

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:30 p.m. on Monday, January 7, 2019. Mayor Knapp called the meeting to order at 7:48 p.m., followed by roll call and the Pledge of Allegiance.

Immediately following the swearing in, the roll call was conducted.

The following City Council members were present:

- Mayor Knapp
- Council President Akervall
- Councilor Stevens - Excused
- Councilor Lehan
- Councilor West

Staff present included:

- Bryan Cosgrove, City Manager
- Jeanna Troha, Assistant City Manager
- Barbara Jacobson, City Attorney
- Kimberly Veliz, City Recorder
- Zoe Monahan, Assistant to the City Manager
- Daniel Pauly, Senior Planner
- Mark Ottenad, Public/Government Affairs Director
- Amanda Guile-Hinman, Assistant City Attorney
- Chris Neamtzu, Community Development Director
- Patty Nelson, City Engineer
- Bill Evans, Communications & Marketing Manager
- Dominique Huffman, Civil Engineer
- Pamela Munsterman, Municipal Court Clerk
- Fred Weinhouse, Municipal Court Judge
- Patty Nelson, City Engineer

Motion to approve the order of the agenda.

Motion: Councilor Lehan moved to approve the order of the agenda. Councilor Akervall seconded the motion.

Vote: Motion carried 4-0.

SUMMARY OF VOTES

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Stevens	Excused
Councilor Lehan	Yes
Councilor West	Yes

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Swear In Newly Elected Councilors. – The Honorable Judge Weinhouse

The swearing in ceremony was conducted immediately after the call to order

Judge Weinhouse conducted swearing in of reelected City Councilor Charlotte Lehan and newly elected City Councilor Ben West.

The Council proceeded to the roll call at this time.

Mayor Knapp called for a brief recess for refreshments. The meeting reconvened at 7:54 p.m.

Councilor West read a statement he wrote that included an overview of his prior involvement in government, his initiatives, his perspective of the Wilsonville community and its history. He said he looked forward to serving his neighbors and planned to serve with honor and distinction. He thanked his parents for teaching him to love America and care about his community.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

This is an opportunity for visitors to address the City Council on items not on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter. Please limit your comments to three minutes.

Doris Wehler, 10668 SW Edgewood Ct., Wilsonville, commended the Public Works Department for the beautiful job on the City's Christmas lighting. She believed the City would leave that up until the end of January. She read the Council packet about the County asking the City to support the \$30 proposed vehicle registration fee, which she supported because some of the money that would be generated could possibly be used to fix the dangerous intersection at 65th Ave, Elligsen and Stafford roads, a worthy and needed project. She also read in the packet about the French Prairie Bridge. Unlike most of the City's capital improvement projects, this was not, in her opinion, a needed project, but it would be nice to have. She had two questions regarding the French Prairie Bridge. She asked if the community survey had included a question asking whether the bridge should be built or not?

Mayor Knapp said he did not know about the survey, but he would first want to know more about the bridge before asking if a bridge made sense.

City Manager Cosgrove said the community survey had never asked about specific infrastructure projects because it would be necessary to include an explanation of how the project would be funded. Public input on infrastructure was typically solicited at open houses, online, or at City Council meetings.

Ms. Wehler stated after reading the 200-plus comments in the packet, she believed there was enough opposition to the French Prairie Bridge that when the appropriate time came it should be put to a vote of the people. Right now, the City was proceeding with the bridge to get some cost figures, which would do nothing to alleviate the citizens' woes. Council had spent money on

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land for another pedestrian bridge from Barber Street to in front of Les Schwab and borrowed money to build a road in Coffee Creek for industrial development. Council continued adding to the urban renewal debt instead of closing down the districts as was promised when they were formed. These were just a few of the Council's actions that make her understand why some people say they could not afford to live in Wilsonville anymore.

MAYOR'S BUSINESS

A. Elect City Council President

Mayor Knapp described the role and responsibilities of the Council President and recommended that Councilor Akervall be appointed Council President for a 1-year term for the calendar year 2019.

Motion: Councilor Lehan moved to ratify the appointment of Councilor Akervall. Councilor West seconded the motion.

Councilor Akervall stated she would be honored to serve as Council President and continue the work of City Council.

Vote: Motion carried 4-0.

SUMMARY OF VOTES

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Stevens	Excused
Councilor Lehan	Yes
Councilor West	Yes

B. Board/Committee Reappointments and Appointments

Budget Committee – Reappointment

Reappointment of Andrew Karr and Paul Bunn to Budget Committee for a term beginning 1/1/19 to 12/31/21.

Mayor Knapp said Council greatly appreciated the work that board, committee members do, and the continuity they bring to those processes as they help new members become more familiar with the City's processes and work to keep the business of the city moving forward. He recommended that Andrew Karr and Paul Bunn be reappointed to the Wilsonville Budget Committee beginning 01/01/19 and continuing through 12/31/21.

Motion: Councilor Akervall moved to ratify the reappointment of Andrew Karr and Paul Bunn to the Budget Committee for a term beginning 1/1/19 to 12/31/21. Councilor Lehan seconded the motion.

