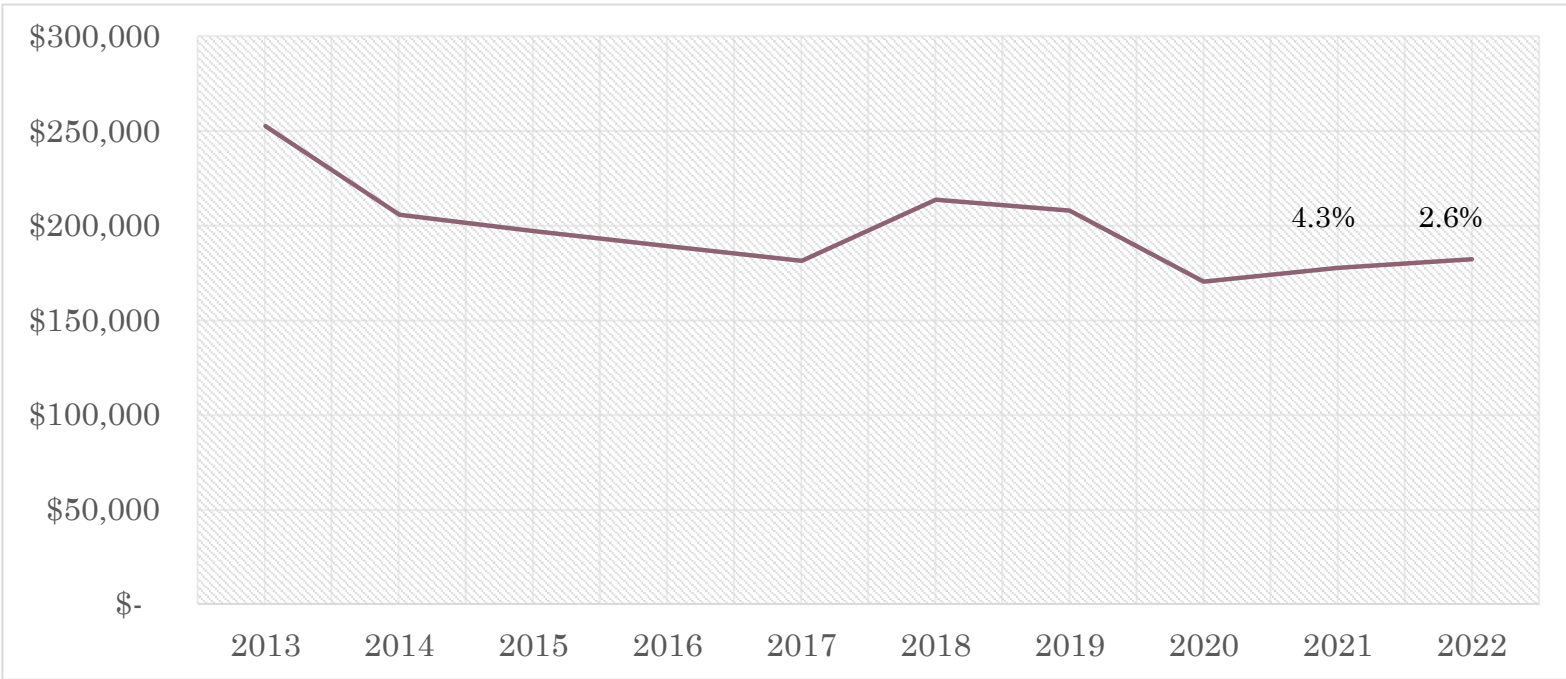
Federal, State and Locally Shared Revenue



