

DEVELOPMENT REVIEW BOARD MEETING

MONDAY, SEPTEMBER 9, 2024

6:30 PM

Board Member Communications:

6. Recent City Council Action Minutes

City Council Meeting Action Minutes
April 15, 2024

COUNCILORS PRESENT

Mayor Fitzgerald
Council President Akervall
Councilor Linville - Excused
Councilor Berry
Councilor Dunwell

Dan Pauly, Planning Manager
Delora Kerber, Public Works Director
Jeanna Troha, Assistant City Manager
Kerry Rappold, Natural Resources Manager
Kimberly Rybold, Senior Planner
Kimberly Veliz, City Recorder
Mark Ottenad, Public/Government Affairs Director
Miranda Bateschell, Planning Director
Robert Wurpes, Chief of Police
Zach Weigel, Capital Projects Engineering Manager
Zoe Mombert, Assistant to the City Manager

STAFF PRESENT

Amanda Guile-Hinman, City Attorney
Bryan Cosgrove, City Manager
Cindy Luxhoj, Associate Planner

AGENDA ITEM	ACTIONS
WORK SESSION	START: 5:02 p.m.
A. Frog Pond East and South Master Plan Development Code	Council provided Planning staff feedback on the Frog Pond East and South Master Plan Development Code.
REGULAR MEETING	
<u>Mayor’s Business</u> A. Upcoming Meetings	Upcoming meetings were announced by the Mayor as well as the regional meetings she attended on behalf of the City.
<u>Communications</u> A. Child Abuse Prevention Month Proclamation	Representatives of the Children’s Center of Clackamas County shared details of the center’s work. In conjunction with their visit, the Mayor read a proclamation declaring April as Childhood Abuse Prevention Month in Wilsonville.
<u>Consent Agenda</u> A. <u>Resolution No. 3122</u> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Enter Into And Execute A Cooperative Maintenance Agreement And Accept The Relinquishment Of A Portion Of SW Elligsen Road With The State Of Oregon Department Of Transportation.	The Consent Agenda was approved 4-0.

<p>B. <u>Resolution No. 3138</u> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Construction Contract With Flow Line Construction, LLC., Inc. To Construct The Park At Merryfield And Boones Ferry Park Trails Project.</p> <p>C. Minutes of the April 1, 2024, City Council Meeting.</p> <p>D. Minutes of the April 3, 2024, Special City Council Meeting.</p>	
<p><u>New Business</u></p> <p>A. None.</p>	
<p><u>Continuing Business</u></p> <p>A. <u>Ordinance No. 890</u> An Ordinance Of The City Of Wilsonville To Adopt The 2024 Stormwater Master Plan As A Sub-Element To The City Of Wilsonville Comprehensive Plan And The Stormwater Capital Improvement Project List.</p> <p>B. Appeal of DRB Resolution No. 429, A Resolution Affirming the Planning Director's Determination of Non-Conformance in Case File ADMN23-0029 and Denying the Applicant's Appeal DB24-0002.</p>	<p>Ordinance No. 890 was adopted on second reading by a vote of 4-0.</p> <p>Council affirmed Development Review Board (Panel B) Resolution 429. Passed 4-0.</p>
<p><u>Public Hearing</u></p> <p>A. None.</p>	
<p><u>City Manager's Business</u></p>	<p>No report.</p>
<p><u>Legal Business</u></p>	<p>No report.</p>
<p>ADJOURN</p>	<p>11:13 p.m.</p>

City Council Meeting Action Minutes
May 6, 2024

COUNCILORS PRESENT

Mayor Fitzgerald
Council President Akervall
Councilor Linville
Councilor Berry
Councilor Dunwell – Excused

Kimberly Veliz, City Recorder
Jeanna Troha, Assistant City Manager
Zoe Mombert, Assistant to the City Manager
Dan Pauly, Planning Manager
Kimberly Rybold, Senior Planner
Miranda Bateschell, Planning Director
Stephanie Davidson, Assistant City Attorney
Bill Evans, Communications & Marketing Manager
Chris Neamtzu, Community Development Director
Zach Weigel, City Engineer

STAFF PRESENT

Bryan Cosgrove, City Manager
Amanda Guile-Hinman, City Attorney

AGENDA ITEM	ACTIONS
WORK SESSION	START: 5:03 p.m.
A. Frog Pond East and South Development Code	Staff sought additional input from Council to inform development code amendments consistent with the Frog Pond East and South Master Plan.
B. IGA with Metro for Wilsonville Industrial Land Readiness Project	Council was informed of Resolution No. 3139, which authorizes the City Manager to execute an intergovernmental agreement (IGA) with Metro for the Wilsonville Industrial Land Readiness Project.
REGULAR MEETING	
<u>Mayor’s Business</u>	
A. State of the City Address	The Mayor presented the 2024 State of the City Adress.
<u>Communications</u>	
A. Senator Aaron Woods	Both Senator Woods and Representative Neron spoke about several legislative issues in which they collaborated with the City
B. Representative Courtney Neron	
C. Tualatin Valley Fire & Rescue State of the District	The Tualatin Valley Fire and Rescue Government Affairs Division Chief provided the agencies 2024 State of the District Address.

