

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, March 16, 2020. Mayor Knapp called the meeting to order at 7:01 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

- Mayor Knapp
- Council President Akervall
- Councilor Lehan
- Councilor West
- Councilor Linville

Staff present included:

- Bryan Cosgrove, City Manager
- Barbara Jacobson, City Attorney
- Kimberly Veliz, City Recorder
- Beth Wolf, Information Systems Analyst
- Andy Stone, IT Director
- Dan Carlson, Building Official
- Dan Pauly, Planning Manager
- Mike Nacrelli, Civil Engineer
- Martin Montalvo, Public Works Operations Manager
- Zach Weigel, Capital Projects Engineering Manager

Motion to approve the order of the agenda.

Motion: Councilor West moved to approve the order of the agenda as amended. Councilor Lehan seconded the motion.

Vote: Motion carried 5-0.

SUMMARY OF VOTES

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Lehan	Yes
Councilor West	Yes
Councilor Linville	Yes

MAYOR'S BUSINESS

- A. **Resolution No. 2803**
A Resolution And Order Declaring A Local State Of Emergency And Authorizing Emergency Measures.

Mayor Knapp commented the Council felt it was important to move forward on the Emergency Declaration resolution since the last meeting. The Mayor has spoken with the City Manager several times. He asked staff to outline what the declaration accomplished for the City.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Mr. Cosgrove outlined Section 2 of the Emergency Declaration Resolution allowed the City to:

- Redirect funds and credit card allocations for emergency use. This was done at the emergency management meeting held this morning.
- Commit to and implement Mutual Aid Agreements.
- Suspend standard procurement procedures. (Note: price gouging is prohibited. No person or business may sell or attempt to sell any goods or services for a price in excess of the “normal market price,” which shall mean that person’s or business’s average of the regular price of the goods or services.)
- Close City facilities, as needed, for the protection of the health and safety of City employees and citizens. This has been done.
- Curtail, modify, or postpone City services as deemed necessary. This has been done.
- Evacuate or restrict persons, as needed, for medical care and assistance, or for the health and welfare of the citizenry.
- Prohibit or limit the number of persons who may gather or congregate upon any public street, public place, or public or any outdoor place within Wilsonville.
- Work with Clackamas County and Washington County law enforcement to enforce police powers, as deemed necessary for the health and safety of the general public.
- Follow state and federal recommendation and requirements related to COVID-19.
- Order such other measures as are found to be necessary for the protection of life, property, the environment, or for recovery from the emergency.

Councilor Akervall confirmed the declaration of emergency could be extended if it was necessary.

Ms. Jacobson indicated the declaration could be suspended earlier or extended similar to how the state and counties declarations have been written. The expiration date in the Resolution is an arbitrary date and may be changed.

Mayor Knapp suggested extending the date to the next Council meeting to avoid scheduling an emergency meeting.

Motion: Councilor Linville moved to amend the draft to have the declaration expire on May 5, 2020 as opposed to May 1, 2020. Councilor Akervall seconded the motion.

Councilor West asked how SMART was handling the bus cleaning and social distancing in light of the virus.

Mr. Cosgrove stated that would occur under “curtail, modify, or postpone City services as deemed necessary”. There are many parts to SMART’s operation in terms of Federal funding; and curtailing services would put the City at risk for being sued for not treating people equitably. Staff is recommending riders on SMART to practice good social distancing protocols. In reality, there has been a steep decline in ridership. SMART is communicating that the buses are being thoroughly cleaned every night when the buses come off line. Shutting down transit is not a good option since the current users depend on transit for transportation.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

The Mayor called for the vote

Vote: Motion carried 5-0.

SUMMARY OF VOTES

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Lehan	Yes
Councilor West	Yes
Councilor Linville	Yes

Motion: Councilor Linville moved to approve Resolution No. 2803 as amended. Councilor West seconded the motion.

Vote: Motion carried 5-0.

SUMMARY OF VOTES

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Lehan	Yes
Councilor West	Yes
Councilor Linville	Yes

B. Elect Council President

The Mayor had asked Councilor Akervall if she would be interested in serving as City Council President for another term ending at the end of 2020, and the Councilor was willing.

Motion: Councilor Lehan moved to ratify the selection of Council President Kristin Akervall to serve another term as Council President thru the end of 2020. Councilor West seconded the motion.

Vote: Motion carried 5-0.

SUMMARY OF VOTES

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Lehan	Yes
Councilor West	Yes
Councilor Linville	Yes

C. Upcoming Meetings

Mayor Knapp announced many meetings are being postponed or cancelled due to social distancing.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

COMMUNICATIONS

A. Get Moving 2020 Transportation Measure Briefing.

Metro Councilor Dirksen used a PowerPoint to report on the proposed regional transportation measure Metro intends to put on the November 2020 ballot.