Charges for Services



Fines and Forfeitures



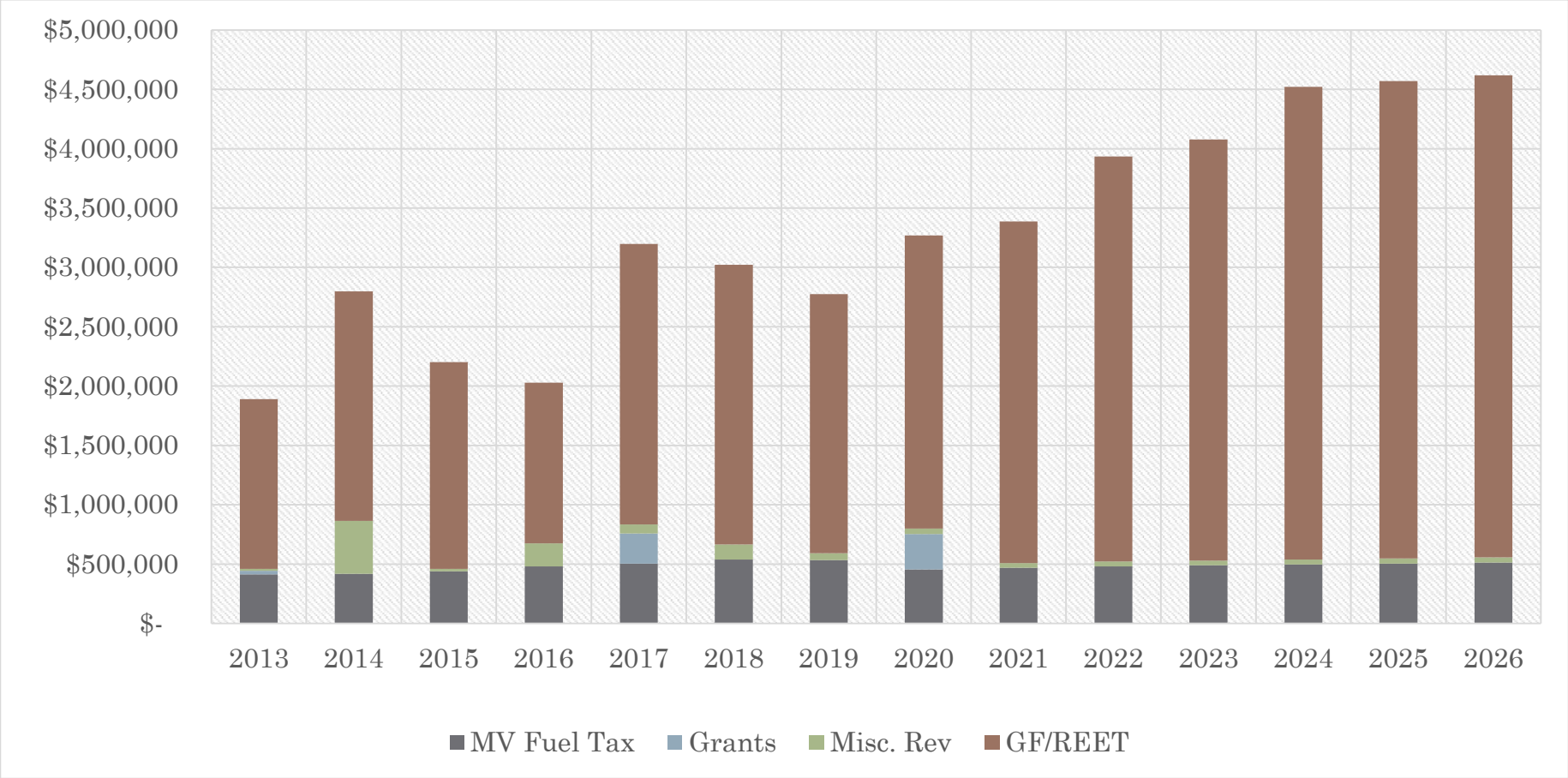
2021-2022 GF Revenue Estimate

	2021	2022
• Taxes	\$ 19,450,582	\$20,139,774
• Licenses & Permits	\$ 1,013,512	\$ 654,015
• Intergovernmental	\$ 648,955	\$ 666,652
• Charges for Services	\$ 5,139,260	\$ 5,274,873
• Fines and Forfeitures	\$ 177,736	\$ 182,359
• Miscellaneous Revenue	\$ 327,975	\$ 328,682
<hr/>		
Total General Fund Est. Revenue	\$ 26,758,020	\$27,246,355
	4.5%	1.8%

