

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Monday, June 5, 2017. Mayor Knapp called the meeting to order at 7:05 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp
Councilor Starr - excused
Councilor Stevens
Councilor Lehan
Councilor Akervall

Staff present included:

Bryan Cosgrove, City Manager
Jeanna Troha, Assistant City Manager
Barbara Jacobson, City Attorney
Sandra King, City Recorder
Chris Neamtzu, Planning Director
Nancy Kraushaar, Community Development Director
Delora Kerber, Public Works Director
Jon Gail, Community Relations Coordinator
Dwight Breasher, SMART Director
Nicole Hendrix, SMART Analyst
Susan Cole, Finance Director
Eric Loomis, Operations Manager SMART
Dan Pauley, Associate Planner

Motion to approve the order of the agenda.

Motion: Councilor Akervall moved to remove the renewal of the Art Tech contract and to approve the agenda as amended. Councilor Lehan seconded the motion.

Vote: Motion carried 4-0.

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.

Jake Gibson expressed concern with the increase of panhandlers at busy intersections. He thought it was a safety issue due the panhandlers stepping into the lanes of traffic and distracting the drivers. Mr. Gibson would like to see an ordinance similar to the city of Springfield's which fines the motorist giving money or food to panhandlers. He also suggested providing resource information to these people.

Ken Wright said he conducted an online petition due to the increase in panhandling in Wilsonville. Out of the 281 responses received, 239 wanted additional restrictions added to Ordinance 702 banning panhandlers from dangerous places. He thought law enforcement can be a point of contact to make panhandlers aware of the resources available in the tri-county area.

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Mayor Knapp reflected this issue is not exclusive to Wilsonville, and there were legal challenges in responding in an appropriate way.

Ms. Jacobson said the big issue is freedom of speech; panhandlers have the right to be on the public street. However, if a panhandler is stepping into the street, law enforcement can step in; but law enforcement cannot interfere with a panhandler if they are on the sidewalk.

Mr. Cosgrove added most of the panhandling is at the interchange or on the sidewalk, if a panhandler is in the traffic median that would be a violation of the code. He thought public education is an important aspect and asked for time to have staff look at the legal issues, and learn what other cities are doing to see if there is anything that can be done. The City Recorder will notify the two speakers when the item comes back on the agenda.

MAYOR'S BUSINESS

A. Historical Society decision to name the "Three Sister Oaks" as Heritage Trees – Councilor Lehan. Councilor Lehan said the Boones Ferry 4th Grade Class were unable to attend this evening and would like to make their presentation at the June 19th Council meeting.

B. Recognition of Wilsonville High School's State Champion Girls Golf Team.

Coach Mike Nickels said he was proud the accomplishments of the Girls Golf Team. He felt the team members were a reflection of their parents; they are outstanding students and amazing community members.

Mayor Knapp read a proclamation into the record declaring June 5-11 Wilsonville Wildcat Week and distributed certificates to the players.

C. Mayor Knapp mentioned the meetings he attended on behalf of the City and noted the date of the next Council meeting will be June 19th.

COUNCILOR COMMENTS

Councilor Stevens reported the Library radio frequency identification tagging project has been completed. She attended the French Prairie Bridge Task Force meeting where they discussed the criteria and weighting of that criterion for the location of the bridge.

Councilor Lehan reminded the public of the Hazardous Waste Collection event next Saturday in the City Hall parking lot. The Councilor said she helped with the installation of the featured community artist at the Library, and she encouraged people to view the artwork.

Councilor Akervall announced the Korean War Memorial Remembrance Ceremony scheduled for June 24th. The Councilor invited the public to attend the Town Center Design Workshop set for June 26th.

CONSENT AGENDA

Ms. Jacobson read the titles of the Consent Agenda items into the record.

A. **Resolution No. 2629**

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A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute First Amendment Of Operations And Maintenance Contract Between The City Of Wilsonville, Tualatin Valley Water District, And Veolia Water North America – West, LLC.

B. Resolution No. 2631

A Resolution Of The City Of Wilsonville Amending The 2013 Official Zoning Map To Incorporate Previously Approved Quasi-Judicial Zoning Map Amendments And Editorial Corrections And Adopting A New 2017 Official Zoning Map.