Consent Agenda

The Consent Agenda was approved 4-0.

- A. **Resolution No. 3132**
A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Construction Contract With Aaken Corporation To Construct Street Lighting LED Conversion – Phase 3 Project (CIP #4722)

- B. **Resolution No. 3134**
A Resolution To Allocate Community Enhancement Funds For Fiscal Year 2024/2025.

- C. **Resolution No. 3135**
A Resolution Of The City Of Wilsonville Acting In Its Capacity As The Local Contract Review Board Authorizing The City Manager To Execute A Contract With Absco Solutions For Updating Card Access And Security Cameras At The SMART Administration Facility.

- D. **Resolution No. 3136**
A Resolution Of The City Of Wilsonville Acting In Its Capacity As The Local Contract Review Board Authorizing The City Manager To Execute An Intergovernmental Agreement With Clackamas County To Build Fiber Infrastructure To The Elligsen And C Level Reservoirs.

- E. **Resolution No. 3137**
A Resolution Of The City Of Wilsonville Authorizing Acquisition Of Property And Property Interests Related To Construction Of The I-5 Pedestrian Bridge Project.

- F. **Resolution No. 3139**
A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute An Intergovernmental Agreement With Metro For The Wilsonville Industrial Land Readiness Project.

- G. **Resolution No. 3140**
A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute An Intergovernmental Agreement With The City Of Portland For Local Improvement District Services.

New Business

- A. None.

<p><u>Continuing Business</u></p> <p>A. None.</p>	
<p><u>Public Hearing</u></p> <p>A. <u>Ordinance No. 891</u> An Ordinance Of The City Of Wilsonville Repealing And Replacing Wilsonville Code Sections 2.310-2.319 Regarding Public Contracts.</p>	<p>After a public hearing was conducted, Ordinance No. 891 was approved on first reading by a vote of 4-0.</p>
<p><u>City Manager's Business</u></p>	<p>The City Manager shared news of a pending \$550,000 grant from the Land and Water Conservation Fund, procured by the City's Parks and Recreation staff, which is to be used for the purchase and installation of new play equipment at lower Memorial Park.</p>
<p><u>Legal Business</u></p>	<p>The City Attorney updated the Council on a collaboration with non-profits Wilsonville Community Sharing and Heart of the City to successfully procure more than \$500,000 over two years from Clackamas County Health, Housing and Human Services to fund programs that provide hotel vouchers and other supportive services to aid people experiencing homelessness.</p> <p>Council moved to adopt an order establishing the procedure that City Council would follow of appeal proceeding for anticipated appeal of Development Review Board Resolution No. 432 to City Council as distributed. Passed 4-0.</p>
<p>ADJOURN</p>	<p>10:00 p.m.</p>

Special City Council Meeting Action Minutes
May 17, 2024

COUNCILORS PRESENT

Mayor Fitzgerald
Council President Akervall
Councilor Linville
Councilor Berry
Councilor Dunwell

Amanda Guile-Hinman, City Attorney
Cindy Luxhoj, Associate Planner Kimberly Rybold,
Senior Planner
Kimberly Veliz, City Recorder
Jeanna Troha, Assistant City Manager
Miranda Bateschell, Planning Director
Dan Pauly, Planning Manager
Stephanie Davidson, Assistant City Attorney
Zoe Mombert, Assistant to the City Manager

STAFF PRESENT

Bryan Cosgrove, City Manager

AGENDA ITEM	ACTIONS
SPECIAL MEETING	START: 12:00 p.m.
A. Appeal of DRB Resolution No. 432, A Resolution Denying the Proposed Occupant's (The Home Depot) Proposed Use at 29400 SW Town Center Loop West is a Continuation of the Existing Non-Conforming Use in Case File No. DB24-0003 (Planning Director Referral of AR23-0031).	Council moved and passed 5-0, the attached Order on Appeal for Development Review Board Resolution No. 432.
ADJOURN	3:56 p.m.