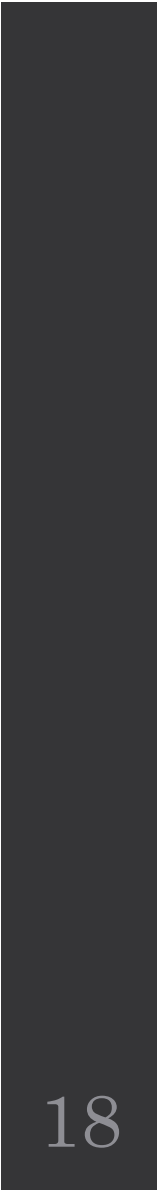
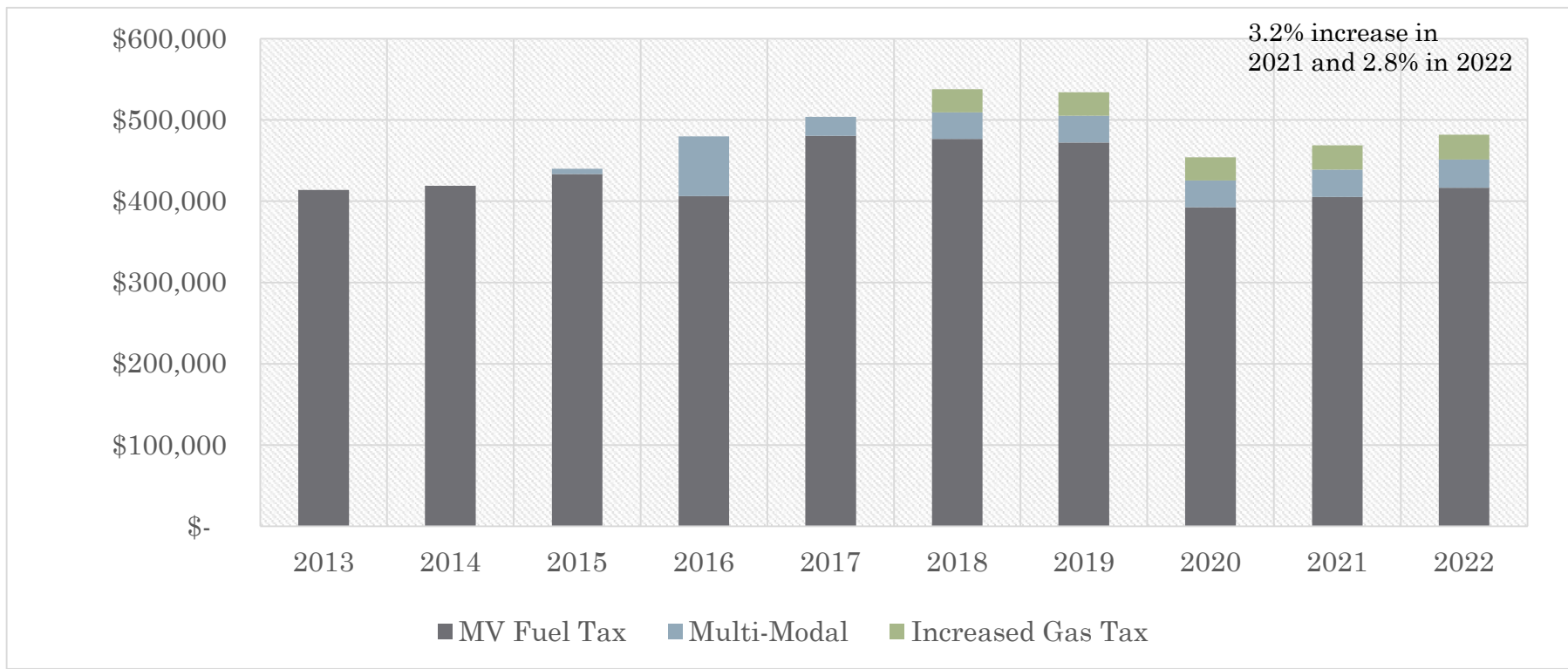
Street Fund

