

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, October 3, 2016. Mayor Knapp called the meeting to order at 7:13 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp
Councilor Starr
Councilor Fitzgerald
Councilor Stevens
Councilor Lehan

Staff present included:

Bryan Cosgrove, City Manager
Jeanna Troha, Assistant City Manager
Barbara Jacobson, City Attorney
Sandra King, City Recorder
Susan Cole, Finance Director
Cathy Rodocker, Assistant Finance Director
Jon Gail, Community Relations Coordinator
Stephan Lashbrook, SMART Director
Miranda Bateschell, Long Range Planner
Holly Miller, IS Manager
Scott Simonton, SMART Fleet Manager
Kerry Rappold, Natural Resources Manager

Motion to approve the order of the agenda.

Motion: Councilor Starr moved to approve the order of the agenda with the following change: to pull off of the Consent Agenda the purchase of the Smart Bus.

Vote: Motion carried 5-0.

MAYOR'S BUSINESS

Mayor Knapp announced the date of the next City Council meeting, and reported on the meetings he attended on behalf of the City, in particular the recent League of Oregon Cities (LOC) Conference held in Salem.

COMMUNICATIONS

A. Bee Stewards Program

Kerry Rappold introduced Sharon Selvaggio of Northwest Center for Alternatives to Pesticides. Mr. Rappold recalled the bee kill that occurred in the Target parking lot a couple of years ago

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due to the application of a pesticide spray and the steps taken by the City to protect the bees by covering the trees with netting. This led to the development of a Bee Stewards Program. Staff will work with community partners to create pollinator habitat planting areas that will involve public parks, medians along roads and the West Linn-Wilsonville School District property. Public Works staff will create an integrated pest management plan to lessen the use of pesticides and to be more proactive in dealing with property management. Educational material and a tool kit will be created for private property owners to inform them on how to conserve pollinators on their own property. Students will become involved in monitoring the pollinator friendly habitats, and interpretive signs will be placed at the habitats.

Ms. Selvaggio explained her organization provides education to the public on alternatives to using pesticides by working with schools and agricultural businesses. NCAP will be helping the City develop and integrate a pest management plan, and to create the interpretive signs explaining why pollinators are important, their habitat is important and how to safeguard that habitat.

Mr. Rappold identified the other partners in the program include: CREST, Xerces Society, Friends of Trees, Habitat Landscape Design, Northwest Youth Corps, and Oregon State University North Willamette Research Centers. The program will be grant funded by the City's Community Enhancement Program, Metro, and the National Fish and Wildlife Foundation.

Mr. Rappold indicated that articles will be included in the Boones Ferry Messenger, a workshop will be held, and that he will be presenting the program at the APWA Conference in Bend.

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.

John Nerski, 25100 SW Parkway Avenue Potentate of the Shriner's invited the Council and community to attend a fundraising dinner at the Shrine Center in Wilsonville. Proceeds will be directed to the Portland Shriner's hospital to aid in providing services for children regardless of the ability to pay.

Mary Ott, 28444 SW Meadows Loop attended the September 19 Council meeting and voiced her concerns about the overflow parking situation in the Meadows subdivision. She asked that any updates be provided to Chuck Smith the HOA president so the information could be shared with the Meadows residents.

Kristin Roche 28405 SW Willow Creek Drive understood the management of Boulder Creek planned to inspect their tenant's garages to insure they are being used for parking.

Mr. Cosgrove received information tonight that the construction activities that were taking up 19 parking spaces will be completed by Friday, October 7th.

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At the direction of City Council Ms. Jacobson sent a letter to the owners of the building and the management company expressing concern about the parking situation in some detail, and asking them to inspect the garages to insure they were being used for parking, and to give the City an update on the construction. The apartment management has until October 18th to begin the inspection of the garages, move the construction materials out of key parking spaces, and to look at their parking space marking system to clarify where residents and visitors could and could not park. If the matter was not resolved by then, City Code Enforcement would visit management. She understood the construction staging area is being moved and they have notified residents about using the garages for parking vehicles. The City Attorney heard from residents that they were informed the garages could be used for storage. Staff explained that construction on the club house would be occurring with parking in front of the office used for that effort.

Ashleigh Sumerlin, a representative of the Kitakata Japan Sister City program presented a gift to Mayor Knapp from Shinya Yamaguchi the Mayor of Kitakata Japan, Wilsonville's Sister City. She noted a student contingent will be visiting Wilsonville in October 2017.

COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

Council President Starr – (Parks and Recreation Advisory Board Liaison) announced the next meeting date for the Board and invited the public to participate in the Harvest Festival at the Crest Center.

Councilor Fitzgerald – (Development Review Panels A & B Liaison) reported on the approvals made by DRB Panel B during their last meeting and announced the cancellation of the October 10 meeting of DRB Panel A. She invited the public to attend the Harvest Festival at the Stein Boozier Barn.

Councilor Stevens – (Library Board and Wilsonville Seniors Liaison) noted the meeting date of the Wilsonville Seniors, and reported the Library staff is in the process of rearranging the collection to free up shelf space. She announced the Library Foundation Annual Benefit will be held at the Library.

Councilor Lehan– (Planning Commission and CCI Liaison) stated at their next meeting the Commission will be holding a public hearing on the Frog Pond Infrastructure Plan, and hear about the Basalt Creek Concept Plan. She announced the recruitment for Board and Commission Members. The Councilor attended the Clackamas County Cultural Arts Alliance meeting that was attended by various arts and culture organizations. Fall leaf drop off is set for October 19 in the City Hall parking lot.

CONSENT AGENDA

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

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A. Resolution No. 2605 This item was removed from the Consent Agenda and moved to New Business.

B. Minutes of the September 8, 2016 City Council meeting.

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

Vote: Motion carried 5-0.

NEW BUSINESS

A. Resolution No. 2605 Pulled from the consent agenda and moved to new business
A Resolution Of The City Of Wilsonville Authorizing South Metro Area Regional Transit (SMART) To Purchase One Seventeen-Passenger Bus From Creative Bus Sales.

Scott Simonton, Fleet Manager explained SMART will be purchasing a new standard cutaway bus through a grant process. The bus is gasoline powered, it will expand the fleet, and it is expected to be in service for 10-12 years.

Motion: Councilor Fitzgerald moved to approve Resolution No. 2605, Councilor Starr seconded the motion.

Vote: Motion carried 5-0.

PUBLIC HEARING

A. Resolution No. 2604
A Resolution Authorizing A Supplemental Budget Adjustment For Fiscal Year 2016-17.

Ms. Jacobson read the title of Resolution No. 2604 for the record.

Mayor Knapp opened the public hearing at 8:09 p.m. and provided the hearing protocol.

The staff report was presented by Cathy Rodocker, Assistant Finance Director. Oregon's Local Budget Law allows the Council to amend the adopted budget for an occurrence or condition that was not known at the time the budget was adopted. A transfer resolution moves expenditures from one category to another within a specific fund and does not increase the overall budget that was approved during the annual budget process. A supplemental budget adjustment will impact the budget by increasing revenues and/or expenditures. The supplemental adjustment can also recognize expenditures that exceed 10% of the adopted budget expenditures or 15% of the funds' adopted contingency.

As typical for the first budget adjustment for the fiscal year, unused funds from the prior year will be needed to complete projects that were not completed by June 30th. This adjustment to

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'rollover' funding from the prior fiscal year will provide the needed budget authority required for FY2017. The adjustment includes changes to the capital project program as well as to the following categories: material and services and capital outlay categories.

Non Capital Project related expenses include:

- Capital Outlay: Purchase of a new truck with swap loader attachment, \$59,101, funded by the Parks Maintenance, Building Maintenance, Road, Water and Sewer Operating funds.
- Material and Services: Administration Program, \$35,000, for special projects, Finance Program, \$15,500 for consultant fees and office furniture, IS Program, \$105,000, for the Fiber Business Plan, IT Strategic Plan, PCI (Payment Card Industry) remediation, and Planning Program, \$33,000, for the Form-Based Code project.

Capital Project related expenses originally funded in FY2016 include:

- Secondary Power Supply for Wells, \$39,640
- Water System Telemetry, \$91,495
- Tooze Rd Waterline, \$79,950
- WWTP Outfall Repair/Replacement, \$219,420
- Sewer Operations Allocation to Charbonneau, \$320,805
- Frog Pond Master Planning, \$115,000
- Coffee Creek Development Readiness, \$7,650
- Citywide Signage and Wayfinding Plan, \$55,700
- Wilsonville Rd Interchange, \$293,750
- Kinsman Rd Extension, \$414,000
- 5 Year Monitoring of Boeckman Wetland Mitigation, \$9,590
- Tooze Rd - 110th to Grahams Ferry, \$377,775
- Street Light Infill, \$104,950
- Charbonneau Walking Path Repair, \$47,000
- Willamette River Outfalls, \$214,765
- Fiber Connectivity, \$29,300
- City Facilities Repairs. \$5,750
- Community Center Remodel, \$3,350
- Skate Facilities, \$19,665
- Boones Ferry Park Master Plan, \$25,875
- Boeckman Creek Trail Slope Stabilization, \$66,000
- Annual Play Structure Replacement, \$66,875
- Parks SDC Reimbursements/Credits, \$603,694

