



## CITY COUNCIL MINUTES

March 20, 2023 at 7:00 PM

Wilsonville City Hall & Remote Video Conferencing

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### CALL TO ORDER

1. Roll Call
2. Pledge of Allegiance

A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Monday, March 20, 2023. Mayor Fitzgerald called the meeting to order at 7:01 p.m., followed by roll call and the Pledge of Allegiance.

### PRESENT

Mayor Fitzgerald  
Council President Akervall  
Councilor Linville  
Councilor Berry  
Councilor Dunwell

### STAFF PRESENT

Amanda Guile-Hinman, City Attorney  
Beth Wolf, Senior Systems Analyst  
Bryan Cosgrove, City Manager  
Cindy Luxhoj, Associate Planner  
Delora Kerber, Public Works Director  
Jeanna Troha, Assistant City Manager  
Katherine Smith, Assistant Finance Director  
Kimberly Veliz, City Recorder  
Mark Ottenad, Public/Government Affairs Director  
Zach Weigel, City Engineer

3. Motion to approve the following order of the agenda.

**Motion:** Moved to approve the following order of the agenda.

Motion made by Councilor Akervall, Seconded by Councilor Berry.

**Voting Yea:**

Mayor Fitzgerald, Councilor Akervall, Councilor Linville, Councilor Berry, Councilor Dunwell

**Vote:** Motion carried 5-0.

**MAYOR'S BUSINESS**

## 4. Upcoming Meetings

The Mayor provided a run-down on some of the activities that she had been involved with since the last City Council meeting:

School District Equity Summit

- Council President Akervall and the Mayor participated in the West Linn-Wilsonville School District's "Equity Summit" on March 11, 2023.
- About 300 people attended the event with many of them being students.

League of Oregon Cities (LOC) Regional Meeting

- The City hosted the LOC President's Regional meeting. Participants of the event included a number of other mayors.
- LOC President Steve Calloway presented along with the League's Executive Director about the organization's legislative priorities and strategic plan.

Legislative Matters

- Representative Courtney Neron and Senator Aaron Woods whom are both Wilsonville residents had been advocating for the City of Wilsonville on legislative matters.
- The Mayor provided testimony on a bill that reappears every session that would force local governments to take into city limits land in the urban growth boundary (UGB). Moreover, this land was outside of any city plans that may be underway.
- The idea was to increase housing production in the state, which was needed however; cities such as Wilsonville have a lot of housing underway. Wilsonville has 1,500 to 1,800 houses planned for Frog Pond East and South. In addition, Town Center was planned for future housing.
- If the City of Wilsonville were suddenly asked to pop out of the UGB and develop a big section of workforce housing as it is being called, it would also be necessary for the City to develop streets, sewer, and water.

In terms of upcoming meetings of note, the Mayor shared the following:

City Council Meeting

- The next City Council meeting was scheduled for Monday, April 3, 2023.

### State of the City

- The State of the City was scheduled for Monday, April 17, 2023.

### Spring Break Week

- The Mayor reminded all that Spring Break was coming up. Moreover, she hoped all had the opportunity to take a break and enjoy the City parks or any other places they may visit.

## **COMMUNICATIONS**

There was none.

## **CITIZEN INPUT AND 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 citizen input before tonight's meeting ends or as quickly as possible thereafter. Please limit your comments to three minutes.

Steve Van Wechel, of the Wilsonville Boones Ferry Historical Society provided a brief update on the society's past and future projects.

The Wilsonville Boones Ferry Historical Society was thanked for their work.

Next, the City Attorney recapped for the audience the discussion Council had during Work Session about the Prohibited Camping Code Update Project. The Mayor added to the comments made by the City Attorney by elaborating on funding resources.

Bob Walikier, Wilsonville resident, submitted written testimony opposing tent and/or other camping on City of Wilsonville property.

Laura Koeroghlian, Wilsonville resident, shared questions of concern about the camping code and tolling on Interstate 5 (I-5).

