

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, December 1, 2014. 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
Council President Starr
Councilor Goddard
Councilor Fitzgerald
Councilor Stevens

Staff present included:

Bryan Cosgrove, City Manager
Jeanna Troha, Assistant City Manager
Mike Kohlhoff, City Attorney
Sandra King, City Recorder
Nancy Kraushaar, Community Development Director
Zach Weigle, Engineer
Jon Gail, Community Relations Coordinator
Kristin Retherford, Economic Development Manager
Stan Sherer, Parks and Recreation Director
Stephan Lashbrook, SMART Director
Angela Handran, Community Liaison Specialist

Motion to approve the order of the agenda.

Motion: Councilor Starr moved to approve the order of the agenda. Councilor Stevens seconded the motion.

Vote: Motion carried 5-0.

MAYOR'S BUSINESS

A. Greater Portland 2020 Introduction

After showing a video about the Greater Portland 2020 Initiative Mayor Knapp explained this was an opportunity to unite public, nonprofit and business leaders in the development and of a regional economic strategy that will allow the Portland metro region to compete in the global economy.

Kristin Retherford added the initiative will take elements from the economic development organizations in the region to create an overarching vision for the region. The process will identify commonalities and gaps in the many programs to improve a coordination and guidance for the organizations driving economic development.

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Mayor Knapp indicated the city of Austin, Texas is an example of a successful program. That city initiated a successful five year, economic development initiative aimed at fostering job-creating investment in Central Texas and exceed expectations and goals.

COMMUNICATIONS

A. Wilsonville Leadership Academy Update

Ms. Handran and Mr. Gail provided an update on the application process and the selection of the participants for the first Wilsonville Leadership Academy. The City received 42 applications to participate in the Leadership Academy by the Oct 31st deadline for the 30 available seats. They attributed the good response to advertising on social media, the Spokesman, Boones Ferry Messenger, and the City's website.

Councilor Goddard commended the City Manager and staff for moving this program forward and suggested starting a similar program for youth in the community. Mr. Cosgrove indicated the communication strategic plan contains such a program.

B. Xerox Community Involvement Program (XCIP)

Stan Sherer introduced representatives of the Xerox Community Involvement Program, who donated \$2,000 towards the recent purchase, transportation and planting of the Colorado Blue Spruce outside of the Parks and Recreation Department.

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.

Lonnie Gieber, spoke about how the prospects for low income families have not improved with the rising economy and the difficulties these families are having due to increased apartment rental rates. He noted the resources received by non-profit service organizations that provide assistance are harder to come by. Mr. Gieber suggested the City assist with convening a summit of all stake holders to identify and address chronic conditions seen in Wilsonville, and to discuss how to combine resources to meet the needs of low income families in an efficient manner.

Simon Springall, conveyed his support for the French Prairie Bridge IGA and noted two and a half years ago an online petition collected 700 signatures – of which 50% were Wilsonville residents - in support of accepting the federal grant funding and moving forward with the feasibility study.

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COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

Council President Starr – (*Park & Recreation Advisory Board Liaison*) invited the public to participate in the Holiday tree lighting set for December 4th at the Parks and Recreation Building in Town Center Park and announced the dates of the Frog Pond Area Planning Tech Advisory meeting as well as the Memorial Park open house. He asked that a sample real estate property tax bill be published in the *Boones Ferry Messenger* with descriptions on what each of the line items is for. Councilor Starr suggested publishing some of the comments from the City-wide survey in the *Messenger* with an explanation about what and/or why the Council/City could or could not do what was questioned or stated.

Councilor Goddard – (*Library Board Liaison*) announced activities scheduled at the Library, including the Vic Atiyeh discussion; Story Time; book club; and Wilsonville Garden Club swag sale. The Councilor noted the next meeting date of the Library Board, then invited the community to take part in the second annual Reindeer Romp.

Councilor Fitzgerald – (*Development Review Panels A & B Liaison*) reported DRB Panel-A heard and approved a proposal from Southern Wine And Spirits to expand and build another warehouse. She announced the next meeting dates for the DRB panels and the Holiday Light Drive coordinated by SMART.

Councilor Stevens – (*Planning Commission; CCI; Wilsonville Seniors Liaison*) stated at their next meeting the Planning Commission would be conducting a public hearing on the Wastewater Collection System Master Plan and also talk about the Basalt Creek and Frog Pond concept plans. A volunteer opportunity with the Meals on Wheels Program has opened up and interested persons can contact Evie Proctor at the Community Center.

CONSENT AGENDA

Mr. Kohlhoff read the titles of the Consent Agenda items for the record.

A. **Resolution No. 2500**

A Resolution Adopting The Canvass Of Votes Of The November 4, 2014 General Election.

B. Minutes of the November 3, 2014 Council Meetings.

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

Vote: Motion carried 5-0.

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PUBLIC HEARING

A. **Ordinance No. 763** - 1st reading

An Ordinance Of The City Of Wilsonville Annexing Approximately 9.8 Acres At 11650 SW Tooze Road And A Small Triangular, Approximately 6315 Square Foot, Property Across SW Grahams Ferry Road From 28333 SW Grahams Ferry Road Into The City Limits Of The City Of Wilsonville, Oregon; The Land Is More Particularly Described As Tax Lots 1100, 1101, And 1503 (Formerly 1591) Of Section 15 T3S-R1W, Clackamas County, Oregon, City Of Wilsonville, Applicant.

