



WILSONVILLE
OREGON

CITY COUNCIL MINUTES

January 05, 2023 at 7:00 PM

Wilsonville City Hall & Remote Video Conferencing

SWEARING IN CEREMONY

1. Oath of office administered by Judge Fred Weinhouse to newly elected Councilor Caroline Berry and Councilor Katie Dunwell

At 6:33 p.m., the Mayor introduced Judge Fred Weinhouse.

Judge Weinhouse then administered the oaths of office to Councilor-Elects Caroline Berry and Katie Dunwell.

Next, newly, elected Councilors Berry and Dunwell provided comments on their elections.

At 6:43 p.m., there was a break for refreshments.

CALL TO ORDER

2. Roll Call
3. 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 January 5, 2023. The Mayor called the meeting to order at 7:02 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

Bryan Cosgrove, City Manager
Amanda Guile-Hinman, City Attorney
Cindy Luxhoj, Associate Planner
Jeanna Troha, Assistant City Manager
Zoe Mombert, Assistant to the City Manager
Bill Evans, Communications & Marketing Manager
Shasta Sasser, Library Director
Fred Weinhouse, Municipal Court Judge

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

Motion: Moved to approve the following order of agenda.

Motion made by Council President Akervall, Seconded by Councilor Linville.

Voting Yea:

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

Vote: Motion carried 5-0.

MAYOR'S BUSINESS

5. Upcoming Meetings

The Mayor announced the following upcoming meetings:

- Civics Academy
 - The Mayor shared that Council members would attend the next Civics Academy meeting.
- Washington County Coordinating Committee meeting
- Washington County Mayors meeting
- Arts, Culture, and Heritage Commission Meeting
- City Council meeting
 - Due to the Martin Luther King Jr Holiday, the next City Council meeting was scheduled for Thursday, January 19, 2023.

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.

Tristan Roland, Wilsonville resident, briefed Council on his concerns regarding negative interactions with the Wilsonville Police Department and their treatment of him.

The Mayor explained that the City Manager and Police Chief would be asked to inform Council of these interactions with the understanding that these investigations may be active.

Mitch Cooper, Wilsonville resident, alarmed to have learned that developers of the Frog Pond East and South neighborhoods are not required to utilize only electric power in these homes. He implored Council to take necessary steps to help ensure a better future by mandating these new homes be powered solely by electricity. Furthermore, he requested that Council deny the use of natural gas. Mitch Cooper provided written testimony, which has been added to the record.

Synthea Russell, Wilsonville resident echoed the comments made by Mitch Cooper. She shared her concern for the state of the climate. Synthea Russell advocated for feasible opportunities to reduce emissions. Moreover, she advocated for a cleaner, sustainable, and greener way to live.

The Mayor shared Council would consider the information and discuss at a later meeting.

COUNCILOR COMMENTS, LIAISON REPORTS AND MEETING ANNOUNCEMENTS

6. Council President Akervall

Councilor Akervall attended the following:

- Lehan Lecture series on January 3, 2023
 - She encouraged the audience to attend the other two upcoming lectures and mentioned for those that missed the first lecture series recordings would be available.

Councilor Akervall then announced the following:

- Teen Art Contest
 - Library was accepting submissions for a Teen Art Contest, themed find your voice.
 - Information on the contest was available on Library's social media webpages.

7. Councilor Linville

Councilor Linville reminded the audience of the following:

- Oregon Department of Transportation (ODOT) survey on the tolling project
 - January 6, 2023, was the deadline for comments to be submitted.
 - All citizens were encouraged to participate in the survey.
 - The survey was accessible on the City of Wilsonville website.

Councilor Linville then announced the following meetings she planned to attend:

- Clackamas County Coordinating Committee (C4) Metro Subcommittee on January 18, 2023
- Clackamas Workforce Partnership Board of Directors meeting on January 19, 2023
- State of the Workforce Breakfast on January 25, 2023

8. Councilor Berry

Councilor Berry attended the following events:

- Lehan Lecture on January 3, 2023
 - The audience was highly recommended to attend future lectures.
- Civics Academy 2.0 on January 4, 2023
 - Staff presented on Frog Pond East and South during the session.