C. Resolution No.2635

A Resolution Of The City Of Wilsonville To Accept Transfer Of Roadway Authority On Portions Of Stafford Road And Advance Road From Clackamas County To The City Of Wilsonville.

D. Minutes of the May 5, and May 15, 2017, Council Meetings.

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

Vote: Motion carried 4-0.

PUBLIC HEARINGS

A. Ordinance No. 805 – 1st reading

An Ordinance Of The City Of Wilsonville Adopting An Updated Transit Master Plan As A Sub-Element Of The Transportation System Plan, Replacing All Prior Transit Master Plans, And Repealing Ordinance No. 653.

Note: The Transit Master Plan and supporting documents are large and may be found at this link:
<http://www.ci.wilsonville.or.us/DocumentCenter/View/11861>

Ms. Jacobson read the title of Ordinance No. 805 into the record on first reading.

Mayor Knapp opened the public hearing on Ordinance No. 805 at 8:20 p.m. and read the hearing format.

The staff report was prepared by Dwight Brashear, SMART Director, and Eric Loomis, Operations Manager.

In 2007, the City of Wilsonville adopted a Transit Master Plan (TMP) that enhanced existing service and updated chapters of the Transportation System Plan. Ten years later, the City’s population has grown to almost 23,000 residents and employs roughly 20,000 people. Beginning in 2015, South Metro Area Regional Transit (SMART) staff and project consultants led an extensive outreach process and route analysis to recommend services that are better tailored for today’s businesses and residents. The SMART system provides transportation options within Wilsonville, to Salem, Canby, and north towards Portland.

The purpose of the Transit Master Plan document, as formulated by the Transit Master Plan Citizen Task Force is to provide “convenient, safe, reliable, efficient, fiscally and environmentally responsible and friendly transportation services to anyone who wants or needs those services in Wilsonville. The provision of SMART services helps to attract and retain businesses. SMART is a valued community asset that enhances the quality of life for everyone who lives, works, or visits Wilsonville”. The 2017 TMP

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aims to make route adjustments to better serve the needs of businesses, residents, and visitors of Wilsonville.

The route changes proposed in the TMP are cost-neutral and focus on more frequent and efficient service.

The main changes proposed are:

- Switch Route 2X service from Barbur Transit Center to Tigard Transit Center;
- Divide Route 3 so that there is a 3X commuter route to Canby and separate Charbonneau Shuttle;
- Streamline Route 4 and expand evening/Saturday service;
- Reconfigure Route 7.

The adoption of the Transit Master Plan will create a transit roadmap, guiding future decisions while helping the City of Wilsonville to create and maintain a sustainable public transit network.

The development of the 2017 Transit Master Plan has been mainly funded by federal and state grants. The recommended route changes in the Transit Master Plan are cost-neutral.

To ensure this document update represented the diverse interests of the Wilsonville community, the Transit Master Plan had an extensive and inclusive public engagement process. Outreach efforts were tailored to reach people in practical and convenient ways as to reflect the opinions from the wide spectrum of current and potential system users, the business community, and residents. SMART has completed two rounds of public outreach in which transit riders, local residents and payroll taxpayers have been invited to share their opinions. A citizen Task Force has worked with SMART staff and consultants for more than a year on this planning process.

SMART staff and outreach consultants provided electronic updates to an interested parties list, published articles in the Boones Ferry Messenger and Wilsonville Spokesman, and update project and City website information to keep interested parties informed and up-to-date. SMART's final round of outreach occurred from January 25 to May 24th 2017 by publishing the draft TMP online and in public spaces open for public review before the City Council Public Hearing on June 5th 2017.

When implemented, the new plan is expected to improve efficiencies and to reduce traffic congestion by providing commuters an alternative to travel in single-occupant vehicles. Also, adoption of an updated Transit Master Plan may open new avenues of opportunity relative to grant funding for the entire City of Wilsonville.

The Transit Master Plan went before the Planning Commission on May 10th, and after a brief discussion the Commission passed the Plan unanimously. Mr. Brashear was asking the Council adopt the plan and allow SMART to move forward in a positive way.

