



## CITY COUNCIL MINUTES

April 01, 2024 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, April 1, 2024. The Mayor called the meeting to order at 7:46 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  
Bryan Cosgrove, City Manager  
Dan Pauly, Planning Manager  
Jeanna Troha, Assistant City Manager  
Katherine Smith, Assistant Finance Director  
Kerry Rappold, Natural Resources Manager  
Kimberly Veliz, City Recorder  
Zach Weigel, City Engineer  
Zoe Mombert, Assistant to the City Manager

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 details on the following meetings and events:

#### Spring Break

- The Mayor hoped that everyone had a good, refreshing Spring Break Week.

#### Washington County Coordinating Committee (WCCC)

- Currently, Councilor Dunwell was the lead and the Mayor the alternate for Washington County Coordinating Committee.
- Due to a change in meeting times, for one of Councilor Dunwell's other committee assignments, starting in April, the Mayor would assume the lead on the WCCC and Councilor Dunwell would take the alternate role.
- This change would allow Councilor Dunwell to continue participation in the Willamette Falls and Landings Heritage Area Coalition (WFLHAC), which now met at the same time as the WCCC.

#### City Council Meetings

- Special City Council meeting scheduled for April 3, 2024.
- The next regular City Council meeting scheduled for April 15, 2024.

#### State Representative Neron Town Hall

- Wilsonville State Representative Courtney Neron of House District 26 was holding a Wilsonville Town Hall on Saturday, April 13, 2024 at the Wilsonville Public Library.
- Representative Neron would hear from constituents and provide a review of the 'short' 2024 legislative session that wrapped up on March 7, 2024.

#### Collaboration on Health and Housing Services with City and County

- The Mayor presented on the collaboration and progress between the City of Wilsonville and Clackamas County towards supportive housing services and the reduction of the County's houseless population.
- The PowerPoint shown was added to the record.

## **COMMUNICATIONS**

There was none.

## **CITIZEN INPUT AND COMMUNITY ANNOUNCEMENTS**

This is an opportunity for visitors to address the City Council on any matter concerning City's Business or any matter over which the Council has control. It is also the time to address 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.

There was none.

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

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

Councilor Akervall shared the following items recognized on the Diversity, Equity and Inclusion (DEI) Committee Cultural Calendar for April:

- Deaf Heritage Month
- Arab-American Heritage Month
- Passover
- Ramadan celebration of Eld-al-Fitr

It was announced the City was collaborating with the Wilsonville Muslim Community Center the month of April to collect hygiene products for Wilsonville Community Sharing.

### **6. Councilor Linville**

Councilor Linville provided details on the following meetings and events:

- Wilsonville-Metro Community Enhancement Committee on March 19, 2024
- Greater Portland Inc. (GPI) Small Cities Consortium meeting on March 28, 2024
- Opioid Settlement Prevention, Treatment and Recovery Board on April 3, 2024
- Small Business Success Summit on April 3, 2024
- Mayor Fitzgerald's presentation at Charbonneau Country Club on April 4, 2024

### **7. Councilor Berry**

Councilor Berry provided details on the following meetings and events:

- Wilsonville-Metro Community Enhancement Committee meeting on March 19, 2024
- Clackamas County Coordinating Committee (C4) Metro Subcommittee meeting on March 28, 2024
- Diversity, Equity and Inclusion (DEI) Lecture Series: Braving the Storm a Couple's Search for Sanctuary on April 4, 2024
- Clackamas County Coordinating Committee (C4) meeting on April 4, 2024

8. Councilor Dunwell

Councilor Dunwell provided details on the following meetings and events:

- French Prairie Forum meeting on March 20, 2024
- Parks and Recreation Annual Community Egg Hunt on March 30, 2024
- Foundation’s “Tree City USA” Earth Day Celebration on April 20, 2024
- Murase Arboretum Grand Opening on April 20, 2024

Councilor Dunwell announced the City received for the twenty-sixth straight year an Arbor Day award. In addition, the City of Wilsonville received an Urban Forestry Award by Oregon Community Trees, which was the Oregon Department of Forestry’s advisory board on urban forestry issues.

Lastly, the Mayor noted that in the packet provided by the Leo Company was the 2024 Legislative Session Review.

**CONSENT AGENDA**

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

9. **Resolution No. 3110**

A Resolution Of The City Of Wilsonville Adopting The Residential Specialty Code, The Plumbing Specialty Code, And The Electrical Specialty Code And Repealing All Prior Resolutions That Previously Adopted A Residential Specialty Code, Plumbing Specialty Code, Or Electrical Specialty Code.

10. **Resolution No. 3130**

A Resolution Of The City Of Wilsonville Authorizing The Increase Of The Rate Agreement With Metereaders LLC.

11. **Resolution No. 3133**

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Construction Contract With Woodburn Construction CM/GC, LLC, Inc. To Construct The Wilsonville Police Department Interim Renovations.

12. Minutes of the March 18, 2024 City Council Meeting.

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

Motion made by Councilor Akervall, Seconded by Councilor Dunwell.

**Voting Yea:** Mayor Fitzgerald, Councilor Akervall, Councilor Linville, Councilor Berry, Councilor Dunwell

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

## **NEW BUSINESS**

There was none.

## **CONTINUING BUSINESS**

There was none.

## **PUBLIC HEARING**

The City Attorney read the title of Ordinance No. 890 into the record on first reading.

