

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, August 15, 2016. Mayor Knapp called the meeting to order at 7:12 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp
Councilor Starr
Councilor Fitzgerald
Councilor Stevens
Councilor Lehan

Staff present included:

Bryan Cosgrove, City Manager
Jeanna Troha, Assistant City Manager
Barbara Jacobson, City Attorney
Sandra King, City Recorder
Delora Kerber, Public Works Director
Mark Ottenad, Government and Public Affairs Director
Jon Gail, Community Relations Coordinator
Nancy Kraushaar, Community Development Director
Dan Pauly, Planner

Motion to approve the order of the agenda.

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

Vote: Motion carried 5-0.

MAYOR'S BUSINESS

- A. South Korean Delegation from Yeosu City led by Mayor Won Kyeong Hei (John Lim, Korean War Memorial Foundation of Oregon) (Staff – Ottenad)

Senator Lim expressed his appreciation to the Mayor and Council for the reception provided by the City of Wilsonville. He introduced Mayor Won Kyeong-Hei of Yeosu-city, who was interested in developing a relationship with Wilsonville.

Through an interpreter Mayor Kyeong-Hei thanked the Mayor and Council for the warm welcome the delegation received in Wilsonville. He thanked the country for sending soldiers who gave their lives protecting Korea from the Japanese, and Wilsonville for creating the Korean War Memorial so those memories would be kept alive. Mayor Kyeong-Hei hoped to create a friendship and exchange of culture, education and economy between the two cities.

Mayor Knapp said the City looked forward to opportunities to broaden the knowledge between the two countries. As the Mayor read the Proclamation declaring August 15th as “Yeosu City Day in the City of Wilsonville to Celebrate International Peace and Cooperation” it was translated into Korean.

Senator Lim commented that August 15, 1945 was the date of Korean liberation from the Japanese, which made the Proclamation more poignant.

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B. Proclamation Declaring September National Preparedness Month (staff – Kerber)

Delora Kerber, Public Works Director, said September is National Preparedness Month, and outlined the weekly activities that can be taken to prepare families and businesses in the event of a disaster. She added that information about how to prepare is available on the city's website and will be included in the September BFM.

C. The Mayor reported on the meetings he attended on behalf of the City of Wilsonville, including briefing sessions conducted by staff and councilors for candidates of state government so they understand Wilsonville' legislative priorities.

COMMUNICATIONS

2016 Arts Festival Video – Theonie Gilmore, Wilsonville Arts and Culture Committee
Ms. Gilmore was not in attendance consequently the item will be rescheduled.

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.

Chris Heydemann, 28329 SW Paris Ave, Wilsonville spoke about the trespassing occurring into the unfinished skate park located at the corner of Paris and Palermo streets in Villebois. Although the area is fenced, skate boarders are jumping the fence in the afternoons and at night to use the skate park. He was concerned about the negative effects such a park would have on his neighborhood in terms of alcohol use, smoking, vaping, broken glass and loud behavior. The police have responded three times and removed the trespassers; however, he wanted to know what the City can do to solve the problem.

City Manager Cosgrove stated he has spoken with law enforcement that relies on citizens to report such activity. At this time the City is limited on its response since the park is under the control of the HOA. He offered to have staff work with the HOA to post reasonable rules for use of the park.

Councilor Fitzgerald wanted it known that trespassing was not okay, particularly since the area is fenced off. She was concerned that people will continue to trespass into a posted area.

Mr. Cosgrove said he will follow up with the Police Chief to learn what conversations took place with the trespassers and he will communicate the neighborhoods concerns to the police.

Ms. Troha added City staff is addressing the issue from multiple fronts by talking with Polygon staff about adding measures to make sure trespassing does not occur and the Chief has spoken to his officers about additional park patrols. Fencing will be installed by Polygon to surround the entire park until it is completed.

The entire Council was worried about the tone and social impact on the neighborhood and it was an issue to be proactive about.

Mayor Knapp thought this was an issue to be proactive about that the entire council was worried about the tone and social impact on the neighborhood.

