



CITY COUNCIL MINUTES

November 06, 2023 at 7:00 PM

Wilsonville City Hall & Remote Video Conferencing

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, November 6, 2023. The Mayor called the meeting to order at 7:12 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
Delora Kerber, Public Works Director
Dustin Schull, Parks Supervisor
Erika Valentine, Arts & Culture Program Coordinator
Jeanna Troha, Assistant City Manager
Kerry Rappold, Natural Resources Manager
Kimberly Veliz, City Recorder
Kris Ammerman, Parks and Recreation Director
Mark Ottenad, Public/Government Affairs Director
Mike Nacrelli, Civil Engineer
Stephanie Davidson, Assistant City Attorney
Zach Weigel, City Engineer
Zack Morse, Parks Maintenance Specialist
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 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 reported on a number of items that occurred since Council last met.

Emergency Preparedness Fair

- Saturday, October 4, 2023 the City hosted the second annual Emergency Preparedness Fair, with assistance from Tualatin Valley Fire and Rescue and other agencies.
- The well-attended event provided awareness and tools for community members to get ready for an emergency.
- The program was part of the "Wilsonville Ready" campaign, a year-round public-education effort to help individuals and families become better equipped to prepare for the immediate aftermath of an emergency, when access to critical supplies like power, water, food, medical aid, internet, and transportation may be restricted.

WES Commuter Rail Extension Meeting

- Senator Aaron Woods of Wilsonville and Representative Kevin Mannix of Keizer intended to introduce a bill in the 2024 legislative session to study extending WES from Wilsonville to Salem.
- The WES commuter rail extension was a potential tool to reduce traffic congestion on I-5.

Biotech Summit 2023 at Twist Bioscience

- The Mayor had the opportunity to attend and present a welcome speech at the Oregon Biotech Summit held in Wilsonville at Twist Bioscience.
- Twist Bioscience extolled the virtues of the City, spoke about the housing opportunities, and appreciated the Wilsonville Investment Now (WIN) tool to attract high tech and high wage jobs to the City of Wilsonville.
- Twist Bioscience s on the original Tektronix site.
- 50 years later Twist Bioscience had created over 250 new, well-paid jobs in manufacturing, research, and development.
- Part of the Summit there was an event similar to Shark Tank, where young PhD students presented exciting and almost impossible to understand ideas and those that have the best ideas won scholarships.

Kitakata Sister-City Students Visit

- The Mayor announced this year was the 35th anniversary of the Sister City relationship between Kitakata, Japan and Wilsonville.
- It was shared that a group from Japan composed of 13 students, ages 12 to 15, and adult chaperones visited Wilsonville the prior week.
- The Mayor hosted one of the chaperones, the head of the Aizu-Kitakata International Association.
- The group participated in a number of activities in Wilsonville and beyond.
- It was noted that the Kitakata Sister City Advisory Board had begun strategic planning efforts for a potential trip for business people of Kitakata to visit Wilsonville.
- The Mayor explained that Kitakata was famous for their lacquerware and showed the audience the sculpture animals presented to the City of Wilsonville, which represented good health.
- The Mayor and group visited Consul Shigehisa whom presented on the relationship between Oregon and Japan.
- The Mayor broadcasted that the West Linn–Wilsonville schools had the longest running Japanese language program in Oregon.
- The Mayor thanked the Kitakata Sister City Advisory Board and Parks & Recreation staff whom led the program.
- The Mayor announced that Council planned to visit Kitakata in 2024 as part of the 35th anniversary Sister City celebration.

In terms of upcoming events, the Mayor announced the following.

Planning Commission Community Conversation

- On Wednesday, November 8, 2023, the Planning Commission was to host a community conversation on the topic of “Housing Our Future: Community Conversation on Cost Burden.”
- The Planning Commission’s mission was to interact with the community and receive feedback on barriers to affordable housing and ideas for actions Wilsonville can consider reducing barriers.
- The City had modified the Wilsonville Code to allow Accessory Dwelling Units (ADUs) as well as other denser middle housing options.
- The City was now planning an affordable, transit-oriented housing complex at the Wilsonville Transit Center.