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.

There was no public input.

COUNCILOR COMMENTS

A. Council President Akervall

Councilor Akervall attended the Budget Committee Mid-Year Review and participated in a League of Oregon Cities (LOC) conference call. She thanked staff and Council for being adaptable in setting up this remote Council meeting.

B. Councilor Lehan

Councilor Lehan noted most meetings are being cancelled. She expressed her appreciation to staff for being flexible due to the quickly changing rules. The Councilor commented on the closures of restaurants and bars and encouraged the audience to purchase takeout.

C. Councilor West

Councilor West urged people to call others in the community who may be isolated due to COVID-19 and check in on them, use FaceTime, find a way to use technology and other means to take care of each other. Using Grubhub or Uber Eats is a way to support local business for a small delivery fee.

D. Councilor Linville

Councilor Linville mentioned she attended her first Budget Meeting last week. She felt the City was fortunate to have the level and expertise of the citizens who participate in the budget process as well as those who are serving on boards/commissions and advisory committees. She said it was unfortunate the Volunteer Appreciation Dinner had been canceled. The Councilor also expressed her appreciation to staff for how quickly they responded to the COVID-19 disruption.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

CONSENT AGENDA

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

A. Resolution No. 2799

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Construction Contract With McClure And Sons, Inc. For The Memorial Park Lift Station Project (Capital Improvement Project #2065).

Motion: Councilor Linville moved to approve the Consent Agenda. Councilor West seconded the motion.

Vote: Motion carried 5-0.

SUMMARY OF VOTES

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Lehan	Yes
Councilor West	Yes
Councilor Linville	Yes

NEW BUSINESS

A. Resolution No. 2782

A Resolution Of The City Of Wilsonville Supporting A 2040 Planning And Development Grant Application To Metro For Frog Pond East And South Master Planning And Related Work.

Ms. Jacobson read the title of Resolution No. 2782 into the record.

Dan Pauly, Planning Manager presented the staff report. As stated by Metro, the Planning and Development grant program intends to “help remove barriers to private investment in development, promote planning activity that makes land ready for development, and helps to implement the Portland region’s long term plan for livability.” Grant funds come from a regional excise tax on construction permits, and are now awarded annually. This year, one category of Metro’s Planning and Development Grants makes funds available for comprehensive planning efforts for areas added to the Urban Growth Boundary (UGB) in 2018, which includes Wilsonville’s Frog Pond East and South neighborhoods.

Metro’s 2018 UGB decision included a Condition of Approval on Land Added to the UGB requiring each City to complete master planning and comprehensive plan updates by the end of 2022. Thus, the City of Wilsonville needs to move forward with the master planning for the Frog Pond East and South neighborhoods beginning in 2021 in order to meet this obligation. This Metro grant cycle will allow the project to begin in time to meet the deadline. In addition, this is the last grant cycle City staff anticipates this category of grant funds to be available. Future funding for comprehensive planning for areas added to the UGB is expected to be allocated as part of future

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

UGB decisions. Two (Beaverton and King City) of the four areas added to the UGB in 2018 already received a Planning and Development Grant during last year's grant cycle for their required planning efforts, leaving Hillsboro and Wilsonville for this round.

City staff are preparing a grant proposal requesting \$351,000 in grant funds. The grant funds will cover consultant costs and related expenses, but the City is required to cover the cost of city staff working on the project. Other Wilsonville projects, which have received funds from the Metro Planning and Development Grants program, include the Frog Pond Area Plan, Frog Pond West Master Plan, and Wilsonville Town Center Plan.

As the amount of the potential grant awards could be substantial, Metro wants to ensure requesting cities are committed to providing adequate city staff and resources to successfully manage and complete the funded master planning. The grant application requires City Councils indicate this commitment by resolution. Resolution No. 2782 satisfies this requirement for the City of Wilsonville's grant application for master planning the Frog Pond East and South neighborhoods.

Staff will submit the grant in early April. Metro will announce grant awards in May. The City expects grant funds to become available by September, which will allow City staff to get a consultant team on board to begin master planning work in 2021 continuing through the fall of 2022, meeting the City's obligation with Metro's Conditions of Approval for the UGB decision.

Staff is utilizing approved funds for Frog Pond (CIP #3001) to cover the cost of preparing the grant application. Project expenditures and grant reimbursement will occur in future budget years.

This project contains many of the Frog Pond West components, but it goes beyond those requirements because of the number of conditions of approval placed on the project by the UGB expansion approval. There are also specific requirements in the area plan that directed further study as part of the project. From the area plan, there is further direction to study the middle housing component that is shown in the area plan for a portion of the east neighborhood, as well as study the neighborhood commercial hub shown in the east neighborhood.