B. **Ordinance No. 764** – 1st reading

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Clackamas County Rural Residential Farm Forest 5 (RRFF5) Zone To The Village (V) Zone On Approximately 9.8 Acres At 11650 SW Tooze Road And A Small Triangular Approximately 6315 Square Foot Property Across SW Grahams Ferry Road From 28333 SW Grahams Ferry Road. Comprising Tax Lots 1100, 1101, And 1503 (Formerly 1591) Of Section 15, T3S, R1W, Clackamas County, Oregon, City Of Wilsonville, Applicant.

Mr. Kohlhoff read the titles of Ordinance No. 763 and 764 into the record noting the public hearing could address both ordinances; however, the vote on each ordinance should be separate.

Mayor Knapp opened the public hearing for both Ordinance No. 763 and 764 at 7:57 p.m. and read the land use hearing process format.

Dan Pauly presented the staff report for both Ordinances. The subject properties are both City owned and are part of the Villebois Village Master Plan with the Comprehensive Plan designation of “Residential-Village”. Their annexation and accompanying Zone Map Amendment in Ordinance No. 764 will be an important step in enabling the properties to be used consistent with the Villebois Village Master Plan. The small triangular property along Grahams Ferry Road will be used to build a fence and open space consistent with the previously annexed areas to the north and south. The annexation of the larger property will enable development of a park, on the southern edge of the property, as well as provide for a more streamlined process when the remainder of the property is developed.

The zone map amendment will rezone the land proposed to be annexed with Ordinance No. 763 consistent with the City’s Comprehensive Plan and Clackamas County zoning designation on lands within the City. Ordinance No. 764 will:

- Allow for better marketing of the former school site
- Allow the City and its partners to proceed with development of Regional Park 5 at the southern edge of the former school property without dealing with Clackamas County zoning.
- Allow the small piece of property along Grahams Ferry Road to be seamlessly folded in as open space into Polygon’s Calais at Villebois Development.

Besides adopting the Zone Map Amendment the Council could allow for the accompanying annexation while leaving the Clackamas County zoning in place. This would result in the smaller

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property along Grahams Ferry Road to remain in the County zone long term, which would still allow construction of the fencing and planned use as open space. For the larger former school properties this would require a Zone Map Amendment be adopted by Council concurrently with future development applications for the property.

Councilor Fitzgerald asked if there was anywhere in the sale process to specify that the property be sold to a developer specializing in custom homes while keeping with the design styles in Villebois.

Mr. Kohlhoff stated once the property is returned to the URA, there will be more flexibility to impose that type of condition.

Councilor Goddard questioned why not wait to have a future developer apply for the zone change.

Mr. Kohlhoff explained the reason is the development of Regional Park 5 moving forward. That development agreement is between three entities; the City, Polygon Development and the Chang family with members in China. The Chang family is prepared to allow development of Regional Park 5 to go forward and because the development agreement and ownership interest is complex staff thought going through the City's development process was preferred over the County process. Staff thought having the property in the City limits would make marketing of the property easier and the price points would be better as well.

Councilor Goddard wanted to know what zoning options were available for the parcel.

Mr. Pauly clarified the Comprehensive Plan Map designates residential densities, or industrial/village or commercial. When a zone change request comes into the City, the parcel is rezoned according to the designation on the Comprehensive Plan Map. The only time where there is discussion of one zone over another is when it is a PDR zone and there are questions about the densities. When the property is industrial, commercial, or village it is rezoned according to the Comprehensive Plan.

Councilor Goddard asked what the anticipated densities will be on this property. If a zone map amendment is before the Council it would be appropriate for the Council to be discussing what type of residential density the community might like to see on that property.

Mr. Pauly said there was an adopted Villebois Village Master Plan which includes the former school property. To change the density would require a change in the Master Plan. We need to be looking at density changes and when we looked at the former LEC property it was where we had that conversation on the density. The zoning will allow one to build one house or 1,000 houses under this zoning. The Specific Area Plan Approval (SAP) and the Preliminary Development Plan (PDP) are the two steps that will come through the Development Review Board process where the DRB will look at approving the final densities to be built.

Councilor Goddard inquired if the Council wanted something other than what was allowed, which is a wide variation of allowed densities under the current zoning, to give future developers

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and the DRB some guidance on the amount of allowable use, would the zone map amendment or Master Plan amendment be the route to take?

Mr. Pauly if the Council's desires are not within what the Master Plan currently shows, then a Master Plan amendment would be the appropriate place to make that change rather than a zone map amendment. Villebois is the same zone from the center of Villebois, which is has the most density, to the edges with the least dense development.

Councilor Goddard asked if the school would have been an allowed use on this site under the Villebois zoning. Mr. Pauly indicated it would have been allowed as a conditional public use.

Councilor Starr understood under Ordinance 764, the Council could specify the two lowest densities under the Master Plan. That way it would fall under the Master Plan and give clarity to what the Council was looking for in terms of density.

Mr. Pauly said the appropriate place to make changes to the Master Plan would be by amending the Master Plan. Mr. Pauly referred to Figure 1 in the Master Plan and stated all of the properties within the Villebois Village identify preliminarily the type of development that will be built. He explained the small lots were grouped into attached housing types, a second category includes medium sized lots and above. In the Calais development there was a change between the number of large and medium sized lots, with the addition of more large lots at the time the Specific Area Plan (SAP) was approved for that development. In terms of doing a gross change, the Master Plan identifies roughly the percent that will be the small category versus the larger category.