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Vote: Motion carried 4-0.

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Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Stevens	Excused
Councilor Lehan	Yes
Councilor West	Yes

Development Review Board Panel A – Reappointment

Reappointment of Jennifer Willard and Joann Linville to Development Review Board Panel A for a term beginning 1/1/19 to 12/31/20.

Mayor Knapp recommended the reappointment of Jennifer Willard and Joann Linville to Development Review Board Panel A beginning 01/01/19 and continuing through 12/31/20.

Motion: Councilor Lehan moved to ratify the reappointment of Jennifer Willard and Joann Linville to the Development Review Board Panel A for a term beginning 1/1/19 to 12/31/20. Councilor Akervall seconded the motion.

Vote: Motion carried 4-0.

SUMMARY OF VOTES

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Stevens	Excused
Councilor Lehan	Yes
Councilor West	Yes

Development Review Board Panel A – Appointment

Appointment of Angela Niggli and Daniel McKay to Development Review Board Panel A for a term beginning 1/1/19 to 12/31/20.

Mayor Knapp recommended the appointment of Angela Niggli and Daniel McKay to Development Review Board Panel A for a term beginning 01/01/19 and continuing through 12/31/20. He briefly provided background information on Ms. Niggli and Mr. McKay, noting their education and qualifications for the position.

Motion: Councilor Lehan moved to ratify the appointment of Angela Niggli and Daniel McKay to the Development Review Board Panel A for a term beginning 1/1/19 to 12/31/20. Councilor West seconded the motion.

Vote: Motion carried 4-0.

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Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Stevens	Excused
Councilor Lehan	Yes
Councilor West	Yes

Development Review Board Panel B – Reappointment

Reappointment of Richard Martens and Shawn O’Neil to Development Review Board Panel B for a term beginning 1/1/19 to 12/31/20.

Mayor Knapp recommended the reappointment of Richard Martens and Shawn O’Neil to continue on Panel B, beginning 01/01/19 and continuing through 12/31/20.

Motion: Councilor Akervall moved to ratify the reappointment of Richard Martens and Shawn O’Neil to the Development Review Board Panel B for a term beginning 1/1/19 to 12/31/20. Councilor Lehan seconded the motion.

Vote: Motion carried 4-0.

SUMMARY OF VOTES

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Stevens	Excused
Councilor Lehan	Yes
Councilor West	Yes

Development Review Board Panel B – Appointment

Appointment of Eleanor Schroeder to Development Review Board Panel B for a term beginning 1/1/19 to 12/31/20.

Mayor Knapp recommended the appointment of Eleanor Schroeder, who preferred to be called Ellie Schroeder to fill the vacant chair on the Development Review Board Panel B. He also provided background information about Ms. Schroeder, noting her career history and qualifications.

Motion: Councilor Lehan moved to ratify the appointment of Eleanor Schroeder to the Development Review Board Panel B for a term beginning 1/1/19 to 12/31/19. Councilor West seconded the motion.

Vote: Motion carried 4-0.

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Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Stevens	Excused
Councilor Lehan	Yes
Councilor West	Yes

Parks and Recreation Advisory Board – Appointment

Appointment of Amanda Aird and Dahe Chen to Parks and Recreation Advisory Board for a term beginning 1/1/19 to 12/31/22.

Mayor Knapp stated the Parks and Recreation Advisory Board would be working with staff to set priorities and implement the new Parks Master Plan that was completed last year. He recommended the appointment of Amanda Aird and Dahe Chen for Parks and Advisory Board terms beginning 01/01/19. He briefly noted background information and the qualifications of Ms. Aird and Mr. Chen.

Motion: Councilor West moved to ratify the appointment of Amanda Aird and Dahe Chen to the Parks and Recreation Advisory Board for a term beginning 1/1/19 to 12/31/22. Councilor Akervall seconded the motion.

Vote: Motion carried 4-0.

SUMMARY OF VOTES

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Stevens	Excused
Councilor Lehan	Yes
Councilor West	Yes

Planning Commission - Reappointment

Reappointment of Simon Springall to Planning Commission for a term beginning 1/1/19 to 12/31/22.

Mayor Knapp recommended the reappointment of Simon Springall to a term on Planning Commission beginning 01/01/19 and continuing through 12/31/22. He noted the City has worked hard to have a variety of different viewpoints and perspectives available to the dialogue on the Planning Commission, which he believed was beneficial.

Motion: Councilor Lehan moved to ratify the reappointment of Simon Springall to the Planning Commission for a term beginning 1/1/19 to 12/31/22. Councilor Akervall seconded the motion.

Vote: Motion carried 3-1.

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Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Stevens	Excused
Councilor Lehan	Yes
Councilor West	No

Mayor Knapp explained that sometimes it was necessary to make midterm changes and the City had other volunteer panels that did not follow regular schedules. He had interviewed several other qualified people that he would keep in mind as other possibilities arise throughout the year. He thanked the applicants and all of the volunteers who served on boards and commissions.