ORDER ON APPEAL: DEVELOPMENT REVIEW BOARD RESOLUTION NO. 432

WHEREAS, on December 15, 2023, the City received an application for Class II Review with respect to the real property located at 29400 SW Town Center Loop West (respectively, the “Location”) from applicant/appellant Dan Zoldak, of Lars Andersen & Associates, Inc. (“Appellant”) (this application is referred to as “AR23-0031” in City records); and

WHEREAS, in its application, Appellant requested a “Class II Staff Interpretation to confirm that The Home Depot and Fry’s Electronics are both warehouse retail uses” at the Location, and alternatively, a “staff interpretation of the Wilsonville Development Code to confirm that The Home Depot store proposed for [the Location] constitutes a warehouse retail use and may operate in the existing structure”; and

WHEREAS, the City processed the Appellant’s application as a request to confirm that the Home Depot’s (the “Proposed Occupant”) proposed use of the Location will constitute a continuation of the non-conforming use, as provided in Wilsonville Code (WC) Section 4.189(.01), which existing nonconforming use was confirmed in the related but separate Class I decision relating to the Location (which was established by the Development Review Board (“DRB”) in Resolution No. 429, and later confirmed by Order on Appeal by City Council dated April 15, 2024); and

WHEREAS, the Planning Director referred the application to the DRB for a public hearing per WC 4.030(.01)B., and did not issue a Planning Director’s decision; and

WHEREAS, the DRB held a public hearing on April 8, 2024 (this proceeding is referred to as “DB24-0003” in City records); and

WHEREAS, the DRB closed the public hearing on April 8, 2024, but kept the written record open to allow the submission of evidence and legal argument, and reconvened to consider the application and issued a decision on April 24, 2024; and

WHEREAS, on April 24, 2024 the DRB unanimously adopted Resolution No. 432; and

WHEREAS, during its regularly scheduled meeting on May 6, 2024, anticipating that Appellant would appeal Resolution No. 432, City Council adopted an order establishing the scope of this appeal proceeding and the procedure that City Council would follow during the appeal proceeding, and set May 17, 2024 at 12:00 p.m. as the date and time of the appeal proceeding (the “Procedural Order”); and,

WHEREAS, on May 7, 2024, Appellant submitted the document titled “Appellant’s Notice of Appeal” to the City (the “Notice of Appeal”) within the prescribed appeal period; and

WHEREAS, City Council held an appeal proceeding to address this matter on May 17, 2024 in accordance with the Procedural Order; and,

WHEREAS, all references to the “staff report” in this order are to the staff report prepared

by staff for the May 17, 2024 titled “Order on Appeal: DRB Resolution No. 432” (the “Staff Report”) and all citations in the following findings are to the attachments to this Staff Report.

FINDINGS:

1. The foregoing recitals are hereby incorporated as findings of the Council, as if fully set forth herein.
2. As of the date of this order, the recognized non-conforming use at the Location is “a 159,400 square-foot electronics-related retail store,” which was determined by the DRB Decision in Case File DB24-0002 (Resolution No. 429), and affirmed by Council in its Order on Appeal dated April 15, 2024 (the “Recognized Non-Conforming Use”). Council finds re-argument of the settled issue of the Recognized Non-Conforming Use in the Class I land use proceedings irrelevant to this decision.
3. Appellant describes itself as a “home improvement warehouse store” (Attachment 3b, page 89), which is not the same as an “electronics-related retail store.”
4. Appellant has the burden of proof in this appeal to establish that the Proposed Occupant’s proposed use of the Location would be a continuation of the Recognized Non-Conforming Use at the Location. Council finds that Appellant has not satisfied its burden of proof for the following reasons:
 - a. Council finds that Appellant relies on evidence irrelevant to this Class II Review, including: (1) the exhibits attached to Appellant’s April 15, 2024 “Open Record Submittal” to the DRB, (2) discussion of the Town Center Plan and related zoning, and (3) the document referred to as the “1991 Decision” throughout these proceedings (Attachment 3b, pages 94-254). Council finds the reasoning on pages 14-17 of the Staff Report persuasive.
 - b. Proposed Occupant proposes to engage in the following activities at the Location, and there is no evidence in the record that establishes that the Current Occupant engaged in these activities at the Location as of June 5, 2019. Regardless of any ancillary commonalities that may be shared by Proposed Occupant and Current Occupant, these activities amount to a “fundamental change in the nature of the use” and go beyond the scope of the Recognized Non-Conforming Use. *See Hendgen v. Clackamas Cnty.*, 115 Or App 117, 121 (1992). The ancillary commonalities are insufficient to compel the Council to grant the relief that has been requested by Appellant.
 - i. Based on the document titled “Applicant’s Narrative and Exhibits Demonstrating Compliance with the Relevant Approval Criteria,” which was submitted by Appellant to the DRB, Proposed Occupant plans to sell tools and construction products (Attachment 3b, page 89). This description is supported by photos showed during Appellant’s presentation at the DRB public hearing on April 8, 2024 (Attachment