Mayor Knapp asked whether changes are called for to best serve the needs of the community.

Mr. Brashear was confident that SMART is very well positioned to respond to the needs of the community. SMART has taken into consideration not only what is happening today, but what is likely to happen in the future. SMART has the capacity now to take on increased ridership.

The Mayor commented the position of the SMART system in the community continues to come up in economic development discussions. The ability for Wilsonville to adapt and provide transit services for employees commuting to work is a competitive advantage that not every suburban community enjoys

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which puts Wilsonville in a favorable position that can be parleyed into additional opportunities. He thought the transit system should be cultivated with an eye to that position for growth.

Councilor Stevens thought it was important to provide transit service to the Coffee Creek and Frog Pond growth areas.

Councilor Akervall thanked the members of the Task Force for their work on the Plan, and to the citizens who provided their comments on the website and participated in the process.

Councilor Lehan thought SMART was an excellent transit system and that it has a bright future going forward.

The Mayor asked for public testimony, hearing none he closed the public hearing at 8:33 p.m.

Motion: Councilor Stevens moved to approve Ordinance No. 805 on first reading. Councilor Lehan seconded the motion.

Councilor Stevens felt the Plan was easy to read and that it focuses on the current situation, addresses challenges, and provides creative solutions.

Mayor Knapp acknowledged Stephan Lashbrook who is now retired and who steered the process at the beginning.

Vote: Motion carried 4-0.

B. Resolution No.2634

A Resolution Of The City Of Wilsonville Adopting The Transportation System Development Charge Methodology Report And Establishing The Charge Rate.

Ms. Jacobson read the title of Resolution No. 2634 into the record on first reading.

Mayor Knapp opened the public hearing on Resolution No. 2634 at 8:37 p.m. and read the hearing format.

The staff report was presented and prepared by Mike Ward, City Engineer, Nancy Kraushaar, Community Development Director, and Todd Chase, FCS Group. The staff report is included as background.

Begin staff report.

FCS Group has completed a study of the City's Transportation System Development Charge (TSDC) consistent with the adopted 2013 (updated in 2016) Transportation System Plan (TSP) and current regional and county plans. Using cost estimates which have been escalated to 2017 dollars, they have established a methodology for the maximum defensible TSDC. The recommended TSDC is \$13,731 for a single-family dwelling unit (to replace our current TSDC of \$7,695 per single family dwelling unit). For non-residential land uses, the TSDC will be calculated using the same unit cost, trip generation estimates from the Institute of Traffic Engineers (ITE) Manual for the particular land use, and the size of the development.

The methodology differs from our existing methodology, changing from average vehicle trips to average daily person trip-ends (ADPT), using a calculation for the average number of people in a vehicle for the Wilsonville area. This conversion was calculated with assistance by DKS and Associates, the City's

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contract transportation engineer, and includes pass-by trips for certain use types. While some land use types are expected to be more vehicle-centric, such as the Coca-Cola, some will tilt more toward bicycle and pedestrian, such as Boones Ferry Park. It is believed that these uses generally will average out. This methodology is becoming commonly used to calculate TSDCs in the Metro region and recognizes that non-vehicular transportation modes are funded with TSDCs.

As part of the study, the Home Builder Association was consulted to receive their input. They initially expressed concern about the potential TSDC increase. Staff and FCS Group carefully considered project and cost reductions based on expected development and realistic project delivery in the next 10+/- years during which time the TSDCs should be reviewed periodically and updated as necessary. In response to this deliberate project list review, the proposed maximum defensible TSDC was reduced from \$22,345 to \$13,731 for a single family home and \$1,471 per ADPT to \$904 per ADPT for non-residential uses.

Projects, timing of needs, and funding assumptions should be regularly reviewed as new development and associated funding strategies become clearly identified to assure the Wilsonville TSDC remains appropriate.

TSDCs increase as needed to fund transportation improvements to serve growth. Rate increases would go into effect 30 days from adoption of the resolution.

Staff and FCS Group have meet with the Home Builders Association (HBA) on several occasions since the initial draft was produced this past autumn. Initial plans listed all projects from the TSP.