C. Upcoming Meetings

Mayor Knapp announced the next Council meeting would be Thursday, January 24, 2019.

D. Draft a Letter or Support for Implementation of Proposed Vehicle Registration Fee by Ordinance

Mayor Knapp gave an overview of the discussion at the Work Session held just prior to the City Council meeting on Clackamas County's request for support of a new vehicle registration fee to provide revenue for road maintenance. He provided details on the proposed fee structure, noting the City of Wilsonville could spend its share of the revenue on transportation projects, and potentially help the County prioritize projects near Wilsonville. Given the benefits to the City, he believed it was prudent for Wilsonville to support the new fee. He recommended that Council draft a letter of support for him to sign.

Councilor Lehan said the loss of federal funding cut deeply into the County's ability to take care of roads. The intersection at 65th, Elligsen, and Stafford was increasingly dangerous, but would be expensive to fix because of the elevations. Washington County already had a vehicle registration fee, so this would bring parody for Wilsonville citizens who drive on both Washington and Clackamas County roads.

Councilor Akervall understood deferred maintenance would be even more expensive in the future and this needed to be paid for now. She confirmed with staff that the County estimated the need for \$17 million per year just to maintain the current road conditions. Funding was needed urgently, so she was in favor of a letter of support.

Councilor West explained he was torn because the fee could hurt vulnerable populations and there was already a litany of failed federal, state, and local policies that had put people on welfare. However, he agreed the County urgently needed funding. He believed this issue should be taken to the voters.

Mayor Knapp noted that the letter of support would be one piece of input the Commission would consider, but the City of Wilsonville could not control whether they put the issue to a vote or carry through with the new fee.

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Councilor Lehan believed the County should decide whether the issue required a vote of the citizens. If there was a lot of opposition, the issue could always be referred back. The fee would bring Clackamas County closer to functioning as well as Washington and Multnomah Counties. She recommended Wilsonville join West Linn, Oregon City, Lake Oswego, and Milwaukie in supporting the County's proposal. The County had done a good job allowing cities to participate in road projects.

Motion: Councilor Lehan moved to endorse Clackamas County's proposed vehicle registration fee by authorizing the Mayor to sign a letter of support. Councilor Akervall seconded the motion.

Councilor Akervall explained she seconded the motion because functioning roads were essential, not just a nice amenity to have. She was encouraged by the number of outreach presentations the County had scheduled for this fall in an attempt to dialogue with community members.

Councilor West expressed concerned that the money could be mismanaged or squandered in administration because the County, Metro, and the State have a history of doing so.

Councilor Lehan said the City of Wilsonville had never squandered money and one of the best things that passed here was the road maintenance fee, which was dropped once pavement conditions improved to a level that made the roads cheaper to maintain.

City Manager Cosgrove recommended the letter state that Council supports a specific percentage of revenue be devoted to road maintenance and not staffing.

Councilor Lehan reiterated that pavement conditions were cheaper to maintain than to fix.

Councilor West asked if the vehicle registration fee would be on top of tolls in Salem and tax bills.

City Manager Cosgrove explained that tolls were an unrelated funding source, but the County's fee would be in addition to the State's fee. In terms of what the state funds for transportation, that is mostly through state and federal gas taxes.

Councilor West understood, noting his point was that this fee would be in addition to everything else.

Councilor Lehan said the Council could not wait to see what the legislature was going to do before it took care of the community. She added Councilors are tasked with taking care of our communities. The legislature had good sessions and bad sessions, but the City could not do something because it thought the legislature might do or not do something.

Councilor West believed the community must have perspective about what it was about to face potentially.

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City Manager Cosgrove stated local governments were more accountable to the citizens than at the state or federal level. If the County told voters the money would be used for a specific purpose, but that has not been done after three years, the voters would have some recourse. He confirmed that the letter could indicate the Council's expectation that if the County moved forward with an ordinance that the funds be used for road maintenance and that the County account for its use of the funds to address Council's concerns about money being siphoned to other activities.

Motion: Councilor Lehan moved to amend the main motion to add that the County's ordinance include language that the funds be used for road maintenance and the County account for its use of the funds. Councilor West seconded the motion.

Mayor Knapp called the vote on the main motion.

Vote: Motion carried 4-0.

SUMMARY OF VOTES

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Stevens	Excused
Councilor Lehan	Yes
Councilor West	Yes

COUNCILOR COMMENTS

- A. Councilor Stevens - Excused
- B. Councilor Lehan – No comments.
- C. Council President Akervall reminded about the Daddy Daughter Dance coming up on February 22 at the Community Center 7:00 to 9:00 p.m., noting the tickets sell out quick.
- D. Councilor West stated that he intended to carry on Councilor Starr's tradition of posting some questions by his screen to remind him about three simple things as he served his neighbors. He read the questions "Are you wisely spending your neighbors' money? Are you respecting one of the main founding principles of democracy, personal property rights? Did you strive for communication transparency in the service of the public?" He stated that he wanted to carry on those very important ideals, adding the questions would remain in front of whoever sat in this seat representing the city.