In response, the Mayor encouraged the audience to provide comments to the Oregon Department of Transportation (ODOT) about their traffic concerns. Furthermore, the Mayor informed that Senator Aaron Woods was holding an upcoming forum in Charbonneau on the topic of tolling.

The City Manager responded to the concerns of camping. He explained Council and staff had been and would continue to work on the Prohibited Camping Code Update Project. He noted there would be a whole host of rules and regulations that would be put into place. He recalled the current discussion was designating a camping site, as this was necessary to comply with state law. Moreover, if a site was not designated the City would have to allow camping everywhere. He further added having a designated camping site makes it easier to access and get help to those individuals in need.

Bob Milano, Wilsonville resident, agreed with questions of concern posed by Laura Koeroghlian and had a few questions of his own on camping.

In response the City Attorney described the enforcement of non-vehicle camping, is the same as vehicle camping, in that if campers violate any of the regulations, whether they are outside the timeframe or not in a designated location, the City can immediately cite them. Then put up a 72-hour notice to clear out. Therefore, it would be the same for vehicle or non-vehicle camping. The City Attorney further added the draft code had a period of 9:00 p.m. to 7:00 a.m. for camping.

The City Attorney shared next steps for the Prohibited Camping Code Update Project:

- April 3, 2023 Work Session
- April 17, 2023 Work Session
- May 1, 2023 public hearing and first reading of ordinance
- May 15, 2023 second reading of ordinance
- July 1, 2023 proposed effective date of ordinance

Walter Herman, Wilsonville resident, voiced concern regarding the City's ability to properly manage and control camping being allowed by Oregon state law.

Michelle Labrie Ripple, Wilsonville resident, asked Council to consider amending the Wilsonville term limits of Mayor and Councilors. The speech given by Michelle Labrie Ripple was submitted in writing and added to the record.

Mary Closson, Wilsonville resident, echoed the comments of Michelle Labrie Ripple. The speech given by Mary Closson was submitted in writing and added to the record.

Wayne Richards, Wilsonville resident, agreed with the testimony on term limits provided by Michelle Labrie Ripple and Mary Closson. The speech given by Wayne Richards was submitted in writing and added to the record.

The City Manager shared staff would add the topic of Mayor and Council term limits to a future Work Session.

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

### **5. Council President Akervall**

Councilor Akervall detailed her participation at the subsequent events:

- West Linn-Wilsonville School District's "Equity Summit" on March 11, 2023
- Washington County Coordinating Committee on March 13, 2023
- LOC President's Regional Meeting on March 15, 2023
- Willamette Intake Facilities (WIF) Commission Orientation Meeting on March 16, 2023

## 6. Councilor Linville

Councilor Linville attended and reported on the Greater Portland Inc. (GPI) Small Cities Consortium Zoom meeting held on March 16, 2023.

In closing, Councilor Linville encouraged the audience to attend the ODOT Tolling Forum planned for April 14, 2023 in Charbonneau.

## 7. Councilor Berry

Councilor Berry shared she attended the LOC Budget 101 Training on March 7, 2023.

Councilor Berry then announced her plans to attend the Clackamas Cities Association (CCA) dinner hosted by the City of Sandy on March 23, 2023.

## 8. Councilor Dunwell

Councilor Dunwell attended and detailed her participation at the below events:

- Community Center Lunch on March 9, 2023
- Robotics Tournament on March 10, 2023
- Wilsonville Community Sharing visit on March 14, 2023
- French Prairie Forum on March 15, 2023
- Willamette Intake Facilities (WIF) Commission Orientation Meeting on March 16, 2023

## CONSENT AGENDA

The City Attorney read the titles of the Consent Agenda items into the record.

### 9. **Resolution No. 2989**

A Resolution of the City of Wilsonville Authorizing the City Manager to Enter into a Master License and Right-of-Way Use Agreement for Small Wireless Facilities in the Public Rights-of-Way with New Cingular Wireless PCS, LLC.

### 10. **Resolution No. 3035**

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute An Intergovernmental Agreement For The Lending Of Personnel Within Clackamas County When Personnel Are Unable To Get To Their Normal Reporting Location.

