

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 17, 2013. Mayor Knapp called the meeting to order at 7:10 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 - Excused
Councilor Stevens

Staff present included:

Bryan Cosgrove, City Manager
Jeanna Troha, Assistant City Manager
Mike Kohlhoff, City Attorney
Sandra King, City Recorder
Eric Mende, Deputy Engineering
Mark Ottenad, Government Affairs Director
Barbara Jacobson, Assistant City Attorney
Dan Pauly, Associate Planner

Chris Neamtzu, Planning Director
Katie Mangle, Mgr. Long Range Planning
Chief James Rhodes
Delora Kerber, Public Works Director
Andrea Villagrana, HR Manager
Scott Dixon, Utility Supervisor
Joanne Ossanna, Finance Director

Motion to approve the order of the agenda.

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

Vote: Motion carried 4-0.

MAYOR'S BUSINESS

City Manager's Contract Renewal

The Mayor asked Council President Starr who led the review to provide information on the process.

Council President Starr explained as part of the process he met with the department heads for a 360 degree review, he spoke with each Councilor individually, asked that a salary survey of comparable cities be completed and then he and the Mayor met with Mr. Cosgrove. Councilor Starr said the City was in very capable hands, with a strong leader who has a strong financial background and who has the ability to manage and attract capable leaders to work for him.

Councilor Stevens and Mayor Knapp agreed with the comments of Councilor Starr. Mr. Cosgrove's leadership is evident when talking with staff and the community.

Motion: Councilor Starr moved to approve the extension of Mr. Cosgrove's contract as City Manager from July 1, 2013 to June 30, 2014 with an increase in total

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compensation of 5.49% as outlined in the employment agreement. Councilor Stevens seconded the motion.

Vote: Motion carried 4-0

Upcoming Meetings

Mayor Knapp announced the meetings to be held in the next weeks, noting the July 1st Council meeting would be cancelled, with the next meeting set for July 15. The Mayor stated he and staff met with a delegation from the City of Hillsboro who toured the Villebois Community and learned the concepts behind the project. The City of Hillsboro is looking at a similar type of development project, and they were impressed with the quality of Villebois.

COMMUNICATIONS

A. Introduce Chief James Rhodes

Jeanna Troha, Assistant City Manager, introduced James Rhodes the new police chief who will replace Nick Watt who is planning to retire. The Clackamas County Sheriff's Department contracts with the City to provide police services to the City and has done so since incorporation. Ms. Troha briefly outlined Chief Rhodes career in law enforcement.

Mayor Knapp presented the chief's badge to Chief Rhodes.

B. Casey Peck Roads Scholar

Delora Kerber, Public Works Director explained Mr. Peck was not present due to a family emergency and the recognition will be carried over to the next meeting.

C. WWTP Quarterly Report

Eric Mende, reported the WWTP project remains on budget and about six weeks ahead of schedule. SAIC, LLC (formerly R. W. Beck, Inc.) and Brown and Caldwell are currently providing Owner's Representative services to the City on the Design-Build-Operate (DBO) contract for the Wastewater Treatment Plant (WWTP) Improvements. One of the tasks under the Owner's Representative Agreement with SAIC is a Quarterly Report to City Council pertaining to the performance of the DBO Company – CH2M HILL. Tonight is the sixth of these quarterly reports. Due to the scheduling of this presentation, this quarterly report includes April, May and half of June 2013.

Jessica Guerrette of Kennedy/Jenks Consultants and project manager presented the quarterly report via a PowerPoint presentation which has been made part of the record.

CH2M HILL is approximately two months ahead of schedule compared to the contractually required March 2014 Acceptance Date. Approximately one month was lost this quarter as a result of an incorrect concrete pour in the ultraviolet (UV) disinfection channel that required removal and replacement. Some construction activities are being completed earlier than previously planned as a result of CH2M HILL's implementation of a plan to haul sludge to the City of Salem for processing (described further in a subsequent section). The current critical path includes completion of the UV disinfection channel and the secondary clarifier.

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Construction is approximately 75% complete with all major structures either completed or under construction. Equipment installation is ongoing. It is expected that construction and Acceptance Testing will be completed by the end of the year.

The Owner's Representative will continue to conduct detailed monthly reviews of the updated Design-Build Work schedule compared to the baseline schedule in order to alert the City to any schedule issues that may affect CH2M HILL's ability to meet the Acceptance Date.

CH2M HILL has alerted the City that it may prepare two additional CORs for City review which will generally address:

1. Regulated Site Condition – CH2M HILL notified the City on November 20, 2012, of a Regulated Site Condition because asbestos cement pipe was found among the debris from the demolition of the existing filters. This was discussed at the November Monthly Construction Meeting, and per Appendix 5, subsection 5.4.5, disposal of this pipe is considered extra work and subject to Cost Substantiation. CH2M HILL stated that construction progress is not impeded by this finding and they will contract with a licensed asbestos contractor to perform the disposal following demolition of the biosolids collection building, and then CH2M HILL will prepare a COR for costs associated with disposal of this asbestos cement pipe for City review.
2. Differing Site Condition – CH2M HILL notified the City on March 5, 2013, of a Differing Site Condition because exposed rebar was found in the aeration basins due to concrete degradation that has resulted in corrosion. This issue was discussed at the February Monthly Construction Meeting where the City directed CH2M HILL to take the necessary steps to repair existing concrete walls and exposed rebar locations such that further degradation and corrosion are mitigated. Per Appendix 5, subsection 5.4.5, this is considered extra work and subject to Cost Substantiation. CH2M HILL stated that construction progress is not impeded by this finding and they will progress the work and track all impacts. Once all repairs have been completed, CH2M HILL will prepare a COR for costs associated with this extra work for City review.

To date, 29 CAMs have been processed for the project. Four CAMs were executed this quarter, three of which provide City approval of subcontractors who will provide Contract Services to CH2M HILL valued in excess of \$50,000. The fourth CAM addresses the possibility that during start-up, commissioning, and acceptance testing of the new biosolids equipment, CH2M HILL may not be able to produce Class A or B biosolids, in which case they have asked for the City's permission to dispose of any sludge or biosolids not meeting these standards at an appropriate landfill. There are no additional costs to the City for these changes.

Construction activities this quarter have included:

- Continued hauling sludge to Salem for processing to Class B standards.
- Continued use of temporary carbon scrubber for odor control.
- Completed slope stabilizations and piping installations.