3b, pages 468-484), which showed images of merchandise, often stocked floor-to-ceiling, that included large electric power tools, floor polishers, tools, hardware, chainsaws, flooring, paint, cleaning products, windows and doors, large household appliances (e.g. washing and drying machines, refrigerators), light fixtures and lighting systems, saw blades, and patio furniture. There is no evidence in the record of Current Occupant selling these products, or even these types of products. Further, the as-built floor plan submitted by the Current Occupant to the City's Building Division in 2014 (Attachment 3b, page 15) supports this assessment; the only similar type of product shown on this floor plan is small appliances, which are not the same as large household appliances such as washing and drying machines. The as-built floor plan predates the date of non-conformance by five years, which lessens the weight Council assigns to this evidence. However, Council finds it more credible than other evidence submitted by Appellant that is: (1) not from the Location (i.e., other Fry's Electronics stores), (2) earlier in time, and/or (3) fails to demonstrate that the Current Occupant and the Proposed Occupant engaged in the same retail sales.

- ii. Proposed Occupant plans to have a garden center (i.e., a nursery that sells live plants). The site plan included in Appellant's application materials shows a garden center at the front of the building (Attachment 3b, page 256). During the DRB public hearing on April 8, 2024, Barry Simmons, a real estate manager for the Proposed Occupant, acknowledged that there would be a garden center with "live goods" inside the existing building (Attachment 5, page 10). A garden center that contains live plants would require some kind of irrigation or watering. There is no evidence in the record of Current Occupant selling these types of products, or anything live that required irrigation or watering.
- iii. Proposed Occupant would have at least some operations outside of the existing building at the Location. The site plan included in Appellant's application materials shows a "lumber pad" at the back of the building (Attachment 3b, page 256). The extent of the activities that would occur in this area is not clear. During the DRB public hearing on April 8, 2024, Barry Simmons stated that the lumber pad area would be used to unload heavier products off of a flatbed truck, and that it would not be used for exterior storage (Attachment 5, page 10). There is no evidence in the record of Current Occupant having any operations outside of the building that currently exists at the Location, whether for receiving, unloading, temporary storage, or for some other purpose. Although the extent of these activities is unclear, Council must rely to some extent on what has been represented in Appellant's initial application materials.
- iv. Contractors and other home improvement professionals would account

for close to half of the Proposed Occupant's annual sales (Attachment 3b, page 90). There is no evidence in the record of Current Occupant selling to contractors or other home improvement professionals.

- c. During the DRB public hearing on April 8, 2024, Barry Simmons suggested that Proposed Occupant would probably invest about \$20 million into redeveloping the Location, including upgrading roads, the water system, sewer system, and called the project a "redevelopment" (Attachment 5, page 14). This statement strongly suggests that Proposed Occupant's plans involve significant changes to the Location, which go far beyond a mere continuation of non-conforming use.
5. Appellant failed to preserve any argument regarding the utilization of both Class I and Class II review processes in this matter. Assuming, without acknowledging, that the argument was preserved, WC 4.030(.01)A.7. states that confirmation of an existing non-conforming use is subject to a Class I Review, not the determination whether a proposed use is a continuation of an existing non-conforming use. A Class II Review is required for determining continuation of existing non-conforming use, as explained in the Staff Report. Further, Council finds that City staff proposed that Appellant withdraw its Class I application, while preserving its arguments concerning existing non-conforming use, in order for the Class I and Class II applications to be processed together, and Appellant refused (Attachment 3b, pages 63-65).
6. DRB followed correct procedures, and in particular, the DRB did not err when it adopted the staff report dated April 1, 2024 for the reasons stated on pages 2-3 of the Staff Report. DRB properly applied the relevant Wilsonville Code provisions, including, but not limited to, WC 4.030 and 4.189, as evidenced by findings A5 through A11 of DRB Resolution No. 432.
7. For the reasons provided in the Staff Report, Council finds Appellant's arguments unpersuasive regarding: (a) parking spaces and traffic impacts, (b) certificates of occupancy, (c) the 1991 Decision, (d) the 1992 CCRs, (e) current Town Center zoning regulations; (f) the "codification" rule and, relatedly, Ordinance No. 55; and (g) the "common nucleus" test.


IT IS THEREFORE ORDERED, by the City of Wilsonville City Council, at its special meeting on this 17th day of May 2024, that the Development Review Board decision in Resolution No. 432 is affirmed, and further, that this was the correct and appropriate decision made based on applicable laws, policies, and standards. The Appeal is therefore respectfully denied.

DATED this 17th day of May 2024.