For the conditions of approval there were some specific items: work on affordable housing particularly around encouraging accessory dwelling units; a requirement to look at SDC methodologies as well as requirements for extensive public involvement as would be expected, particularly targeted to historically marginalized groups. All of that work is included in this funding that is anticipated.

Mayor Knapp invited questions of Council.

Councilor Linville thought the City was fortunate to have a grant to help with the planning.

Motion: Councilor Lehan moved to approve Resolution No. 2782. Councilor Linville seconded the motion.

Vote: Motion carried 5-0.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

SUMMARY OF VOTES

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Lehan	Yes
Councilor West	Yes
Councilor Linville	Yes

PUBLIC HEARING

A. Resolution No. 2801 - (*Legislative/Land Use*)

A Resolution Of The City Of Wilsonville Authorizing The Use Of A Construction Manager / General Contractor (CMGC) Alternative Contracting Method For The Water Treatment Plant (WTP) Expansion Project (Capital Improvement Project #1144).

Ms. Jacobson read the title of Resolution No. 2801 into the record.

Mayor Knapp provided the public hearing format and opened the public hearing at 8:21 p.m.

No Councilor declared a conflict of interest, bias, or conclusion from information gained outside the hearing. No member of the audience challenged any of the Councilor's participation.

Mike Nacrelli, Civil Engineer provided a brief summary of the CMGC contracting method.

Under the CMGC procurement method, the City would select an engineering design team based on qualified proposals similar to a typical design project with the addition the design team be experienced with CMGC contracting. At 30% design, the City, with the aid of the design team, would select a general contractor on a qualifications basis to join the design team and collaborate throughout the design process. Prior to final project design, the Contractor will provide the City with a Guaranteed Maximum Price (GMP) to construct the project. The City can agree to the GMP or decide to competitively bid the project, if the GMP is not acceptable.

The CMGC procurement is advantageous to this Project because it allows the City to select a contractor based on qualifications, ensuring a collaborative working relationship with the design team and demonstration of specific experience in the successful completion of similarly complex projects.

CMGC also allows the contractor to be involved early in the design process, providing an opportunity for identification of cost and schedule savings, identification of solutions that best address the complexities of the project (i.e. constructing extensive capacity improvements while keeping the WTP operational) and helping to identify project risks and develop plans to help mitigate those risks. In addition, CMGC allows the opportunity to utilize the contractor's expertise to tailor the scheduling and phasing of construction to best meet the needs of stakeholders and the public.

The Mayor invited public testimony, seeing none he closed the public hearing at 8:25 p.m.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

Motion: Councilor West moved to approve Resolution No. 2801. Councilor Lehan seconded the motion.

Vote: Motion carried 5-0.

SUMMARY OF VOTES

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Lehan	Yes
Councilor West	Yes
Councilor Linville	Yes

B. Resolution No. 2802 (*Legislative/Land Use*)

A Resolution Of The City Of Wilsonville Approving Building Permit Fee Schedule, Mechanical Permit Fee Schedule, And Plumbing Permit Fee Schedule, And Repealing Resolution No. 2780.

Ms. Jacobson read the title of Resolution No. 2802 into the record.

Mayor Knapp provided the public hearing format and opened the public hearing at 8:29 p.m.

No Councilor declared a conflict of interest, bias, or conclusion from information gained outside the hearing. No member of the audience challenged any of the Councilor’s participation.

Dan Carlson, Building Official provided a presentation geared towards the public explaining the Building Division issues construction permits, conducts plan reviews, performs building safety and other inspections by implementing the State’s specialty codes.

The staff report included here to provide background on the building permit fees.

Mr. Carlson’s Staff Report begins here.

Background

Building Department services are supported primarily by building permit and plan review fees. These fees were last increased 14 years ago in 2006. Expenditures have risen since the last fee increase and revenues no longer positively support operations. The last two fiscal years have ended in deficit with expenditures exceeding revenues. The need for a permit fee review was noted in last year’s Budget Commission meetings.

At the January 23, 2020 Council work session, staff provided an overview of fee options and fee examples from comparator jurisdictions for Council consideration. Wilsonville has fallen well below the majority of its comparators, which includes Tualatin, West Linn, Tigard, Sherwood, Oregon City, Milwaukie, Lake Oswego, and Forest Grove. Direction was provided for staff to proceed with a fee adjustment equating to an approximate 30% overall increase, with smaller annual adjustments tied to the Western CPI-U index. In addition, staff were given direction to conduct outreach with stakeholders.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Discussion

In the course of revising fee schedules staff ensured all proposed fee changes were in alignment with OAR 918-050 which requires all jurisdictions in Oregon to utilize the same consistent fee methodologies. In using consistent fee methods jurisdictions can then set their own fee rates.