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- Ongoing site electrical work and migration of new equipment to the new SCADA system for operations.
- Ongoing masonry work, roof decking, mechanical and electrical equipment installation, and leak testing of headworks.
- Completed aeration basins #2 and #3 including odor control covers, and completed 70 percent of modifications to aeration basin #1.
- Completed masonry and structural steel at the blower building.
- Completed under slab piping and base slab as well as masonry walls of the secondary clarifier.
- Completed hydraulic testing of flow control structure and filters and put them into operation in advance of May 1st in accordance with NPDES permit.
- Completed excavation for the UV disinfection channel; concrete re-work in progress.
- Masonry work and roof decking in progress for the dewatering and drying building.
- Large equipment including centrifuges and biosolids dryer has been delivered and is being installed.
- Sludge storage basins have been cleaned and recoated.
- Diffusers and other equipment installed and one sludge storage basin has been returned to service.
- Gravity belt thickener pump and piping installation in progress.
- Odor control media has been installed in biofilters.
- Installation of new high efficiency HVAC equipment and fire alarm panel and system at the operations building.

Ongoing Project Success:

- Design completed on schedule and budget.
- Construction is ahead of schedule.
- Minimal change orders through design and 75 percent construction.
- Strong partnering relationships among team members.
- Successful continuous operation of the WWTP throughout construction in accordance with contract and permit requirements (with a few exceptions to the permit requirements).

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.

Bill Wiley, 8640 SW Ash Meadows Rd Apt 921, asked for suspension of the class 1 temporary use permit for the year 2013 that had been issued to the Wilsonville Fun Center to operate the new Soaring Eagle Zip Line after 10 p.m. due to the screams of the riders and the sound of the air break. He did not feel this was a ride designed for operation in a residential community in the middle of the night. Mr. Wiley said he had received a notice from the City of Wilsonville advising of the permit for the seven planned days for the operation after 10 p.m. It did not say it

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was going to operate until 5 a.m. He stated a number of misleading statements had been made by the applicant during the DRB hearing regarding noise from the ride and the air break.

During that same public hearing Chairperson Keith of the DRB Panel A, “confirmed with Mr. Edmonds, that there was nothing to stop the neighbors from filing a formal noise complaint if the zip line operated 25 nights a year, the neighbors could always object to the noise if there was a problem and return to negotiate shorter hours.” Mr. Wiley asked to begin that process and asked for Councilors help.

Mayor Knapp asked staff what the process was to resolve the problem.

Mr. Cosgrove said staff needed to conduct an investigation when there is another all night event, perform a decibel check and interview residents. He would talk with the Planning Director and determine how to proceed, and inform Mr. Wiley and Council of that process.

Klaus Gibson, 10904 SW Parkwood Court, Wilsonville, thanked Council and staff for their consideration in the June 3rd work session for the wellbeing of the mental health program participants. Wilsonville should not forget that Villebois became a reality because of the closure of Dammasch and the State Mental Health agency relinquishing claim to the property allowing it to be sold.

Eric Postma, 31110 SW Willow Ct. spoke on behalf of the Chamber of Commerce and thanked Mr. Cosgrove and Mr. Kohlhoff for their collaborative approach with the Chamber in writing the Letter of Understanding. The cessation of the operation of the Visitor’s Information Center was bittersweet; however, the Chamber and its members agree cost effectiveness for reaching visitors is better served by a different approach. The Chamber is focusing its efforts on growing its membership, and looks forward to the opportunity to participate in the Tourism Task Force. He advocated for the passage of Resolution No. 2439.

COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

Council President Starr – Park & Recreation Advisory Board, Chamber/City Leadership, noted the Chamber leadership will be meeting this Friday and announced the scenic Trolley Tours scheduled throughout the summer; and the OSU Extension Center Community Open House and NWREC Tours.

Councilor Goddard – Library Board, Chamber Board, and Clackamas County Business Alliance, reported on the activities of the CCBA Board of Directors at their last meeting. The Councilor announced the next Library Board meeting, the Wilsonville Farmers Market in Villebois; and the Boy Scout Troup 194 plant sale.

Councilor Stevens – Development Review Panels A and B; Wilsonville Seniors, announced the Wilsonville Seniors created a list of goals to work towards; and reported on the activities of the DRB boards. She announced the Walk SMART; Commuter Challenge; and the beginning of the Movies in the Park events.

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CONSENT AGENDA

Mr. Kohlhoff read the Consent Agenda items by title only for the record.

A. **Resolution No. 2425**

A Resolution Of The City Council Of The City Of Wilsonville Acting As The Local Contract Review Board, Authorizing The South Metro Area Regional Transit Department (SMART) To Purchase Two, 40-Foot Low Floor, Heavy Duty Clean Diesel/Electric Hybrid Buses Through The Section 5308 Federal Grant.

B. **Resolution No. 2426**

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Construction Contract With K&R Plumbing Construction Company, Inc. For The Autumn Park Sanitary Sewer Replacement Project (Capital Improvement Project #2091).

C. **Resolution No. 2427 - removed**

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Construction Contract With Pacific Excavation, Inc. For The Boeckman Creek At Wilsonville Road Project (Capital Improvement Project #7038).

Motion: Councilor Goddard moved to remove Resolution 2427 from the Consent Agenda for a brief discussion. Councilor Starr seconded the motion.

Vote: Motion carried 4-0.

Motion: Councilor Goddard moved to approve the remaining Consent Agenda items. Councilor Starr seconded the motion

Vote: Motion carried 4-0.

C. **Resolution No. 2427**

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Construction Contract With Pacific Excavation, Inc. For The Boeckman Creek At Wilsonville Road Project (Capital Improvement Project #7038).

Councilor Goddard questioned the difference between the forecast construction costs and bit actual bid results. He wanted to understand what the variance is and asked staff for a periodic update where there were significant variances between forecasts approved in the CIP and the actual bid amount.

Mr. Cosgrove said the information would be brought back to Council. Councilor Goddard was comfortable moving forward on the item as long as staff returned with the information.

Motion: Councilor Goddard moved to approve Resolution No. 2427. Councilor Stevens seconded the motion.

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Vote: Motion carried 4-0.

PUBLIC HEARING

A. Active Adults at the Grove Multi-Family Project at Brenchley Estates-North. Proposed Ordinance No. 717

Mr. Kohlhoff indicated a motion to continue the hearing was needed. By letter, Mr. Daniels, Development Director for Holland Partner Group/Brenchley Estates Partners LP, requested a continuance of the currently scheduled public hearing to modify Ordinance No. 703 for the proposed Active Adults at The Grove Multi-Family Project at Brenchley Estates-North.

Motion: Councilor Stevens moved to continue the public hearing on Ordinance No. 717 Active Adults at the Grove Multi-Family project to the July 15, 2013 Council meeting. Mayor Knapp seconded the motion.

Mayor Knapp asked what would happen if the matter was not continued.

Mr. Kohlhoff explained if Council did not approve/disapprove or take action on the item within 120 days the applicant can go to Circuit Court to receive approval of their application. Requests for a continuance have historically been approved.