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CONSENT AGENDA

Ms. Jacobson read the title of the Consent Agenda item into the record.

A. **Resolution No. 2719**

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Amend A Professional Services Agreement With Murraysmith, Inc. For Design And Construction Engineering Services For The Memorial Park Pump Station Project (Capital Improvement Project #2065).

Motion: Councilor Lehan moved to approve the Consent Agenda as read. Councilor Akervall seconded the motion.

Vote: Motion carried 4-0.

SUMMARY OF VOTES

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Stevens	Excused
Councilor Lehan	Yes
Councilor West	Yes

PUBLIC HEARING

Ms. Jacobson read the title of Ordinance No. 831 into the record on first reading. She then read the title of Resolution No. 2720 under New Business as staff would present both items together.

A. **Ordinance No. 831** – 1st Reading

An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Chapter 4, Sections 800 Through 814 To Address The New Rules Promulgated By The Federal Communications Commission; And Declaring An Emergency.

Ms. Jacobson explained staff had prioritized these ordinances because of a very short timeframe impacted by the need to involve many City departments and unexpected FCC regulations that staff was notified of at the end of September. Amendments were a possibility, but given the short timeline and the need to take public input, her legal opinion was that the City needed to move forward on this now in order to meet the January 14 deadline. Staff had to draft this in a more expeditious manner than normal, and typically, there would be a development review process. However, there would be no way to meet the deadline, so the ordinance had been changed to an administrative review process. She also noted that staff had received three letters, which are to be entered into the record as testimony.

Other changes included height restrictions, design standards, and application fees.

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Mayor Knapp provided the legislative public hearing format and opened the public hearing on Ordinance No. 831 at 8:51 p.m.

Chris Neamtzu, Community Development Director, and Assistant City Attorney Amanda Guile-Hinman presented the staff report on Ordinance No. 831 and Resolution No. 2720 regarding Small Wireless Facilities (SWF) via PowerPoint, reviewing key provisions from the FCC ruling, proposed design standards, SWF application fees, necessary code updates and next steps. Ms. Guile-Hinman noted the presentation was similar to what Council saw at the December 17 Work Session.

Mayor Knapp confirmed that the most recent recommendations, language changes, and revised drawings were reflected in the documents at the dais. Staff added the most recent copies were also at the side of the room for anyone who may wish to testify.

Ms. Guile-Hinman answered clarifying questions from Councilor West about decorative options for poles and light fixtures in Villebois. Providers could put up freestanding poles but new light fixtures would need to be considered in the future. Public Works had been talking with a specific manufacturer, but staff could not get details on decorative lights given the quick turn around time. Currently, one style of pole was the only option.

Councilor West expressed concern that given the property line and distance requirements, someone could end up with a pole in his or her front yard. He did not want to sacrifice livability for a new jazzy piece of technology.

Ms. Guile-Hinman read the following standard for residential areas, "Free standing poles shall be located on corners, or along property lines between lots and at least 5 feet away from any driveways, curb cuts, or other access points, unless approved in writing by the City."

The Mayor invited public testimony.

Kim Allen, Senior Vice President, Wireless Policy Group, stated she was hired as a consultant by Verizon Wireless to help with the deployment of small cells in the Pacific Northwest. Ms. Allen noted she had sent a letter to Council. She explained Verizon was asking primarily that the design standard piece of both the ordinance and resolution be removed and delayed a little bit. In the last FCC order that denied the request for a stay of the order, the FCC clarified some of the deadlines that they had stated in their original order. Right now, the deadline for cities to enact aesthetic standards was April of this year, so there was time to seek input from the providers. Her company reached out to the City in November on behalf of AT&T, Verizon, and T-Mobile with a letter saying they would like to do a presentation for the Council and talk about the design standards, which were highly technical and not something staff was used to working with on a day-to-day basis. They were not invited to work with staff on that. In November, she asked to be an interested party to keep abreast of what was happening, but she was not notified about Council's Work Session in December and that this matter was moving ahead so quickly. In fact, someone in our industry inadvertently ran across staff's packet on January 3, which was the first time they had seen it and it was circulated throughout all the major carriers. They tried to dig into and red line ordinance. Furthermore, her letter noted a couple problems with the ordinance that

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were significant. One was the cantenna requirement. 5G antennas could not be shrouded or even painted because they were so sensitive. She noted that at the beginning of the Work Session, this was introduced as 5G technology; however, that one requirement would effectively prohibit the deployment of 5G in Wilsonville.

