

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Monday, April 19, 2021 Mayor Fitzgerald called the meeting to order at 7:14 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Fitzgerald
Council President Akervall
Councilor Lehan - Excused
Councilor West
Councilor Linville

Staff present included:

Bryan Cosgrove, City Manager
Barbara Jacobson, City Attorney
Kimberly Veliz, City Recorder
Dominique Huffman, Civil Engineer
Dan Carlson, Building Official
Dan Pauly, Planning Manager
Rob Wurpes, Chief of Police
Beth Wolf, Systems Analyst
Andy Stone, IT Director
Kerry Rappold, Natural Resources Manager
Nancy Kraushaar, PE, Civil Engineer
Zoe Monahan, Assistant to the City Manager

Motion to approve the order of the agenda.

Motion: Councilor Akervall moved to approve the order of the agenda. Councilor Linville seconded the motion.

Vote: Motion carried 4-0.

SUMMARY OF VOTES

Mayor Fitzgerald	Yes
Council President Akervall	Yes
Councilor Lehan	Excused
Councilor West	Yes
Councilor Linville	Yes

MAYOR'S BUSINESS

A. Upcoming Meetings

Upcoming meetings were announced by the Mayor as well as the regional meetings she attended on behalf of the City.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

The Mayor recognized the recent passing of Jami Arbon. The Mayor appreciated Ms. Arbon for her participation in the Wilsonville Citizen Academy and her membership to the Development Review Board (DRB).

B. Earth Day Proclamation

Kerry Rappold, Natural Resources Manager provided the PowerPoint. Next, the Mayor read a proclamation declaring the 22nd day of April as Earth Day in Wilsonville.

C. Bike Month Proclamation

The City Manager read the proclamation declaring the month of May as Bike Month in the City of Wilsonville.

D. Building Safety Month Proclamation

Dan Carlson, Building Official provided a brief overview of upcoming Building Safety Month activities. The Mayor then read a proclamation declaring the month of May as Building Safety Month in Wilsonville.

COMMUNICATIONS

A. Clackamas County Sheriff's Public Safety Levy

Prior to the displaying the PowerPoint Chief Wurpes explained, there has been a notable increase in calls for March 2021 compared to March 2020. He believed the reason being March 2020 is when the lockdown for COVID-19 occurred. As of January 2021, Police calls have returned to that of pre-COVID times. It was reported behavioral health calls increased, which is believed to be caused by the COVID-19 pandemic.

The Chief acknowledged the amount of parking complaints and citations had increased as well. He explained the Traffic Concern Team along with the new Code Enforcement Officer is working on a plan to address those issues.

Chief Wurpes then introduced Undersheriff Michael Copenhaver and Chief Deputy Jesse Ashby.

Council heard an informational presentation on Measure 3-566 Public Safety Level, which is to be voted on during the May 18, 2021 election. A disclaimer was given that the slides contain information on what would happen if the proposed measure were passed and what would happen if the proposed measure were not passed.

The PowerPoint has been made a part of the record.

Council questions and comments followed the presentation.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

B. Metro Update

Metro Council President Lynn Peterson presented a summary of Metro's priorities to support Portland-metro area residents. Councilor Peterson announced Metro's Parks and Nature bond measure was successful and would be used to purchase land, restore fish and wildlife habitat and complete trails through Metro's parks and nature system.

The PowerPoint has been made a part of the record.

CITIZEN INPUT & 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 citizens input before tonight's meeting ends or as quickly as possible thereafter. Please limit your comments to three minutes.

David Carlson, Wilsonville resident, described his recent experience with DRB. Mr. Carlson explained that he along with his neighbors and friends decided to pool their minutes together in order to share their public comments to DRB. Unfortunately, testimony on the hearing (Canyon Creek) did not start until past 10:30 p.m. Therefore, Mr. Carlson and his group ran into an issue with the ceding of minutes causing comments to be shortened. Mr. Carlson then asked process questions regarding providing testimony.

Joan Carlson, Wilsonville resident, informed she attended the DRB meeting with Mr. Carlson. She then shared a few comments that due to time constraints she was unable to share with DRB. Ms. Carlson recalled a few Boones Ferry Messenger articles regarding trees. Ms. Carlson hoped that the City would continue to be a Tree City. Furthermore, she hoped that the City continue to protect and preserve the urban tree canopy.

Helena Lulay, Wilsonville resident, thanked and recognized the DRB members for the time they spent during the Monday, April 12, 2021 meeting which lasted until 12 30 a.m. Ms. Lulay felt the DRB members were prepared, had reviewed all materials, asked insightful questions and were engaged the whole meeting.