Mayor Knapp did not think there was any advantage to not allowing the applicant to make their presentation and staff to make their presentation, and Council to consider the merits at the time the applicant requested.

Councilor Goddard asked why staff was not prepared to discuss the matter. Mr. Kohlhoff said it was because the applicant submitted the letter requesting the continuance, and it was routine to grant such a request, therefore staff did not prepare a presentation for Council.

Councilor Starr if the vote is two "yes" and two "no" does the motion carry or does it has to have three votes to move forward? Mr. Kohlhoff indicated three votes were necessary.

Mayor Knapp asked if the continuance is not granted what exposure did the City have.

Mr. Kohlhoff stated a hearing could not be held this evening since staff was not prepared to present; it's a matter of procedures not anything on the merits. It could get defeated if you hear it or it could pass; I have no idea what their presentation will do to convince Council one way or the other.

Councilor Goddard asked if the applicant was represented.

Mr. Kohlhoff said they were not.

Councilor Starr called the question for a vote.

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Vote: Motion carried 4-0.

B. Resolution No. 2428

A Resolution Approving a Rate Increase for Republic Services of Clackamas and Washington Counties, for Solid-Waste and Recycling Collection in the City of Wilsonville.

Mr. Kohlhoff read the title of Resolution No. 2428 into the record.

Mayor Knapp opened the public hearing at 8:18 p.m. and read the hearing format.

The staff report was prepared by Mark Ottenad, Public/Government Affairs Director and Barbara Jacobson, Assistant City Attorney and is included here for clarity.

Solid-waste disposal is regulated by Wilsonville Code (WC) 8.4 and Ordinance No. 204 of 1982 (Ordinance). Subsequent ordinances, some prompted by State mandates, have broadened the service to include the collection of yard debris and recyclable materials. Governing Ordinance No. 204, lays-out six (6) factors that the City Council should consider in determining whether or not to grant the Franchisee a rate increase. This staff report reviews the six criteria.

In examining the current and proposed rates in greater detail, staff has noted the following concerns:

Residential Rates: the City's current and proposed solid-waste collection fee structure appears to discourage a "minimum waste-generation" policy; that is, those customers with a smaller waste cart do not enjoy much financial benefit to generating less trash due to the small price differential between 20-gallon and 35-gallon carts, the latter of which holds 75% more volume.

If rewarding residents who generate less trash and recycle more is a City policy goal, the City Council could direct staff to work with the Franchisee to see if there is a way to restructure rates such that there is a greater financial benefit to select the smaller trash roll carts. It appears this is what Lake Oswego has opted to do. A more attractive rate for smaller carts may, however, result in a higher increase for the larger carts.

Commercial: As shown on Table 2 of page 5, when compared to the nearby cities of Tualatin and Lake Oswego, both served by the same Franchisee, *larger* Wilsonville commercial customers pay substantially higher rates than the same class of customer in either other city. That being said, the smaller commercial waste-generators in Wilsonville do enjoy a substantial cost savings. It should be noted that the small cart commercial waste generator actually pays less than the residential customers and staff is not sure how that came to be the case. Given that Franchisee is based in Wilsonville, staff cannot explain this discrepancy.

Industrial: When compared to the industrial rates for Lake Oswego and Tualatin, Wilsonville's rates are higher.

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Current and proposed rates on a monthly basis for waste/recycling/yard-debris services in Wilsonville only:

Type of Service	Current Rates	Proposed Rates	Rate Difference	
			Amount	Percentage
Residential Rates				
20-gallon	\$ 21.00	\$ 21.84	\$ 0.84	4.0%
35-gallon	23.60	24.54	0.94	4.0%
65-gallon	31.10	32.34	1.24	4.0%
Commercial Rates				
35-gallon	15.55	16.48	0.93	6.0%
65-gallon	24.70	26.18	1.48	6.0%
90-gallon	31.10	32.97	1.87	6.0%
1.5-yard	116.35	121.00	4.65	4.0%
2-yard	152.20	158.29	6.09	4.0%
3-yard	221.20	230.05	8.85	4.0%
4-yard	288.15	299.68	11.53	4.0%
6-yard	424.40	441.38	16.98	4.0%
8-yard	562.75	585.26	22.51	4.0%
Industrial Rates				
10-yard	98.00	103.88	5.88	6.0%
20-yard	98.00	103.88	5.88	6.0%
30-yard	136.25	141.70	5.45	4.0%
40-yard	157.10	163.38	6.28	4.0%

The Franchisee indicated in the cover letter of May 15 that it was “requesting a 4% price increase.” As noted above, however, rates for some classes of service are scheduled to increase by 6%. The Franchisee has not provided any information to indicate why there is a discrepancy or difference in the proposed rate of increase for smaller-sized containers of commercial and industrial customers.

Matter Is Appropriately before Council

Solid-waste disposal is regulated by Wilsonville Code 8.4 and Ordinance No. 204, enacted in 1982. Republic Services is the successor-in-interest to Allied Waste Services, which was the successor-in-interest to the original franchisee, United Disposal Service, Inc.

Republic Services submitted the request in writing with supporting data for the rate increase on May 15, 2013, providing the required 30-day timely notice for City Council (Council) consideration for the June 17, 2013, Council meeting; Ordinance section 13.

Ordinance Approval Criteria for Rate Increase I

Section 13 of Ordinance No. 204 provides six (6) total criteria that the Council “shall consider” in “determining the appropriate rate to be charged by the Franchisee”:

- “1. The cost of performing the service provided by the franchisee;
- “2. The anticipated increase in the cost of providing service;

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- “3. The need for equipment replacement and the need for additional equipment to meet service needs; compliance with federal, state and local law, ordinances and regulations; or technological change;
- “4. The investment of the franchisee and the value of its business and necessity that the franchisee shall have a reasonable rate of return;
- “5. The rates in other cities for similar services;
- “6. The public interest by assuring reasonable rates to enable the franchisee to provide efficient and beneficial service to the residents and other users of the service.”

This report reviews each set of criteria and provides a recommendation.

The cost of performing the service provided by the Franchisee.

The Franchisee has provided a Proforma Statement of Income [and Expenses] and Proforma Schedule of Direct Expenses showing that the cost of operations in Wilsonville has increased by 3.5% from 2010 to 2011, and 13.3% from 2011 to 2012.

Over the course of the two-year period since the last rate increase on July 1, 2011, the cost of operations has increased from \$3,239,948 in 2011 to a projected \$3,669,471 without a rate increase in 2013, which is a net increase of \$429,523 or 13.2% increase in the cost of operations. The Franchisee appears to demonstrate the cost of performing the service provided has increased.

The anticipated increase in the cost of providing service.