Attachment 5 to Resolution 2802, reflects the revised fee schedule. The fee rates previously discussed with Council were to make the following general adjustments:

- Building Permit Fees – Adjust 8.5%
- Plan Review Fees – Make equal to the Building Permit Fees
- Other Inspection, Plan Review, Plumbing and Mechanical Fees – Adjust approximately 30%

Because of the long duration of not raising fees, staff needed to align some of the fees listed in the previous schedule, with the newer methodologies of OAR 918-050. For example, previously the Wilsonville fee schedule called for a “Partial Permit Fee” of \$250. This is more accurately described as a “Phased Development Fee”, and the OAR’s have a required methodology for this fee. Additionally, staff worked to simplify fee charts by rounding where it made sense, and shortening previously long lists of fixtures into a few recognized categories.

Staff anticipates the adoption of the fee adjustments in Resolution 2802 will, based on continued average levels of permit activity; enable the Building Fund to recover costs after a two-year period.

Staff is targeting an effective date of July 1, 2020 for the new rate structure. This will allow ample time for outreach to contractors and developers to adjust bids for projects. Annually after the first year, staff anticipates evaluating a cost of living adjustment during the budget adoption cycle, which if approved, would be effective July 1 each year.

There are no budget impacts to the current fiscal year except the fund will continue to experience a revenue gap until the fee adjustment is effective.

Staff conducted outreach and provided required 45-day notice to the State Building Codes Division (BCD). The State BCD in turn has noticed all of their statewide stakeholders. Staff provided notice to approximately 90 local contractors, developers, and interested parties. Staff hosted an open house and reached out directly to the Portland Metro Home Builders Association. Correspondence from HBA and the School District was received. While no one voiced support for paying more fees, staff received no comments in opposition, and many comments understanding the need, particularly with a long time since the last increase and the proposal to align with the average fees of our comparators.

The community benefits from having a Building Department that is adequately funded to provide the expertise and level of service needed to ensure safe, accessible, and energy efficient structures.

The only alternatives available are to significantly alter services and reduce staffing to makeup the revenue gap, or to seek other revenue sources.

End of Staff Report

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

Mr. Carlson said Council should have received a notice from the Home Builders Association that arrived during the work session discussing their perspective on the fee increases.

Councilor West questioned the low fees in the city of Tualatin. Mr. Cosgrove indicated the level of growth between the two cities is not comparable.

Councilor Lehan stated there is always a range of fees between cities, largely dependent on when the city last re-evaluated and raised their fees.

Mr. Cosgrove added the level of service also drives the fees, and the City of Wilsonville has a very high level of service compared to other cities, which the Home Builders acknowledged in their letter.

The Mayor invited public testimony, seeing none he closed the public hearing at 8:47 p.m.

Motion: Councilor Lehan moved to approve Resolution No. 2802. Councilor Linville seconded the motion.

Vote: Motion carried 5-0.

SUMMARY OF VOTES

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Lehan	Yes
Councilor West	Yes
Councilor Linville	Yes

CITY MANAGER’S BUSINESS

Bryan Cosgrove, City Manager provided information on Governor Brown’s Social Distancing Orders, effective March 17, 2020 and remain effective for the next four weeks. They include:

- Statewide cancellation of all events and gatherings larger than 25 people; exemptions to this order include work places, grocery stores, pharmacies, and retail stores.
- Restaurants, bars and other establishments that offer food or beverages for sale are restricted to carry out and delivery only, with no on-site consumption permitted.
- Food service at health care facilities, work places and other essential facilities will continue.
- All other businesses are urged to assess their practices, implement strong social distancing measures, and close their doors temporarily if they cannot put the new guidance in place.
- Two emergency command groups have been created, one to manage the health care systems resources, and the other to manage state resources generally.
- The state’s unified command emergency response organizational structure, and incident command structure, similar to what Oregon would activate during a major Cascadia earthquake event, has also been activated to integrate public health response efforts with emergency management’s response efforts in Oregon.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

- New restrictions and guidelines may be announced at any time.

Mr. Cosgrove noted the City’s website has an emergency management page with the links to resources and mandates.

The City Manager provided information on the Neighborhood Tree Planting event run by the Friends of Trees. The tree plantings scheduled for March have been cancelled. However, the public can go to “friends of trees.org” to participate in the April 18, 2020 event.

LEGAL BUSINESS

No report.

ADJOURN

Mayor Knapp adjourned the meeting at 8:57 p.m.

Respectfully submitted,

DocuSigned by:
Kimberly Veliz
E781DE10276B498...

Kimberly Veliz, City Recorder

ATTEST:

DocuSigned by:
Tim Knapp
C2B8698B3949461...

Tim Knapp, Mayor