9. Councilor Dunwell

Councilor Dunwell attended the following event:

- Lehan Lecture on January 3, 2023

In closing, Councilor Dunwell shared that in her orientation as a new councilor she met with the various City departments in rapid succession. In particular, she was impressed by all the activities and programs offered to youth and seniors by the Parks and Recreation Department. Councilor Dunwell felt the programming and activities offered by Parks and Recreation provides an immeasurable amount of value to the community. Councilor Dunwell shared their work touched her heart and she is extremely excited about getting to work with Parks and Recreation.

CONSENT AGENDA

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

10. **Resolution No. 3019**

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Professional Services Agreement Contract Amendment With Otak, Inc. For Construction Engineering Services For The 5th Street / Kinsman Road Extension Project (Capital Improvement Project #1139, 2099, &4196).

11. **Resolution No. 3029**

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Construction Contract With Emery And Sons Construction Group, LLC For Construction Of The 2022 Street Maintenance Project (Capital Improvement Projects No. 4014, 4118, And 4717).

12. **Resolution No. 3033**

A Resolution Of The Wilsonville City Council Amending To The Community Enhancement Grant Program Intergovernmental Agreement Between Metro And The City Of Wilsonville To Accept Community Investment Fees.

13. Diversity, Equity and Inclusion Cultural Calendar

14. Minutes of the December 19, 2022 City Council Meeting.

Motion: Moved to adopt the Consent Agenda.

Motion made by Councilor Linville, Seconded by Council President Akervall.

Voting Yea:

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

Vote: Motion carried 5-0.

NEW BUSINESS

The City Attorney read the title of Resolution No. 3028 into the record.

The City Attorney then displayed a PowerPoint, which had been added to the record. The PowerPoint summarized the staff report for Resolution No. 3028 and Ordinance No. 874.

The Mayor requested a motion on Resolution No. 3028.

15. Resolution No. 3028

A Resolution Of The City Of Wilsonville Approving The City Of Wilsonville Flag Policy.

Motion: Moved to approve Resolution No. 3028.

Motion made by Council President Akervall, Seconded by Councilor Dunwell.

Voting Yea:

Mayor Fitzgerald, Council President 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 Ordinance No. 874 into the record.

The Mayor read the public hearing script for Ordinance No. 874 and called to order the public hearing at 7:40 p.m.

The City Attorney then redisplayed the previous PowerPoint, which had been added to the record. The PowerPoint again summarized the staff report for Resolution No. 3028 and Ordinance No. 874.

Council clarifying questions followed the presentation.

The Mayor invited public testimony, seeing none the Mayor closed the public hearing on Ordinance No. 874 at 7:47 p.m.

The Mayor recessed the meeting for a short break at 7:48 p.m. as the Zoom audio had ended. The Mayor resumed the City Council meeting at 7:49 p.m.

The Mayor then requested a motion on Ordinance No. 874.

16. Ordinance No. 874 - 1st Reading (Legislative Hearing)

An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Section 6.150, "Special Use Of Streets And Sidewalks And Large Special Events Signs And Street Banners."

Motion: Moved to adopt Ordinance No. 874 on first reading.

Motion made by Council President Akervall, Seconded by Councilor Berry.

Council comments followed.

Voting Yea:

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

Vote: Motion carried 5-0.

The City Attorney read the title of Ordinance Nos. 872 and 873 into the record on first reading.

The Mayor provided the public hearing format and opened the public hearing at 7:53 p.m.

Councilor Berry and the Mayor shared they had driven by the site. The Mayor explained that driving past the site does not qualify as ex parte communication.

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 then asked clarifying questions.

Staff explained the Form Based Code is used in the Coffee Creek Industrial Area. Therefore, the applicant can request to take the annexation and zone map amendment to Council prior to the Development Review Board (DRB). This process is not done in any other part of the City.

Councilor Linville wondered whether the Form Based Code would become prescriptive. Meaning the DRB would not review/approve the recommendation prior to Council's review.