The Franchisee has provided a Proforma Statement of Income [and Expenses] and Proforma Schedule of Direct Expenses showing that the cost of operations in Wilsonville is projected to increase from 2012 to 2013 by 2.4% without a rate increase and 2.6% with a rate increase; the 0.2 percentage difference is 8.33%.

While the Franchisee has indicated a need to replace equipment, which presumably increases the cost of providing service, the Franchisee has not provided data showing projected costs of providing service for the next two-year period, 2014 and 2015; all data provided has been retrospective. Therefore, staff is cannot determine if the Franchisee has demonstrated an anticipated increase in the cost of providing service.

Nonetheless, City staff is aware of future increases of costs to the Franchisee. Metro Council has approved an increase in the disposal fee by \$0.49 per ton on September 1, 2013; raising the tip fee to \$94.33. The ‘transaction fee’ of \$3.00 for customers with accounts is to remain the same. When calculating disposal costs, each transaction is assumed to be a five-ton load; therefore an additional \$0.60 (to account for the transaction fee at the transfer station) is added to the disposal fee to arrive at an effective disposal fee of \$94.93 beginning September 1, 2013, which cumulatively is a 0.5% net increase.

Clackamas County Office of Sustainability, Department of Transportation and Development, has indicated that “Other notable expenses are rising, but at a lower percentage in the recent past. Driver wages are increasing by 2.0% and health insurance for all employees was held flat this year.” Additionally, fuel costs are projected to increase by 4.99%. However, other costs, such as the cost of disposing yard debris and other costs have been projected to remain steady.

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Thus, while staff believes that there will be increased costs of providing the service; staff does not have adequate information to provide an authoritative and total increase in the cost of providing service.

The need for equipment replacement and the need for additional equipment to meet service needs; compliance with federal, state and local law, ordinances and regulations; or technological change

The Franchisee's cover letter of May 15, 2013, cites both *prior* expenses for collection-related apparatus, as well as *anticipated, future* expenses.

The Franchisee indicates that:

“We anticipate replacing 2 of these vehicles over the next 12-18 months. As stated above, the cost range for one collection vehicle is \$225,000-\$278,000, depending on the type of collection performed.”

Based on this information, one could reasonably estimate that equipment replacement over the next 12 to 18 months will total in the range of \$450,000 to \$556,000, with an average amount of \$503,000.

The Ordinance appears to speak to *projected, future needs* to replace equipment and meet other needs. However, it is unclear if the anticipated replacement collection vehicles serve Wilsonville and/or other communities, and therefore cannot account for how the expense impacts operations in Wilsonville of Franchisee.

The Franchisee appears to demonstrate the need for equipment replacement.

The investment of the Franchisee and the value of its business and necessity that the Franchisee shall have a reasonable rate of return.

According to Rick Winterhalter, Waste Coordinator for the Clackamas County Office of Sustainability, Department of Transportation and Development the accepted, reasonable rate of return in the solid-waste disposal industry is in the 8% to 12% range, with a target rate of return of 10%. (Note: Michael F. Sheehan, Ph.D., of Osterberg & Sheehan Public Utility Economists, Scappoose, OR, wrote in a paper published in April 1996, *Rate Regulation In The Solid Waste Disposal Industry: A Review of Standards and Performance*: “In Oregon, several counties and cities use the operating ratio approach or some variant of it. Washington County’s method for solid waste haulers is based on a margin of 8 to 12 %.”)

The Franchisee has provided a Proforma Statement of Income [and Expenses] that shows “Income as a Percentage of Revenue” of 6.6% without a rate increase; 7.6% with a rate increase; and 8.5% “12 month Annualized with Proposed Rate Change.”

The Franchisee appears to demonstrate a reasonable rate of return, based on the 12-month “annualized” rate of return with the proposed rate increase that is at the lower-end of the industry average rate of return.

The rates in other cities for similar services.

The Franchisee has provided information regarding rates in two other jurisdictions served by Franchisee, Tualatin and Lake Oswego, for similar services. When looking to compare the

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Wilsonville situation to other cities, staff found that an “apples-to-apples” comparison would be difficult if not impossible to undertake due to differences in service providers, frequency of pick-up schedules for garbage and yard debris/recycling, sizes of container, hilly terrain and other factors. Therefore, staff conducted a more focused comparison to the averaged rates of the two near-by cities both served by Franchisee that enabled an exact, apples-to-apples comparison.

When compared to the nearby cities of Tualatin and Lake Oswego, both served by the same Franchisee, the *smallest-sized* residential roll cart customers in Wilsonville pay a substantially higher amount than similar customers in the other cities.

Across the board, all categories of service except for one commercial category are a lower rate in Tualatin compared to Wilsonville.

In Wilsonville, *larger* commercial and industrial customers pay substantially higher rates than the same class of customer in either of the other cities. Given that the Franchisee is based in Wilsonville, staff cannot explain this discrepancy but has asked the Franchisee to provide additional information.

In summary, when comparing rates in Wilsonville with Tualatin and Lake Oswego for the exact same service, Wilsonville is more expensive in the majority of categories and significantly more expensive in the Industrial service category.

The public interest by assuring reasonable rates to enable the Franchisee to provide efficient and beneficial service to the residents and other users of the service.

While there may be questions about the discrepancy of rates in other jurisdictions, Republic Services has demonstrated that the requested rate increases, based on the current Wilsonville rate structure, appear reasonable.

Related Issues for Future Discussion

While not part of the rate-increase request or process, staff believes that Council may wish to consider the following related issues at a later date. Specifically, Ordinance No. 204, is 31 years old (passed in 1982). While subsequent ordinances and resolutions (Ordinance 281, 1985; Ordinance No. 424, 1994; Resolution 2300, 2009) have enlarged the scope of services and increased the rates, the original Ordinance text still governs. Staff suggests that Ordinance 281 should be updated to reflect newer information and methods of doing business, liability insurance coverage and changes in law and technology.

Additionally, through various mergers and acquisitions, the City has done business with the same franchise-holder for over 30 years. While there appear to be no performance issues with the quality of the Franchisee’s services and Franchisee has served the community well for many years, the City Council may be interested in opening-up the solid-waste franchise for bid at some point in the future in order to be consistent with competitive public contracting laws and objectives.

The Franchisee has requested a rate increase effective July 1, 2013. Staff believes that providing less than a month’s notice to the Wilsonville customers is not sufficient and that more advance notice to customers would be more courteous, reasonable and appropriate. Staff suggests approving the Franchisee’s rate increase request to be September 1, 2013 consistent with the date the increase in the Metro tipping fee goes into effect.

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The City will continue to collect a 3% franchise fee from the Franchisee.