### **13. Ordinance No. 890 - 1st Reading (Legislative Land Use Hearing)**

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.

The Mayor provided the public hearing format and opened the public hearing at 8:17 p.m.

Kerry Rappold, Natural Resources Manager, and Angela Wieland of Brown and Caldwell provided the staff report and PowerPoint, which has been made a part of the record.

There was a brief recess as there was a smell of smoke in the building.

Tualatin Valley Fire and Rescue checked the building and did not find any cause for the smell. Therefore, the meeting resumed at 8:47 p.m.

Staff finished presenting the PowerPoint on Ordinance No 890.

Council asked clarifying question.

The Mayor invited public testimony, seeing none the Mayor closed the public hearing on Ordinance No. 890 at 8:53 p.m.

The Mayor then requested a motion on Ordinance No. 890.

**Motion:** Moved to adopt Ordinance No. 890 on the first reading.

Motion made by Councilor Berry, Seconded by Councilor Linville.

It was noted that on March 13, 2024, the Planning Commission held a public hearing on the plan. Furthermore, it was the Planning Commission's recommendation that City Council adopt the plan without further amendment.

**Voting Yea:** Mayor Fitzgerald, Councilor Akervall, Councilor Linville, Councilor Berry, Councilor Dunwell

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

### **CITY MANAGER'S BUSINESS**

There was none.

### **LEGAL BUSINESS**

#### 14. Ballot Measure 3-609 Explanatory Statement

The City Attorney recalled the City received challenges to the two ballot measures Council referred to voters regarding term limits. Those challenges sought to replace the ballot titles that Council had approved with different language that two party petitioners proposed. A hearing on the challenges was held on March 20, 2024 before the Clackamas County Circuit Court. The challenges were largely rejected by the Court and the City obtained very favorable outcomes including the rejection of the proposed alternate language from the petitioners.

However, the Court did make a change to a word that appears twice in the ballot title in Resolution No. 3125. This resolution refers to the voters to decide whether a two term City Council could serve two consecutive terms as Mayor, providing the opportunity. Both in the caption, and in the summary, there was a place that talks about the mayoral term limits and the Court changed that to Council term limits.

As a result, the explanatory statement to that ballot measure for Resolution No. 3125 was slightly inconsistent with the ballot title language. Council was reminded; the explanatory statement was not part of the ballot title so it was not part of the ballot title challenge. Given the inconsistency, the City Attorney updated the explanatory statement to match the ballot title language that was approved by the Court.

The City Attorney reminded the other ballot measure reviewed by the Court was in Resolution No. 3126, which was not the subject of the explanatory statement before the Council. It had two words that the Court added to the caption, where it said that the ballot measure was amending the charter, the Court added amends the charter term limits. The City Attorney stipulated to that change and believed that it made the language clearer.

Council was asked to ratify the revised explanatory statement, if the Council was so inclined.

The Mayor then requested a motion.

**Motion:** Moved to ratify the revised Explanatory Statement ballot language for measure 3-609.

Motion made by Councilor Akervall, Seconded by Councilor Dunwell.

**Voting Yea:** Mayor Fitzgerald, Councilor Akervall, Councilor Linville, Councilor Berry, Councilor Dunwell

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

15. Consideration Of Scope Of Appeal Proceeding For The Appeal Of Development Review Board Resolution No. 429 To City Council, And The Procedure That City Council Will Follow During This Appeal Proceeding

The City Attorney explained the next item under Legal Business was consideration of the scope of appeal proceeding for the appeal of Development Review Board (DRB) Resolution No. 429 to the City Council, and the procedure Council would follow during the appeal proceeding.

Council was reminded the City received an appeal to a Development Review Board decision provided in DRB Resolution No. 429. The appeal was regarding the description of the current non-conforming use at the location of 29400 SW Town Center Loop West in Wilsonville, which is where the Fry's Electronics store was operating. Pursuant to Wilsonville City Code the City Council adopts an order establishing the date and time when the Council would hear the appeal, the process to be followed when hearing the appeal, and scope of the appeal. City staff had prepared a proposed order to that effect which was provided to Council for consideration.

The City Attorney shared if Council was so inclined, the Council may make a motion approve adopting the order provided by staff.

There were no clarifying questions.

The Mayor then requested a motion.

**Motion:** Moved to approve the order establishing scope of the appeal proceeding for the appeal of Development Review Board Resolution No. 429 to City Council, and the procedure that City Council will follow during this appeal proceeding.

Motion made by Councilor Akervall, Seconded by Councilor Linville.

**Voting Yea:** Mayor Fitzgerald, Councilor Akervall, Councilor Linville, Councilor Berry, Councilor Dunwell

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

16. Public Contracting Code Update

Due to time constraints in Work Session, the public contracting code update was discussed on under Legal Business.

The City Attorney summarized the staff report and reviewed with Council items the Legal Department currently retains for contracts.

Council then provided feedback on items they would like added to the contracts quarterly reports to be created by the Legal Department. It was suggested that the report also include a brief summary, hyperlinks to the contracts, and asterisk at the bottom of report stating whom the initials represent under the attorney section.

**ADJOURN**

The Mayor adjourned the meeting at 9:07 p.m.

Respectfully submitted,

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Kimberly Veliz, City Recorder

ATTEST:

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Julie Fitzgerald, Mayor

DRAFT