Revenue Projections

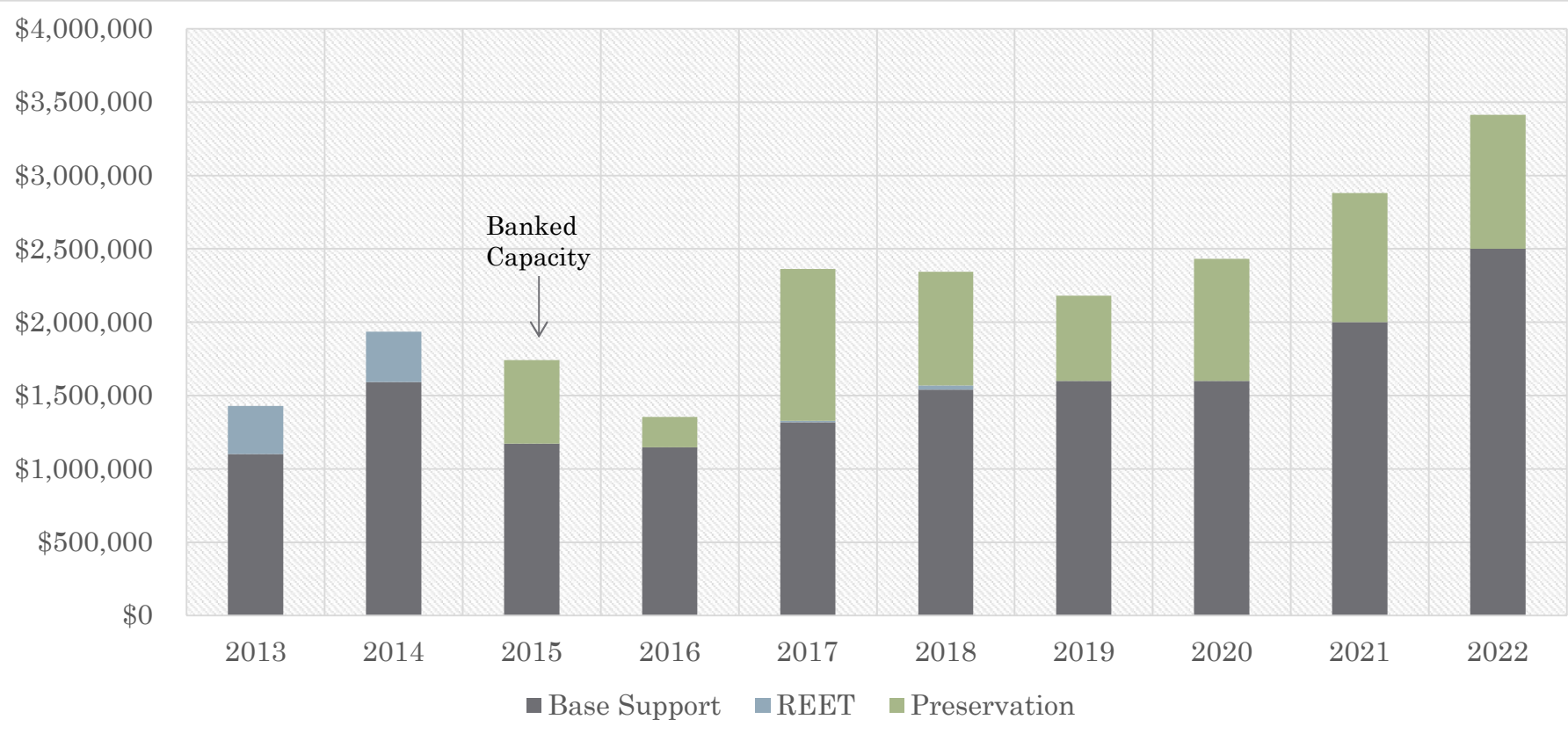
City Street Revenues