Councilor Starr wanted to know who the decision making body would be to determine the density to reflect the original intent. Mr. Pauly responded amending a Master Plan would be done by the Planning Commission who would forward their recommendation to the City Council. In addition, the City Council may call-up a decision.

Mr. Kohlhoff stated the Calais development is single family homes, and this parcel looked like it would be laid out in a similar manner with single family homes on medium and large lots.

Mayor Knapp thought there would be multiple opportunities for input on the ultimate use of the property.

Mr. Pauly responded Council will ultimately make a decision on a real estate transaction and there is legal leeway through that process. Outside of that there is still the full review process of the different steps in the Villebois approval process, including the Specific Area Plan changes, the Preliminary Development Plan which is where density is set, and potentially a Master Plan amendment if the densities shown are not desired.

Mayor Knapp asked if the City will be recovering the funds spent on acquisition of the property.

Mr. Kohlhoff commented by annexing the property into the City it becomes more valuable.

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Mayor Knapp invited public testimony.

Charlotte Lehan explained she was familiar with the property having recently purchased and moved the home that was previously situated on it to her property. She asked that the extraordinary, healthy and vigorous London Plane tree on the property be retained when the property is sold as it is a significant tree.

Mr. Kohlhoff indicated the preservation of the tree can be included as a condition in the sale of the property as well as the sizing of the lots.

The Mayor closed the public hearings at 8:26 p.m.

Motion: Councilor Fitzgerald moved to adopt Ordinance No. 763 on first reading. Councilor Starr seconded the motion.

Vote: Motion carried 5-0.

Motion: Councilor Stevens moved to adopt Ordinance No. 764 on first reading. Councilor Starr seconded the motion.

Councilor Starr expressed concern about the zoning on this parcel and that Council was trying to bring housing types into balance with the lower density lots. He stated he had heard comments from people who desired to match the style of Villebois with a customized home, and this may be something Council will want to address in the future.

Councilor Fitzgerald agreed with Councilor Starr's comments. She appreciated that Councilors had heard from others who wanted to see more custom homes on that property.

Vote: Motion carried 5-0.

C. **Ordinance No. 762** 1st Reading

An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Chapter 3, Section 3.000(19) To Allow The City Manager And His/Her Designee To Establish And Post Park Closure Hours.

Mr. Kohlhoff read the title of Ordinance No. 762 into the record.

Mayor Knapp opened the public hearing at 8:30 p.m. and read the hearing format.

Stan Sherer, Parks and Recreation Director, presented the staff report. Currently, the existing Wilsonville Code delegates the responsibility of establishing the hours parks are available for public use to the City Council. Authorizing the City Manager or the City Manager's designee to establish the hours of availability allow more streamlined, and customer friendly approach to establishing park hours. The past practice of opening the parks from dawn to dusk excludes several legitimate park user groups, and therefore limits park programming. The change will

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establish park hours in relation to the season and existing park uses to maximize availability for active and passive park users.

Councilor Goddard wanted to know why the change was necessary, and wanted to insure the public was informed of the changes. Staff explained the change in the Code would allow staff to make any changes to park hours as an administrative decision and would increase the use of the park facilities and fields. Staff will use every communication mode to advise the public of the park hours.

Mayor Knapp asked if activities in the park after dark will raise safety concerns. Staff's goal is to make the parks as accessible as possible and increase the number of programmable hours available. The sport fields are well lit after hours and the park gates will automatically shut and lock after hours; however, the police department has access to the gate for patrols.

Mayor invited public testimony, hearing none he closed the public hearing at 8:37.

Motion: Councilor Starr moved to adopt Ordinance No. 762 on first reading. Councilor Fitzgerald seconded the motion.

Vote: Motion carried 5-0.

D. Resolution No. 2503

A Resolution Of The Wilsonville City Council, Amending The Fare Structure Of South Metro Area Regional Transit (SMART)

Mr. Kohlhoff read the title of Resolution No. 2503 into the record.

Mayor Knapp opened the public hearing at 8:38 p.m. and read the hearing format.

Stephan Lashbrook presented the staff report. SMART's fares were last increased in 2012, including an increase in the fare for the 1X (Salem) route, which went from \$2.50 to \$3.00, with an increase in the cost of a monthly 1X pass from \$55.00 to \$75.00, and in the monthly "all-pass" from \$80.00 to \$110.00. Salem-Keizer Transit (Cherriots) has enacted another increase in their 1X monthly pass from \$75.00 to \$85.00, effective January 5, 2015. Staff recommends that the cost of SMART's 1X monthly pass and monthly "all-pass" both be increased by \$10.00 to follow suit with Salem-Keizer. Fares for seniors, those with disabilities and youth will continue to be 50% of the regular fares. No other changes to SMART's fares are recommended at this time.

Salem-Keizer Transit originally proposed an across-the-board fare increase that would have included both an increase in the cost of monthly 1X passes and an increase in individual fares on that route. SMART staff asked that Salem-Keizer proceed only with the former and not increase the cost of an individual fare above the current \$3.00 price. Staff's reasoning is outlined in the attached letter from Stephan Lashbrook to Salem-Keizer General Manager Allan Pollock, dated August 28, 2014.

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The 1X is shared by Cherriots and SMART. Any fare or service change must be mutually agreed upon if expenses, revenues, and service are to continue to be shared equitably between the two agencies.