### 11. **Resolution No. 3051**

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Professional Services Agreement With Water Systems Consulting, Inc. To Provide Capital Project Engineering Services Assistance To The Wilsonville Engineering Division.

### 12. Minutes of the February 23, 2023 and March 6, 2023 City Council Meeting.

**Motion:** Moved to approve the Consent Agenda as read.

Motion made by Councilor Akervall, Seconded by Councilor Berry.

**Voting Yea:**

Mayor Fitzgerald, Councilor Akervall, Councilor Linville, Councilor Berry, Councilor Dunwell

**Vote:** Motion carried 5-0.

**NEW BUSINESS**

The City Attorney read the title of Resolution No. 3055 into the record.

**13. Resolution No. 3055**

A Resolution of the City of Wilsonville Authorizing the Mayor to Execute an Intergovernmental Agreement between the City of Wilsonville and the Tri-County Metropolitan Transportation District of Oregon for the Adjustment of TriMet District Boundaries and an Associated Memorandum of Understanding between the City of Wilsonville and the Tri-County Metropolitan Transportation District of Oregon Regarding Future Adjustment of TriMet District Boundaries.

Amanda Guile-Hinman, City Attorney presented on Resolution No. 3055 which would authorize the Mayor to sign an intergovernmental agreement (IGA) and a memorandum of understanding (MOU) with TriMet.

It was explained that for over 10 years the City had tried to get TriMet to negotiate with them regarding the current and future City of Wilsonville boundary. Staff recalled that TriMet’s jurisdictional boundary extends into the current City of Wilsonville and urban growth boundary at Basalt Creek. The City had not been making headway with TriMet on the boundary issue therefore, worked with legislatures to have House Bill (HB) 2666 introduced. HB 2666 would be a legislative fix to the boundary.

TriMet then showed a willingness to negotiate an alternative path rather than legislation. This led to a meeting on January 9, 2023 between the Mayor, City staff, and TriMet staff. The result of the meeting was a two-step approach:

1. TriMet Board can adjust boundary through a per-parcel process, which does not need Wilsonville to petition to withdraw; and
2. Wilsonville submit a petition to withdraw UGB area during the next cycle, which was 2026.

Moreover, it was agreed an IGA and MOU would be drafted by TriMet to explain the two-step approach. An IGA was necessary for step one, which was that the TriMet board would adjust the boundary through its own accord. The MOU was for the second step, because future Boards and/or Councils cannot be bind to do anything.

While TriMet was drafting documents, City staff learned that TriMet statutorily could withdraw the entire area on its own accord. The second step was not necessary. However, TriMet staff clarified rather than they could not do it, they believed their Board would not do such a withdrawal.

TriMet drafted an IGA however, neglected to draft MOU despite the fact that these need to be contemporaneously executed as a representation of the global settlement regarding the jurisdictional boundaries that are part of the HB 2666. Therefore, City staff revised the IGA and drafted an MOU both of which documents are attachments to Resolution No. 3055. The attachments represent the parties' discussion on January 9, 2023 and are the terms that the City can legally agree to.

The City Attorney then detailed next steps in the process.

Council questions and discussion ensued.

**Motion:** Moved to adopt Resolution No 3055.

Motion made by Councilor Akervall, Seconded by Councilor Berry.

After making the motion Council President Akervall, then made a statement regarding Resolution No. 3055. The Council President agreed with the direction of the resolution. However, thought it felt unsettling that a large entity, such as TriMet would demand money to withdraw areas that they do not currently serve. The Councilor understood heading towards a global settlement, because she believed that was best for Wilsonville. In addition, she had a long-term view for the community and what was best for it. She recalled Council wants to be able to attract a certain type of business to this area; wanted it to flourish; and transit was an integral part of that. Nevertheless, the demand for money of an area that TriMet was not serving, in context with all of the events detailed in the whereas clauses was a shock for which the Council President thought should not be found excusable.