JULIE FITZGERALD MAYOR

ATTEST:



Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Fitzgerald - yes
Council President Akervall - yes
Councilor Linville - yes
Councilor Berry - yes
Councilor Dunwell - yes

City Council Meeting Action Minutes
May 20, 2024

COUNCILORS PRESENT

Mayor Fitzgerald
Council President Akervall
Councilor Linville - Excused
Councilor Berry
Councilor Dunwell

Kimberly Rybold, Senior Planner
Kimberly Veliz, City Recorder
Jeanna Troha, Assistant City Manager
Dan Pauly, Planning Manager
Miranda Bateschell, Planning Director
Zoe Mombert, Assistant to the City Manager
Bill Evans, Communications & Marketing Manager

STAFF PRESENT

Amanda Guile-Hinman, City Attorney

AGENDA ITEM	ACTIONS
WORK SESSION	START: 5:04 p.m.
A. Housing Our Future	Staff sought direction from the Council as to what additional public outreach might be valuable to further inform the Housing Our Future project.
B. Frog Pond East and South Implementation Development Code	Council and staff continued ongoing dialogue to identify development code amendments to support planned residential growth in alignment with the Frog Pond East and South Master Plan and the Equitable Housing Strategic Plan.
REGULAR MEETING	
<u>Mayor’s Business</u>	
A. Upcoming Meetings	Upcoming meetings were announced by the Mayor as well as the regional meetings she attended on behalf of the City.
<u>Communications</u>	
A. Recognition of Sean Sype	Sean Sype was recognized for successfully pursuing legislation that allows Oregon jurisdictions to install cameras on school bus stop sign arms as a deterrent to drivers who don’t stop for school buses as required by law. Measure 4147, co-sponsored by Representative Courtney Neron (House District 26), was adopted by the State legislature in March, and becomes effective in 2025.

<p>B. Wilsonville High School Student Achievements</p>	<p>Student body co-president Venecia Gonzales shared with the Council a summary of student accolades and achievements. In addition the Wilsonville High Girls' Golf Team was recognized on the occasion of winning the 5A State Championship.</p>
<p><u>Consent Agenda</u></p> <p>A. <u>Resolution No. 3113</u> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Amend A Goods And Services Contract With Absco Alarms, Incorporated For The Security And Access Controls For The Public Works Complex (CIP # 8113).</p> <p>B. <u>Resolution No. 3141</u> A Resolution Of The City Of Wilsonville Adopting The FY 2024/25 Five-Year Action Plan And Annual One-Year Implementation Plan For The Wilsonville Tourism Development Strategy.</p> <p>C. Minutes of the April 15, 2024 City Council Meeting.</p>	<p>The Consent Agenda was approved 4-0.</p>
<p><u>New Business</u></p> <p>A. <u>Resolution No. 3146</u> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Enter Into A Disposition And Development Agreement With Palindrome Wilsonville Limited Partnership</p> <p>B. <u>Resolution No. 3147</u> A Resolution Of The City of Wilsonville Establishing A Systems Development Charges Deferral Program For Affordable Housing Projects On City-Owned Property.</p>	<p>Resolution No. 3146 was adopted 4-0.</p> <p>Resolution No. 3147 was adopted 3-1.</p>
<p><u>Continuing Business</u></p> <p>A. <u>Ordinance No. 891</u> An Ordinance Of The City Of Wilsonville Repealing And Replacing Wilsonville Code Sections 2.310-2.319 Regarding Public Contracts</p>	<p>Ordinance No. 891 was adopted on second reading by a vote of 4-0.</p>
<p><u>Public Hearing</u></p> <p>A. None.</p>	
<p><u>City Manager's Business</u></p>	<p>Council was invited to the Grand Opening of the Korean War Memorial Interpretive Center on June 29, 2024.</p>

	The Assistant City Manager reminded all about the upcoming election and shared there was an election drop box in the City Hall parking lot.
<u>Legal Business</u>	No report.
ADJOURN	8:55 p.m.

City Council Meeting Action Minutes
June 3, 2024

COUNCILORS PRESENT

Mayor Fitzgerald
Council President Akervall
Councilor Linville
Councilor Berry
Councilor Dunwell

Bryan Cosgrove, City Manager
Dwight Brashear, Transit Director
Kimberly Veliz, City Recorder
Jeanna Troha, Assistant City Manager
Mark Ottenad, Public/Government Affairs Director
Katherine Smith, Assistant Finance Director
Keith Katko, Finance Director
Zach Weigel, City Engineer
Zoe Mombert, Assistant to the City Manager

STAFF PRESENT

Amanda Guile-Hinman, City Attorney

AGENDA ITEM	ACTIONS
REGULAR MEETING	START: 7:00 p.m.
<p><u>Mayor’s Business</u></p> <p>A. Upcoming Meetings</p> <p>B. Boards/Commission Appointments/Reappointments</p>	<p>Upcoming meetings were announced by the Mayor as well as the regional meetings she attended on behalf of the City.</p> <p><u>Arts, Culture, and Heritage Commission</u> Reappointment of Joan Carlson to the Arts, Culture, and Heritage Commission for a term beginning 7/1/2024 to 6/30/2027. Passed 5-0.</p> <p><u>Arts, Culture, and Heritage Commission</u> Reappointment of Jason Jones to the Arts, Culture, and Heritage Commission for a term beginning 7/1/2024 to 6/30/2027. Passed 5-0.</p> <p><u>Arts, Culture, and Heritage Commission</u> Reappointment of Nadine Elbitar to the Arts, Culture, and Heritage Commission for a term beginning 7/1/2024 to 6/30/2027. Passed 5-0.</p> <p><u>Library Board</u> Appointment of Orel Smith to the Library Board for a term beginning 7/1/2024 to 6/30/2028. Passed 5-0.</p> <p><u>Tourism Promotion Committee</u> Reappointment of Jennifer Gage to the Tourism Promotion Committee for a term beginning 7/1/2024 to 6/30/2027. Passed 5-0.</p>