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Pat Wolfram, of 26041 NE Butteville Rd, Wilsonville spoke about the American Cancer Society Relay for Life which is an event to honor cancer survivors and victims in Wilsonville. Mr. Wolfram talked about the relay which has been shortened to a 4-hour event held in Town Center Park. He thanked Council for allowing the event to take place.

Dick Spence, 8420 A SW Curry Drive, Wilsonville thanked the Mayor for the Relay for Life proclamation that was read at the previous Council meeting. He added Safeway will be holding their grand opening on the 17th and invited the Mayor and Council to attend. Safeway is eager to become involved in the community and has made donations to both Wilsonville Community Sharing and to the High School.

COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

Council President Starr – (Park & Recreation Advisory Board Liaison) commented with the hot weather the water features in Town Center Park and Murase Plaza are being enjoyed by many. He noted the Parks and Recreation Director position is not filled yet, and invited the public to attend the Thursday Farmers Market in Villebois.

Councilor Fitzgerald – (Development Review Panels A & B Liaison) announced the date of the next DRB meeting. She noted the Wilsonville Brew Fest held last weekend was well attended and successful in raising funds for Wilsonville Community Sharing.

Councilor Stevens – (Library Board and Wilsonville Seniors Liaison) noted the date of the next Library Board meeting. She added the Wilsonville Community Seniors continue to explore innovative ideas to further their fundraising for seniors who are struggling financially.

The Councilor stated the Wilsonville Stage Theater Group (Theater Group) approached the Wilsonville Community Seniors about using the Community Center for rehearsals and performances, not on an ongoing basis, but for a one-time event. This Council has talked about supporting arts and culture within Wilsonville, and she wanted to discuss an arrangement to allow the Theater Group to use the Community Center for their fall play.

Mayor Knapp asked if there was a clear picture of the request.

Mr. Cosgrove understood this was a one-time request. Staff has made the Theater Group aware there are grant opportunities available, but because of the timing of this play, they would not be able to access or request those funds for their fall play. The order of magnitude for what they would need has changed from \$1800 to \$2800 because of the facility rental cost and the building monitor. He made it clear that the city did not want to set the precedent of waiving fees for anyone; but if Council desired, general fund dollars could be used to support the request as “bridge funding” to allow the Theater Group time to talk with Brian Stevenson and Jon Gail about the two different grants that are available. Mr. Cosgrove has spoken to Councilor Lehan about the request. However, he has not had a chance to speak to the City Attorney who has concerns.

Ms. Troha said the important piece is that the request is a one-time only request for their fall production, with rehearsals beginning in September.

Councilor Stevens indicated she did not want the programmed activities at the Community Center to be bumped.

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Ms. Troha stated Ms. Brescia has looked at the Community Center schedule, and no scheduled activities would be bumped, the use would be only on days that the time is available for use by the Theater Group. The Theater Group would be treated like anyone else who looked at the availability of the Community Center; they would not receive priority treatment over classes or activities already scheduled.

Councilor Stevens shared the Theater Group made a commitment to perform the play for the seniors at the Community Center.

Mr. Cosgrove pointed out the Council can put stipulations on anything they want to grant.

Mayor Knapp asked what type of action was needed from the Council to enable this to proceed and to encourage the Theater Group to apply for a grant in the future.

Mr. Cosgrove thought if the Council wanted to do this on a one-time basis, the City could find the revenue to backfill the revenue lost for the rental and pay for the building monitor, we could do a one-time grant for that from the General Fund. The City Attorney has concerns that she wants to review before a final “yes” was given, and one of them relates to the Federal Funding used to build the facility which puts restrictions on the use of the building and to insure that the City was not running afoul of any Federal regulations; the other is the fee waiver, then again the City is not waiving fees.

Ms. Jacobson wants to review the funding issue. She commented any time Council does a one-time thing, can lead to other one-time things from other groups. There is a requirement with any public funds that there be a public purpose for it. She had understood the request to be for fee waivers, and that was what she focused on. There is an issue in looking at what the City does for one group versus another – there is always the concern of discrimination in content based decisions to support or not support.

The Mayor asked what direction staff would need.

