

Mayor
Patricia Smith

Council President
Mark Clark

Councilors
Stanley Dirks

Timothy Clark

Scott Harden

**REGULAR MEETING OF THE
WOOD VILLAGE CITY COUNCIL
September 11, 2012
MINUTES**

PRESENT: Mayor Smith, Council President Mark Clark, Councilors Stanley Dirks, Tim Clark and Scott Harden, City Administrator Peterson, City Attorney Condit*, Finance Director Minter, and interested parties.

ABSENT: None.

MAYOR SMITH CALLED THE MEETING TO ORDER AT 6:00 PM.

PLEDGE OF ALLEGIANCE

CITIZEN COMMENTS

There were none.

PUBLIC SAFETY REPORT

Sergeant Lichatowich presented the report and stated that there was a computer problem and the full monthly report is unavailable. Lichatowich explained that the car prowling and vandalism issue is being addressed, and a task force has been assigned to the problem. Lichatowich stated that they do not believe that it is a local issue, but a pass through issue in which easy targets are getting taken advantage of. A map is being developed to identify the problem areas, and contact is being made with business and apartment managers to help educate people on how to reduce or prevent break-ins. Lichatowich stated that the MCSO has a number of tools and resources available, and they are confident they can put a dent in the issue.

Smith asked if the MCSO thinks it is a group of people, or random individuals causing the issue. Lichatowich stated that they feel it is a crime of opportunity that is being caused by people just passing through. The best prevention is to not leave anything valuable in your vehicle, and lock your doors and windows.

The Council thanked Lichatowich and the MCSO for the update and service.

CONSENT CALENDAR

- a. Review of bills paid in August, 2012
- b. Contracts \$2,500 - \$50,000

- Iron Horse – Cleaning and Video of Storm Sewer: \$3,600

c. Council Minutes:

- August 21, 2012

Upon motion by Tim Clark, seconded by Harden and passing 5-0, the Consent Calendar was approved.

PRESENTATION: METRO CLIMATE SMART COMMUNITIES – SHIRLEY CRADDICK

Metro Councilor Shirley Craddick introduced Kim Ellis from Metro, and stated that they wanted to discuss Metro's new project called Climate Smart Communities. Craddick explained that in 2009 the Oregon Legislature created CO2 reduction targets with the goal of reducing the overall amount of CO2 by 2035. Metro was directed to look at ways to reduce CO2 emissions in the metro area, and that effort is called Climate Smart Communities. Craddick explained that it is a collaborative effort and the process will look similar to what the City did for the East Metro Connections Plan. Craddick stated that when the process is complete, there will be several scenarios that can be used to reduce CO2 emissions. Each final project will be individualized with several options to support each community.

Ellis stated that the first phase of the project was completed and approved by the Metro board in January. The first phase is now being presented around the region, and the project is about working with partners in and around the region to reduce greenhouse gas emissions.

*Condit arrived at 6:15pm.

Ellis explained that the project is not just about reducing greenhouse gas emissions, but supporting local planning and transportation projects like the East Metro Connections Plan. Ellis stated that this is a four year project, and the project is currently in phase two which is shaping the choices. The next phase will be evaluating the impacts of the choices, and the final preferred scenario is to be adopted by Metro by December 2014. Once the scenario is adopted by Metro, local governments will also have to adopt plans that are consistent with the Metro plan.

Ellis stated that the first phase reviewed potential choices, and Metro adopted a statewide ODOT plan as well as a tool kit that researched the most prominent strategies. Ellis explained that there was a combination of 144 policies that were reviewed and included items such as active transportation and increased street connectivity. In all, 90 of the policies met the target goals. Ellis stated that phase one also included community design, managing roads, pricing, and fleet and technology management. Ellis stated that the fleet and technology area focuses on making fleets and fuels cleaner which is the most effective strategy. Ellis explained that the target is to reduce CO2 emission from the 2005 level of 4.5 metric tons per person per year, to 1.2 metric tons per person per year. The fleet and technology area is estimated to reduce CO2 emission to 1.3 metric tons per year.