Motor Vehicle Fuel Tax



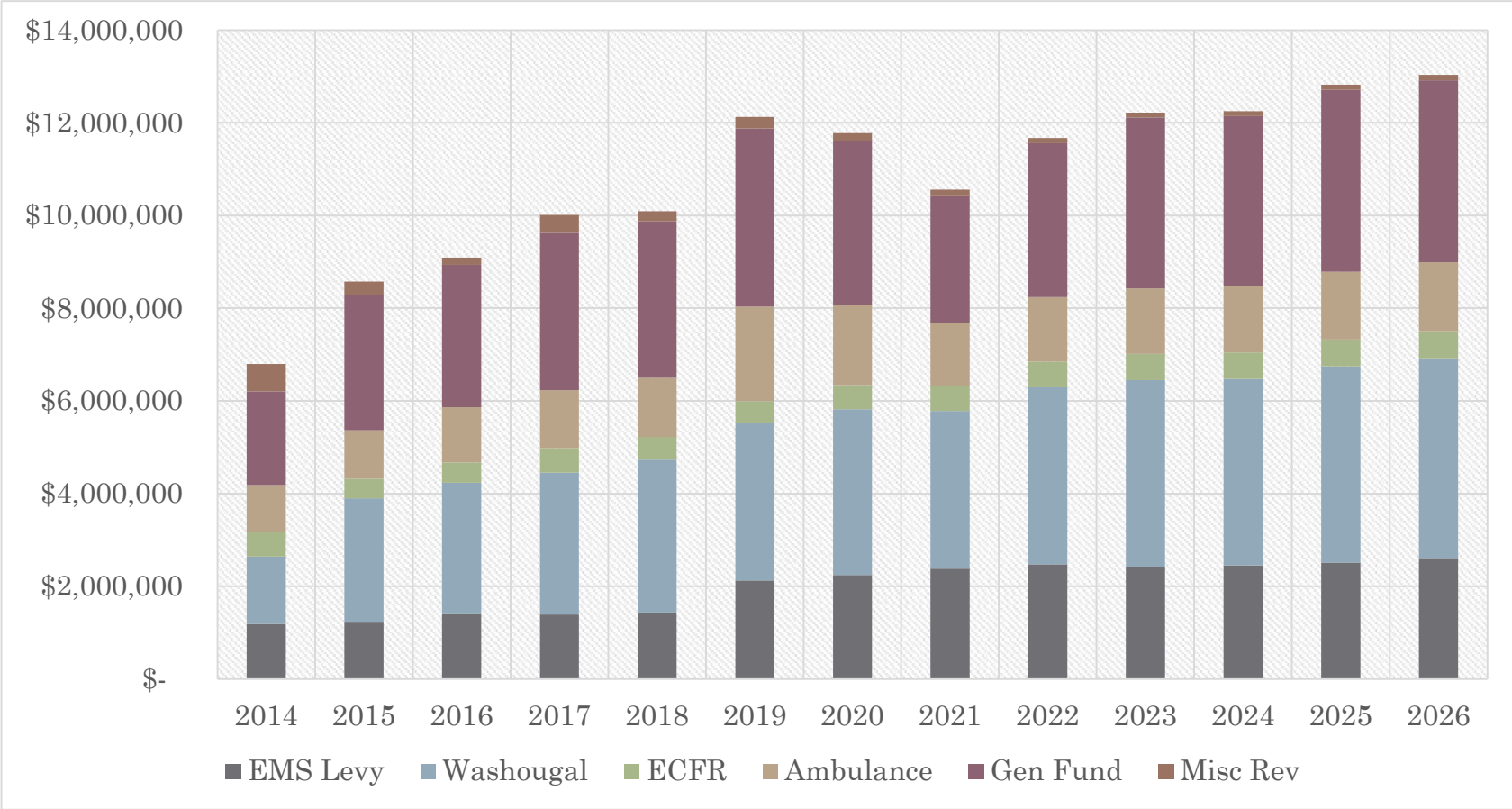
General Fund Support