It is important to keep the TSDC updated in order to anticipate how revenue may be generated for the improvements needed to provide capacity, mobility, and operations for all modes as the city grows and experiences higher demands throughout the Wilsonville transportation system. If such growth-related revenues are not generated, the existing system may fall short and detrimentally impact community livability in Wilsonville.

In the alternative, rates could be phased in over a number of years, which would provide time for longer term planning for developers or rates could be set at a point lower than the maximum defensible. Both of these alternatives have the effect of reducing developer costs, but will also reduce the minimum TSDC revenue needed to address city-wide improvements to accommodate new trips from growth and to meet adopted level of service standards for the Wilsonville transportation system.

End of staff report.

Todd Chase provided an overview of what System Development Charges (SDCs) are and how they are calculated. SDCs are an impact fee on new development that generates trips or added traffic congestion. Oregon law is prescriptive on how cities and counties can design and create SDCs and how those charges can be established, applied and accounted for. SDCs are one of the few local transportation funding tools available in Oregon.

SDCs are one time charges paid on new development at the time a building permit application is submitted or upon receipt of a building permit. Existing properties do not pay SDCs it is applied to property that redevelops or that adds trips to the system of roads in the city. SDCs are only used for capital, they cannot be used for operations or maintenance; but they can be used for any kind of transportation capital, roads, sidewalks, bike lanes, or transit related capital. They may include a future, existing, and administrative component for monitoring and implementing the SDC program. SDCs typically include an annual escalation.

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The three main components of an SDC include a reimbursement fee, an improvement fee, and the administrative fee. The reimbursement fee is based on the fair share of existing capacity. The improvement fee is the forward looking element the transportation system plan has identified which include about 60 projects. The administrative fee is 2-4% of the total cost of the SDC for administration.

SDC eligibility varies by project; typically it ranges from 10% of the project cost to 100% depending on whether the project is for 100% capacity or whether it is needed to handle a deficiency such as adding sidewalks or widening a road. A new road would be 100% eligible if it is a collector or arterial road. Neighborhood streets are not included.

The existing fund balance has been deducted to come up with a SDC improvement fee cost basis of about \$78.4 million, and that is divided by the growth in trips to come up with the actual rate proposed. The growth in trips is based on average daily person trips. Person trips include all modes of travel. It includes multiple people in a car, bicycle and pedestrian trips. The person trip basis is a number included in the adopted Transportation System Plan and it is consistent with the Metro regional forecast as well. The number totals 102,000 net new person trips over the next 20 years which is a 1.8% average annual growth rate which is lower than the 3.3% rate the city has been growing. This assumes a slowdown in the growth activity over the next 20 years. The proposed SDC is \$904.00 per net new person trip which is the maximum defensible SDC Wilsonville could adopt.

Mr. Chase indicated SDCs generate about half of the funding that is needed for transportation funding; the increase allowed the City to catch up, therefore, the recommendation is to adopt the maximum defensible SDC of \$904.00.

Staff is recommending adopting 86% of the proposed fee; rather than \$904.00, adopt \$775.00 per trip and let it escalate over time with inflation, and use urban renewal as the funding source to pay the difference to build the Boeckman Dip Bridge.

Mayor Knapp invited public testimony.

Paul Grove representing the Home Builders Association of Metropolitan Portland submitted a letter dated May 31, 2017 into the record. Mr. Grove thanked Mr. Ward for clarification on the Metro grant I-5 Pedestrian Bridge and how those funds were to be used. He appreciated the partnership with Wilsonville noting the strong permit level during the past year was a testament to the partnership. Mr. Grove raised the issue of housing affordability in terms of the SDC increase for single family homes and multi-family homes. He thought it was important to recognize the challenges for infrastructure financing and that the City had not updated the SDCs in 10 years. He also thought it was important to note the fee increases are ultimately passed through to the home buyer and renter. Mr. Grove asked that the project list be contained to the ten year constrained list. Should Council not be amenable to that suggestion he asked for a reduction in the fees to 60% of the maximum defensible fee and for the increase to be phased in over two years, without the Boeckman Dip Bridge project.