The City Manager recalled the Form Based Code was created to expedite the process. Moreover, the applicant understands the risk of going through the process ahead of DRB approval. However, there is no risk to the City in the process.

Staff added the DRB does not approve the annexation and zone map amendment; they make recommendation for Council's approval.

The Mayor shared her understanding was the Form Based Code made Wilsonville more attractive for industrial development.

Councilor Linville recalled this was the third development utilizing the Form Based Code. Furthermore, in each case there had been requests for exceptions and variances on the Form Based Code. She further recalled that at some point Council was going to review the process.

The City Manager acknowledged that tweaks would need to be made to the process overtime.

Cindy Luxhoj, Associate Planner shared in the future a summary, and evaluation would be brought back to Council to reevaluate the Form Based Code.

The City Manager said he would talk to the Community Development Director to get the reevaluation on the Council calendar.

The Mayor asked if the City Attorney had any comments.

The City Attorney stated there was no legal comment.

Planner Lee Leighton, of the McKenzie Firm spoke to Council as the applicant's representative. He introduced himself and Igor Nichiporchik of Delta Logistics, Inc. Planner Leighton agreed with everything mentioned by staff about the structure for Coffee Creek. He too agreed that the City of Wilsonville's Form Based Code made the City very attractive for development.

Planner Leighton stated the annexation and the zone change is essentially the application of the City's own policy that it was established some years ago and the approval criteria.

He agreed with the City Manager that there was no risk to the City in the Council taking action prior to the DRB.

The Mayor invited public testimony, seeing none the Mayor closed the public hearing on Ordinance Nos. 872 and 873 at 8:13 p.m.

Councilor Linville shared from her perspective she does not see any reason not to approve either of the ordinances. She feels it is appropriate under the current policy for Council to move these items forward then let DRB deal with issues of approval of any exceptions and waivers.

Councilor Dunwell commented that the continued development to the Coffee Creek Industrial is important to Wilsonville, and supports moving forward.

The Mayor requested a motion on Ordinance No. 872.

17. Ordinance No. 872 - 1st Reading (Quasi-Judicial Hearing)

An Ordinance of the City of Wilsonville Annexing Approximately 9.17 Acres of Property Located at 9710 SW Day Road for Development of a Warehouse/Manufacturing Building and Associated Site Improvements.

Motion: Moved to adopt Ordinance No. 872 on first reading.

Motion made by Councilor Linville, Seconded by Councilor Dunwell.

Voting Yea:

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

Vote: Motion carried 5-0.

The Mayor requested a motion on Ordinance No. 873.

18. Ordinance No. 873 - 1st 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-10) Zone to the Planned Development Industrial – Regionally Significant Industrial Area (PDI-RSIA) Zone on Approximately 9.17 Acres Located at 9710 SW Day Road for Development of a Warehouse/Manufacturing Building and Associated Site Improvements.

Motion: Moved to adopt Ordinance No. 873 on first reading.

Motion made by Councilor Linville, Seconded by Councilor Berry.

Voting Yea:

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

Vote: Motion carried 5-0.

CITY MANAGER’S BUSINESS

The City Manager officially welcomed the two new elected officials.

The City Manager then reminded Councilors they were scheduled to appear before the Civics Academy on January 12, 2023.

Lastly, the City Manager thanked Councilor Dunwell for her comments on the Parks and Recreation Department. He too echoed those comments. Moreover, the City Manager ensured the comments would be shared with Parks and Recreation Director Kris Ammerman.

LEGAL BUSINESS

The City Attorney explained the community survey on the prohibited camping project would be live the following week on Let's Talk Wilsonville! The survey would run until February 5, 2023. Staff planned to utilize social media to inform the community of the opportunity to provide feedback.

The City Attorney shared staff was also working on stakeholder interviews.

In closing, the City Attorney thanked the Diversity, Equity and Inclusion for their advice and suggestions on outreach.

ADJOURN

The Mayor adjourned the meeting at 8:20 p.m.

Respectfully submitted,

Kimberly Veliz, City Recorder

ATTEST:

Julie Fitzgerald, Mayor