Community involvement has included advertising this hearing in the *Wilsonville Spokesman* newspaper and on the City's website. The City plans to provide information in the July 2013 *Boones Ferry Messenger* all-city newsletter and on the City's website.

Mark Ottenad began by stating the Republic Services, Inc. the applicant has requested an increase in rates between 4-5%. Ordinance No. 204 which governs the matter contains six criteria that Council should consider in setting rates and granting a rate increase. Staff was satisfied the franchisee met the requirements after reviewing the request against the criteria. The applicant requested July 1, 2013 as the implementation of the rate increase; however staff felt this was not enough notice for customers. In addition, Metro has an increase in their tipping fee scheduled for September 1, 2013 and staff is recommending the rate increase become effective that same date.

A comparison of Wilsonville's rates with those charged in Lake Oswego and Tualatin was prepared; however due to differences in types of services provided, it was not an 'apples to apples' comparison. After speaking with Mr. Phelps and Mr. Lonegran of Republic Services, staff learned there were many variables involved in setting rates, the number of customers on a route, the number of trucks, what is being picked up, hills, etc. Staff has asked the franchisee to provide additional information about the rate structure, particularly for industrial rates, since the rates for commercial and industrial service are higher than those charged in Lake Oswego and Tualatin.

Barbara Jacobson, Assistant City Attorney, spoke from a legal perspective. This contract is 31 years old, however it still works well save for some antiquated provisions regarding insurance, and some of the new environmental regulations. They discussed, as a first step looking at the rates and understanding them better but also looking at the contract and perhaps updating it, which the franchisee was amenable to.

In addition, because the contract is 31 years old and the City has not done any inquiries into other potential providers, it may be time to do so. This contract is a 3-year rolling contract, and automatically renews for three years. If Council wanted to consider looking at other options, the City would need to give notice to the franchisee before January 1 and at that point of notice, the contract would continue for three additional years; during this time Council could do a request for proposal.

Mr. Kohlhoff noted the City received two documents which should be made a part of the record: a letter from Republic Services dated June 14, 2013 containing argument against some of the staff recommendations such as the September 1, 2013 implementation date, and a handout from Republic Services about who they are and their recovery collection.

Mayor Knapp invited public input.

Klaus Gibson, 10904 SW Parkway Court commented the rate increase on an individual basis was minimal; yet, he questioned the overall percentage of the rate increase for the following reasons:

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- When the last rate increase was approved the 2.7% residential increase was to mitigate higher percentage in the future.
- The residential expansion in Wilsonville you would think would provide economies of scale.
- The change to the comingled recycling containers from the on-street curb side was promoted as a significant cost saver for Allied Waste, but no rate decrease was passed through to customers.
- The 32% increase in fuel costs was questioned.
- Reservations about sponsorships for conventions were raised

Mr. Gibson asked that these concerns be considered when making the decision on the rate increase.

Mayor invited representatives of republic to speak.

Derek Ruckman, Republic Services General Manager, introduced Steve Brum, Controller, and Frank Lonergan, Operations Manager. Mr. Ruckman offered to answer questions.

Mr. Ruckman commented on the 8.5% rate of return. The rate adjustment is two years over what has already occurred and are actual costs. In 2011 there was a return of 7.8%, without a rate adjustment we would see a return of 6.6%. He thought the 8.5% return was acceptable. Mr. Ruckman outlined the continued changes to emission standards and disposal options impact the industry on a yearly basis and cannot be anticipated.

Councilor Goddard asked if customer satisfaction surveys were conducted in Wilsonville.

Mr. Lonergan responded they have not done a formal survey recently, but have conducted informal surveys at city events. Compliments and complaints are tracked with compliments leading 20-1 to complaints.

Mr. Cosgrove offered the city wide community survey done last year included a question on garbage and recycling and the service was highly rated.

Councilor Stevens asked for an explanation of the 32% fuel cost increase statement referred to in the letter.

Mr. Ruckman said costs were reviewed backwards, at the last rate increase the cost for fuel was \$2.73/gallon, in 2011 it was \$3.50/gallon, now it is \$3.60/gallon.

Mr. Brum said the rates per gallon listed on the handout are the actual experience. In addition, the local requirements require us to use bio-diesel so national averages may not parallel the actual fuel consumption.

Councilor Starr asked if the cost for truck emission standards was a part of the request for increase.

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Mr. Ruckman said they have retrofitted trucks with diesel particulate filters and the cost of doing so was rolled into a capital account. We have not replaced our fleet to meet new emission standards rather we have retrofitted them.

Councilor Starr questioned the replacement of 2,000 carts. Mr. Baum said the carts last about 10 years and the numbers listed represented a 10% replacement rate.

Councilor Starr wanted to know if Republic Services had a facility in Tualatin and Lake Oswego or do you service those locations out of Wilsonville? Mr. Ruckman explained Republic services Lake Oswego out of Sherwood; while Tualatin is serviced out of Wilsonville.

The Councilor asked why residential and industrial customers in Wilsonville are charged more than Lake Oswego and Tualatin when Wilsonville was closer to their operations.

Mr. Ruckman responded comparing solid waste markets is challenging. Staff alluded to the fact that the services provided are not always equal. In Lake Oswego many home owner associations collect yard debris. Prices are based on the cost of service and include capital expenses, disposal, labor, and fuel. As they pick up more volume there is an economy of scale. There are two billing components to industrial customers, the haul rate and the disposal rate. Republic's haul rate is more, while the disposal rate is less. This is not included in the analysis.

Councilor Starr asked for clarification on the implementation date. Mr. Ruckman understood the September first date coincided with the Metro tip fee increase.

Mr. Cosgrove added the suggestion was to provide ample notification to the citizens and business community; but Council could change the implementation date to August 1 to meet the franchisee half way.

Mayor Knapp asked why Republic Services has not moved to alternative fuels.

Mr. Ruckman indicated they were aggressively working towards a compressed natural gas fleet; the CNG trucks cost \$60,000 more than a diesel truck. As the fleet is replaced he expected to move to a CNG fleet.

The Mayor shared Councilor Starr's concern that many of the rates in Wilsonville are more expensive than those in other communities.

Mr. Brum stated when Wilsonville approved the conversion to the co mingle or mixed recycle carts in 2009 there were rates associated with the cost of the investment at the time. Tualatin had been on the program for 12 months. And during those 12 months the costs of those carts and the costs of the vehicle associated with the program got more expensive. That is one component of why the residential rate is more expensive in Wilsonville.

Mr. Cosgrove asked what types of services Republic Services provided to Charbonneau. Mr. Ruckman said they provide recycling, co-mingling recycling, and waste pickup. That is a good point when looking at different sizes of containers, a 35 gallon cart as a percentage of volume

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does carry more volume than a 20 gallon cart; however, that disposal is 30-40% of the cost, the remaining 60% of the cost is still there, the truck still has to pick up, the employee still needs to be paid.