Veterans’ Day

- The Mayor announced that the Korean War Veterans Association Oregon Trail Chapter, in partnership with Wilsonville Parks & Recreation, was sponsoring a Veterans Day Remembrance Ceremony on Saturday, November 11, 2023 at Town Center Park, Oregon Korean War Memorial.
- Commander Larry Edwards of American Legion Post 65 in Wilsonville, a 90-year-old Korean War veteran, would be there to say a few words.
- In addition to placements of wreaths of honor, presentation of colors and playing of Taps, a flyover by the West Coast Ravens was planned.
- It was noted that City facilities would be closed on Friday, November 10, 2023 in observation of Veterans Day. However, SMART buses would continue to operate.

ODOT I-5 Boone Bridge Open House

- On Thursday, November 16, 2023, the Oregon Department of Transportation (ODOT) Open House event was scheduled to take place at City Hall on the I-5 Boone Bridge project.
- The Mayor reminded that improving traffic flow on the I-5 Boone Bridge was one of the City's top priorities for which is under the control of ODOT. Moreover, it is a concern voiced that is top-of-mind to residents.
- In addition, ODOT was seeking community input on the preferred bike/pedestrian crossing over the Willamette River.

Rite Aid Distribution Center Closure

- The City was notified that Rite Aid would close the Wilsonville Distribution Center, costing 136 full-time jobs.
- The Economic Development Manager took proactive action upon hearing about the closure.
- The announcement came immediately after Rite Aid filed for Chapter 11 bankruptcy protection due to declining sales and lawsuits over opioid distribution.
- When the City was notified, staff immediately escalated the matter to Clackamas Community College workforce services, which was responsible for "rapid response" services to employees subject to layoff.
- The Mayor reported that both the Community College and Rite Aid put many supports in place for laid-off employees.
- Rite Aid, formerly known as Thrifty Payless Drugs, was one of Wilsonville's oldest corporate entities, having built a 500,000-square-foot warehouse here 42 years ago.
- The Rite Aid Distribution Center was known in the community for its large annual plant sale with proceeds benefiting Doernbecher Children's Hospital.

School Bond Measure

- The Mayor reminded November 7, 2023 was Election Day, and encouraged voters to support Measure 3-604 that renews a local-option levy for the West Linn-Wilsonville School District.
- The five-year levy, would replace the expiring one, and sought only to maintain that tax rate. It does not increase the current rate.
- The Mayor recalled the City of Wilsonville had a long tradition of collaborating with Wilsonville schools. Moreover, Council had heard one of the reason people live, and businesses reside in Wilsonville is because of the schools.

National American Indian Heritage Month

- The Mayor read into the record a proclamation proclaiming November 2023 as the National American Indian Heritage month in Wilsonville, and urged citizens to observe the month with appropriate programs, ceremonies, and activities.

City Council Meeting

- Due to the proximity of the Thanksgiving holiday the November 20, 2023 City Council meeting was cancelled.
- The next City Council meeting was scheduled for Monday, December 4, 2023.

COMMUNICATIONS

5. Metro Coffee Creek Wetland Project

Metro Parks & Nature Department staff which included Jonathan Blasher, Director; Andrea Berkley, Senior Scientist; AJ Jones, Engineer; and Jonathan Soll, Senior Science Manager presented on the Metro Coffee Creek Wetland Project. During the presentation, Metro staff shared details of the restoration project which was scheduled to get begin summer of 2024. The multi-year project would reshape Coffee Creek. Furthermore, extensive native seeding and planting would be done to improve habitat quality for a range of species and improve the watershed.

Following the presentation Council asked questions of the presenters.

Council was interested in a future tour guided by Metro staff of the Coffee Creek Wetland area.

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.

John Vandenberg of Sherwood, reviewed Resolution No. 3092 related to the Century West Engineering road consultation project and found no mention of climate change or related issues like alternative pavements or tree canopy. The speaker shared the City Attorney provided a helpful email response mentioning the City's climate inventory and gap analysis.

The speaker then wondered whether the City could expedite its consideration of analysis related to climate change and increase consideration of climate change issues in all aspects of decision-making.

The Mayor recalled Council had unanimously voted to continue the gap analysis in their goals. Moreover, Council had discussed stormwater management and planning for new housing areas while managing stormwater, keeping tree canopy and shade, and providing affordable housing. It was mentioned that the City faced challenges in balancing all those factors in a specific geographic area. The Mayor also recalled Council was working on Frog Pond, which would include more unpaved areas and alleys. Therefore, the City continues to work on these issues. However, outside funding may be necessary to take these efforts to a greater level.