Ellis explained that phase two will help inform and define the scenarios, and develop the evaluating criteria that will be used moving forward. The evaluation will not just include the CO2 reduction,

but the costs to businesses, homes and development. Ellis stated that a tool they are using to evaluate the scenarios is called Envision Tomorrow, which can also be used by cities to evaluate their local plans, policies and future changes. Case studies of options that have already been implemented will be reviewed to help evaluate the scenarios. Ellis explained that the scenarios will be framed around adopted community plans and the statewide transportation strategy. The East Metro Connections Plan, and the SW Regional Corridor study have yet to be included, but those plans will further reduce CO2 when they are included.

Ellis asked if there were any questions or specific concerns about this project, or how it can help support the City.

Mark Clark asked if this is part of a national effort, or if it is just for Oregon. Ellis stated that it is not part of a national project, but there are several states doing similar work. Ellis stated that the main focus has been on the west coast, but several other areas are also participating in greenhouse gas reduction strategies. Ellis explained that there is some movement on a national level regarding vehicle mileage and fuel, but not for this type of plan.

Tim Clark asked if the fleet and technology portion can eliminate all but .1 metric tons, how difficult or realistic is it to eliminate the remaining .1 metric tons with the other options. Ellis stated that it will be tough, but there are several methods to achieve the goal. Tim Clark asked if there were any consequences for not meeting the goal. Ellis stated that the rules have to be adopted, but there are no consequences or sanctions as of yet if the goals are not met. Tim Clark stated that he does not want the region or state to be at a disadvantage for development because of the new regulations.

Ellis stated that getting to the goal of 1.2 metric tons will be harder to achieve with budget reductions. Craddick explained that getting the federal government's help and support will be useful in achieving the target goals. Smith asked how much emissions will be reduced by changes to large trucks and industry. Ellis stated that this project does not specifically look at those areas, but there is another project slated that will look at those sectors for improvement while not adversely impacting economic development.

Tim Clark asked where the data regarding individual CO2 output came from. Ellis stated that it is an estimate based on figures from the Department of Energy, DEQ and Federal Department of Transportation.

Mark Clark asked if the state is helping fund this project. Ellis stated that there has been some state and federal funding, but it does not cover the full costs of the program. Peterson stated that he watched as the statue was being developed, and the political character of the target goal. Peterson explained that the target goal was not scientifically based, and there is no data on what that

reduction will do or affect. Large impacts will be made because of this program, and there are no answers if it will achieve desirable results.

Craddick asked how the Council would like to be involved and interacted with through this process to help insure that the Council has all the information and is included in the process. Smith stated that they need to know what is required, and what they will need to do. Mark Clark stated that he feels they do not have all the information yet, and may not even know what questions to ask at this point. Tim Clark stated that more answers about the target goals and impacts are needed. Peterson stated that full participation in Metro committees is necessary especially JPAC.

Craddick stated that this program is still young and in the development stages. As more details and projects emerge, the Council will be informed.

The Council thanked Craddick and Ellis for the presentation.

ORDINANCE 12-2012: FRED MEYER FUELING STATION TEXT AMENDMENT

Peterson presented the ordinance and stated that the Council last discussed this item at their August 21st meeting in which public testimony was taken. Peterson explained that the public testimony portion has been closed and cannot be reopened unless new notices are sent out. Peterson stated that this is for an amendment to the base code to permit quick vehicle servicing in the Town Center Zone in very specific situations.

Peterson stated that the Council can decide to approve or deny the amendment, and there are findings to support both actions. Peterson explained that the Council originally initiated this process on behalf of Fred Meyer, and notices were sent out to every resident regarding the hearings. The Planning Commission took action on July 9th and unanimously recommended that the revision be adopted. Peterson explained that other agencies including the County have reviewed the project and concluded from a transportation standpoint that the project is acceptable.

Peterson stated that this is for a text amendment, and not a site plan. This process should not include a specific project at any certain site. Peterson explained that this action changes the law on what is allowed in the Town Center Zone. Peterson stated that the background information was prepared for the Planning Commission to allow for either a positive or negative outcome. After the Planning Commission made their recommendation, the materials for Council were prepared in support of the action. Peterson stated that the findings can be changed if the Council does not approve of the revision.

Mark Clark stated that he went to the Beaverton Fred Meyer and asked an employee where he could use his fuel reward points. Mark Clark explained that the employee gave him two locations, and stated that fueling stations were not allowed in the Town Center. Mark Clark stated that the original

original plan for the Town Center did not include a fueling station, and as long as this is a Town Center it should not have one.