Mayor Knapp pointed out there were instances where staff was not able to discern rational for some rates or there was unclear information provided to base a recommendation upon. He was concerned the request did not clearly demonstrate why the rate increase was needed; the information was complicated, convoluted and unclear. The Mayor would like to see a more cogent presentation of the information.

Mr. Ruckman expressed willingness to work with staff to answer questions. He admitted the business was complex; the efficiencies of scale, density and mileage are all different, as are the cart sizes in each city.

The Mayor asked if there was a downside in asking you to work with staff to prepare a clearer presentation.

Mr. Ruckman was agreeable in doing that.

Councilor Goddard commented he considered bio-diesel an alternative fuel, and thought Republic Services had recognized the environmental benefits of using alternative fuels and were making strides towards that. The Councilor asked how much time staff spent with Mr. Ruckman.

Mr. Ruckman said Mr. Lonergan and Mr. Phelps met with staff for about an hour. Mr. Lonergan said staff's questions had been answered.

Mr. Kohlhoff pointed out there had been email correspondence between staff and Republic about the concerns staff had. Staff indicated their recommendation is to approve the increase with the caveat of getting a better understanding in the commercial and industrial area for the large differences. There may be more than adequate explanation but it maybe something we do need to dig deeper on.

Councilor Starr stated Councilors depend on staff to sift through information, and Council was there to be the last line of defense to make sure they were being responsible to the citizens of Wilsonville. If you can work with staff so we can digest this better it would be helpful.

Mr. Ruckman wanted the Council, community and staff to be comfortable with the proposal. He welcomed the opportunity clarify the details.

Councilor Stevens thought enough questions had been raised tonight that to make a decision would be premature; continuing the hearing would provide an opportunity for citizens to provide input.

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Mayor Knapp noted the Council would not be meeting July 1st, and the agenda for July 15th was filling up. Mr. Cosgrove stated if the questions are answered there was no reason the matter could not be placed on the July 15th agenda.

The Mayor stated a motion to continue the hearing and leave it open would be appropriate.

Motion: Councilor Goddard moved to support the staff recommendation to approve Resolution 2428 with delayed implementation of the requested rate increase to August 1, 2013 to allow time for staff to have further discussions with the franchisee regarding their rate structure. **Motion died for lack of a second.**

Motion: Councilor Starr moved to continue this discussion until the July 15th meeting. Councilor Stevens seconded the motion.

Mr. Kohlhoff asked if Council was limiting the hearing to the information staff was bringing back, or was the hearing open to any testimony.

Mayor Knapp said the hearing was left open for any testimony because of the limited public involvement due to the short time frame and that one of the reasons to leave the hearing open would be to allow more people to hear about it, and if they wish to come speak.

Mr. Cosgrove understood implementation of the rates would be delayed to allow notification so Republic and Staff could provide information in the Boones Ferry Messenger, and to let businesses and residents know.

Mayor Knapp wanted to see more chance for people to comment. The motion was stated to leave the hearing open for anybody to speak at the next Council meeting.

Councilor Starr added at that hearing a motion could be made to set the implementation date of either August 1 or September 1.

Councilor Goddard thought the results of the community survey indicated Republic Services has no performance issues with respect to the quality of their services in Wilsonville, and he believed the company had served the community well for many years. He was concerned with the staff report suggestion that Council may want to consider a bidding process in the future. While this may not have been the intent of staff, it could be interpreted that this was something the Council had discussed. He was uncomfortable with staff suggesting that may be something to consider without having a conversation with the Council.

Mr. Kohlhoff stated that was not part of staff's recommendation other than the fact this franchise agreement has been continued for over 30 years. It may be something that Council may wish to consider, or not. Staff thought it was good business practice to call this to Council's attention; ultimately it was Council's decision to make.

Councilor Stevens said Republic Services does an excellent job, the performance is wonderful and it is appreciated.

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Vote: Motion carried 4-0.

Mayor Knapp declared a recess at 9:16 p.m. and reconvened the meeting at 9:23 p.m.

C. Ordinance No. 720 – 1st reading

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Public Facility (PF) Zone, And The Exclusive Farm Use (EFU) Zone To The Village (V) Zone On Approximately 28.91 - Acres Comprising Tax Lots 2915, 2922, 2992 And 2995 And Portions Of Tax Lots 2916 Of Section 15, T3S, R1W, Clackamas County, Oregon, Polygon At Villebois II, LLC And Polygon At Villebois III, LLC Applicant.

D. Ordinance No. 721 – 1st reading

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Public Facility (PF) Zone To The Village (V) Zone On Approximately 6.83 - Acres Comprising Tax Lot 2919 and Portions Of Tax Lot 2916 Of Section 15, T3S, R1W, Clackamas County, Oregon, Polygon At Villebois III, LLC Applicant.

Mr. Kohlhoff read Ordinance Nos. 720 and 721 into the record on first reading pointing out the public hearing can be held concurrently as long as the votes are taken separately.

Mayor Knapp opened the public hearing on both Ordinance Nos. 720 and 721 at 9:24 p.m. and read the public hearing format.

Dan Pauly, Assistant Planner, prepared the staff report for Ordinance No. 720 which is included here. The EFU (Exclusive Farm Use) zone is a county designation left on a portion of the property at the time of annexation intended to be changed to V (Village) at the time of development. The PF (Public Facility) zone designation stems from the closed and demolished Dammasch State Hospital. The Villebois Village Master Plan intends the zone designation reflecting the former use to be changed to V (Village) at the time of development according to the plan. The Development Review Board Panel 'A' is forwarding the proposed Zone Map Amendment to the City Council with a recommendation of approval. The Board approved several companion applications including a Preliminary Development Plan, Final Development Plan, Tentative Subdivision Plat, Type C Tree Plan and SAP – East refinement and amendments. Those approvals are contingent on Council approval of the subject Zone Map Amendment. The site measures approximately 28.91 acres and includes 90 single-family detached houses of various sizes. The proposed zone change will enable development of the houses together with approximately 19.12 acres of parks and open space. No change to Villebois Village Master Plan densities is proposed. The parks and open space is a continuation of the Villebois Greenway which will be a forested upland reserve with pathways. Construction of the subdivision is planned to begin this summer.

Proposed is 90-lot single family detached house subdivision. This project is a private development so the applicant is responsible to make all public and private improvements, pay city application fees and systems development charges for parks, water, sewer, storm sewer and streets.

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Ordinance No. 720 will afford:

- Continued build-out of the Villebois Master Plan
- 90 residential detached single-family houses
- Construction jobs for several years
- Development of a number of private parks, open space, and a regional public park

The Applicant seeks to develop the subject property within the allowed V Zone housing density and does not seek a Comprehensive Plan Map Amendment.