Al Jeck, representing Venture Properties, Inc., agreed with the comments and recommendations of Mr. Grove that the increase in SDCs will increase the price of single family homes, slow sales and discourage buyers from coming to Wilsonville. Mr. Jeck submitted a letter into the record dated June 5, 2017 as well as a chart. He thought the new SDC of \$31,424 for a single family home would make Wilsonville the second highest in the metro area. He asked that the phase in period of the new SDC eligible capital projects should be limited to those starting within ten years. Mr. Jeck asked that Council consider all of the fees that will be imposed on new development.

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The Mayor closed the public hearing at 9:08 p.m. and asked staff to return to respond to questions.

Mayor Knapp asked if there would be supplemental SDCs in Frog Pond.

Nancy Kraushaar did not think supplemental SDCs would be seen in Frog Pond, rather there would be a supplemental fee charge for infrastructure relating to Boeckman Road, Stafford Road, parks, and the sewer line in Boeckman Road. Staff has been working to get accurate cost estimates and they have talked about developers fronting the costs and being paid back as the fee is collected with each building permit. Also considered is the City fronting the cost for the improvements and being paid back as each building permit paid their supplemental charge. It likely will not be a system development charge; it will be a fee, slightly different legal ramifications relative to the internal financing.

Mr. Cosgrove added it would be part of the annexation agreement. To make Frog Pond viable, there has to be an investment from the people who want to annex into the City to make that particular development work. If it were somewhere else in the City we would be looking at whatever those unique development costs are, and we would be talking to developers about what it would take to make that development work.

Mr. Ward confirmed these rates would apply across the board to single family home development, multi home development, and in Coffee Creek for the industrial development that would occur there. These developments would be charged in accordance with the number of person trips the growth would generate. This would be city-wide. Staff has not captured the specifics of what might be included in Frog Pond because good numbers are not available at this time.

Ms. Kraushaar said staff will present more detailed information to the Council on June 19th.

Regarding affordability, Mr. Cosgrove indicated Frog Pond West should not be considered as an affordable housing alternative since the homes will be listed starting at \$850,000 according to West Hills Developers. He did not see affordable options in Frog Pond West due to the cost to develop.

Staff pointed out cities update their SDCs on a rolling basis, and fees that may seem low more than likely are targeted for an update in the near future. Mr. Cosgrove added in growing cities infrastructure costs increase over time, if a city is not undertaking a systems development charge update every three to five years there are opportunity costs that are not being collected.

Mr. Cosgrove suggested looking at the Boeckman Dip Bridge, and if it cannot be funded by urban renewal it could be added at a future date.

Mayor Knapp noted that Wilsonville has used urban renewal funding to build significant infrastructure projects without SDCs. He identified major projects built with urban renewal funds.

The City Manager added public funding was used to subsidize development of infrastructure in Villebois. The Urban Renewal Task Force discussed whether Frog Pond should be included in an urban renewal district, but they did not support that concept.

The Mayor concluded the City has used urban renewal funding to build transportation links. The alternate SDC proposal shows staff can see a potential for building the Boeckman Dip Bridge improvements with urban renewal funding and asked staff if they were confident the bridge could be built.

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Mr. Cosgrove said it was doable in that Council has given staff direction to pursue it. Staff will meet with the other taxing entities to gauge their buy-in.

The Mayor asked if Council followed the alternative recommendation that would reduce the single family SDCs from \$13,700 to \$11,700 per trip cost, and if some situation made urban renewal funding for the Boeckman Dip Bridge project unattainable, what is staff's strategy.

Mr. Cosgrove indicated staff would ask Council to increase the per trip cost. The benefit to the recommendation is if there are developers who have made financial commitments; this lets them know Council is doing what it can to keep the SDCs as low as it can.

The Mayor and Councilors recommended reviewing SDC fees on a regular basis in the future would have made the increases not as onerous.

Councilor Stevens asked to make a motion.

Ms. Jacobson suggested the following motion: *Remove the current paragraph 2 in the resolution, and replace it with the following language, "Pursuant to Exhibit A, the Maximum Defensible System Development Charge is determined to be \$904.00 per person trip as identified in the Report. Notwithstanding the foregoing the charge shall initially be set at a lower \$775.00 per person trip with the expectation for an alternative funding source and implemented thirty days after adoption of this Resolution"*.