<p>C. City Attorney Employment Agreement</p>	<p><u>Wilsonville-Metro Community Enhancement Committee</u> Reappointment of Maripat Hensel to the Wilsonville-Metro Community Enhancement Committee for a term beginning 7/1/2024 to 6/30/2027. Passed 5-0.</p> <p><u>Wilsonville-Metro Community Enhancement Committee</u> Appointment of Scott Siegel to the Wilsonville-Metro Community Enhancement Committee for a term beginning 7/1/2024 to 6/30/2027. Passed 5-0.</p> <p>Council approved the City Attorney's Employment Agreement 5-0.</p>
<p><u>Communications</u> A. None.</p>	
<p><u>Consent Agenda</u> A. <u>Resolution No. 3148</u> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Construction Contract With Knife River Corporation - Northwest For Construction Of The 2024 Street Maintenance Project (Capital Improvement Project No. 4014, 4118, 4725).</p> <p>B. <u>Resolution No. 3152</u> A Resolution Of The City Of Wilsonville Authorizing South Metro Area Regional Transit (SMART) To Purchase One Battery Electric Shuttle Bus From Northwest Bus Sales, Inc.</p> <p>C. Minutes of the May 6, 2024, City Council Meeting.</p>	<p>The Consent Agenda was approved 5-0.</p>
<p><u>New Business</u> A. None.</p>	
<p><u>Continuing Business</u> A. None.</p>	
<p><u>Public Hearing</u> A. <u>Resolution No. 3142</u> A Resolution Declaring The City's Eligibility To Receive State Shared Revenues.</p>	<p>After a public hearing Resolution No. 3142 passed 5-0.</p>

<p>B. <u>Resolution No. 3143</u> A Resolution Declaring The City’s Election To Receive State Shared Revenues.</p> <p>C. <u>Resolution No. 3144</u> A Resolution Of The City Of Wilsonville Adopting The Budget, Making Appropriations, Declaring The Ad Valorem Tax Levy, And Classifying The Levy As Provided By ORS 310.060(2) For Fiscal Year 2024-25.</p> <p>D. <u>Resolution No. 3145</u> A Resolution Of The City Of Wilsonville Authorizing A Supplemental Budget Adjustment For Fiscal Year 2023-24.</p>	<p>After a public hearing Resolution No. 3143 passed 5-0.</p> <p>After a public hearing Resolution No. 3144 passed 5-0.</p> <p>After a public hearing Resolution No. 3145 passed 5-0.</p>
<p><u>City Manager’s Business</u></p>	<p>No report.</p>
<p><u>Legal Business</u></p>	<p>No report.</p>
<p>URBAN RENEWAL AGENCY</p>	
<p><u>Consent Agenda</u> A. Minutes of the March 4, 2024, Urban Renewal Agency Meeting.</p>	<p>The URA Consent Agenda was approved 5-0.</p>
<p><u>New Business</u> A. None.</p>	
<p><u>Continuing Business</u> A. None.</p>	
<p><u>Public Hearing</u> A. <u>URA Resolution No. 350</u> A Resolution Of The Urban Renewal Agency Of The City Of Wilsonville Adopting The Budget, Making Appropriations, And Declaring The Intent To Collect Tax Increment For Fiscal Year 2024-25.</p>	<p>After a public hearing URA Resolution No. 350 passed 5-0.</p>
<p>ADJOURN</p>	<p>8:15 p.m.</p>

City Council Meeting Action Minutes
June 17, 2024

COUNCILORS PRESENT

Mayor Fitzgerald
Council President Akervall
Councilor Linville
Councilor Berry
Councilor Dunwell

Andrea Villagrana, Human Resource Manager
Kimberly Veliz, City Recorder
Dan Pauly, Planning Manager
Zoe Mombert, Assistant to the City Manager
Dwight Brashear, Transit Director
Zach Weigel, City Engineer
Mike Nacrelli, Civil Engineer
Miranda Bateschell, Planning Director
Stephanie Davidson, Assistant City Attorney
Kelsey Lewis, Grants & Programs Manager

