

BROWNSVILLE CITY COUNCIL  
MEETING MINUTES

Special Meeting  
September 16<sup>th</sup>, 2009

**ROLL CALL:** Mayor Ware called the meeting to order at 8:00 p.m. with Councilors Shepherd, Ginn, Gerber, Chambers (8:01 p.m.) and Cole (8:02 p.m.) present. Also present was City Administrator Scott McDowell. Councilor Van Sandt was excused.

**ACTION ITEMS:**

1. **Select Painting Contractor.** Council is interested in painting City Hall, last done in 1993, and the Recreation Center, last done in 1994. McDowell has put out a request for quotes and specifications for the project. Nine interested contractors came to review the project. Four contractors submitted quotes to perform the work. Two quotes are well beyond what the City had budgeted for the project and the other two contractors are within \$1,800 of each other. Stom Painters, Inc. out of Albany provided a quote of \$26,900 and Fitzpatrick Painting Inc. out of Corvallis provided a quote of \$28,700.

During the course of contractors inspecting both premises, Fine Painting out of Portland indicated that the Rec Center was showing signs of having lead paint present. The City hired Atez, a lead testing company out of Harrisburg, to check for lead and provide a written report. The outcome of the test was that lead was present at the Recreation Center but not at City Hall. The City followed up with the Department of Human Services (DHS), the State agency responsible for lead abatement. Specialist Glenn Kawanishi indicated that, "unless there is a child care facility present or the building is used as a residence, it is unregulated..." Mr. Kawanishi did indicate that worker safety would be an issue and that Oregon Occupational Health Division (OSHA) would be involved to monitor air quality. He agreed that the licensed contractor is responsible for their workers and the air quality while preparing the building for painting. He also stated that in some cases the Department of Environmental Quality (DEQ) would be involved but not in this case.

Stom Painters, Inc. indicated in their quote that they would follow the specifications and that their quote included two coats of paint for every surface. Fitzpatrick Painting Inc. expressly indicated in their quote that a five year warranty and Lead Safe Work Practices would be used in the painting of all surfaces. Councilor Cole asked about the completeness of the specifications. McDowell indicated that he had put the specifications together prior to the knowledge that lead could possibly be present on any building. McDowell explained that lead regulations had passed around 1978 and then added to around 1987. He stated that since the building was last painted in 1994, he felt that the proper procedures had been executed at that time. According to State law, the requirements in Oregon are vastly different than elsewhere. Once lead was alleged to be detected, McDowell called in Atez and contacted the State in order to act in the best interest of the public. Councilor Shepherd pointed out the possible weather conditions. He was concerned the paint could "pop" based on the moisture and temperatures over the next several weeks. He liked the idea of the five year warranty being expressly stated. Councilor Ginn & Cole felt that the quote from Fitzpatrick Painters Inc. was more comprehensive than the other quote.

A motion was made by Councilor Cole, seconded by Councilor Ginn to award the contract to Fitzpatrick Painters Inc. in the amount of \$28,700 for the painting of City Hall and the Recreation Center due to the expressly stated five year warranty, lead safe work practices and the overall comprehensiveness of their proposal. The motion carried and was approved unanimously.

NEW BUSINESS:

1. City Hall Garage Doors. Councilor Shepherd indicated that he had spoken with Mr. McDowell about the condition of the garage doors downstairs. He was interested in what the City should do about the doors. McDowell said that after he had spoken with Councilor Shepherd, he had discussed the concern with Public Works Superintendent Karl Frink. Mr. Frink indicated that Public Works could repair the doors using the parts and panels from the door that was removed. The City doesn't want an unnecessary expense without knowing how the downstairs area will be utilized.

ADJOURNMENT: The Council meeting was adjourned at 8:13 p.m.



\_\_\_\_\_  
City Administrator S. Scott McDowell



\_\_\_\_\_  
Mayor Don Ware