- The providers would like to have an opportunity to sit down with staff to work through the technical requirements for 5G and to implement additional capacity for 4G before design standards were implemented. Today, she and Mr. Koon met with Tegan Enloe at the City of Tigard, who was taking input and intended to turn in an ordinance based on some of the feedback by next week. They were working with cities all across the Portland metro region that were facing the same challenges as Wilsonville. She understood the City wanted to go forward on the process and fees piece. However, she asked that the portion of the resolution dealing with design standards be moved and travel forward with the Ordinance that would come back on January 24 to give the providers time to give detailed input on things that would not accommodate 5G technology. There was discussion of undergrounding radios. It is dry in California where a number of the wireless consultants working on these codes were located. It is not so dry here, and undergrounding radios for this technology ended up in heavy corrosion, resulting in an unworkable solution.
- Those were some of those technical details that the providers wanted to explain with math and pictures regarding what this technology needed to look like to be deployed in Wilsonville. There were some significant issues with even meeting the FCC order in 48.0107B; the height restrictions, were not quite there being listed as an either/or, whereas in the FCC order, they were the greater of one or the other. The providers were asking for additional time. They just found out about the proposals. If staff could move off the design standards for a couple weeks, she believed they could have something that was workable for the industry.

Donna Barret, 10947 SW Saint Moritz Loop, Wilsonville, stated she was very proud to have lived in Wilsonville for six years, and she was proud to be in-house counsel for Verizon. What Verizon is trying to do with the deployment of this new technology was nothing short of amazing. To Councilor West's point, she did not want freestanding poles put around her neighborhood, and she understood no above ground utilities currently existed in the neighborhood. Passing the design standards as currently written would prohibit any kind of service because the only light standards in her neighborhood were the decorative light standards. There were no overhead utilities, so any kind of service would be prohibited within that area. Under the currently proposed design standards, not many facilities would qualify as something to deploy any kind of a small cell on, which concerned her as a citizen and as a representative for Verizon because she was very excited about the technology. Wireless is part of the City's infrastructure now and is important for the future. Verizon would love to explain to Council why this was so important and how it could improve the community. She asked that staff meet with the stakeholders to learn more about the new technology and the providers' issues in order to come up with something that the City, community, and providers would like.

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Steve Koon said he worked on the Verizon Wireless network engineering team in Hillsboro. He stated that 5G would bring many new services; things no one could even dream about right now; however, capacity was a concern. Wireless data usage was growing at 50% a year and had been doing so for the last 10 years. Even Verizon had a capacity constraint, so it was not just new services. Capacity constraints meant being unable to download or send emails when driving down the street in your neighborhood. Furthermore, this would happen without small cells and the huge uptick in data services every year. Verizon had met with Tigard and he was meeting with the League of Oregon Cities (LOC), which was now forming groups with the industry. The groups were considering model code, design standards, and education. He did not know if Wilsonville was in the LOC or interested in what the groups came up with but he believed that would be a good thing going forward.

- When Verizon looked at deploying 5G or any wireless infrastructure in a city, it went through a business case, and in this case, there were some unknown variables, such as the right-of-way and permit fees. Verizon liked and had to have predictability to determine its costs. If Verizon were doing a business case in a city compared to other cities that had predictable cost, it would be difficult to formulate that opinion with the proposed kinds of fees.

Rich Roache, AT&T Statewide Director of External Affairs, stated that as an industry, the providers were working very closely together and with cities and jurisdictions through the process. Everything Verizon shared was exactly what AT&T would say, including removing the design standards from the Ordinance. They were trying to figure out how the City's design standards would comply with the FCC order, as well as what AT&T could do. It was hard for every city. In fact, he was meeting with the City of Tigard tomorrow to work on their design standards because design standards had to be, not only guidelines the City believed was right, but also things that work with a provider's equipment. He believed the industry could come forward with some creative design alternatives to address the needs of the city that staff and other vendors might not have considered. No provider wanted to build anything that was a blight on cities because their citizens are the providers' customers. The providers want to do the right thing, build it the right way, and make sure that everyone could move together when trying to build the network. He requested that the design standards portion be removed and that the industry and staff work together to come up with something that worked well for everyone.

Mayor Knapp closed public testimony and called for comments from staff.

Ms. Guile-Hinman understood the main issue regarded the design standards, which were not part of the ordinance, but the resolution that Council was considering tonight. As currently drafted, the resolution could be administratively amended over time, so some concerns might be alleviated if staff could make some changes.

- The main reason the City was still moving forward with the design standards, despite the fact that the FCC delayed the requirement for implementing the design standards was because every other requirement the FCC placed on the City would go into effect on January 14. That meant the shot clocks still had to be met, and in particular, staff's review needed to be on point. Having some type of framework was necessary for staff to understand what was or was not required, starting January 14. It seemed somewhat inconsistent for the FCC to delay the design standards because they were necessary for understanding how the cities were

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supposed to start implementing on January 14. Given the fact that the City had built flexibility into the design standards, the way it was being adopted, staff's recommendation would be to continue with adopting the design standards in light of everything else the City was required to meet starting January 14, despite the fact that there was this reprieve.