As with all SMART routes, elderly, disabled, and young passengers will continue to pay ½ of the regular fare on the 1X, and there will be no charge for in-town transit service.

Route	Current monthly pass	Current cash fare	Proposed monthly pass	Proposed cash fare (no change)
1X	\$75 (\$37.50)	\$3 (\$1.50)	\$85.00 (\$42.50)	\$3.00 (\$1.50)
All-pass	\$110 (\$55)	n/a	\$120.00 (\$60.00)	n/a

Fares in parentheses are for seniors/disabled/youth.

Effects on ridership/Equity Issues:

In enacting their recent fare increases Salem-Keizer Transit cited a need for “financial stewardship” and summarized their reasoning for increasing their fares by:

- Avoiding cuts in service:
- Keeping pace with inflation: and
- Maintaining their fare box recovery ratio (Salem-Keizer Transit collects approximately 13 percent of operating revenue from their fare boxes).

SMART Staff does not project a significant loss of ridership with the proposed increase. As with the increases that were enacted in 2012, a more aggressive set of fare increases could be expected to have an adverse effect on ridership. This is especially true in view of recent declines in gasoline prices, encouraging more drive-alone commuting trips.

Federal Title VI requirements mandate consideration of the effects of any changes to transit fares on minority and low income populations. Unfortunately, SMART has only limited demographic information about our riders, other than those who receive reduced fares because they are elderly or disabled. The lack of more detailed information necessitates a certain amount of extrapolation and reliance on anecdotal information in order for SMART to comply with the federal requirement. On one hand, SMART intends to continue offering in-town rides (on both fixed routes and dial-a-ride) without charging any fare and that is not proposed to change. Therefore, low income and minority riders will not be affected by the fare increases insofar as travel within the city limits is concerned. Anecdotal information indicates that SMART’s highest minority ridership for fixed route out-of-town travel comes on Route 3 (Canby) and no change is proposed to that fare at this time. In other words, the fixed route that is believed to carry the highest percentage of minority riders is unaffected by the proposed change.

Minority and low income passengers on the 1X are expected to benefit from the fact that individual daily fares will not be increasing on that route, but those passengers obviously will be adversely affected if they rely on monthly passes. For those using monthly passes and traveling to or from Salem 20 times each month, the increase in the monthly pass cost will equal \$.50/day.

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SMART staff recommends that the City Council approve the proposed fare increase after conducting a public hearing on December 1, 2014, with an effective date of January 5, 2015. This will coordinate with the implementation date for fare increases set by Salem-Keizer Transit.

Revenue increases in the current fiscal year are expected to be less than \$2,500 as a result of the proposed change. Implementation Measure 4.7 of Wilsonville's adopted Transit Master Plan directs that the City will "*change fares...with the objective of maximized revenue and minimized loss of revenue.*"

Notice of the opportunity for the public to comment on the fare increase was published in *The Wilsonville Spokesman* on November 19 and 26, 2014. Additionally, this notice was posted in buses, in transit shelters, at bus stops, and on the City's website. A meeting for public comments was conducted on November 13, 2014, in the Council Chambers. This meeting was convened to allow the public to comment in person on the proposed fare increase. A Spanish language interpreter was present at that meeting. Additionally, the public was invited to comment via email and conventional mail. No one attended the public meeting convened by staff. As of November 18, SMART received only one comment, which was opposed to the proposed fare increase.

Implementation of this fare increase will only impact 1X riders who buy monthly passes. If implemented, it will provide a minor benefit to local businesses which support SMART through payroll taxes.

The City Council may choose not to enact the proposed change, but doing so could substantially alter SMART's cooperative relationship with Salem-Keizer Transit. In the future, the City Council may want to consider fare adjustments every two years, tracking Salem-Keizer's schedule.

The Mayor invited public testimony, hearing nothing he closed the public hearing at 8:44 p.m.

Motion: Councilor Fitzgerald moved to adopt Resolution No. 2503. Councilor Starr seconded the motion.

Vote: Motion carried 5-0.

Mayor Knapp declared a recess at 8:46 p.m. and reconvened the meeting at 8:52 p.m.

CONTINUING BUSINESS

Mr. Kohlhoff noted because the first readings were done with separate votes and each ordinance was adopted unanimously the second reading could be done in one vote. He then read the titles of Ordinance Nos. 754, 755, 756, 757 and 758 into the record for second reading.

A. **Ordinance No. 754** 2nd reading

An Ordinance Of The City Of Wilsonville Regulating The Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion,

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Maintenance Of All Buildings And/Or Structures In The City Of Wilsonville; Providing For The Issuance Of Permits And Collection Of Fees Therefore; Providing Penalties For The Violation Thereof; Adopting A Fee Schedule; And Amending Chapter 9, Section 9.000 Of The Wilsonville Code (Structural Specialty Code); And Repealing Ordinance No. 683.

B. Ordinance No. 755 2nd reading

An Ordinance Of The City Of Wilsonville Regulating The Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Maintenance Of All Buildings And/Or Structures In The City Of Wilsonville; Providing For The Issuance Of Permits And Collection Of Fees Therefore; Providing Penalties For The Violation Thereof; Adopting A Fee Schedule; And Amending Chapter 9, Section 9.100 Of The Wilsonville Code (Mechanical Specialty Code); And Repealing Ordinance No. 684.