Chip Halstead, Wilsonville resident, also attended the DRB meeting regarding the Canyon Creek development. Mr. Halstead began by thanking the staff and volunteers who worked very hard and stayed until 12:30 a.m. to try to accommodate the presentation and citizens concern. Mr. Halstead stated not all citizens had the opportunity to share their questions and present their concerns to DRB. He then asked if there might be an adjusted format for the next DRB meeting so all citizens would be able to participate and in a much earlier time frame.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Ms. Jacobson responded to the concerns regarding the public testimony process. Ms. Jacobson shared ceding minutes or aggregating minutes is at the discretionary of the mayor/chair. There is nothing stated in the City Council Protocol Manual, City Charter, or any statute which allows that people are given an opportunity to speak. Ms. Jacobson further explained if there are many speakers, sometimes it becomes necessary to reduce the three-minute period. The idea behind aggregating the minutes is not so much to give somebody a longer period to speak but rather to avoid repetitive testimony.

Ms. Jacobson explained under the law people must be present to identify themselves if they wish to testify or give their time to another person otherwise, they do not have standing for an appeal. Furthermore, in terms of fairness, there is no other way of knowing whether somebody has given their time for someone else to speak on their behalf if they are not there.

Ms. Jacobson informed that it is up to the chair to decide whether to allow testimony where somebody speaks for several people. However, if allowed it does not necessarily permit three minutes per person. It is dependent on available time.

Ms. Jacobson recalled the recent DRB meeting was long with members there until 12:30 a.m. The meeting included a lengthy staff presentation at the beginning and a number of people did cede their time to specific speakers but did not stay for the meeting. By the time the meeting was closed, everybody present whom asked to speak was given the opportunity.

Ms. Jacobson added that written testimony could be submitted to the board prior to the closing of the hearing.

She explained written testimony is considered part of the record. Ms. Jacobson recommended those wanting to ensure everything they wanted said is heard to submit it in writing as much in advance as possible. This allows the board time to read and digest the materials. She informed those submitting written testimony can still come to the meeting and provide verbal testimony however; they should remind the board they previously provided written testimony and then give a short summary of it.

Ms. Jacobson stated land use decisions have tight time frames. An extension was required to continue the DRB meeting so that the members could deliberate. Another extension would not be allowed as the City is past the time allowed under statute. However, the applicant agreed to extend the time until June 30, 2021.

Council was told the Canyon Creek public hearing record was left open because the DRB members did not have a chance to ask all of their questions of the developer and/or the citizens that presented testimony. The next DRB meeting on the Canyon Creek issue would be May 10, 2021. Staff reminded at the next DRB meeting no person should count on the ability to speak beyond their allotted time because additional time may not be granted.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

The audience was informed that the Canyon Creek item would eventually be in front of Council, which would provide for another opportunity for people to provide testimony.

Staff also explained they were unsure whether it would be possible to move the DRB meeting up, as members are volunteers and may have work prior to the meeting. In addition, planning staff may have already advertised the date and time of this item.

Council was reminded they were supposed to hear the zone change and comprehensive plan amendment for Canyon Creek that evening. However, staff was requesting a continuance for the public hearing since the item was continued at DRB. Council would discuss this requested continuance later in the meeting.

It was reminded depending on what happens at the next DRB meeting and whether there is, an appeal of decision filed time frames for this item could change.

Council was told if the City does not hold the meetings that are necessary to hold by the deadline then the application is deemed approved.

COUNCILOR COMMENTS

A. Council President Akervall

Councilor Akervall shared the following:

- Listened in on the Washington County Coordinating Committee (WCCC) meeting on Monday, April 12, 2021.
- Listened to the League of Oregon Cities (LOC) President's Regional Roundtables on Tuesday, April 13, 2021.
- Informed Portland General Electric (PGE) offers a bill payment assistance program.
- Plans to attend the Willamette Intake Facilities (WIF) Commission on Monday, April 26, 2021.
- Mentioned April 30, 2021 is El Día del Niño (Day of the Child) which is a day to honor children and promote literacy.

B. Councilor Lehan - Excused

C. Councilor West

Councilor West announced the Wilsonville Wildcats football team ended their season undefeated. He then informed track, softball, baseball, and lacrosse seasons have now begun.

Mr. West shared he has been supporting and testifying on House Bill (HB) 3322. Mr. West believes HB 3322 would affect the City of Wilsonville as it allows for the production of food in planned communities by lot owners and their tenants.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

Mr. West reminded Parks and Recreation Department is hosting virtual events on backyard composting and backyard chickens.

D. Councilor Linville

Councilor Linville reminded the Spring Fling activities are happening until the end of April. Ms. Linville shared she participated in the Trillium Drive-Thru event.

Ms. Linville announced she attended the following:

- LOC Statewide Conference Call for City Leaders on April 9, 2021.
- LOC President's Regional Roundtables on Tuesday, April 13, 2021.
- Clackamas County Coordinating Committee (C4) Metro Subcommittee on Wednesday, April 14, 2021.
- LOC Women’s Caucus meeting on April 19, 2021.