Dirks stated that he thought a lot about this item, but agrees with Mark. Dirks explained that there is a lot of potential new development coming the area, and a fueling station may not be the best use for the land. Dirks stated that he is not ready to think that a fueling center is the best we can get, and it does not fit the intent of the center.

Tim Clark stated that Fred Meyer brought in a map of current Wood Village customers that have to drive to Gresham to use their fuel reward points. There were a lot of Wood Village shoppers that have to go elsewhere for their fuel. Lowes and the Town Center developers support this project as well as the Planning Commission. Tim Clark stated that the Wood Village Fred Meyer is at a competitive disadvantage and the Council should do what it can to help. Tim Clark explained that that he does not feel a fueling center will hurt the Town Center, and we may even lose Fred Meyer if one does not go in. If the concern is about the look and feel of the Town Center, then how will the Town Center look with a large vacant store if Fred Meyer left. Tim Clark stated that while he also honors the original Town Center concept, he could not find a single person who is against the fueling station. Tim Clark explained that the Town Center is not a place where people walk from store to store, and it is a driving destination. Tim Clark asked if a public poll should be taken to see what the public would like in the Town Center.

Smith stated that she would not want Fred Meyer to hire a firm to conduct that, but it might be okay if the City hires a firm to conduct a poll. Condit stated that an applicant can fund a study and have the local government select the firm to conduct the study. Peterson stated that he would not like to add additional steps or costs if the Council has already made up their mind on the proposed revision.

Tim Clark stated that he does not like how the Council does not seem to care what the people think. Smith stated that is not the case at all, and how he knows if the survey taken by Fred Meyer was real. Mark Clark stated that he trusts the study, but that is not the big issue for him. Tim Clark stated that the Council just had a presentation on reducing CO2, and locating a fueling station closer to customers could do that.

Dirks stated that he would like to wait a little longer to see what develops north and south of the Town Center. Tim Clark stated that parcel has been vacant for years, and how much longer would we wait. Dirks explained that the Port of Portland just purchased the property to the south less than a year ago, and anything can happen with the dog track this November. It would not hurt to wait another year or two, and Kroger is not going to go broke in that amount of time. Tim Clark stated that corporations like Kroger do not go broke because they close lower performing stores.

Harden stated that he was talking with Senator Anderson and she said that she would like a fueling station at the Town Center so she would not have to drive to Gresham to get her gas. Harden stated that aside from that, he reviewed the goals of the Town Center which was to make it a pedestrian friendly place. Harden explained that the Town Center is too far away for pedestrian access, and even the City's plan to improve connectivity has difficulty getting pedestrians to the center. Harden stated that he does not think the City can continue the same vision as a pedestrian friendly development, and cars have a role in the Town Center. Harden explained that he was torn about the decision, and was hoping for a solid way to deny the revision but there does not seem to be one. Harden stated that the Design Review Board could also play a role in the development.

Tim Clark stated that he feels if the City conducted a poll, it would come back in favor of the fueling station. Mark Clark stated that there are a lot of potential projects in the area, and he would not mind waiting until after November to make a decision. Condit stated that since this is a legislative decision, there is no requirement to make a decision right now.

Dirks motioned to table the discussion until the first meeting of September 2014, Smith seconded. Motion did not pass 2-3 with Smith and Dirks yea, Mark Clark, Tim Clark and Harden nay.

Upon motion by Mark Clark, seconded by Tim Clark and passing 5-0, the Ordinance 12-2012 authorizing a text amendment for fueling stations in the Town Center was tabled until the first meeting of September 2013.

MEMORANDUM OF UNDERSTANDING: CASINO & ENTERTAINMENT CENTER PROJECT

Peterson presented the MOU and stated that it is a discretionary act between the City and the PDX Entertainment Company. Peterson stated that it is subject to public comment from both proponents and opponents. Peterson explained that there are two statewide ballot measures and one local Wood Village measure regarding the casino project. The MOU is an agreement to agree on a series of recitals that includes PDX Entertainment has exclusive development rights on the property, and the City is the planning authority. Essentially the MOU prescribes how to get from where we are today to some method of moving forward if the ballot measures are approved.