Motion: Councilor Stevens moved to approve Resolution No. 2634 as the motion was read into the record by the City Attorney. Councilor Akervall seconded the motion.

Councilor Stevens thought it was unfortunate that it took so long to review the fees and recognized the increase is significant. She believed growth needs to pay for itself. The Boeckman Dip Bridge is an important project for safety with a new school in the area. The other listed projects are also important to the community, the connectivity, trails, sidewalks, and pedestrian paths. The Councilor thought housing affordability was an issue region-wide, however, Frog Pond was not intended to be affordable housing, or include multi-family housing, citizens wanted large lots with big homes in that area.

Councilor Lehan commented as elected officials they cannot ignore what they hear from the community who desire low density and expensive houses in the Frog Pond area. There was also opposition to development in the Frog Pond area led by complaints about traffic. She felt Wilsonville has not had anti-growth voter organized charter amendments as has occurred in neighboring cities because the Council pays attention to infrastructure and the impacts of growth. The Council works hard to maintain the quality of life for the existing residents as the City grows.

Mayor Knapp agreed with the previous comments. He thought the SDC projects and pricing needed to be reviewed more frequently. The Mayor supported the alternative staff has offered, the use of urban renewal for the construction of the Boeckman Dip Bridge, which will affect the SDC charges in a positive manner.

Vote: Motion carried 4-0.

NEW BUSINESS

A. **Resolution No. 2633**

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A Resolution Adopting Collective Bargaining Agreement Between The City Of Wilsonville And Wilsonville Municipal Employees Association (WILMEA)

Ms. Jacobson read the title of Resolution No. 2633 into the record.

The staff report was presented by Jeanna Troha. Ms. Troha explained the salary percentage increases. She noted the correction in the staff report and in the resolution.

The current WilMEA Collective Bargaining Agreement expires June 30, 2017. For several months the bargaining teams have worked cooperatively with one another to find solutions to issues and address concerns with a goal of reaching agreement on contract that was fair for both parties. The process began in January and concluded with the Association membership ratifying the contract in May.

With any Collective Bargaining Agreement the most significant item is compensation which includes wages and benefits. A summary of the cost of living increases and cost share for health insurance is listed below. In the negotiation process we look at our comparable cities to ensure we are in line with what they are providing employees for wages and health insurance contributions.

Summary of Economic Result Changes: 3 year agreement - 2015-2017

Wage Adjustment	WilMEA
July 1, 2017	2.0 %
July 1, 2018	2.25%
July 1, 2019	2.25%

Members also continue to be eligible for a 4% merit increase, as was the case in the past.

Motion: Councilor Lehan moved to approve Resolution No. 2633 with the scrivener errors corrected. Councilor Akervall seconded the motion.

Vote: Motion carried 4-0.

B. Resolution No.2632

A Resolution Of The City Of Wilsonville To Establish A Traffic Infraction Diversion Program As An Option Available Through The City's Municipal Court Violations Bureau.

Ms. Jacobson read the title of Resolution No. 2632 into the record.

The staff report was presented by Susan Cole. The City of Wilsonville Municipal Court uses a violation bureau, as allowed under ORS 153.800 and under the supervisory authority of the City's Judge, to streamline case management and maximize court efficiency. The violations bureau is able to resolve many cases in an expeditious, impartial, and consistent manner without its patrons having to see a judge. The City's violation bureau is able to reduce fines for certain violations and under certain conditions using a uniform fine schedule established by the Chief Justice of the Oregon Supreme Court. It can offer payment plans and accept payment by phone, mail, internet, or in person. The existence of a violations bureau is beneficial to both the Court and its patrons alike as many cases can be resolved in an expeditious, impartial, and consistent manner without patrons having to attend court. The City's Municipal Court Violations Bureau currently employs an array of programs to encourage public safety and /or education. Current programs offered include an equipment fix-it program, discounts for good drivers, and payment plans. The equipment fix-it program allows for the dismissal of a cited equipment

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violation and corresponding fine once the violation has been repaired and an administrative fee remitted to the Court. Defendants, with a qualified infraction and with no convictions in the prior 3 years, are generally offered a 20% reduction in their citation fine amount.