Ms. Linville informed on Thursday, April 22, 2021 she along with Wilsonville Chamber of Commerce CEO Kevin Ferrasci O'Malley would be presenting to Wilsonville Rotary. The presentation is about the partnership between the City of Wilsonville and Chamber of Commerce to support business that had been negatively impacted by COVID-19. Moreover, Ms. Linville revealed she would also share with the Rotary information on the City’s development of the Diversity, Equity and Inclusion (DEI) Committee.

CONSENT AGENDA

Ms. Jacobson read the titles of the Consent Agenda items into the record.

A. **Resolution No. 2891**

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Extend The Professional Services Agreement With JayRay Ads & PR, Inc., For ‘Explore Wilsonville’ Tourism Promotion And Development And Destination Marketing Program.

B. Minutes of the April 5, 2021 City Council Meeting.

Motion: Councilor Linville moved to approve the Consent Agenda as read. Councilor West seconded the motion.

Vote: Motion carried 4-0.

SUMMARY OF VOTES

Mayor Fitzgerald	Yes
Council President Akervall	Yes
Councilor Lehan	Excused
Councilor West	Yes
Councilor Linville	Yes

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

NEW BUSINESS

A. **Resolution No. 2890**

A Resolution Of The City Of Wilsonville Authorizing Staff To Proceed With The Recommended Design For The Boeckman Dip Project.

Ms. Jacobson read the title of Resolution No. 2890 into the record.

Dominique Huffman, Civil Engineer; Nancy Kraushaar, PE, Civil Engineer; Scott Mansur of DKS provided the staff report and presentation.

The PowerPoint has been made a part of the record.

Motion: Councilor West moved to approve Resolution No. 2890. Councilor Akervall seconded the motion.

Council discussion ensued.

Vote: Motion carried 4-0.

SUMMARY OF VOTES

Mayor Fitzgerald	Yes
Council President Akervall	Yes
Councilor Lehan	Excused
Councilor West	Yes
Councilor Linville	Yes

CONTINUING BUSINESS

A. None.

PUBLIC HEARING

A. **Ordinance Nos. 847 & 848**

To A Date Certain For Comprehensive Plan Amendment And Zone Map Amendment For Canyon Creek Subdivision.

For the record Ms. Jacobson, stated staff requested a continuance to a date certain of the comprehensive plan amendment and zone map amendment for Canyon Creek subdivision. A special meeting has been suggested for May 27, 2021 for the first reading and the second reading to be on June 7, 2021. Alternatively, Council could have the first reading at the regular meeting on June 7, 2021 and the second reading at the next regular meeting, June 21, 2021. Ms. Jacobson reminded this is all dependent on whether there is an appeal.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

Motion: Councilor Linville moved to continue Ordinance No. 847 and Ordinance No. 848 to a date certain for first reading as a special meeting on May 27, 2021 and June 7, 2021 for a second reading. Councilor Akervall seconded the motion.

Discussion on Council’s availability for the proposed special meeting on May 27, 2021 ensued.

Amended Motion: Councilor Linville amended the motion to change the date from May 27, 2021 for the first reading to May 26, 2021 for the first reading and June 7, 2021 as the second reading. Councilor Akervall seconded the motion.

Vote: Motion carried 4-0.

SUMMARY OF VOTES

Mayor Fitzgerald	Yes
Council President Akervall	Yes
Councilor Lehan	Excused
Councilor West	Yes
Councilor Linville	Yes

Vote: Amended motion carried 4-0.

SUMMARY OF VOTES

Mayor Fitzgerald	Yes
Council President Akervall	Yes
Councilor Lehan	Excused
Councilor West	Yes
Councilor Linville	Yes

Councilor West announced he had received a phone call from a neighbor of the Canyon Creek property. He then shared he did not feel compromised, influenced, nor that he would be unable to make a sound judgment.

Ms. Jacobson advised Council in the future if they receive calls to tell the requestor the item would be coming before them and that would be the appropriate time to present their comments.

Ms. Jacobson further advised Mr. West that if he felt he was not prejudiced by the conversation it was fine for him to participate. However, he would need to announce the conversation with his neighbor and the nature of the conversation.

CITY MANAGER’S BUSINESS

No Report.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

LEGAL BUSINESS

No Report.

ADJOURN

Mayor Fitzgerald adjourned the meeting at 9:44 p.m.

Respectfully submitted,

DocuSigned by:
Kimberly Veliz
E784DE10276B498...

Kimberly Veliz, City Recorder

ATTEST:

DocuSigned by:
Julie Fitzgerald
8A974AF3ADE042E...

Julie Fitzgerald, Mayor