Peterson stated that the MOU includes the level of financial investment, and a general list of what is intended to be built. Peterson explained that everything that is proposed is either an outright or conditional use. If all three measures are approved, the applicant will enter into a development agreement which includes all the necessary studies and timelines. A master plan will also have to be developed, and can be approved or denied by the Planning Commission or City Council. Peterson explained that the project will also have to go through the Design Review Board which can place specific requirements on the vision of the project. Peterson stated that the MOU also discusses security and the fund distribution.

Peterson explained that the MOU finds that the City will have the capacity to serve the development subject to the land use requirements. Peterson stated that the MOU does not endorse, support, or oppose the project, it simply lays out the framework to proceed if the ballot measures are approved.

Smith asked if the proponents would like to come forward. Stacey Dycus campaign manager for measures 82/83 stated that even though this is not a campaign issue, they wanted to be here to answer any questions that the Council may have. Bruce Studer stated that they have had this idea since 2004, and they are very proud of their partners and project. Studer presented a video of the project.

Dycus stated that every logo for the project includes Wood Village, Oregon. This project has put Wood Village on the statewide map. Terrance Doyle manager of construction and development for the project stated that it is important to discuss the planning process, and this MOU is just the start. Doyle explained that in addition to the City, the County, ODOT and other agencies will also be involved moving forward. Doyle stated that they are committed to assess the traffic needs, and developing effective mitigation strategies at their own expense.

Mark Clark stated that he is looking forward to election day, and having the citizen's vote on the project. Mark Clark explained that it is not everyday a \$300 million project comes to a City and does not ask for relief of some kind. Dirks stated that he agrees, and this project could mean a lot to the community and East County.

Harden asked about the minimum investment in the MOU being \$250 million, and if the project budget is really over \$300, then why is that not listed. Condit stated that the MOU mirrors the ballot measure requirements of \$250 million. Doyle stated that their budget is just over \$300 million, and a casino resort has to offer more than just gaming to be successful.

Smith asked how long it would be before the project was fully built out. Doyle stated that most of the work would be completed in 24-36 months once all the approvals are in place. Doyle explained that they are planning on building as much as they can in one phase because it is more efficient to build that way. Tim Clark asked if that could be added to the MOU, because he does not just want a casino and nothing else. Doyle stated that timeframes can be added as part of the development agreement. Dycus explained that they do not have a problem adding it to the MOU, because it will be added at some point during the development process.

Rossmann stated that they are looking at building the project in one phase, and not multiple phases like what was discussed in 2010. Condit stated that the MOU is the framework to get going, and the Council has the authority to control what is approved. Condit stated that building dates and development features can be discussed further if the ballot measures are approved. The Council will still have say in what is ultimately approved and built.

Dycus stated that the ballot measures call for an entertainment center and casino. Tim Clark stated that the ballot measures also allows ten years to build out the project. Condit stated that a development agreement is included in the MOU, and a development agreement is a contractual agreement that can specify timelines and other items. A development agreement holds more weight than a MOU.

Tim Clark asked what is the purpose or advantage of a MOU right now. Rossman stated that when they first brought the project forward, the Council at that time wanted a MOU. This MOU establishes the ground rules to move forward if the project is approved. If the project is approved, other agreements would be formed that are more specific and have more weight.

Dycus stated that this is a different campaign then it was in 2010, and a different project. A great team has been put together, and the project will be collaborative and more than just a casino. Tim Clark asked if they are running different ads throughout the state. Dycus stated that they are running the same ads throughout the state.

Smith asked if any opponents would like to come forward. There were none.

Smith opened the floor for public comment.

Gary Moore Wood Village resident and representative from Laborers Union 296 stated that this is a great development, and Oregon needs the jobs. Moore stated that this is nothing more then a great opportunity for the City, and asked the Council to support the MOU. Jodi Parker representative of the Columbia Building Trades Association stated that they will be involved with the construction of the project. Their members have a history of building on time and on budget. Parker thanked the Council for having the courage to step up and lead and have the MOU. Moore stated that it is not just about the construction jobs, but the over 2,000 permanent jobs that this development would have. Jack Ryan from Laborers 296 stated that they have talked to a lot of people about the project, and there are a lot of supporters for the project. It is not just about a gaming center, but a destination in East County.