C. Ordinance No. 756 2nd reading

An Ordinance Of The City Of Wilsonville Regulating The Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Maintenance Of All Buildings And/Or Structures In The City Of Wilsonville; Providing For The Issuance Of Permits And Collection Of Fees Therefore; Providing Penalties For The Violation Thereof; Adopting A Fee Schedule; And Amending Chapter 9, Section 9.200 Of The Wilsonville Code (Plumbing Specialty Code); And Repealing Ordinance No. 697.

D. Ordinance No. 757 2nd reading

An Ordinance Of The City Of Wilsonville Regulating The Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Maintenance Of All Buildings And/Or Structures In The City Of Wilsonville; Providing For The Issuance Of Permits And Collection Of Fees Therefore; Providing Penalties For The Violation Thereof; Adopting A Fee Schedule; And Amending Chapter 9, Section 9.400 Of The Wilsonville Code (Oregon Residential Specialty Code); And Repealing Ordinance No. 696.)

E. Ordinance No. 758 2nd reading

An Ordinance Of The City Of Wilsonville Repealing Ordinance No. 685 And Amending Chapter 9, Section 9.300 Of The Wilsonville Code, Designated As “Fire Prevention Code”.

Mayor Knapp asked if Council wished to remove any ordinance to discuss it further. The responses were negative.

Motion: Councilor Stevens moved to adopt Ordinances No. 754, 755, 756, 757, and 758 on second reading. Councilor Starr seconded the motion.

Vote: Motion carried 5-0.
 Councilor Starr - Yes

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Councilor Goddard - Yes
Councilor Fitzgerald - Yes
Councilor Stevens - Yes
Mayor Knapp - Yes

- F. **Ordinance No. 759** 2nd reading
An Ordinance Of City Of Wilsonville Declaring And Authorizing The Vacation Of A Portion Of Vlahos Drive Right Of Way As Part Of The Canyon Creek Road South To Town Center Loop East Project (CIP #4184).

Mr. Kohlhoff read the title of Ordinance No. 759 into the record for second reading

Motion: Councilor Starr moved to adopt Ordinance No. 759 on second reading Councilor Stevens seconded the motion.

Vote: Motion carried 5-0.
Councilor Starr - Yes
Councilor Goddard - Yes
Councilor Fitzgerald - Yes
Councilor Stevens - Yes
Mayor Knapp - Yes

- G. **Ordinance No. 760** 2nd Reading
An Ordinance Amending Ordinance No. 747 To Include Stormwater Management-Related Definitions In The City Of Wilsonville 2014 Public Works Standards.

Mr. Kohlhoff read the title of Ordinance No. 760 into the record for second reading

Motion: Councilor Fitzgerald moved to adopt Ordinance No. 760 on second reading Councilor Starr seconded the motion.

Vote: Motion carried 5-0.
Councilor Starr - Yes
Councilor Goddard - Yes
Councilor Fitzgerald - Yes
Councilor Stevens - Yes
Mayor Knapp - Yes

- H. **Ordinance No. 761** 2nd Reading
An Ordinance Amending Wilsonville Code Section 4.022(.03)A. Appeal And Call-Up Procedures.

Mr. Kohlhoff read the title of Ordinance No. 761 into the record for second reading

Motion: Councilor Starr moved to adopt Ordinance No. 761 on second reading. Councilor Fitzgerald seconded the motion.

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Vote: Motion carried 5-0.
Councilor Starr - Yes
Councilor Goddard - Yes
Councilor Fitzgerald - Yes
Councilor Stevens - Yes
Mayor Knapp - Yes

- I. **Ordinance No. 752** – 2nd Reading (continued from 11/17/14 Council meeting)
An Ordinance Of The City Of Wilsonville Adding Section 3.022 Water Safety Regulations To The Wilsonville City Code.

Mr. Kohlhoff read the title of Ordinance No. 752 into the record for second reading and pointed out the third whereas clause has been amended to read:

“Whereas the Oregon Marine Board and the Oregon Department of Fish And Wildlife provided the grant funding for the dock at Memorial Park and advised that swimming, diving, or fishing should be discouraged or prohibited.”

The Ordinance will sunset on the date of conclusion of the grant agreement in December 2016. Staff was unable to find any specific regulation, but the information is on the Marine Board’s website and the members of the Marine Board feel allowing swimming, fishing or diving from the dock would invalidate the grant causing the City to repay the \$92,000 in grant funds. Mr. Kohlhoff thought a little discretion was in order and the ordinance can be reviewed in two years.

Motion: Councilor Stevens moved to continue Ordinance No.752 as amended. Councilor Fitzgerald seconded the motion.

Vote: Motion carried 4-1.
Councilor Starr - Yes
Councilor Goddard - No
Councilor Fitzgerald - Yes
Councilor Stevens - Yes
Mayor Knapp - Yes

NEW BUSINESS

- A. **Resolution No. 2502**
A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Goods And Services Contract With Columbia Cascade Company For Playground Equipment For Murase Plaza In Memorial Park, Parks And Recreation Project #3001

Mr. Kohlhoff read the title of Resolution No. 2502 into the record.

Stan Sherer presented the staff report. It became obvious the playground equipment in Murase Park had not aged well and did not meet safety standards. The Parks and Recreation Department desires to purchase two new play structures and a slide for Murase Plaza for an estimated total cost of \$158,250. This amount is less than the budgeted amount for play equipment.

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Based on years of experience with playground equipment, the City's Parks and Recreation Director believes that one local manufacturer is the only supplier that can produce the playground equipment with the safety features and stylized design needed for Murase Plaza.