Lastly, the budget adjustment includes a number of CIP projects that will result in a zero dollar adjustment where the excess budget of one project is used to fund the increase in another project:

- Citywide Stormwater Sewer Pipes, \$91,800: Funding Source Gesselschaft Water Well Channel Restoration Project,
- Streetlight Infill Project, \$61,855 Funding Source: LED Street Light Conversion Project,
- Street Maintenance Fee & SDC Update, \$50,000 Funding Source: Kinsman/Wilsonville Rd Truck Turning Improvements,

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- Annual GIS/Water Model Updates, \$3,700 Funding Source: Annual Well Upgrades and Maintenance.

Mayor Knapp invited public comment, hearing nothing; he closed the public hearing at 8:15 p.m.

Motion: Councilor Lehan moved to approve Resolution No. 2604. Councilor Starr seconded the motion.

Vote: Motion carried 5-0.

B. Ordinance No. 797 – first reading

An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Chapter 4, Section 4.800 By Modifying Section 4.800 Through 4.804 And Adding New Sections 4.805 Through 4.810 To Clarify And Expand City Regulation And Control Of Wireless Communications Facilities In Recognition Of Changing Laws And Wireless Technology.

Ms. Jacobson read the title of Ordinance No. 797 into the record on first reading.

Mayor Knapp opened the public hearing at 8:16 p.m. and provided the land use hearing protocol.

The staff report was presented by Miranda Bateschell, Holly Miller, and Tripp May, Telecom Lawfirm Partner. The proposed ordinance will modify the existing Code to address evolving wireless communications facilities, including small cell/Distributed Antenna Systems (DAS) siting.

Recognizing the need to balance the concern over potential aesthetic issues related to the proliferation of wireless communications facilities, including the anticipated network densification of 5G small cell and DAS siting, with the benefit that these providers can offer in enhancing cellular coverage for Wilsonville residents and visitors, staff is proposing revisions to the Wireless Communications section of Wilsonville Code Chapter 4. The new code language will provide flexibility for the siting of needed wireless communications facilities for enhanced signal capacity while balancing the need to preserve City aesthetics and be in compliance with our undergrounding district requirements, as well as state and federal law.

Ms. Bateschell noted the current code language is outdated due to changes in technology, the changes in Federal Requirements, and the desire of technology companies to locate in the right-of-way. The proposed ordinance governs the regulatory side of the issue and not the proprietary right-of-way issues.

Ms. Bateschell identified the key changes:

- There will be changes to the code regarding aesthetics with the new technology.
- Applications will be processed as a Class II or as a conditional use. The DRB will review the conditional use applications. Class I applications will address satellite dishes that are one meter in size or less.

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- A new section of the code addresses the 6409a Application with the feds. This is for non-substantial modifications or co-locations which are defined discretely by the FCC.
- There are changes to the application requirements to reflect the different types of facilities and the FCC categories.
- The proposed ordinance contains three review timelines that are different from the normal planning process; some are a 60 day review as opposed to what is traditionally done in 120 days.
- The Development review standards were updated to reflect the undergrounding utility policy. The code changes are trying to bridge the new technology and how much of it can be undergrounded and make it consistent with past policy.
- From the last work session some changes were made to elaborate on the maintenance requirements, and called out context appropriate paint color.
- The Town Center question was addressed and broadened so all commercial centers that are master planned are handled in the same way.

Councilor Starr asked if Council will expect to see updates or recommendations to make sure the City is staying ahead of the curve. Staff assured Council as changes in technology and regulations occur, the code will be updated.