Smith closed the floor.

Upon motion by Dirks, seconded by Harden and passing 5-0, The City Administrator was authorized to enter into a memorandum of understanding between the City and PDX Entertainment for the Casino and Entertainment center.

Smith asked if the Council would be willing to endorse the casino concept. Tim Clark asked if that could be discussed at another time. Condit stated that the Council can endorse or support a measure, but staff cannot participate. Tim Clark stated that he feels it would not look good if it was not a unanimous vote. Smith asked if there were any concerns about the casino project concept.

Harden stated that he does not have a problem endorsing the plan, and has discussed the project with several people who were opposed to the project. Tim Clark stated that he does not see any advantage to having the Council endorse the plan. Smith stated that she often gets the question of what the Council thinks of the project. Mark Clark stated that he gets that question as well, and just responds that it is up to the voters. Dirks stated that a division on the Council may not look good, and it might just be best to endorse individually. The Council agreed.

CONTRACT AWARD: STREET CRACK SEAL AND SLURRY

Peterson presented the contract, and asked that the Council approve the bid award to Oregon Asphaltic Paving in the amount of \$84,018. Dirks asked why the bids were so different in cost. Peterson stated that in the original bids, there was large difference in costs for the repairs between the two companies. Peterson explained that some of the difference may be that the high bidder is a unionized company, and the low bidder is not. Dirks asked if they are local companies. Peterson stated that they are both regional and are from Tualatin

Peterson stated that both companies do quality work, and the recommendation is to award the contract to Oregon Asphaltic Paving, with discretionary amount to be applied towards curbside weed removal. Peterson explained that the project will crack and slurry seal most of the original village, and conduct a dig out repair and seal on 236th and 237th. Dirks asked if problem areas in the original village would be fixed or just sealed over. Peterson stated that there are no plans for any dig outs in the original village, but there is money available if the field inspections warrant minor repairs. The contract allows for some additional work as well, and can be included in the motion.

Mark Clark asked if there have been any complaints regarding the transportation utility fee. Peterson stated that there has been five bona fide complaints with three having financial concerns, and two businesses that needed to be reclassified.

Tim Clark stated that there has been a lot of talk recently of supporting unions, but when it comes down to the bids we are not awarding to a union company. Dirks stated that it is more complicated because it is tax payer dollars, and we have to get the best deal with those dollars. Peterson explained that it is difficult to justify spending more for the same scope of work. The dollar amount of the contract would require the use of Oregon prevailing wages, and staff will follow up to ensure that the contractor will be paying prevailing wages.

Upon motion by Mark Clark, seconded by Dirks and passing 5-0, the street crack and slurry seal contract was awarded to Oregon Asphaltic Paving in the amount of \$84,018, with the authorization to go up to \$100,000 to conduct additional identified improvements.

LEAGUE OF OREGON CITIES CONFERENCE DELEGATE

Smith stated that the Council needs to vote for a voting delegate at the upcoming League of Oregon Cities conference, and the only member from the Council that is going is Tim Clark.

Upon motion by Dirks, seconded by Mark Clark and passing 5-0, Tim Clark was selected as the voting delegate at the League of Oregon Cities conference.

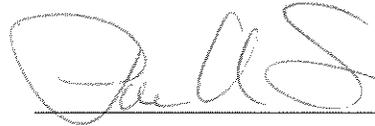
GAZEBO RECOGNITION

Peterson stated that this is for the specific language for the plaque dedicating the gazebo to former Mayor David Fuller. Peterson explained that the plaque would be in the same granite style format as the current plaques which have a cost of about \$2,800. Peterson stated that there is also the option to have a bronze plaque which would cost under \$1,000. The Council liked the idea of a bronze plaque. Dirks asked if a cover could be placed over it for protection. Peterson stated that staff can look into some protection options.

Upon motion by Mark Clark, seconded by Dirks and passing 5-0, a bronze plaque honor former Mayor Fuller's ten years of service was approved for the new gazebo.

ADJOURN

With no further business coming before the Council, and upon motion by Mark Clark, seconded by Tim Clark and passing 5-0, the Council adjourned at 8:23pm.



Patricia Smith
Mayor

10-25-2012
Date

ATTEST:



Greg Dirks
City Recorder