The equipment being recommended for purchase has been selected for all of the following reasons:

- The post-consumer recycled plastic support posts, which are not available from other vendors.
- Installation method: the support posts are not embedded with concrete, which results in post longevity and the safety of no exposed concrete footings.
- The design of the structures (barns, corral) that fit perfectly with the existing park amenities.
- The modular design results in lower maintenance demand and easier repairs.
- Buying local; results in \$4,000 to \$6,500 savings in shipping costs alone.
- Minimum of 25-year life expectancy.
- Stainless steel fixtures, resulting in low failure risk and longevity.
- Large percentage of the structure is totally inclusive for use by persons with physical and developmental disabilities.

The vendor selling this equipment has an interest in using this equipment as its model for some marketing purposes, and staff therefore expects that the manufacturer will pay close attention to detail in both the construction and installation of the equipment.

In order to approve a Special Procurement, particularly from a sole source, the City Council must make the following findings:

1. The selection is unlikely to encourage favoritism.
2. There is a reasonable expectation of substantial cost savings for the City.
3. The procurement promotes the public interest in a way that could not be realized by complying with normal procurement procedures.

While there are many vendors available for playground equipment, in general, this is the only vendor City staff has found that meets the above-described safety criteria. The Parks and Recreation Director has purchased this equipment for several other park facilities before coming to Wilsonville and knows that the manufacturer provides an excellent product. It is the regular practice of the Parks and Recreation Department of the City of Wilsonville to competitively purchase all goods and services and this will continue to be the regular and customary practice. Thus, this one purchase will not lead to favoritism. This equipment is also of a very unique design character and was found available from only one known source, after much research. Fortunately that source is a local manufacturer willing to sell directly to the City. Therefore there is a reasonable expectation of substantial cost savings in terms of lack of retail mark-up and significant savings in shipping cost, as set forth above. Additionally, the construction materials are especially durable, giving the equipment a very long life expectancy. This selection promotes the public interest in a way that could not be realized by complying with normal procurement procedure in that it is the only equipment on the market with the above-described

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safety features that the City's Parks and Recreation Director deems essential, and it will be obtained at significant cost savings for all of the reasons stated above.

Motion: Councilor Fitzgerald moved to adopt Resolution No. 2502. Councilor Goddard seconded the motion.

Vote: Motion carried 5-0.

B. Resolution No. 2499

A Resolution Of The City Of Wilsonville Authorizing The Mayor To Sign An Intergovernmental Agreement With The State Of Oregon, Acting By And Through Its Department Of Transportation (ODOT) For Planning And Preliminary Design Of The French Prairie Bridge (Capital Improvement Project #9137).

Mr. Kohlhoff read the title of Resolution No. 2499 into the record.

Zach Weigel presented the staff report. In 2009, the City was awarded Regional Flexible funds through Metro for planning and project development of the French Prairie Bridge, a multi-modal (pedestrian, bike, and emergency vehicle) bridge crossing the Willamette River.

The French Prairie Bridge project will determine the final bridge location, alignment and design type and includes preparation of preliminary construction and environmental documents. Public participation in the bridge location, alignment, and design selection will be a key component of the project. The project work includes the formation of Public Advisory Committee and development of a Public Involvement Plan. The project work also includes the formation of a Technical Advisory Committee to engage emergency responder's in the planning and design of the emergency access element of the bridge.

The Federal funding component of the French Prairie Bridge project necessitates the City enter into an intergovernmental agreement (IGA) with ODOT, who will monitor the project to ensure compliance with Federal requirements. The IGA generally defines the project work and outlines the City's and ODOT's obligations with regards to performance of the project work.

Upon execution of the IGA, ODOT will solicit proposals from qualified engineering firms to perform the project work. The City will select the design consultant and will manage and direct the consultant's work with project oversight provided by ODOT.

Upon completion of the work, the French Prairie Bridge location, alignment, and bridge type will be finalized. Project deliverables will include preliminary (30%) construction and environmental documents. This preliminary construction document stage is a key milestone in the project, as the project will be considered "construction ready" and will be in a more favorable position to receive additional federal funding to complete design and construction. Also, obtaining preliminary construction documents will allow the City to start strategizing final design, ownership, and maintenance with potential bridge partners.

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Once the IGA has been executed, ODOT will begin the process to procure engineering design services, expected to occur as soon as January 2015. Contract negotiations are expected to last 3 to 6 months after selection of the design consultant and work on the project is expected to begin in the spring/summer of 2015 and last approximately two years.

Project #9137 is funded through a combination of Parks System Development Charges and Federal funding for the FY2014-15 budget in the amount of \$1,348,000. However, the total Federal funds amount to \$1,250,000 with the City to provide a 10.27% match plus any additional City overhead for project management. This amounts to total project funds available of \$1,378,375 plus any City overhead.

The actual project costs will be determined as part of the contract negotiation with the selected design consultant. The estimated cost based on the IGA scope of work is \$1,370,000 with an additional \$137,000 identified for potential contingency items should the costs come in lower than expected.

Prior to the start of work, the City will be required to pay the full match amount into a Local Government Investment Pool (LGIP) account, expected to become due within the current fiscal year. The account will be used to pay the City's match as project invoices are processed.

Public participation in the bridge location, alignment, and design selection will be a key component of the project. The project will include the formation of Public Advisory Committee and development of a Public Involvement Plan to help better engage the public in the development of the bridge design.

