

**CITY OF WILSONVILLE**  
**CITY COUNCIL MEETING MINUTES**

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A special meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Monday, January 19, 2017. 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  
Councilor Starr  
Councilor Stevens  
Councilor Lehan - excused  
Councilor Akervall

Staff present included:

Bryan Cosgrove, City Manager  
Jeanna Troha, Assistant City Manager  
Barbara Jacobson, City Attorney  
Sandra King, City Recorder  
Nancy Kraushaar, Community Development Director  
Jon Gail, Community Relations Coordinator  
Andrew Phillips, Police Chief

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 4-0.

### **MAYOR'S BUSINESS**

A. Board and Commission Appointments. Appointments to Boards and Commissions will be held over to the February 6<sup>th</sup> Council meeting to allow the Mayor to make his recommendations for appointments to the Council.

B. The Mayor provided information regarding the upcoming Legislative Session and on the regional meetings he attended on behalf of the City.

### **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 were none.

### **COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS**

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Councilor Starr – Park and Recreation Advisory Board Liaison. The Councilor reported he asked the Parks and Recreation Board for their concerns, comments and suggestions to share during the upcoming Council Retreat.

Councilor Stevens – Library Board and Wilsonville Seniors Liaison. Councilor Stevens said Ride Connection Inc. provided information to the Wilsonville Seniors on how to effectively use public transit. Information about the upcoming improvements to be made to the Library was given to the Library Board and the new Operations Manager was introduced. She and Councilor Lehan attended the French Prairie Forum meeting where the economic value and importance of agriculture in the French Prairie and Willamette Valley was discussed.

The upcoming Planning Commission meeting date was announced by Mayor Knapp.

Councilor Akervall – Development Review Panels A and B Liaison. The Councilor stated the upcoming meeting dates for the DRB Boards and reported the Transit Planning Task Force will have a Transit Master Plan ready for review in the near future. She announced the annual Daddy/Daughter Dance.

**CONSENT AGENDA**

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

A. Minutes of the December 19, 2016 Council Meeting.

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

**Vote:** Motion carried 3-0-1. Councilor Akervall abstained

**PUBLIC HEARING**

Ms. Jacobson read the title of Ordinance No. 804 into the record for first reading.

A. **Ordinance No. 804** – 1<sup>st</sup> Reading (cont. from 1/5/17)  
An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Chapter 5 By Renumbering Section 5.245 As Section 5.250 And Adding A New Section 5.245 To Create A Residential Parking Zone Program By Amending Chapter 5, Section 5,420, To Reference New Section 5.245 And By Amending Section 5.210 To Add A New Subsection 5.210(13).

Mayor Knapp provided the public hearing format and opened the public hearing at 7:29 p.m. The copy before Council is modified from what was included in the council packet.

The proposed ordinance is in response to Council’s request for a residential parking program to address certain neighborhoods experiencing on-street parking problems related to health and safety issues. The idea is that on-street parking is public parking open to all citizens. This ordinance is intended to only address those situations that are especially problematic and the

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ordinance contains guidance as to when the ordinance should be applied. Discretion is given to the City Manager to take applications from neighborhoods that would like to have a residential parking permit zone, to gather information, hold a public hearing and then make a determination on whether or not a parking permit zone is appropriate for that neighborhood given the information received.

A rough draft of the ordinance was prepared when the prior police chief was in Wilsonville; since then, Wilsonville has a new police chief who has experience with towing ordinances and enforcing towing ordinances. He has provided comments on the proposed ordinance and a revised ordinance has been prepared. Stylistic changes were made in the “Whereas” clauses. Additional changes are as follows:

Public hearings are included in this ordinance so residents of the proposed zone and nearby residents are aware this is being considered for their neighborhood. Being unsure what the appropriate radius for notification would be a one half mile radius was used in the draft ordinance. However, after discussion at work session it was determined that a more appropriate radius would be consistent with what is used for land use regulations or 500 feet for notification.

Page 4 of 8 under subsection 2.(e) has been revised to read, “The City Manager’s proposal will be mailed to all Residents within ~~a one half mile radius of~~ a 500 feet radius of the proposed Residential Parking Zone, with a notice of a public meeting to be held at City Hall.”

On page 5 of 8 staff is proposing the following language, “The cost of each resident and guest parking permit will be determined by the City Manager, based on reasonable cost recovery, each year and is subject to change annually.”

Paragraph (h) on page 5 of 8 deals with when parking permits may be purchased, either annually, or at any time during the year. Council may leave the paragraph as is, remove it, or amend the language.