Nofal Kasrawi of Wilsonville submitted a petition signed by 124 Wilsonville residents, which had been added to the record. The petition requested the City to repair and upgrade pedestrian path/sidewalk along French Prairie Road in Charbonneau.

The City Manager reported that the week prior he spoke with the Public Works Director and authorized some emergency repairs in this area. The City Manager recognized a long-term solution would be expensive. The City Manager further explained staff was discussing options including reducing travel lane

to one side for traffic. It was explained that a complicating factor for full repair was it would be necessary to remove tree roots. An Arborist had informed the staff the removal of the roots would most likely damage the trees.

After the New Year, staff would return with a report for Council and Charbonneau residents regarding potential plans and budget considerations.

COUNCILOR COMMENTS, LIAISON REPORTS AND MEETING ANNOUNCEMENTS

6. Council President Akervall

Councilor Akervall provided details of the below events:

- Kitakata Sister-City student delegation visit
- Lowrie Primary School presentation to second graders on November 8, 2023
- Wilsonville High School Performing Arts Center ribbon cutting on November 13, 2023
- Mentors sought by the West Linn-Wilsonville School District for Career and Technical Education (CTE) students

7. Councilor Linville

Councilor Linville provided details of the below events:

- Shred Day conducted on October 28, 2023
- Opioid Settlement Prevention, Treatment and Recovery Board meeting on November 1, 2023
- Oregon Department of Aviation work session on November 2, 2023
- Kitakata Sister-City student delegation farewell dinner on November 4, 2023
- Boone Bridge open house on November 16, 2023
- Fentanyl Settlement Monies discussion on November 8, 2023
- Clackamas County Commissioners Tolling Forum on November 9, 2023
- Clackamas County Business Alliance presentation on Fentanyl crisis on November 14, 2023
- Holiday Tree Lighting on November 30, 2023

8. Councilor Berry

Councilor Berry provided details of the below events:

- Clackamas County Coordinating Committee Subcommittee meeting on October 18, 2023; November 15, 2023; and December 13, 2023
- Clackamas Cities Association dinner on October 26, 2023
- Kitakata Sister-City student delegation welcome breakfast on October 24, 2023 and farewell dinner on November 4, 2023
- Clackamas County Coordinating Committee on November 6, 2023
- Housing Our Future: Community Conversation on Cost Burden on November 8, 2023
- Tourism Promotion Committee meeting on November 9, 2023
- Wilsonville High School Performing Arts Center ribbon cutting on November 13, 2023
- Oregon Department of Transportation open house on November 16, 2023
- City's Parks & Recreation Department Toy Drive until December 8, 2023

9. Councilor Dunwell

Councilor Dunwell provided details of the below events:

- Willamette Valley Commuter Rail Convening on October 25, 2023
- Palindrome open house on October 18, 2023
- American Indian Heritage Month annually in November

CONSENT AGENDA

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

10. **Resolution No. 3088**

A Resolution Of The City Of Wilsonville Approving A Construction Contract With Romtec, Inc. For The Boones Ferry Restroom Construction Project.

11. **Resolution No. 3089**

A Resolution Of The City Of Wilsonville Approving A Construction Contract With Buell Recreation LLC For The Boones Ferry Playground Project.

12. **Resolution No. 3090**

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Master Services Agreement With OpenGov, Inc. For Asset Management Software Services.

13. **Resolution No. 3092**

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Professional Services Agreement With Century West Engineering For Engineering Consulting Services For The 2024 Street Maintenance Project (Capital Improvement Project No. 4014, 4118, 4725).

14. **Resolution No. 3093**

A Resolution Of The City Of Wilsonville Accepting The Jurisdictional Surrender For A Portion Of SW Stafford Road And SW Frog Pond Lane By Clackamas County Pursuant To Oregon Revised Statute 373.270.

15. Minutes of the October 16, 2023 City Council Meeting.

Motion: Moved to approve the Consent Agenda as read.

Motion made by Councilor Dunwell, Seconded by Councilor Linville.

Voting Yea:

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

Vote: Motion carried 5-0.