STAFF PRESENT

Bryan Cosgrove, City Manager
Amanda Guile-Hinman, City Attorney

AGENDA ITEM	ACTIONS
WORK SESSION	START: 5:00 p.m.
A. Statewide Transportation Improvement Fund (STIF) Plan for the FY26-27 Biennium	Staff presented and sought Council’s input on SMART’s plan for STIF expenditures for the FY 2026-2027 biennium.
B. Frog Pond East and South Master Plan Development Code	Council reviewed and provided feedback on draft City Code amendments to implement the 2022 Frog Pond East and South Master Plan prior to the upcoming public hearings.
REGULAR MEETING	
<u>Mayor’s Business</u>	
A. Upcoming Meetings	Upcoming meetings were announced by the Mayor as well as the regional meetings she attended on behalf of the City.
<u>Communications</u>	
A. None.	
<u>Consent Agenda</u>	The Consent Agenda was approved 5-0.
A. <u>Resolution No. 3149</u> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Construction Contract With Tapani, Inc. For The West Side Level B Reservoir And Tooze Rd. Transmission Main Project (Capital Improvement Project #1149/1150/1151).	

<p>B. <u>Resolution No. 3153</u> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Professional Services Agreement Contract Amendment With Century West Engineering For Engineering Services During Construction Of The 2024 Street Maintenance Project (Capital Improvement Project No. 4014, 4118, 4725).</p> <p>C. <u>Resolution No. 3154</u> A Resolution Adopting The Canvass Of Votes Of The May 21, 2024 Primary Election.</p> <p>D. <u>Resolution No. 3157</u> A Resolution Of The City Of Wilsonville Authorizing A Three Year Capital Interfund Loan From The Road Operating Fund To The Street Capital Projects Fund.</p> <p>E. <u>Resolution No. 3158</u> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute The Amended And Restated Intergovernmental Agreement Of Regional Water Provider Consortium (2023).</p> <p>F. <u>Resolution No. 3159</u> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Amend A Construction Contract With Woodburn Construction CM/GC, LLC., Inc. To Construct The Wilsonville Police Department Interim Renovations.</p> <p>G. <u>Resolution No. 3160</u> A Resolution Of The City Of Wilsonville Authorizing A Two Year Capital Interfund Loan From The Water Operating Fund To The Street Capital Projects Fund.</p> <p>H. Minutes of the May 17, 2024 Special City Council Meeting.</p>	
<p><u>New Business</u></p> <p>A. <u>Resolution No. 3150</u> A Resolution Of The City Of Wilsonville Adopting Administrative Rules Relating To Public Contracting Activities.</p> <p>B. <u>Resolution No. 3151</u> A Resolution Of The City Of Wilsonville Amending The Public Art Policy And Guidelines.</p>	<p>Resolution No. 3150 was adopted 5-0.</p> <p>Resolution No. 3151 was adopted 5-0.</p>

<u>Continuing Business</u> A. None.	
<u>Public Hearing</u> A. None.	
<u>City Manager's Business</u>	The City Manager informed Council of dates he would be out of the office on vacation.
<u>Legal Business</u>	Council moved to authorize City staff to file an appeal with the Land Use Board of Appeals on casefile number L240001-D(IND) if a decision adverse to the City is rendered. Passed 5-0. The City Attorney informed Council of dates she would be out of the office on vacation.
ADJOURN	8:07 p.m.

City Council Meeting Action Minutes
July 15, 2024

COUNCILORS PRESENT

Mayor Fitzgerald- Arrived 5:45 p.m.
Council President Akervall
Councilor Linville
Councilor Berry
Councilor Dunwell

STAFF PRESENT

Bryan Cosgrove, City Manager
Amanda Guile-Hinman, City Attorney
Kimberly Veliz, City Recorder
Jeanna Troha, Assistant City Manager
Kimberly Rybold, Senior Planner
Dan Pauly, Planning Manager
Aria Azizi, Admin. Intern
Miranda Bateschell, Planning Director
Andrea Villagrana, Human Resource Manager
Zoe Mombert, Assistant to the City Manager

COMMISSIONERS PRESENT

Chair Karr
Commissioner Willard
Commissioner Semenova
Commissioner Constantine

AGENDA ITEM	ACTIONS
JOINT WORK SESSION WITH PLANNING COMMISSION	START: 5:00 p.m.
A. Housing Our Future	Staff presented initial findings from the project’s Housing Needs and Capacity Analysis and received Planning Commission and City Council input.
REGULAR MEETING	
<u>Mayor’s Business</u>	
A. Boards/Commission Appointments/Reappointments	<u>Arts, Culture, and Heritage Commission</u> moved to ratify the appointment of Aaron Harris to the Arts, Culture, and Heritage Commission for a term beginning 7/15/2024 to 6/30/2026. Passed 5-0.
B. Upcoming Meetings	Upcoming meetings were announced by the Mayor as well as the regional meetings she attended on behalf of the City.
<u>Communications</u>	
A. None.	
<u>Consent Agenda</u>	
A. Minutes of the May 20, 2024, City Council Meeting.	The Consent Agenda was approved 5-0.
<u>New Business</u>	
A. <u>Resolution No. 3163</u> A Resolution Adopting Collective Bargaining Agreement Between the City of Wilsonville and Service Employees International Union Local 503 (SEIU).	Resolution No. 3163 was adopted 5-0.