The staff report for Ordinance No. 721 follows. The PF (Public Facility) zone designation stems from the closed and demolished Dammasch State Hospital. The Villebois Village Master Plan intends the zone designation reflecting the former use to be changed to V (Village) at the time of development according to the plan. The Development Review Board Panel 'A' is forwarding the proposed Zone Map Amendment to the City Council with a recommendation of approval. The Board approved several companion applications including a Preliminary Development Plan, Final Development Plan, Tentative Subdivision Plat, Type C Tree Plan and SAP – Central refinement and amendments. Those approvals are contingent on Council approving the subject Zone Map Amendment. The site measures approximately 6.83 acres and includes 17 single-family detached houses and 40 row houses. The proposed zone change will enable development of the houses together with approximately 0.84 acres of parks and open space. No change to Villebois Village Master Plan densities is proposed. Construction of the subdivision is planned to begin this summer.

Proposed is 57-lot subdivision. This project is a private development so the applicant is responsible to make all public and private improvements, pay city application fees and systems development charges for parks, water, sewer, storm sewer and streets.

Ordinance No. 721 will afford:

- Continued build-out of the Villebois Master Plan including construction of the major Costa Circle/Villebois Drive intersection
- 57 residential houses
- Construction jobs for several years
- Development of a number of private park areas

The Applicant seeks to develop the subject property within the allowed V Zone housing density and does not seek a Comprehensive Plan Map Amendment.

Using a PowerPoint presentation Mr. Pauly identified the location of the subject properties.

Mayor Knapp invited the applicant to speak.

Fred Gast, Polygon Northwest, 109 East 13th Street, Vancouver, WA 98660, commented this application completes a vital transportation link – Costa Circle – which is an important connection drawing a ring around the central part of the community, and then working our way

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out from the center to add more home styles and crating the diverse community envisioned a decade ago. This is a keystone piece to the greater part of Villebois and he looked forward to completing it later this summer.

Councilor Starr expressed his appreciation to Mr. Gast and Polygon Homes for investing in Wilsonville.

Mayor Knapp voiced a concern that the builder will want to place smaller homes on the large perimeter lots rather than building the larger homes on those lots.

Mr. Gast was excited about building on the larger lots; this proposal provides the infrastructure needed to reach the outer band where the larger homes are to be built.

Motion: Councilor Starr moved to close the public hearing. Councilor Stevens seconded the motion.

Vote: Motion carried 4-0

The public hearing was closed at 9:40 p.m.

Motion: Councilor Stevens moved to approve Ordinance No. 720 on first reading. Councilor Starr seconded the motion.

Vote: Motion carried 4-0.

Motion: Councilor Stevens moved to approve Ordinance No. 721 on first reading. Councilor Starr seconded the motion.

Vote: Motion carried 4-0.

CONTINUING BUSINESS

- A. **Ordinance No. 718** – 2nd reading
An Ordinance Of The City Of Wilsonville Adopting The 2013 Transportation System Plan And Associated Comprehensive Plan Text Amendments And Replacing The 2003 Transportation Systems Plan. LP13-0003

Mr. Kohlhoff read ordinance No. 718 into the record on second reading noting that no additional correspondence, letters or requests had been received since the first reading.

Motion: Councilor Starr moved to adopt Ordinance No. 718 on second reading. Councilor Stevens seconded the motion.

Councilor Starr clarified the Old Town escape is still separate from this, and will come to Council in the future.

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Vote: Motion carried 4-0
Council President Starr - Yes
Councilor Goddard - Yes
Councilor Stevens - Yes
Mayor Knapp - Yes
Councilor Fitzgerald- excused

- B. **Ordinance No. 719** – 2nd reading
An Ordinance Of The City Of Wilsonville Amending The Planning And Land Development Ordinance To Implement The 2013 Transportation System Plan. LP13-0004.

Mr. Kohlhoff read Ordinance No. 719 into the record on second reading by title only.

Katie Mangle presented the staff report. At its meeting on June 3, 2013, Council approved on first reading a package of amendments to the Planning and Land Development Ordinance (“Development Code”) that are needed to be consistent with the new policies in Chapter 2 of the 2013 Transportation System Plan, the Regional Transportation Functional Plan (RTFP), and State Transportation Planning Rule (TPR).

Council directed staff to modify the proposed section 4.155(.04) related to Bicycle Parking, and ensure that the proposal could be effectively implemented in a range of real-world development scenarios. Attachment A to the staff report contains proposed revisions to this section. The remainder of the proposal remains unchanged.

Encouraging use of bicycles for trips around town is part of the City’s strategy for reducing the vehicle miles traveled related to new development, and thereby extending the life of roadway capacity for motor vehicles. Additionally, encouraging people to choose active transportation modes, especially for short trips, is one way to improve health and reduce carbon emissions. Providing convenient and secure bicycle parking at destinations addresses two common deterrents to cycling for transportation: fear of theft and inconvenient storage. Good, convenient bicycle parking encourages people to bike, encourages cyclists to stop and shop, and prevents damage to trees, street furniture, and building interiors.

The Metro Regional Transportation Functional Plan includes the following requirements for short and long-term parking:

TITLE 4: REGIONAL PARKING MANAGEMENT

3.08.410 Parking Management

[...]

H. To encourage the use of bicycles and ensure adequate bicycle parking for different land uses, cities and counties shall establish short-term (stays of less than four hours) and long-term (stays of more than four hours and all-day/monthly) bicycle parking minimums for:

- 1. New multi-family residential developments of four units or more;***
- 2. New retail, office and institutional developments;***
- 3. Transit centers, high capacity transit stations, inter-city bus and rail passenger terminals; and***

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4. Bicycle facilities at transit stops and park-and-ride lots.

In response to Council concerns and direction, staff has modified the short-term and long-term bicycle proposal presented at the June 3, 2013 meeting in the following key ways:

- Simplified and streamlined the structure of the section so it will be easier to follow and apply;
- Limited applicability to those uses the City is required to address;
- Focused long-term parking on being secure and weather-protected;
- Provided less direction on the location of the bike parking, allowing decisions to be made on a site-by site basis.

The following table outlines the key policy choices in this section, and how they compare between the current adopted policy, the June 3 draft, and the draft prepared for the second reading on June 17.