Ms. Jacobson added if the FCC wanted to give the City more time, the biggest issue was to extend the time on that shot clock because staff had to process the applications that came in on the 15 and must have guidance or standards to do so. As she stated earlier, it would be nice if staff had more time to work with the industry more closely, but there was a big push by the industry to have the FCC pass this very quickly, and that was why the City was in this position. That being said, if Council decided to pass this resolution tonight, staff would still be very happy to meet with the industry over the next couple of weeks to listen to their comments, and if they were valid, those design standards could be amended administratively.

Ms. Guile-Hinman noted staff built some flexibility into the design standards because they understood that they did not know all the possibilities out there. For example, the very beginning on page 1 stated, "Any small wireless facility design that deviates from these design standards must receive individual written approval from the City's Planning Director." There were more examples, but that was the first one that pops out in the design standards. Staff would be evaluating as these applications start coming in and start having those conversations. That lead into the cantenna issue, which she believed would be resolved as staff started talking to providers. The City's consultant provided staff with examples from manufacturers who said the 5G deployment could be housed within their light poles. That was one thing to be discussed and debated. Since the City was getting conflicting information from the City's consultant who was an expert in this field.

Mr. Neamtzu responded to the comment on the ordinance by Ms. Allen that 4.01.07(b) was a greater of the two, not an either/or, stating that staff was happy to correct that if indeed staff got that wrong, and bring it back on the 24 for second reading. With regard to the comment about a prohibition in Villebois, he noted Tooze and Grahams Ferry Roads, the perimeter arterials surrounding the Villebois community, had cobra head lights, so there appeared to be ample opportunity on the perimeter of Villebois for 5G deployment given the existing light standards and the standalone poles that would be permitted within the community itself. He understood the point about the fees, but until staff got this figured out, the City had to charge actual costs, which was why staff structured it that way.

Ms. Guile-Hinman added the City's consultant stated that because the FCC said the City had to collect its actual cost, they could not even look at what other cities were charging because that did not reflect the City's actual costs. The options were either hire a consultant and do the analysis that essentially FCS did for the application fee and technical design review, which staff did not have time or money to do and did not account for any outside consultants to come in and analyze any of the deployments. Alternatively, the City could treat this as a deposit and then do a true-up at the end, which was the recommendation of City's consultant given the time constraints.

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Mayor Knapp asked how many different carriers with their own approach and equipment was the City currently engaged with, and how many might the City expect to be engaged with at some in the future.

Ms. Guile-Hinman said AT&T, Verizon, Sprint, and T-Mobile, were the four main carriers, but there were also vendors or third parties that the carriers work with, such as Mobility and two or three others that have reached out in some form over the last year or so.

Mayor Knapp asked if there was any possible way to tailor the City's rules to the proprietary equipment of each of those individual manufacturers or installers in any practical way.

Ms. Guile-Hinman replied she was not sure that is possible. She displayed a drawing of an appropriate deployment that the manufacturer said could house multiple providers' equipment. She was not certain it was accurate, but that was the information received from the City's consultant, so it was possible that some deployments could work with multiple providers, but she was not sure staff would ever fully know that for certain.

Mayor Knapp stated he saw that as a problem. As to fees, it was a problem for a carrier not having an exact fee. It was also a problem for the City not knowing what it could charge legally or what the City's actual costs were until some kind experience was built up. He believed the City was on equally uncertain footage perhaps with the private sector on that point. He asked if and how the City used a true-up fee process in any other instance with the development community.

Mr. Neamtzu replied the City used a true-up process on larger capital projects when the private sector was constructing something on behalf of the City; however, that was kind of an extreme example that was not very applicable in this case.

City Engineer Patty Nelson stated the City's traffic studies were a cost recovery. The City hires a consultant to do the traffic study, and then developers reimburse the City for those costs. The method had been successful.

Ms. Jacobson noted the City did not have a choice because the FCC mandated actual costs, which was based on what the industry wanted. They could have said 'a reasonable fee' or 'a fee similar to what was charged other carriers' or something, but they said actual cost. Now, the City had to be able to document and establish what was actual. The problem was that companies might have completely different types of equipment. The same issue occurred with the marijuana legislation. It went through very quickly, and then several things did not make any sense and it had to go back and get fixed a couple of times. The FCC acted very quickly. It was very surprising to cities and local governments, but it is what it is. These were regulations the City had to be under now and the FCC's timeframe had to be met, which was what staff was trying to do. She believed there was great benefit to meeting with the carriers. The other issue was that 5G was not really even out yet and was still being developed. She did not know if the carriers even knew for sure what this would look like yet. Staff was doing its best, but they had to meet the deadline and have everything in place, and they would work with the providers.

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Mayor Knapp asked if staff had any comments regarding the suggestion that undergrounding equipment was not viable.

Mr. Cosgrove said he hoped it was viable because the City had been doing it for many years.

Ms. Guile-Hinman explained that when the City started this process, staff was originally going to underground everything other than the antenna. In looking at other cities, it became obvious that allowing some of the equipment within the pole was appropriate and Public Works and IS staff confirmed it made sense for some of the equipment to be above ground. Seeing that deployments happen where it was housed within the pole, staff believed that was an appropriate accommodation to the City's typical undergrounding everything requirement.