Mr. Cosgrove suggested a motion and second that the City could fund this on a one-time basis, with whatever stipulations Council want to add, subject to city attorney review. The City could draft an agreement with the Theater Group to memorialize the terms.

Councilor Starr proposed having the Council use part of the \$25,000 grant given in October to provide the funds to the Theater Group and then reduce the grant by that amount as opposed to waiting until October.

Mr. Cosgrove agreed it would be pre-empting the process, but we can have that conversation with the Parks and Recreation Board to let them know what we are doing and why.

If this proposal was the one selected by Council, Councilor Starr wanted to be sure the Council received the accounting of the funds, and the budget similar to what the grant process requires.

The Mayor commented the Theater Group has approached Council a number of times about finding ways to help further the performing arts in Wilsonville. He thought a performance for the seniors would be appropriate and that they need to understand the grant systems in place and fit within those processes. Councilor Starr’s idea about acting on the request as part of the grant cycle in the fall has merit.

Councilor Fitzgerald expressed her support for the arts, and that the Theater Group had been to Council before. She was aware that groups similar to this scramble to complete grant applications in time for the deadlines, but how do we distinguish that this is different. The Councilor asked to record what is unique about this situation because we discussed that the request is out of order but that an opportunity has come

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up. She appreciated being sensitive to the process for the whole community, and thought this may be a chance to respond to a significant community demand for this type of activity.

Motion: Councilor Lehan moved that we cover the costs for the building monitor and rental of the space of the Community Center on behalf of the Wilsonville Stage Group, on a one-time basis. And that we direct staff to make sure that it works with the Community Center schedule and it works with the legal department and is appropriately funded on a one-time basis. Councilor Fitzgerald seconded the motion.

Mayor Knapp asked if Councilor Lehan had a preference on the funding source. Councilor Lehan would defer to the advice of the City Manager and the City Attorney for which funding source would be the most appropriate.

Councilor Lehan stated this is an opportunity for the Council to show its commitment to the arts and to theater in Wilsonville. There has been discussion about a performing arts facility for decades, but the opportunity for doing so has not presented itself. Councilor Lehan thought the joint use of the High School Theater facilities could be a topic of discussion with the School Board at our joint meeting. Looking at the venues that might “bridge the gap” between now and whenever a performing arts center might become feasible ought to be completed.

Councilor Starr pointed out the motion did not have a dollar amount, asking if the amount can be capped.

Mr. Cosgrove recommended capping the dollar amount to find the building monitor and the facility rental, for the one production this fall in an amount not to exceed \$3,000.

Councilor Lehan agreed no more than \$3,000.00. The seconder to the motion agreed with the \$3,000 cap.

Vote: Motion carried 5-0.

Councilor Stevens announced the Leadership Academy Health Fair scheduled for Saturday at Town Center Park.

Councilor Lehan – (Planning Commission and CCI Liaison) announced the September 14th Planning Commission meeting will start at 7 PM due to an open house on the Frog Pond Master Plan that is scheduled prior to the Commission meeting. The Councilor said she has received good feedback on the improvements made to the railroad crossing on Wilsonville Road, and she invited the public to attend the grand opening of Montague Park in Villebois. Councilor Lehan said the City is working with the County on solutions to address the thru trucks on east Wilsonville Road.

CONSENT AGENDA

Ms. Jacobson read the Consent Agenda items into the record by title only.

A. **Resolution No. 2596**

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Professional Services Agreement With MIG, Inc. (Community Development Project #3004) (Staff – Bateschell)

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B. Resolution No. 2600

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Construction Contract With Northstar Electrical Contractors, Inc. For The 2016 Street Light Infill (Capital Improvement Project 4696). (Staff – Mende)

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

Vote: Motion carried 5-0.

PUBLIC HEARING

Ordinance No. 795 was read into the record by title only on first reading by the City Attorney.

A. Ordinance No. 795 – 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 3.2 Acres Located In The Villebois Village Center, West Of Villebois Drive North, South Of Future SW Paris Avenue. Comprising Tax Lot 2900 Of Section 15AC, T3S, R1W, Clackamas County, Oregon, Polygon WLH LLC, Applicant. (Staff – Pauly)

Mayor Knapp opened the public hearing at 8:35 p.m. and read the land use hearing protocol.