The Mayor and Councilor Berry agreed with the comments made by Council President Akervall.

**Voting Yea:**

Mayor Fitzgerald, Councilor Akervall, Councilor Linville, Councilor Berry, Councilor Dunwell

**Vote:** Motion carried 5-0.

**CONTINUING BUSINESS**

There was none.

**PUBLIC HEARING**

The City Attorney read the title of Resolution No. 3045 into the record.

14. **Resolution No. 3045** (*Legislative Hearing*)

A Resolution Of The City Of Wilsonville Authorizing A Supplemental Budget Adjustment For Fiscal Year 2022-23.

Katherine Smith, Assistant Finance Director summarized the staff report.

The Mayor provided the public hearing format and opened the public hearing at 8:37 p.m.

Staff was asked a clarifying question.

The Mayor invited public testimony, seeing none the Mayor closed the public hearing on Resolution No. 3045 at 8:40 p.m.

The Mayor then requested a motion on Resolution No. 3045.

**Motion:** Moved to adopt Resolution No. 3045.

Motion made by Akervall, Seconded by Berry.

**Voting Yea:**

Mayor Fitzgerald, Council President Akervall, Councilor Linville, Councilor Berry, Councilor Dunwell

**Vote:** Motion carried 5-0.

Next, the City Attorney read the title of Ordinance Nos. 875 and 876 into the record on first reading.

The Mayor provided the public hearing format and opened the public hearing at 8:43 p.m.

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

Cindy Luxhoj, Associate Planner provided the staff report and PowerPoint, which has been made a part of the record.

Council asked clarifying question.

The City Attorney stated there was no legal comment.

There was no applicant presentation.

The Mayor invited public testimony, seeing none the Mayor closed the public hearing on Ordinance Nos. 875 and 876 at 9:05 p.m.

The Mayor then requested a motion on Ordinance No. 875.



15. **Ordinance No. 875** - 1<sup>st</sup> Reading (Quasi-Judicial Hearing)

An Ordinance of the City of Wilsonville Annexing Approximately 9.63 Acres of Property Located at 25540 SW Garden Acres Road for Development of a Corporate Headquarters/Fabrication Facility and Associated Site Improvements.

**Motion:** Moved to adopt Ordinance No. 875 on first reading.

Motion made by Linville, Seconded by Berry.

**Voting Yea:**

Mayor Fitzgerald, Council President Akervall, Councilor Linville, Councilor Berry, Councilor Dunwell

**Vote:** Motion carried 5-0.

The Mayor then requested a motion on Ordinance No. 876.

16. **Ordinance No. 876** - 1<sup>st</sup> Reading (Quasi-Judicial Hearing)

An Ordinance of the City of Wilsonville Approving a Zone Map Amendment from the Washington County Future Development - 20 Acre (FD-20) Zone to the Planned Development Industrial - Regionally Significant Industrial Area (PDI-RSIA) Zone on Approximately 9.63 Acres Located at 25540 SW Garden Acres Road for Development of a Corporate Headquarters/Fabrication Facility and Associated Site Improvements.

**Motion:** Moved to adopt Ordinance No. 876 on first reading.

Motion made by Linville, Seconded by Berry.

**Voting Yea:**

Mayor Fitzgerald, Council President Akervall, Councilor Linville, Councilor Berry, Councilor Dunwell

**Vote:** Motion carried 5-0.

**CITY MANAGER'S BUSINESS**

There was none.

**LEGAL BUSINESS**

The City Attorney publicly thanked the below staff members who assisted with the mapping for the Prohibited Camping Code Update Project:

- Andy Sheehan, Asset Management Coordinator
- Jayme Taylor, Public Works Program Coordinator
- Dan Stark, GIS Manager
- Martin Montalvo, Public Works Ops. Manager

The Mayor echoed the appreciation for staff.

**ADJOURN**

The Mayor adjourned the meeting at 9:09 p.m.

Respectfully submitted,

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Kimberly Veliz, City Recorder

ATTEST:

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Julie Fitzgerald, Mayor

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