Councilor West understood that if the City did not have design standards by a given date, the City would have no say in what this would end up looking like in Wilsonville, and the carriers' version versus the City's version of blight could be vastly different because he was sure the carriers were interested shareholders and the City was interested in neighbors.

Ms. Guile-Hinman clarified that right now, if the design standards were not passed, Wilsonville Code Sections 4.800 through 4.814 would be in effect, which were geared towards larger cell tower deployments and not small wireless facilities. Therefore, yes, the City would not have a good starting point to discuss what these should look like, because those standards were not geared toward this type of deployment.

Councilor West asked if the proposed standards were a worst-case scenario that the City could build from because staff said they could be amended. How flexible could the City be with the carrier partners?

Ms. Jacobson responded staff got copies of standards from cities that had already done standards and from those staff heard the carriers were able to work with and modified them to fit with Wilsonville. The City had some standards that were actually more stringent, and carriers would say they were impossible, so staff was trying to balance and stay within the regulations. That being said, the City might not exactly understand the limitations of the cantenna, but again, the cantenna idea came from Denver where they were actually using it, so the City had a reasonable starting point without having gone too far one way or the other. Staff tried to keep a fair middle ground because that was what the FCC required. However, as companies came forward. Staff would be learning more, and certainly, if the representatives from the companies were starting to meet with other cities, the City would love to schedule a meeting with staff. As the City learned more, the City Engineer and Planning Director had the flexibility to work with them to make modifications.

Ms. Guile-Hinman added the main one that staff relied on was Denver because it was also utilized in other cities. Some cities have taken their standards from Denver almost verbatim. She had personally talked to the Public Works employee in charge of the small wireless deployment for Denver, and they have had great success. Therefore, staff used that as its starting point, and then made some modifications specific to Wilsonville. Staff also looked at six to eight other

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cities that had already implemented some standards where staff liked their language a bit better. Staff took from what they viewed as the best of what was out there.

Mayor Knapp closed the public hearing at 9:44 p.m. and called for Council discussion.

Councilor Lehan said it was hard to be sympathetic with the industry in this case because she had a pretty good idea about the industry's role in getting the FCC to do this order and particularly, its timing. It seemed to be a case of be careful what you wish for, because the industry had gotten really wide open stuff in this FCC order, which would come back and be a problem, especially in cities like Wilsonville. Providers say they want predictability, but there was no predictability for the City, not knowing what to charge or what standards were going to work, while having to work under this extremely tight timeframe. It put cities in a bind and Wilsonville had no choice but to respond, as quickly as possible and in the best way the City knew how. Wilsonville unlike Tigard and many other cities had been aggressive on the aesthetics of getting utilities underground. In all of the neighborhoods, with the possible exception of Old Town, everything was underground. The City spent millions of dollars putting all of Wilsonville Road from one end of the City to the other end underground. Now, all of a sudden, these extremely ugly things were allowed, and the City would not have allowed them anywhere. It was a blight, especially when the City has worked for decades to get utilities underground, allowing trees to flourish, etc. Then there was the money the City and developers had spent on good-looking light poles that were going to be uglified—it was terrible. She understood the City might need to make adjustments, but Wilsonville was up against a wall in terms of trying to get a handle on keeping the standards and aesthetics the community was accustomed to and moved here for. The City wanted predictability, but if this was what was needed to get 5G, what about 6G, 7G in a couple of years? The City would have giant antennas on all the roofs. Where did the City get to make community standards if not here?

Councilor Akervall thanked staff for trying to address this quickly and for adding flexibility for the future to allow everyone to grow in their understanding and interpretation. She acknowledged that a lot of hard work and research had been put in to get to this point.

Councilor West stated for full disclosure that he was a Verizon customer, but he was horrified by the prospect of a Star Wars droid sitting outside his house and looking R2D2 each day he drove down the street. He did not move to Wilsonville to potentially go from no utilities above ground with beautiful trees to space adventures. It was interesting how the carriers said they need predictability, but the City was backed into a corner. The carriers did not expect Councilors to advocate for their own neighbors or recognize the City also needed predictability. He was in awe of City staff and their ability to be incredibly nimble and efficient in doing the absolute best job possible considering the circumstances, and he did not know if every city could have done that. There were other concerns that had not been brought up. As a registered nurse, public health was a major issue for him. Perhaps the City needed more time to see the ramifications of this with regard to concerns about radiation and its potential effects on the population. So often, industry has moved too fast before things could actually be studied and then before you know it, Erin Brockovich was in court. He did not want that possibility in Wilsonville. The City was being as flexible as it could. He was impressed staff was still trying to work with the carriers. Yes, 5G was important. Yes, new technology was important in business, industry, smart cars, and trips to

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the moon. He was terrified of the fact that the City could potentially have what Council had seen tonight.