NEW BUSINESS

16. Resolution No. 3081

A Resolution Of The City Of Wilsonville Approving The City Of Wilsonville Public Art Policy And Guidelines.

The City Attorney read the title of Resolution No. 3081 into the record.

Erika Valentine, Arts & Culture Program Coordinator provided the staff report and PowerPoint, which had been made a part of the record.

Council asked clarifying question and provided comments.

Motion: Moved to adopt Resolution No 3081.

Motion made by Councilor Berry, Seconded by Councilor Akervall.

Council discussion ensued.

Voting Yea:

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

Vote: Motion carried 5-0.

17. Resolution No. 3083

A Resolution Of The City Of Wilsonville Adopting The Arts, Culture, And Heritage Commission (ACHC) FY 2023/24 Five-Year Action Plan And Annual One-Year Implementation Plan.

The City Attorney read the title of Resolution No. 3083 into the record.

Erika Valentine, Arts & Culture Program Coordinator provided the staff report and PowerPoint, which had been made a part of the record.

Motion: Moved to adopt Resolution No 3083.

Motion made by Councilor Linville, Seconded by Councilor Berry.

Council comments followed the motion.

Voting Yea:

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

Vote: Motion carried 5-0.

18. Resolution No. 3091

A Resolution Of The City Of Wilsonville Adopting The Findings And Recommendations Of The "Solid Waste Collection Rate Report, October 2023" And Modifying The Current Republic Services Rate Schedule For Collection And Disposal Of Solid Waste, Recyclables, Organic Materials And Other Materials, Effective January 1, 2024.

The City Attorney read the title of Resolution No. 3091 into the record.

Mark Ottenad, Public/Government Affairs Director, and consultant Chris Bell of Chris Bell Associates provided the staff report and PowerPoint, which had been made a part of the record.

It was brought to staff's attention that there was a scrivener error regarding the cart size. Staff informed that all references to 60-gallon bins/roll carts should be corrected to read 65 gallon.

Council asked numerous clarifying questions regarding the rate increases.

Council President Akervall expressed discomfort with Resolution No. 3091, as it did not explicitly mention an extraordinary rate increase. The Council President desired for more explicit and clearer expectations be added.

Staff explained they received the rate review report on the day it was due and encountered problems with the franchisee's financial data. It was further detailed that staff had scheduled a draft presentation for October 2023. However, could not proceed due to a lack of information. Therefore, the rate sheet was updated at the last minute, causing the final report to be rushed.

The City Attorney shared Republic Services representatives were present. However, public comments may not be allowed unless the presiding officer decides to open up the discussion.

The consultant described the ordinance would have required rate adjustments in the past two years based on the CPI, but there have been no adjustments for five years. Meanwhile, Metro disposal rates had increased by 43%. Clackamas County raises rates annually, but rates for Republic Services have remained the same, with only a \$2.39 increase for a 35-gallon cart in five years. Republic Services has managed costs well, but factors beyond their control, such as disposal and recycling costs and the labor market, are driving the proposed rate increase.

The City Attorney added as part of Ordinance No. 883 there was an update to better align rate review process with the County. Furthermore, the current franchise agreement with Republic Services had not led to rate increases despite potential pressures like COVID. The revamp of the agreement and administrative rules aims to align with regulations and improve efficiency after four years of operation. Issues in the current process have been identified.

Councilor Dunwell agreed with the comments of the Council President. The Councilor too expressed discomfort about the lack of answers to questions and the feeling of being backed into a corner due to running out of time. The Councilor emphasized the importance of doing everything possible to address concerns, including increasing reporting from the company. Concerns about the change from a fiscal year to a calendar year and its potential impact were also mentioned.

Council was informed the City and Republic Services had essentially been operating under a calendar year. Therefore, these changes were in line with what had currently been done. Staff did not expect any negative impact moving forward.

Councilor Dunwell believed that while people expect rate increases, the current circumstances surrounding them were uncomfortable as Councils had many questions.

Councilor Linville commented on concerns regarding transparency in the reported numbers. The Councilor also acknowledged Republic Services' past contributions and expresses no issue with them, but reiterated the issue was with the lack of clarity in the numbers and the reason for the increase.