Mr. Dan Pauly presented the staff report. The issue before Council is approval of a zone map amendment on approximately 3.2 acres located in the Villebois Village Center, west of Villebois Drive North and south of future SW Paris Avenue. Following their review at the July 25th meeting, the Development Review board, Panel B recommended approval of the Zone Map Amendment from a Public Facility (PF) zone to Village (V) zone.

The zone map amendment will rezone the land proposed to be developed as 82 condominiums in three 24-34 unit buildings, and 10 row houses and associated streets, alleys, and open space in the Villebois Village Center. The proposed zoning is consistent with the Comprehensive Plan designation of Residential-Village.

The applicant is requesting a total of 92 units, 10 row houses configured in two five-plex buildings, and three condominium buildings which are stacked flat, and elevator served, and the units are all one-level living. Two buildings have 24 units and another building with 34 units with supporting garages and parking. Renderings of the elevations of the buildings were displayed.

Councilor Fitzgerald pointed out the documents contain the phrase “public forest” which needs to be corrected to “public facility”. She asked Mr. Pauly to describe the different architectural styles of the five buildings.

Mr. Pauly said in the single family and row house areas of Villebois the buildings follow a pattern book where a particular architectural style with specific elements is prescribed. When the house plans come in they are reviewed by a consultant architect to make sure they conform to one of the housing styles in the pattern books.

In the Village Center there is a different approach. There is what is called the Village Center Architectural Standards. Specific styles are not required; rather the buildings must include different

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elements and not clash with other building styles. The building does not need to meet an architectural style such as “American Modern”. There is a list of different elements that are required for this development adopted by the DRB, such as having a heavy base material at different levels and details about breaking up long facades, and the size of balconies.

Councilor Starr asked if what is being presented tonight is consistent with the density as it was first laid out, or is it denser or less dense. He also asked if the number of parking spaces were the minimum standard and how many parking spaces are actually in the plan.

Mr. Pauly stated the density is slightly less with this approval by five units. The number of parking spaces exceeds the parking requirements. Specific conditions have been imposed on the use of the garages and garage buildings, in that the garages are large enough to fit bicycles and trash cans, as well as include a standard sized parking space. There is a specific condition of approval recommended by staff and adopted by the DRB requiring there be restrictions in the CC&Rs that the garages must be kept clear for parking. An additional condition is a requirement that signs be posted inside the garages with the amount of space to be kept clear for parking.

Mr. Pauly felt that everything has been done, based on past experience, to insure the garages will be used for the required parking, and with that they do exceed the minimum parking. He reiterated the center of Villebois has an urban feel and urban on-street parking is expected to be used.

Councilor Starr wanted to know how the use of garages for parking would be enforced.

Mr. Pauly said the garages must be accessible and usable to be counted as part of the required parking. The condominium association would enforce the in garage parking requirement. Mr. Pauly stated that Charbonneau has similar requirements which are strictly enforced by the condominium association.

Councilor Starr asked how many parking spaces is the minimum amount and how many spaces are provided for these units. Mr. Pauly said the minimum required is 118, with 166 provided in total.

Mayor Knapp asked if there was sufficient density in the Villebois Center to enable businesses in the Village Center to succeed.

Mr. Pauly stated there were more rooftops at the density planned in the Village Center and that Villebois was on track to support the services in the Village Center core. These new units are next to the mixed use buildings.

Councilor Fitzgerald referred to Table 1, Percent of Max Unit Count by Unit Type in the DRB documents on page 11 of 123 (shown below) where the degree of density being met is shown.

Table 1 Percent of Max Unit Count by Unit Type

Unit Type	% of Max Unit Count Reflected in Original SAP Central Land Use Table
Village Apartment	80.9%
Condo	86.1%
Row house	93.5%
Mixed-Use Condo	53.1%
Urban Apartment	90%
Small Lot Single-family	90%
Specialty Condo	97.7%

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Mr. Pauly explained there were a couple of different methods used in tracking the density in the Village Center, one is a table that gives a specific number for each unit type, and then another is a map that gives a range for each unit type. Essentially all of those numbers explain the assumptions that had to be made to make the ranges on the map match the numbers in the table. That shows the work on how the numbers were reached, it is not necessarily the percent of those is expected or built, it shows how the math works out to correlate a range on a map to a single number in a table.