There are no impacts to the community by entering into the French Prairie Bridge IGA with ODOT. Performance of the work as described in the IGA does not require the City to finalize the bridge design or to construct the bridge within a certain period of time.

Performance of the work as described in the IGA will help the community to decide whether to pursue final design and construction of the French Prairie Bridge. Not only will this project identify the most suitable bridge location, alignment, and design, but it will help identify project risks and impacts and refine bridge cost estimates to help guide future decision making.

As part of the environmental permitting process an alternatives analysis will need to be conducted. Upon completion of this analysis the next steps are to determine the final bridge type, size and location, which will lead to the preliminary construction documents. This level of design will determine the major design issues with this project and provide the first real construction cost estimates for the project. This level of design will put the City into a good position to begin strategizing the final design and construction of the bridge with potential bridge partners, and make the project more desirable to receive Federal funds for future final design and construction. The project work will also include preliminary environmental documentation and possibly some permitting.

The anticipated project schedule is to have the consultant selection this coming January, that contract between the consultant and ODOT is expected to take 3-6 months, so the actual project

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work would begin in June 2015. The work is expected to take two years and finish in spring of 2017.

Councilor Fitzgerald noted the earlier testimony about the long period of time the public has been providing input and driving interest in this process. Most recently during the process of the tourism development strategy there were a number of comments about bike friendly activity, and this bridge was mentioned. She clarified the grant was secured for the purpose of determining what is possible with a bike/pedestrian bridge. The Councilor wanted to know more about the 30% construction planning and what that means for the general public, why are we doing that and what is it going to do for us?

Ms. Kraushaar explained the 30% design produces a document ODOT finds valuable in providing certainty for what the project details and needs are going to be and enough information that one can apply for construction funding. Without the details included in the report, ODOT will feel there are too many uncertainties to move forward with additional funding. ODOT wants specific knowledge before they begin to award more dollars to a project because they do not want surprises. The 30% engineering threshold provides certainty about the information that is required to be considered for federal funding and provides information for potential partners in the project to make the decision to participate. The report will include information about:

- The type, size and location of the bridge,
- What kind of environmental process is needed to get approval for the in-water work,
- Represents that a certain amount of public involvement has occurred,
- Provides certainty of cost estimate, and
- The amount of right-of way needed.

Mayor Knapp clarified Regional Flexible Funding Program funds were designated for uses other than roads. He also wanted to know how this project fits with tying the different neighborhoods into a unified community.

Ms. Kraushaar said the funds awarded for this project could not be used for a bridge that supports cars and trucks, the funds are intended strictly for a bike/pedestrian and emergency access bridge. She added the bike/pedestrian bridge would provide another route to link Charbonneau to the City; however it was not the perfect solution to connect Charbonneau to Wilsonville unless the Charbonneau connection is the preferred location. The bridge will provide the potential for bicycle tourism in Wilsonville and offers another choice for people to use to cross the Willamette River.

Councilor Goddard believed a creative definition had been given to ‘multi-modal’ and he asked for clarification on whether the funds precluded planning for uses other than a bike/pedestrian and emergency vehicle use and how the building of the bridge was decided.

Ms. Kraushaar explained to apply for Regional Flexible Funds a project must be in the Regional Transportation Plan, and the local transportation system plan. The bridge, as it is currently scoped, is contained in those plans. Those who make the final decisions on the funding, (JPACT and Metro Council) understood the project to be as presented here; to change the scope of work at this point would change the use of the funding, and they will reprogram the funding elsewhere.

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Councilor Goddard reasoned the use of the funds and the grant program itself is not prohibited from being applied to vehicle transportation improvements or transit improvement projects. He indicated he had asked a number of times for data supporting how many emergency vehicle trips had been delayed due to congestion on the Boone Bridge but he had not yet seen any data.

Ms. Kraushaar said there was surface transportation money and congestion management air quality money. The criteria to select the project at the time were understood to be a bike/pedestrian emergency vehicle bridge, and not a highway bridge. She did not have an answer to the Councilors second question regarding the delay of emergency vehicle trips.

Mr. Cosgrove stated the letters of support contained in the original grant application did not suggest emergency vehicles could not get there; rather if the Boone Bridge goes down, there is no other access to Charbonneau, and TVF&R favored the bridge for that purpose.

Councilor Goddard stated if the Boone Bridge goes down, a lot of vehicles will need access across the river which proves the need for an additional bridge to serve traffic. He also wanted to know how high the demand was from local residents to cross the Willamette River and was there data to support the assumption.

Ms. Kraushaar suggested having that discussion prior to the Regional Transportation Plan update, and that it was a regional discussion to have; but it is complicated by where a good location for that bridge between Oregon City and Newberg should be.

Councilor Starr asked if there was a way a study could be done for putting a car bridge next to the bike/pedestrian bridge, to set up the next steps for putting in a vehicle bridge.

Mr. Cosgrove stated the Regional Transportation Plan and STP would need to be amended to get the money for the study. Staff is going to the legislature to ask for funds or study for another auxiliary lane on I-5 to address local need; however the Boone Bridge is a state facility.

Ms. Kraushaar added City staff has met with ODOT to discuss the congestion around Old Town and the impacts of the on ramps to I-5. The cost of an additional lane on I-5 overwhelms ODOTs staff, but the conversation is just beginning. Approaching it from a legislative tactic could call more attention to the matter. It is not just a Wilsonville issue; it is a regional and state issue.