Paragraph (4). Violations and Enforcement is the foundation of the ordinance. Currently there is no residential parking permit program in Wilsonville; therefore there is no violation if one parks on a public street. A new violation section was created under the parking code to address parking without a permit in a residential parking permit zone. This new language specifies that because parking enforcement is a low priority for police action, especially in the evening when there may be limited officers busy with more important calls, the ordinance will be enforced based on complaints. Since the ordinance is complaint driven residents within the zone must inform the police of parking violations within the parking zone and the police will respond based upon the type of violation.

Towing, ticketing, or issuing a warning would be at the discretion of the officer. The ordinance adds warnings to the effect that residents in one of these parking zones are parked on the street the parking permit must be displayed in the vehicle window, or the car would be subject to ticketing or towing.

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The balance of the changes in the ordinance detail other sections of the Code addressing how vehicle owners are notified after their vehicle has been towed, what is done with their property, the appeal process, and the notification to display the parking permit prominently in the window of a vehicle parked in a residential parking zone.

Ms. Jacobson concluded the basic premise is that streets are intended for public parking. The ordinance does not address any specific neighborhood, it will be up to the City Manager to determine whether it is appropriate or not to create a neighborhood parking zone based on the individual circumstances that are presented.

Chief Phillips, Wilsonville's Police Chief felt he was coming late to the process; however there were important issues for the Council to consider. One of the tenants of modern policing is "evidence based policing", or having data drive how a community is policed. After reviewing the call history for the area, he did not find evidence there were public safety issues that were not addressed through existing ordinances. Such as parking in front of a fire hydrant, blocking mailboxes, or blocking city intersections in such a way that makes it hard for vehicles to travel through. No injury crashes were reported in those areas and there were no instances where an emergency vehicle could not make it through. There may have been anecdotal situations that were not reported to the dispatch system.

It is important to have a sense of equity in the remedies presented to the public. Currently there are parking regulations in City Code; but this is not a heavily enforced area based on the priority call list, and parking complaints are included in the lowest priority. Chief Phillips thought the towing of a vehicle was an inequity due to the high cost of retrieving the vehicle which could approach \$300.00 while the current parking violation is \$25.00. Using Brenchly Estates as an example, if one was to park on the east side of Parkway where there is no parking zone proposed, the fine would be \$25.00. If one was to park on the other side of Parkway the fine would be \$25.00 plus the cost and inconvenience of having one's vehicle towed. This is an inequity the Chief is sensitive to in his role as a community policing officer. He pointed out the remoteness to the decisions made in Council Chambers compared to the on-street action happening with the police officers.

Chief Phillips asked Council to consider neighboring cities do have residential parking permit programs, but these are in place in neighborhoods near the high schools or higher institutions of learning.

The parking issues experienced by residents of Brenchly Estates are due to the apartment complex approved for construction by the City, whereas, the parking issues in the neighboring communities result from a school that negatively affects the quality of life in that neighborhood.

One of the issues addressed in Work Session is the idea that the deputy has flexibility in how they handle a complaint in this situation. This discretion allows the deputy to interact and have a conversation with the neighborhood with the goal of changing behavior.

Councilor Starr said if the ordinance was put into effect, the goal would a change of behavior. He agreed with the proposed language of "and/or" to give the deputy the chance to talk people and

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educate since the purpose of the ordinance is changed behavior. The Councilor thought there should be updates from the Chief on whether or not there is changed behavior, and if the results are negative, to ticket and then tow.

Discussion followed regarding garage use by both homeowners and renters and the possible use of the boot for serial violators.

Councilor Stevens asked for clarification on the “ticketing and towing” which Chief Phillips thought was doubly punitive.

Chief Phillips said some judges prefer that ticketing and towing not be done together with parking violations; they preferred either citing the person, or towing the person, but not both. The Chief is proposing a deputy be allowed to have the discretion of writing a warning, issuing a citation for the parking violation, or tow the vehicle for the parking violation. He was also concerned the ordinance may cause a domino effect pushing the on-street parking to another neighborhood without a parking permit zone.

Mayor Knapp said he had received copies of a petition, which may be the start of an application from a given neighborhood.

Mr. Cosgrove felt the petition was an indication of support for the ordinance in that neighborhood.

The Mayor invited public testimony.

Ryan Reese of Brenchly Estates expressed his gratitude to the Council for addressing the parking concerns of Brenchly Estates residents. He submitted a petition in support of the parking program.

Kathy Channessian a resident of Brenchly Estates commented when she leaves for work in the morning the street is one lane due to the parking on either side of the street, cars are parked over the crosswalk, and that ambulances could not get through in an emergency. She felt her neighborhood was absorbing the responsibility for the apartments.

Jason Abernathy submitted testimony in support of the ordinance via email which has been included in the record.

Mayor Knapp invited additional speakers, seeing none he closed the public hearing at 8:05 p.m.