Short-term bicycle parking		
Current policy:	Proposed policy in June 3 draft:	Revised policy in June 17 draft:
Required for all uses <i>except</i> residential development with fewer than 10 units.	Require a minimum of 2 bike parking spaces for apartments with fewer than 10 units.	No change.
Weather protection not required.	50% of spaces must be covered (indoors, under awnings, in lockers, or under structures).	Weather protection not required.
No minimum spacing or siting standards.	Use best practices siting standards for spacing, security, access.	No change.
	Must be located within 30 feet of the main entrance.	No change; added siting flexibility for multi-tenant sites.
Long term bicycle parking		
Current policy:	Proposed policy in June 3 draft:	Revised policy in June 17 draft:
Not required.	Applies to all uses.	Applies only to multi-family, retail, office, institutional, and transit center uses.
	Long term parking defined as being secure/monitored, and located to serve users who stay for several hours.	Long-term parking defined only as weather protected and secure/monitored.
	If <i>more than 6</i> bike parking spaces are required, 50% of those must be long-term parking.	If <i>6 or more</i> bike parking spaces are required, 50% of those must be long-term parking. (See note below.)
	50% of long-term spaces must be covered (indoors, under awnings, in lockers, or under structures).	100% of long-term spaces must be covered.
	All long-term spaces must be located within 100 feet of entrance.	No siting or location requirements.

Note that Council has a choice as to the numerical threshold for requiring provision of some long-term bike parking. Staff recommends that this threshold be when Table 5, which lists the formula for calculating bicycle parking for each type of land use, requires 6 bicycle parking

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spaces. Attachment B to the staff report contained an analysis of the size of uses that would trigger a requirement to provide 4, 6, and 10 bicycle parking spaces.

Unless waived by the Development Review Board, most new schools, office buildings, apartment buildings, and retail centers will be required to include bicycle parking that is designed for long-term use. Long-term bicycle parking could take the form of:

- Bicycle lockers placed anywhere on site
- A bike room within an office building or apartment building
- Covered bike racks visible from the reception area of an office building
- Covered bike racks with “eyes on the street” visibility from actively used walkways in a retail center
- A bike cage within a parking garage
- A bike rack near the staffed entrance of a parking garage
- A bicycle parking space within a private garage of a townhouse-style multifamily development

The grant that is funding the consultant work on this project will expire June 30, 2013. The City’s deadline for adopting a TSP and code amendments that comply with the Regional Transportation Plan is December 31, 2013.

The TSP update, including the draft Code amendments to support TSP implementation, has been funded by a grant from ODOT’s Transportation Growth Management program. Community Development staff has collaborated with Angelo Planning Group to perform the work. Staff time on the project is supported by the grant, which is factored into adopted budgets for each department. Any work on the proposal after the grant expires on June 30, 2013 will be conducted by staff. The project is on budget and schedule.

The recommended procedure for passing the amendment and the passage on second reading is correct. However, a substantial amendment to be passed as part of second reading must be read in full. While the amendment is basically a simplification of the first draft of Bicycle Parking Standards provision, it falls into a gray area of whether it constitutes a substantial amendment. Therefore, it is recommend to be read in full as the most defensible position.

The Planning Commission held two televised work sessions on the Code amendments; the City Council held one on May 6, 2013. The draft amendments were posted on the project website on April 3, 2013. On April 10, 2013, the City mailed a notification of the upcoming hearings, with a link to the project website, to every property owner in the city.

The proposed Code amendments are intended to support community livability and economic development by ensuring that new development pays for related infrastructure needed to create a connected, safe, and active community. Any changes to the Development Code will influence future applications for new development and redevelopment. None of the proposed amendments are anticipated to significantly affect the type and intensity of development that is allowed in Wilsonville.

Council may direct staff to modify the proposal, or continue the hearing. Taking no action is not

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an option because the City needs to amend its Code to comply with several state and regional requirements by December 2013. However, there is flexibility as to how these requirements are met. Many alternative approaches were available from the different documents, and many were explored by staff and the Commission before arriving at the proposed amendments.

Councilor Goddard said it looks as though the coverage requirement for long term parking is more stringent, the requirement is higher in the revision.

Ms. Mangle responded staff was focusing on the specific uses Metro is requiring the City to cover, so it's the limited number of uses and focused on what are the important aspects of long term bicycle parking. Previous proposals had more about where it was located, the Council discussion was about security and coverage and leaving the siting of it more to on-site specific discussions. Staff looked at how this requirement might be implemented and looked at recent developments, Jory Trail, Fred Meyer, Bell Tower Apartments and Lowrie elementary school all would meet this requirement. It is becoming standard practice for a lot of the bicycle parking to be covered especially for longer users. Council did not direct staff to work on covering moped and motorcycle parking requirements, but staff could look at that.

Mayor Knapp asked for clarification of Attachment B, Parking Trigger Analysis Table.

Ms. Mangle indicated the information contained in the table was not revised and was current policy.

Councilor Starr wanted to know how standards would be applied in the case of Athey Creek Church.

Ms. Mangle explained the parking requirements are applied to new development.

Chris Neamtzu added in the case of Athey Creek they are occupying an industrial building that would have had the parking comply with the warehouse standards. The City is not requiring new bike parking for a temporary use, staff was relying on the base zoning and underlying use, recognizing the temporary use will end at some point. The youth center is not new construction but a tenant improvement.

Motion: Councilor Stevens moved to amend Ordinance No. 719 as reflected in Attachment A to the June 17, 2013 staff report with the addition of 'required' in section C-2. Councilor Starr seconded the motion.

Vote: Motion carried 4-0

Motion: Councilor Stevens moved to adopt Ord. 719 on second reading as amended. Councilor Starr seconded the motion.

Vote: Motion carried 4-0
Council President Starr - Yes
Councilor Goddard - Yes

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Councilor Stevens - Yes
Mayor Knapp - Yes
Councilor Fitzgerald - excused

CITY MANAGER'S BUSINESS

A. Resolution No. 2429

A Resolution Adopting A Letter Of Understanding Modifying The Operations Agreement For The Visitor Information Center At Town Center Park, Wilsonville Between The City Of Wilsonville And The Wilsonville Chamber Of Commerce And Accepting Notice Of Termination With Termination Effective December 31, 2013.

Mr. Kohlhoff read the title of Resolution No. 2429 into the record.

Motion: Councilor Starr moved to adopt Resolution No. 2429.
 Councilor Goddard seconded the motion.

Vote: Motion carried 4-0

LEGAL BUSINESS

A. Resolution No. 2430

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Settlement Agreement And Easement Concerning A Disputed Claim Between The City Of Wilsonville And Sam And Christine Caruso.

Mr. Kohlhoff read the title of Resolution No. 2430 into the record.

Motion: Councilor Starr moved to adopt Resolution No. 2430.
 Councilor Stevens seconded the motion.

Vote: Motion carried 4-0

ADJOURN

The Mayor adjourned the Council meeting at 10:00 p.m.

Respectfully submitted,

Sandra C. King, MMC, City Recorder

ATTEST:

Tim Knapp, Mayor