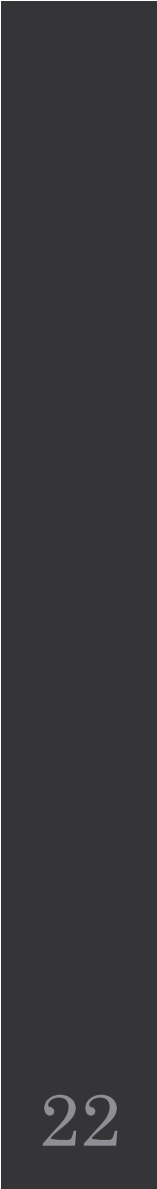
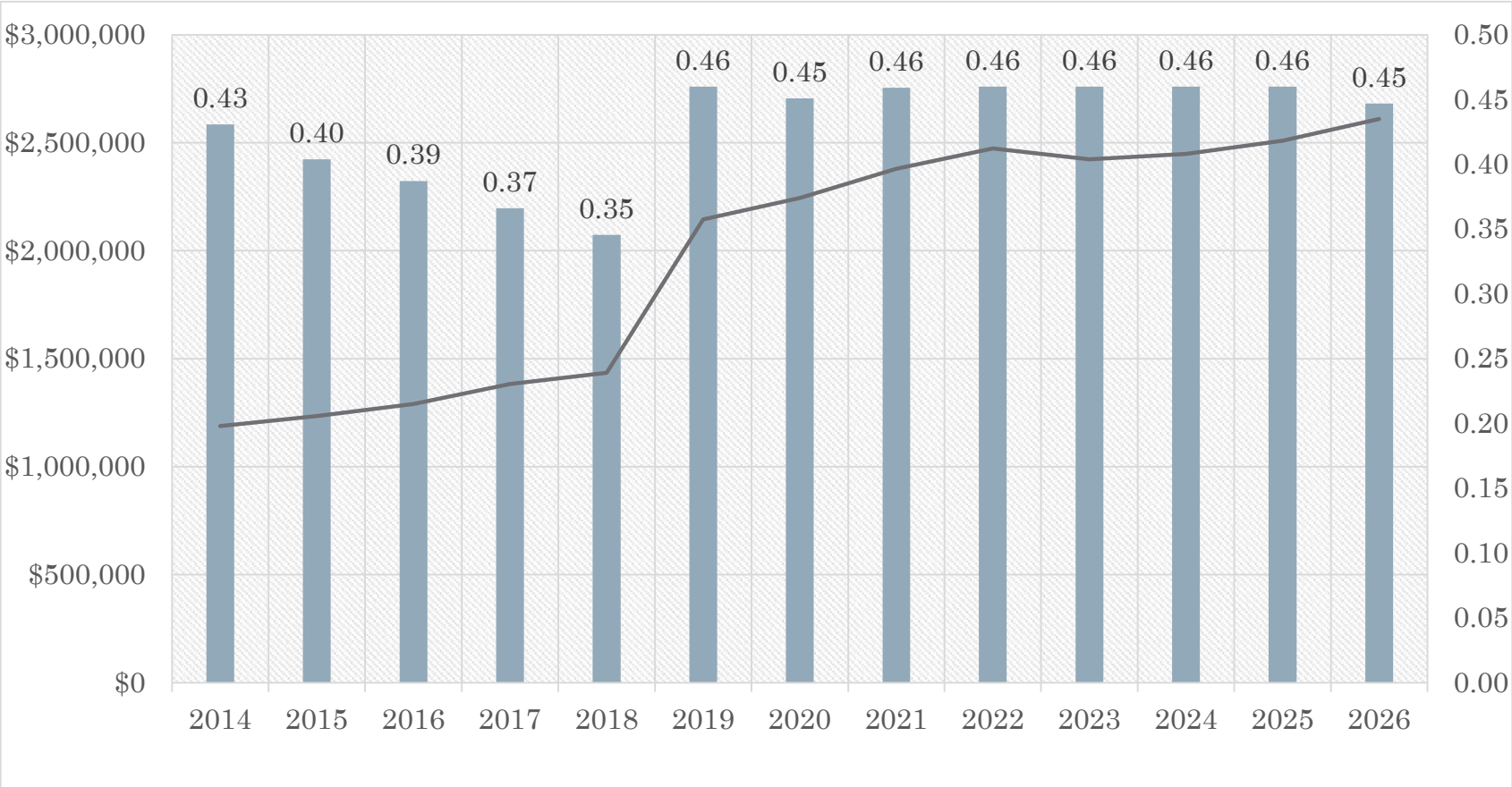
Fire and EMS Fund