<p>B. <u>Resolution No. 3164</u> A Resolution Adopting Collective Bargaining Agreement Between The City Of Wilsonville And Wilsonville Municipal Employees Association (WILMEA).</p>	<p>Resolution No. 3164 was adopted 5-0.</p>
<p><u>Continuing Business</u> A. None.</p>	
<p><u>Public Hearing</u> A. None.</p>	
<p><u>City Manager's Business</u></p>	<p>No report.</p>
<p><u>Legal Business</u></p>	<p>Council was informed that the U.S. Supreme Court ruled in City of Grants Pass v. Johnson.</p>
<p>ADJOURN</p>	<p>7:49 p.m.</p>

City Council Meeting Action Minutes
August 5, 2024

COUNCILORS PRESENT

Mayor Fitzgerald
Council President Akervall
Councilor Linville
Councilor Berry
Councilor Dunwell

Amanda Guile-Hinman, City Attorney
Kimberly Veliz, City Recorder
Jeanna Troha, Assistant City Manager
Dan Pauly, Planning Manager
Sarah Pearlman, Assistant Planner
Amy Pepper, Engineering Manager
Miranda Bateschell, Planning Director
Bill Evans, Communications & Marketing Manager
Zoe Mombert, Assistant to the City Manager

STAFF PRESENT

Bryan Cosgrove, City Manager

AGENDA ITEM	ACTIONS
WORK SESSION	START: 5:00 p.m.
A. Diversity, Equity and Inclusion Committee Bylaws	The Diversity, Equity and Inclusion (DEI) Committee asked Council to consider codifying the DEI Committee’s bylaws in order to strengthen the City’s commitment to address barriers to inclusion that exist within the City’s practices, processes, regulations, events and other initiatives.
B. Town Center Street Naming Policy	Staff presented on the status of the Street Naming Policy Project for Town Center and is sought feedback on the current criteria and list of names developed with the Diversity, Equity and Inclusion Committee.
REGULAR MEETING	
<u>Mayor’s Business</u>	
A. Upcoming Meetings	Upcoming meetings were announced by the Mayor as well as the regional meetings she attended on behalf of the City.
<u>Communications</u>	
A. Civics Academy Graduation	Certificates and street signs were awarded to the graduates of the Civics Academy, Class of 2024.
B. Community Survey Results	Staff presented the results of the biennial National Community Survey, which gauges resident satisfaction across several areas to help the City Council and staff determine where to allocate future resources.

<p><u>Consent Agenda</u></p> <p>A. Resolution No. 3103 A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A First Amendment To The Professional Services Agreement With Brown & Caldwell, Inc. For Engineering Consulting Services For The Boeckman Creek Flow Mitigation Project (Capital Improvement Project No. 7068).</p> <p>B. Resolution No. 3165 Authorizing the City Manager to execute a Second Amendment to the Professional Services Agreement with Consor, Inc. to provide construction support services for the West Side Level B Reservoir and Tooze Road Transmission Main Project (CIP No. 1149/1150/1151).</p> <p>C. Minutes of the June 3, 2024, City Council Meeting.</p>	<p>The Consent Agenda was approved 5-0.</p>
<p><u>New Business</u></p> <p>A. None.</p>	
<p><u>Continuing Business</u></p> <p>A. None.</p>	
<p><u>Public Hearing</u></p> <p>A. Ordinance No. 892 An Ordinance Of The City Of Wilsonville Adopting Amendments To The City’s Development Code And Nuisance Code To Implement The Frog Pond East And South Master Plan And Make Related Updates To Residential Development Regulations Citywide.</p>	<p>To receive recommendation from the Planning Commission, City Council moved to continue the public hearing for Ordinance No. 892 to a date and time certain of November 18, 2024, at 7:00 p.m. Passed 5-0.</p>
<p><u>City Manager’s Business</u></p>	<p>The City Manager reported that the Parks and Recreation Department received a \$500,000 grant for Memorial Park for playground equipment and just received news that they would receive another \$500,000 grant.</p>
<p><u>Legal Business</u></p>	<p>The City Attorney detailed conversations with carpenters’ union representatives and measures taken by the City to ensure that developers working in Wilsonville are paid pay fair wages to employees, as required by state law.</p>
<p>ADJOURN</p>	<p>9:20 p.m.</p>