Mayor Knapp invited public testimony.

Ms. Jacobson recommended including the correction of the Scribner's error in the caption of the Ordinance when the motion is made.

Pam Bernadaro of Polygon Homes stated this project contains 82 condominiums and 20 row homes. The condominiums will be single level homes with a central corridor and be served with an elevator. The condominium units range from 1 to 3 bedrooms, mainly 2 bedrooms, and they will range in size from 700 square feet to 1100 square feet. The row homes will have an attached garage and driveways while the condo buildings will have some attached garages although not direct access with driveways. There is an enhanced pedestrian path from the neighborhood to the park and the piazza. Polygon has experience in developing the condominium product in other high density neighborhoods and it is very popular since it is a single-story smaller footprint home which is easily maintained.

Conversations with potential buyers are held to set expectations regarding parking in that town homes are different than a subdivision. During the counseling process agents talk with their customers about the density of the neighborhood, and the parking. In particular after move-in that the owners are able to park their car in their garage. The Home Owners Association insures the proper use of garages and that they are not being used for storage, with information provided during HOA meetings.

Ms. Bernadaro said the selling point on the lower end will start at \$200,000 and go up from there. As a builder, Polygon does not sell initially to investors, and owners cannot rent their unit unless they can demonstrate a hardship. Polygon prefers to have owner-occupied units, and there is a statement in the CC&Rs that the unit cannot be sold within the first 12 months unless there is a hardship.

Councilor Stevens commented the CC&Rs can have declarations regarding rental units.

The Mayor invited testimony hearing none the hearing was closed at 9:02 p.m.

Motion: Councilor Lehan moved to adopt Ordinance No. 795 with the correction to Scribner's error referring to *Public Forest* on first reading. Councilor Fitzgerald seconded the motion.

Councilor Starr had voiced his concerns with the parking but the development conforms to the City standards. The housing dynamic has changed in the past two years, causing more people to share apartments which has thrown the parking standards off in multi-family housing and creates traffic issues that had not been thought of before. Councilor Starr appreciated what was presented, and from the standpoint of the City standards for parking, that Polygon provided more parking than the standards required.

Mayor Knapp mentioned the plan for Villebois has been to have density gradation from the center to less density around the edge of the development.

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Vote: Motion carried 5-0.

NEW BUSINESS

- A. Resolution No. *Placeholder*
Clackamas County Gas Tax IGA (Staff – Jacobson)

This item is on the agenda as a placeholder in the event a resolution was necessary to agree to the requirement to approve a resolution or an IGA to receive revenue from the Clackamas County fuel tax which will be voted on at the November 2016 election. On August 8th, the Board of County Commissioners voted to eliminate that requirement. Since the County Commissions have changed their process no resolution or IGA is necessary and the tax revenue will be split 60/40 with cities receiving 40 percent based on the city's population.

Councilors recognized the importance of maintaining the County road infrastructure and discussed whether there was an obligation to publically support the County measure by passing a resolution or including a statement in the voter's pamphlet. They were unsure if the County would be listing the names of cities in support of the ballot measure in the voter's pamphlet and asked staff to look into whether supportive cities were to be listed in the voter's pamphlet, and if so, a resolution could be put on the agenda for the September 8th Council meeting. Councilors felt there was sufficient time to adopt a resolution in support of the County ballot measure between now and the November election.

CITY MANAGER'S BUSINESS

Mr. Cosgrove reminded the Council about the neighborhood bar-b-que in Morey's Landing this Thursday at 5 p.m.

LEGAL BUSINESS – No report was given.

ADJOURN

Mayor Knapp adjourned the meeting at 9:20 p.m.

Respectfully submitted,

Sandra C. King, MMC, City Recorder

ATTEST:

Tim Knapp, Mayor