Ms. Jacobson suggested the following modifications to the code language:

- Add the following language to the end of Paragraph 4.800, “Nothing contained in this Section shall be construed in any way to waive or limit the City’s proprietary rights over its real and personal property, including without limitation any proprietary interests in the City right-of-way. Thus, if it is determined the City has authority to exert greater rights or impose additional conditions or limitations beyond those set forth in this Section, the City reserves the absolute right to do so, as it determines appropriate or necessary.”
- Section 4.801 Application Requirements, subsection (.16) Co-location Feasibility is changed to read: “A feasibility study for the co-location of any WCF as an alternative to new structures must be presented and certified by an Oregon –licensed Professional Engineer. Co-location will be required when determined to be feasible ~~on any City structures due to the desire to limit any new verticality, except where absolutely necessary.~~ The feasibility study shall include:”
- Section 4.801 (.17) A.1. Engineering Report for New Location is changed to read: “A description of the proposed WCF height and design, including technical, engineering, and other pertinent factors governing selection of the proposed design. A cross-section of the proposed WCF structure shall be included. ~~If proposed WCF is intended to accommodate future co-location.~~ The engineer shall document that the design is sufficient for the purpose whether the structure is at its maximum structural capacity and, if not, the additional weight the structure could support. ~~If the proposed WCF is not intended to allow for future co-location, the engineer shall provide an explanation of why it is not so intended.”~~

Councilor Starr referred to Section 4.804 (.01)A. which speaks to publicly owned property (city property, school district property or TVF&R properties. After a discussion the following changes were made:

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Section 4.804(.01) A WCF proposed in the following locations:

1. Any property owned by the City of Wilsonville, including public right-of-way;
2. Any school property owned by ~~the West Linn Wilsonville~~ any public Sschool Ddistrict;
3. Any fire station property owned by ~~the Tualatin Valley~~ any Ffire Ddistrict;
4. Any property within an electric utility substation.

Mayor Knapp asked for clarification regarding the exception of dishes one meter or less in size stated in Section 4.800(.01) C. Permitted Uses. Mr. May explained this section relates to any satellite dish less than one meter in size because they are exempted by the FCC since they are regulated to commercial enterprise.

Mayor Knapp invited public comment, hearing none; he closed the public hearing at 8:52 p.m.

Motion: Councilor Stevens moved to approve Ordinance No. 797 on first reading with the changes submitted during discussion and discussed by Council. Councilor Lehan seconded the motion.

Vote: Motion carried 5-0.

- C. **Ordinance No. 798** – first reading
An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Chapter 5, Section 5.035 And Adding New Sections 5.600, 5.601, And 5.602.

Ms. Jacobson read the title of Ordinance No. 798 into the record on first reading.

Mayor Knapp opened the public hearing at 8:55 p.m. and provided the hearing protocol.

The staff report was presented by Ms. Jacobson. In response to citizen concerns, the City Council has decided to implement a 90-day trial restriction for semi-trucks on Wilsonville Road that are not making local deliveries. In order to enforce truck restrictions within the City of Wilsonville, the City Code must set forth the pertinent regulations. With the implementation of these new regulations it is expected that fewer trucks will impact residential neighborhoods, and Wilsonville Road will not be used as a cut through from I-5 to I-205, or vice versa.

As part of the trial program, “No Thru Trucks Local Deliveries Only” signs will be installed. The signs are expected to be installed within one week from the effective date of the Ordinance. Such sign installation is within the work expected to be completed in the 2016-17 Street Operations budget. The public has testified before the City Council and the ODOT Freight Stakeholders Meeting. In addition local freight companies have been notified.

The Council has the option to adopt the Ordinance, implement the 90-day trial, and either retain the restriction or remove the restriction after learning the impacts of the trial period.

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The City Manager recommended that the public hearing be left open to allow public comment at the second reading.

Mayor Knapp invited public testimony, there was none. The intent is to continue the public hearing to the Oct. 17th Council meeting and to leave the record open.

Motion: Councilor Lehan moved to approve Ordinance No. 798 on first reading and leave the record open. Councilor Stevens seconded the motion.

Councilor Lehan commented if there is no problem, installing the signs will not create a problem. In 90 days there will be information on how the pilot program has worked, and at that time changes may be made. She felt it was important when speaking with the trucking companies to let them know they are a valued member of this community.

Vote: Motion carried 5-0.

CITY MANAGER'S BUSINESS

Mr. Cosgrove presented an update on the Brenchley Estates parking issues. He has spoken with TVF&R who has had difficulty reaching patients, and with Republic Services who has had trouble providing their trash pick-up services. Staff will bring back a policy recommendation for a permit parking program for this neighborhood. The nearby apartment tenants will need to be adequately advised of such a program.

LEGAL BUSINESS – There was no report.

ADJOURN

Mayor Knapp adjourned the meeting at 9:14 p.m.

Respectfully submitted,

Sandra C. King, MMC, City Recorder

ATTEST:

Tim Knapp, Mayor