**Motion:** Councilor Stevens moved to approve Ordinance No. 804 on the first reading. Councilor Starr seconded the motion.

As part of Councilor Stevens motion she wanted to insure the changes include: on page 4 of 8 to Section 2. (e) first sentence change notification distance to 500 feet. And (h) of the same section is taken out; and that there not be any set time that residents can come in and apply for a parking permit, that it can happen anytime

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during the year; and that in Section 4 the term “and/or” is used, as well as the term “will” be changed to “may”.

Ms. Jacobson asked for the Council discretion to clean up the language in citations, warnings, or tows.

Councilor Starr agreed with the stipulated changes.

Councilor Stevens was sympathetic with the situation in the neighborhood, however she was concerned that the ordinance may move the parking situation to another neighborhood resulting in unintended consequences and asked that staff keep watch the situation closely. The Council will hear if issues develop in other neighborhoods. The Councilor thought the ordinance was the best course of action at this moment.

Councilor Starr suggested adding language to Ordinance 804 if the maker of the motion would agree as well. In the third Whereas, number (3), include the term “intersections” after mailboxes, and before driveways.

Councilor Akervall agreed with removing Section (h) on page 5 of 8, people should have the opportunity to purchase a permit more than once a year. The modifications do allow for the type of engagement the Chief was speaking about and officers engaging with community members may change behavior.

Mayor Knapp endorsed the previous comments. He pointed out people who live in apartments are Wilsonville citizens also, they pay taxes and are part of the whole system even if their taxes flow through their rent payments rather than property taxes. The Mayor did not want a situation where the Council is creating a class of people that have rights different than others because one is a renter and one is a homeowner. Mayor Knapp was concerned with the domino effect that pushed vehicles from one neighborhood into an adjacent neighborhood resulting in complaints from that area. He did not feel the situation was black and white, and not something that one particular approach will resolve.

Councilor Starr agreed, adding the community will need to find a way to make the ordinance work.

The Mayor asked the City Manager if the Council was overlooking anything significant.

Mr. Cosgrove indicated he was aware of the unintended consequences. He thought the implementation of the ordinance was a serious issue because the City has not privatized certain portions of city streets in terms of turning over public right-of-way for private use. Council has heard from the people, who are being negatively impacted, but we have not heard from the people who will be affected on the other side but staff will reach out to them. Staff will monitor the situation and if there are problems Council will be advised. The City Manager thought the issues were real, but he wanted to use the least amount of enforcement possible to change the behavior that people are finding unacceptable.

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**Vote:** Motion carried 4-0.

B. Ordinance No. 801 1st reading *Placeholder*  
An Ordinance Authorizing Ground Lease Agreement. (Staff – Jacobson)

C. Ordinance No. 802 1st reading *Placeholder*  
An Ordinance Authorizing Amending Section 6.1 Of The July 6, 2000 Agreement Regarding Water Treatment Plant Design, Construction, Operator And Property Ownership. (Staff – Jacobson)

**Motion:** Councilor Starr moved to continue Ordinance No. 801 and 802 to the February 6, 2017 Council meeting. Councilor Akervall seconded the motion.

**Vote:** Motion carried 4-0.

**CITY MANAGER’S BUSINESS**

Mr. Cosgrove reminded Council of their Goal Setting scheduled for February 10 and 11 and to schedule their one-on-one appointments with the facilitator. A report regarding the City’s response to the recent snow and ice event will be written and provided to Council. He said people’s expectations in dealing with snow were different than what the City has resources for and education about responsibilities in clearing sidewalks will also need to be done. If the Council wants the city to have a stronger response to these weather events there is a fiscal cost as well as environmental cost with the use of salt and deicer. He thought much of the frustration people felt was related to the closing of schools in the West Linn-Wilsonville School District.

Mayor Knapp asked what it would cost to plow the main collectors that are residential streets in terms of equipment and staff time. Mr. Cosgrove will bring back information.

Councilor Stevens gave public works high marks for their work during the storm.

**LEGAL BUSINESS**

Ms. Jacobson addressed the comments made by Councilor Lehan regarding the Kinder Morgan pipeline that runs through the City, and whether they are adhering to the federal safety requirements. She distributed a packet containing the letter addressing the safety concerns, and the violation letter. If Council wants staff to write a letter to the city’s congressman requesting follow up on the safety violations, staff would do so.

Mayor Knapp commented if the pipeline was built today it would require shut off valves on either side of the river; the ability to shut the flow off would be critical.

Mr. Cosgrove agreed that any additional safety measures we could have Kinder-Morgan agree to would be essential.

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**ADJOURN**

Mayor Knapp adjourned the meeting at 8:35 p.m.

Respectfully submitted,

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Sandra C. King, MMC, City Recorder

ATTEST:

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Tim Knapp, Mayor