The City's Municipal Court already has two active diversion (traffic school) programs: (1) a seatbelt program and (2) a youth offender program. The seatbelt program is offered through the City's Violation Bureau. For the youth offender program, however, youth offenders must see the judge before diversion is allowed. In both cases, once the defendant completes the terms of his or her diversion program, attends class, and remits the appropriate fees, the violation is dismissed. The proposed adult diversion program would be an expansion of existing diversion opportunities currently offered.

The proposed adult diversion program would mean defendants eligible for adult diversion would request traffic school and pay a specified fee at the time of the request instead of paying the base fine listed on their citation. Defendants would also be responsible for paying for the traffic school class. Upon successful completion of the agreement, the charge would be dismissed and would not appear on their driving record. With many Oregon traffic courts offering a similar program, including Beaverton, Tigard, Woodburn, Happy Valley, Bend, and Ashland, as well as Oregon county and state courts, adult defendants often request traffic school in order to prevent a conviction from appearing on their driving record.

Benefits of an established diversion program include:

- It promotes compliance by educating drivers about safe driving and relevant laws that they are expected to obey. Public safety may improve if traffic violators can receive training on traffic safety.
- It rewards qualified drivers for their good driving records in allowing them a one-time opportunity to keep their unblemished driving records clean.
- It affords patrons of the Wilsonville Court system a benefit being offered in some other traffic courts.
- It affords efficiency to the City's court system by encouraging some drivers who might otherwise plead "not guilty" an acceptable option, thereby relieving pressure on the court's trial dockets.
- The diversion fee would be set similar to the discounted fine amount currently offered to good drivers under the Court's good driver discount program, under which most diversion applicable candidate would already qualify.

A drawback of any diversion program is possible diminishment of the usefulness of driving records as an analytical tool for measuring a driver's lawfulness and/or competency with regards to traffic laws. As such, no basis is established for any future court sanctions or as a useful metric potentially for auto insurance companies in setting rates.

Also, there is no public entity, such as the Oregon Department of Motor Vehicles, that tracks all Oregon drivers who have utilized adult diversion programs to ensure that a driver is not repeatedly participating in diversion programs in various jurisdictions throughout the state to avoid traffic convictions. However, many local jurisdictions use the same diversion programs which do track their participants and will reject individuals who do not meet the requirements of a particular jurisdiction's diversion program.

The Municipal Court will initiate a public education campaign notifying defendants of the adult diversion option.

Motion: Councilor Stevens moved to approve Resolution No. 2632. Councilor Lehan seconded the motion.

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Vote: Motion carried 4-0.

CITY MANAGER'S BUSINESS

Mr. Cosgrove indicated he would be meeting with representatives of Republic Services to talk about a new household food waste recycling program. He complimented the Library for the interactive wall. The City Manager asked Council for direction to bring back council compensation information for a future agenda. Council directed him to do so.

LEGAL BUSINESS

Ms. Jacobson said the City has received the Notice of Intent to Transfer Intake Facility Assets and Notice of Intent to Expand Intake Facility Assets from Tualatin Valley Water District. The letter discusses the City waiving their right of first refusal for 59.7 million gallons of capacity the City has under agreement with Tualatin Valley Water District. This ties back to the ground lease and the accord agreement that was passed at a prior Council meeting, which is subject to completion of the IGA. It contemplates those water rights will be transferred to other partners in the intake facility, which would be Hillsboro, Tigard, Beaverton, Sherwood, and Wilsonville is getting an additional 5MGD of capacity.

This has been discussed previously but the formal letter has just been received requesting Wilsonville to waive its rights. If Council is agreeable they would need to make a motion.

Motion: Councilor Lehan moved to authorize the City Manager to send a letter stating the City of Wilsonville will waive its first right of refusal on the 59.7 million gallons of capacity. Councilor Stevens seconded the motion.

Vote: Motion carried 4-0.

ADJOURN

Mayor Knapp adjourned the meeting at 10:01 p.m.

Respectfully submitted,

Sandra C. King, MMC, City Recorder

ATTEST:

Tim Knapp, Mayor