Revenue Projections

CWFD Revenues



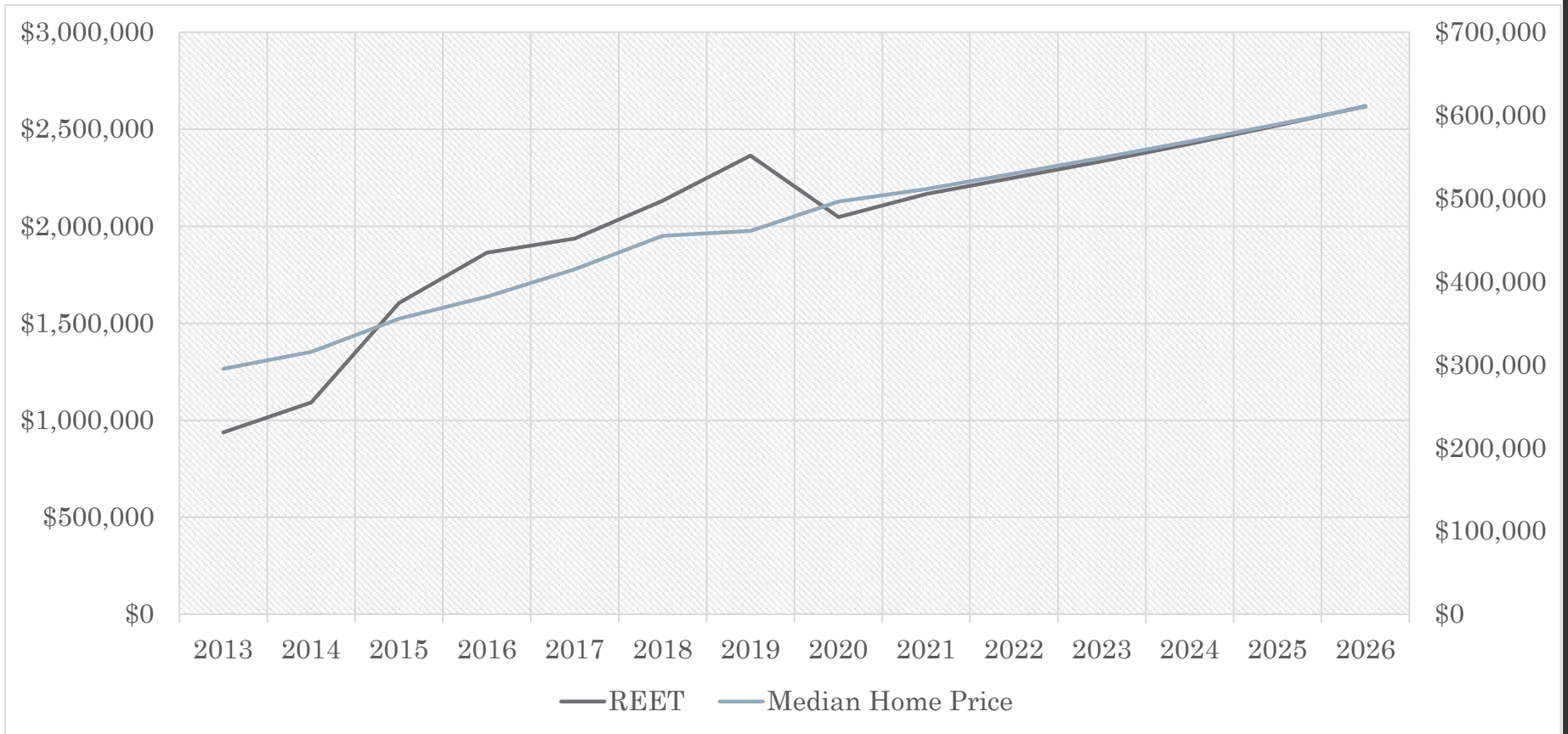
EMS Property Taxes



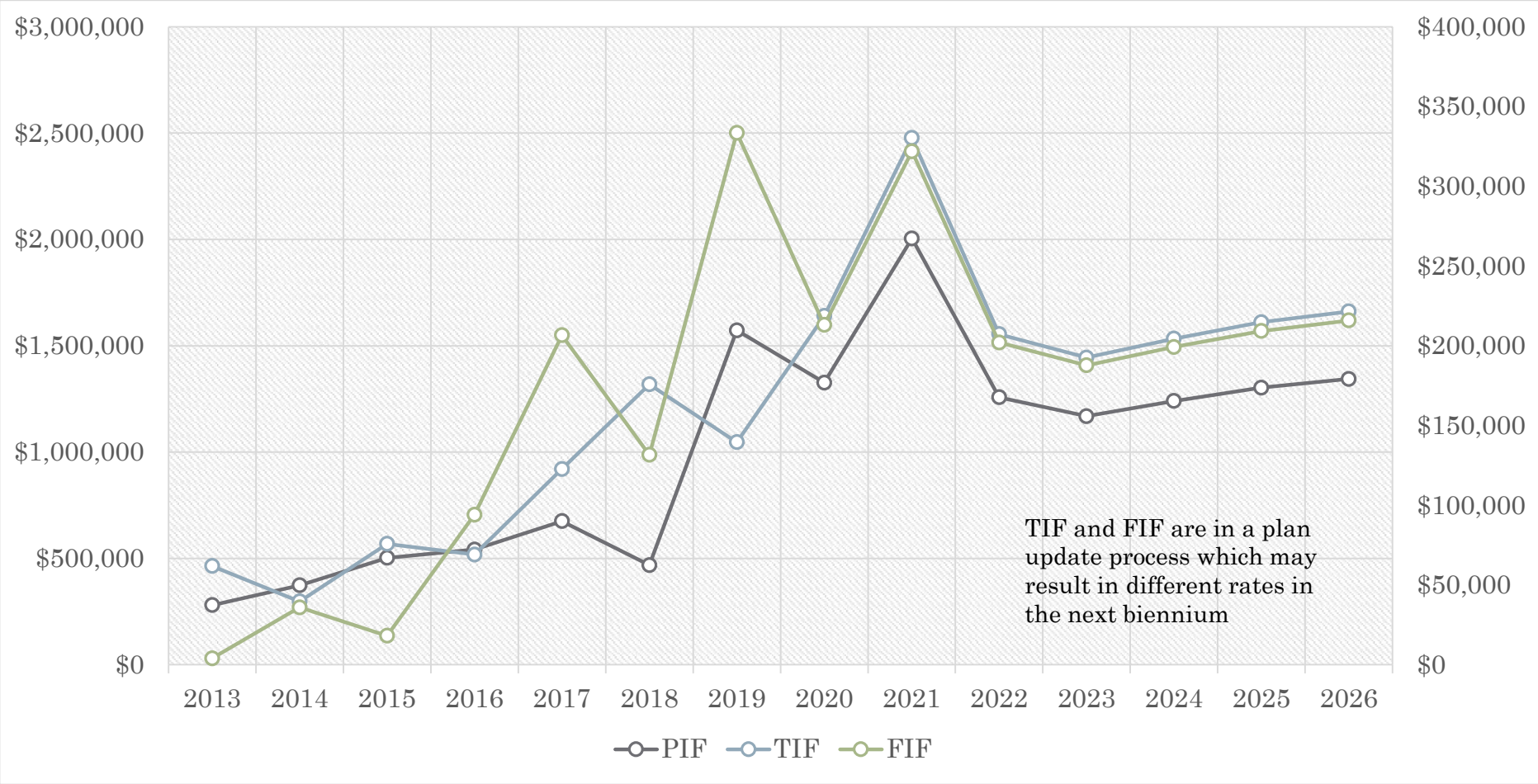
Capital Revenues

Revenue Projections

Real Estate Excise Tax



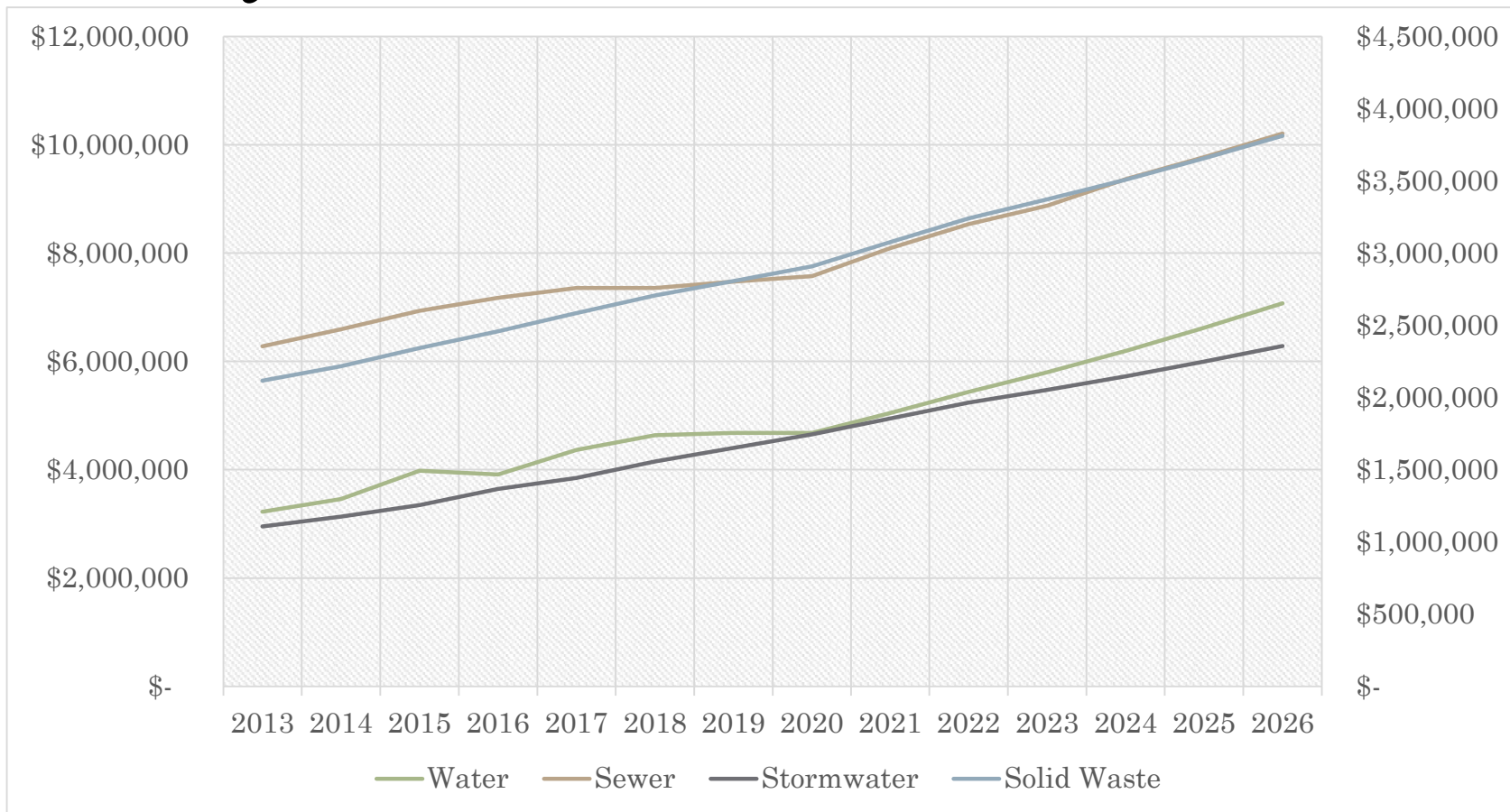
Impact Fees



Water, Sewer, Storm Water and Solid Waste Revenues

Projections

Utility Rate Revenue



- August 17th
 - Budget Guidance Strategy
 - 2021-2022 Capital Budget Preview

Next Steps to 2021-2022 Budget