Mayor Knapp stated his view was much the same. He did not find it credible to say that what the City of Denver was doing did not work. Clearly, things were working in some other places. The fact that staff had reached out to other places to get true experience was very helpful and commendable. There was no doubt that adjustments would have to be made. He believed building in the flexibility to do so was critical and he perceived that was there. He also concurred with the perspective that the industry asked, pushed, tried to get the FCC to promulgate these rules, and now, having done so, the City was prodded to action within a timeframe and in ways, it was not anticipating. The City must do its best to be true to the values of Wilsonville, the residents in the community and the neighborhoods that had been built, and it was incumbent upon this Council to take that charge seriously. He firmly believed that putting something into place, including design standards within the original timeframe was very important and very critical. That did not mean the City wanted to be inflexibility in discussions. He hoped staff would have discussions with the industry; however, he was concerned about the wide variety of industry people that might have different equipment and different perceptions, and what they perceive as different needs. The City had to set some baseline, and that was what the City was doing: setting a baseline of what the expectation was in Wilsonville. Wilsonville was one of the fastest growing cities in the state and had been for more than 10 years with 25,000 residents and about 25,000 jobs with a payroll of \$1.1 billion. The communications industry was going to want a piece of that and they would figure out a way to be here. He did not expect Wilsonville to be left behind. Yes, there were challenges, but the City knew from its development over a period of years that both the residents and business community had endorsed Wilsonville's high standards by the way they had chosen to come and locate in Wilsonville, and maintaining the integrity of the community, both at a residential and business level, was important. That said he hoped the City would be able to find a way to embrace and utilize 5G technology as it became available. The amount of data flying around would only continue to increase and would be important to business competitiveness. He believed Wilsonville's residents and businesses were looking forward to finding that kind of service from the communications industry. There was lots of opportunity in Wilsonville, and he believed that could be achieved within the proposed framework.

Motion: Councilor Lehan moved to adopt Ordinance No. 831 on first reading. Councilor West seconded the motion.

Vote: Motion carried 4-0.

SUMMARY OF VOTES

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Stevens	Excused
Councilor Lehan	Yes
Councilor West	Yes

**CITY OF WILSONVILLE
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NEW BUSINESS

A. **Resolution No. 2720**

A Resolution Of The City Of Wilsonville Approving The City's Small Wireless Facilities Planning Application Review Fee, Technical Design Review Fee, And Right-Of-Way Access Fee, And Adopting Design Standards.

Mayor Knapp confirmed that staff did not have any other information for Council to consider and that the Councilors did not have any further questions for staff.

Motion: Councilor Lehan moved to approve Resolution No. 2720. Councilor Akervall seconded the motion.

Vote: Motion carried 4-0.

SUMMARY OF VOTES

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Stevens	Excused
Councilor Lehan	Yes
Councilor West	Yes

Mayor Knapp encouraged industry providers to stay in touch with staff and provide them with technical information.

Motion: Councilor Lehan moved to continue the meeting past 10:00 p.m. Councilor West seconded the motion.

Vote: Motion carried 4-0.

SUMMARY OF VOTES

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Stevens	Excused
Councilor Lehan	Yes
Councilor West	Yes

**CITY OF WILSONVILLE
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CONTINUING BUSINESS

A. **Ordinance No. 830** – 2nd Reading

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Clackamas County Exclusive Farm Use (EFU) Zone To The Village (V) Zone On Approximately 25.69 Acres In The North Central Portion Of Villebois From 110th Avenue To Calais East Subdivision, South Of Tooze Road To Berlin Avenue; The Land Is More Particularly Described As Tax Lots 7200, 7290, 7300, 7400, 7500, And 7600, Section 15AB, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon. Polygon WLH LLC, Applicant.

Ms. Jacobson read the title of Ordinance No. 830 into the record for second reading.

Ms. Jacobson explained that while Councilor West was not present for the first reading in 2018, the ordinance only regarded zoning, and if he believed he was educated and had watched the prior testimony, he could participate. There was a quorum, so he could also allow the Council who actually was present to make the determination.

Staff confirmed they had no additional information to provide Council.

Motion: Councilor Lehan moved to approve Ordinance No. 830 on second reading. Councilor Akervall seconded the motion.

Vote: Motion carried 3-0-1.

SUMMARY OF VOTES

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Stevens	Excused
Councilor Lehan	Yes
Councilor West	Abstain

CITY MANAGER'S BUSINESS

Mr. Cosgrove wished everyone Happy New Year.

LEGAL BUSINESS

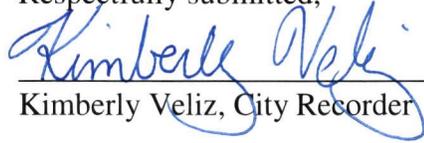
Ms. Jacobson thanked everyone for the very thoughtful input provided tonight on the 5G matter. It had been a difficult and challenging situation that involved a large staff team and Council's support and thoughtfulness was very much appreciated.

ADJOURN

Mayor Knapp adjourned the meeting at 10:03 p.m.

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Respectfully submitted,



Kimberly Veliz, City Recorder

ATTEST:



Tim Knapp, Mayor