Mayor Knapp thought building a local bridge would not solve a regional transportation problem effectively and if traffic exited I-5 to use the local bridge, the City would be overwhelmed.

Ms. Kraushaar said developing a local bridge would be very expensive; but having something that deals with regional transportation is more important. There would be little regional support to connect Charbonneau to Wilsonville exclusively, and where a vehicle bridge lands on both sides of the river will have major impacts on neighborhoods.

Motion: Councilor Stevens moved to adopt Resolution No. 2499. Councilor Fitzgerald seconded the motion.

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Councilor Stevens pointed out bridges are now built to withstand earthquakes; just having the bike/pedestrian bridge as another avenue to get emergency vehicles across the river will be beneficial. This conversation started in 2009, and there is a lot of interest in the community for the bridge which will provide a family recreational opportunity. Bike advocates drive over the river to park in the Charbonneau community to bike in the areas south of Wilsonville.

Although Councilor Goddard agreed with Councilor Stevens comments there was no data to support the comments or the need. He has heard members of the community advocate for a performing arts facility, sports complex, and swim center and felt those facilities would provide more benefit to the community than a bicycle bridge over the river. The Councilor recommended enhancing the Boone Bridge with a separate pathway allowing bicycles to cross would be a more efficient use of funds than a stand-alone bridge. Congestion at the Boones Ferry and Wilsonville roads intersection suggested the need for additional southbound routes.

Councilor Fitzgerald stated moving traffic on I-5 has been discussed in C-4 and regional meetings, and it was interesting to see communities work together to get federal dollars to address serious highway construction needs. The Councilor suggested including interpretive signs to provide historical information and references on the bridge. The feasibility study will tell us if building a bike/pedestrian bridge is possible, and how it can be done.

Councilor Starr supported locating a regional bike and walking trail on the west side of the Boone Bridge to bring people into the commercial district rather than through residential neighborhoods. The City does need assistance with an I-5 crossing for cars, however, this study is not for that purpose but it will serve as a reminder to be diligent in moving forward the needs of the city and the region in crossing the Willamette River. The bike/pedestrian bridge will bring tourism dollars into Wilsonville and it will be a regional facility as well as making Wilsonville special. The Councilor thought the costs of the bike/pedestrian bridge should be borne regionally.

Mayor Knapp agreed with the comments of Councilor Stevens, Fitzgerald and Starr. He thought the project captured the imagination of groups throughout the region, and that regional partners and support would be needed to move the project forward. The study will provide information on what is possible, what it would take to make it happen, how it would work, and who the partners would be. Afterwards the Council can make an informed decision.

Vote: Motion carried 5-0.

Motion to continue Council meeting past 10 p.m.

Motion Councilor Stevens moved to continue meeting to finish agenda. Councilor Starr seconded the motion.

Vote: Motion carried 5-0.

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C. Resolution No. 2504

A Resolution of The City Council Amending Exhibits To Resolution No. 2440 Which Approved A Minor Amendment To The City Of Wilsonville's Year 2000 Urban Renewal Plan Related To Urban Renewal District Boundaries.

Mr. Kohlhoff read the title of Resolution No. 2504 into the record.

Kristin Retherford presented the staff report. The legal description and map attached to Resolution No. 2440 must be amended to reflect new standards for urban renewal legal descriptions and maps. These are the same type of revisions that were needed for the City's TIF zones earlier this fall.

When adopted, Resolution No. 2440 revised the boundary of the Year 2000 Urban Renewal Area to reduce acreage to stay under the 25% acreage limitation mandated by ORS 457. The legal descriptions and maps attached to Resolution No. 2504 will replace those appended to Resolution No. 2440. The amendment to The Year 2000 Plan district boundary will facilitate the City's compliance with ORS 457 and Clackamas County standards for urban renewal legal descriptions and maps.

Motion: Councilor Starr moved to adopt Resolution No. 2504. Councilor Stevens and Fitzgerald seconded the motion.

Vote: Motion carried 5-0.

D. Resolution No. 2501

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Sign A Franchise Extension Agreement With Comcast, Extending The Term Of The Current Comcast Cable Franchise To January 31, 2016.

Mr. Kohlhoff read the title of Resolution No. 2501 into the record and presented the staff report. Last year Council approved a one year extension to the City's current franchise agreement with Comcast in order to allow staff more time to negotiate a new agreement with Comcast. At the time, Comcast was in negotiations with several other Cities, including the Metropolitan Area Communication Commission ("MACC") and it was the City Attorney's belief that waiting to see how those negotiations went would be beneficial. Many of those negotiations are ongoing or have just concluded, not leaving enough time for staff to negotiate an agreement with Comcast before the end of the year. The desired outcome is a better agreement with Comcast and less rushed and potentially contentious negotiations. Negotiations would begin after the first of the year, when arrangements to meet with Comcast staff are made. The current Agreement would remain in place, thus, there is no anticipated budget impact.

Motion: Councilor Starr moved to adopt Resolution No. 2501.
Councilor Stevens seconded the motion.

Vote: Motion carried 5-0.

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CITY MANAGER'S BUSINESS

Mr. Cosgrove stated he was finalizing the agenda for the joint Work Session with the West Linn-Wilsonville School Board and reminded the Council of the Holiday Party.

LEGAL BUSINESS – there was no report.

ADJOURN

The Mayor adjourned the meeting at 10:16 p.m.

Respectfully submitted,

Sandra C. King, MMC, City Recorder

ATTEST:

Tim Knapp, Mayor