Council President Akervall recognized that transparency was important to Council members when making decisions that affect the community's cost. As lack of transparency can erode public trust, regardless of the dollar amount involved. Therefore, Council takes the matter seriously, as they want to establish a good foundation and maintain public trust among community members.

The Public/Government Affairs Director recapped the necessary changes to the resolution.

The City Manager suggested given the nature of Council's questions and concerns that Resolution No. 3091 be tabled until Council receives additional information.

The Mayor then requested a motion to table Resolution No. 3091.

Motion: Moved to table this Resolution until the first meeting in December (2023).

Motion made by Councilor Berry, Seconded by Councilor Dunwell.

Councilor Berry reiterated that tabling Resolution No. 3091 would provide staff an opportunity clarify the item before Council for a vote, which builds trust with constituents.

The Mayor shared her confidence in staff to provide a clear, concise, new set of documents for the next meeting.

Voting Yea:

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

Vote: Motion carried 5-0.

CONTINUING BUSINESS

There was none.

PUBLIC HEARING

19. Ordinance No. 883 (*Non-Land Use Legislative Hearing*)

An Ordinance Of The City Of Wilsonville Adopting A Franchise Agreement For Solid Waste Management And Collection Within The City And Repealing Ordinance No. 814.

The City Attorney read the title of Ordinance No. 883 into the record on first reading.

The Mayor provided the public hearing format and opened the public hearing at 9:44 p.m.

Amanda Guile-Hinman, City Attorney and Stephanie Davidon, Assistant City Attorney provided the staff report and PowerPoint, which had been made a part of the record.

It was noted that there was a scrivener's error on page 18 of 31 of the Article IX, *Franchise Responsibility*, section 2.D. was blank.

Council asked clarifying questions of staff.

Due to the time, there was a pause in discussion for Council to make a motion whether to meet past 10:00 p.m.

Motion: Moved to extend the meeting until 10:30 p.m. or earlier.

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.

City Attorney reminded Council they would need to hold both readings of Ordinance No. 883 at this meeting to make it effective by January 1, 2024. Furthermore, the first reading required a unanimous vote from all Council members. If successful, the Council would move immediately into the second reading. If unsuccessful, a later meeting would be scheduled, and the implementation date would be extended.

An additional scrivener's error was mentioned, Article VIII, *Establishment and Modification of Service Rates*, item 2.D. states Section 5 however, should read Section 3.

Staff clarified for the public a scrivener's error is essentially something like a typo that staff have the authority to correct as it was allowed per the Wilsonville Code.

The Mayor invited public testimony, seeing none the Mayor closed the public hearing on Ordinance No. 883 at 10:03 p.m.

The Mayor then requested a motion on Ordinance No. 883 on first reading.

Motion: Moved to adopt Ordinance No. 883 on first reading.

Motion made by Councilor Linville, Seconded by Councilor Berry.

Voting Yea:

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

Vote: Motion carried 5-0.

The City Attorney read the title of Ordinance No. 883 into the record on second reading.

The Mayor read the second hearing script, and then requested a motion on Ordinance No. 883 on second reading.

Motion: Moved to adopt Ordinance No. 883 on second reading.

Motion made by Councilor Linville, Seconded by Councilor Akervall.

Voting Yea:

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

Vote: Motion carried 5-0.

CITY MANAGER'S BUSINESS

The City Manager announced staff was developing a training for Council and staff members who will be attending the Kitakata, Japan trip. The training was to include a review of logistics, protocols, cultural issues, events, and expectations. The City Attorney would be involved in the training process.

Further details regarding the training would be forthcoming. Tentatively, the plan was to hold the training during the first or second week of January 2024.

Council was encouraged to contact the City Manager and/or City Attorney with any questions or suggestions about the trip, which would be relayed to the Mayor.

LEGAL BUSINESS

The City Attorney whom is a running coach at Coffee Creek Correctional Facility shared feedback from a recent 5k run completed by 38 adults in custody. The program-helped participants develop life skills and boost their ambition and determination. The City Attorney emphasized the importance of recognition of the facility and its occupants as part of the community.

ADJOURN

The Mayor adjourned the meeting at 10:10 p.m.

Respectfully submitted,

Kimberly Veliz, City Recorder

ATTEST:

Julie Fitzgerald, Mayor

DRAFT