

**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, August 2, 2021. Mayor Fitzgerald called the meeting to order at 6:58 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
- Councilor West - Excused
- Councilor Linville

Staff present included:

- Bryan Cosgrove, City Manager
- Jeanna Troha, Assistant City Manager
- Barbara Jacobson, City Attorney
- Kimberly Veliz, City Recorder
- Beth Wolf, Systems Analyst
- Zoe Mombert, Assistant to the City Manager
- Andy Stone, IT Director
- Kim Rybold, Senior Planner
- Andrea Villagrana, Human Resource Manager
- Dominique Huffman, PE, Civil Engineer
- Nancy Kraushaar, PE, Civil Engineer
- Chelsea Sabella, Law Clerk

Motion to approve the order of the agenda.

Motion: Councilor Lehan moved to approve the order of agenda with the following changes: 1) Mayor's Business would be changed from ABC to upside down, first would be Citizens Academy Graduation; second the City Manager Agreement; and third Upcoming Meetings; and 2) remove Resolution No. 2920 from the Consent Agenda and deal with it under New Business. Councilor Akervall seconded the motion.

Vote: Motion carried 4-0.

SUMMARY OF VOTES

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

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

MAYOR'S BUSINESS

A. Citizens Academy Graduation

Zoe Mombert, Assistant to the City Manager presented on the 2021 Citizens Academy program. Ms. Mombert noted there were 24 graduates of the program, which included:

Kevin Beckley	Karen Bradley	Kristin Dorey	Brian Everest
Ally Fraser	Imran Haidar	Amanda Harmon	Tre Hester
Tom Hughes	Jason Janke	Paul Lazatin	Sharon Lucas
Gwendolyn Martindale	Julie McKim	Christopher Moore	Debbie Pearson
Ray Pryor	Jeff Richmond	Linda Schellenberg	Scott Scofield
Lara Simonetti	Dick Spence	Kelsey Swift	Ben Yacob

Council and staff appreciated the Citizens Academy members on completing the academy.

Mayor Fitzgerald presented each of the participants with a street sign with their last names on the sign. A group photo of the City Council and graduates followed the presentation of the signs.

B. City Manager Employment Agreement

The audience was informed of the City Manager's recent evaluation. Council then appreciated Mr. Cosgrove for his work as Wilsonville's City Manager.

Motion: Councilor Akervall moved to approve the extension of Bryan Cosgrove's employment agreement as City Manager from June 20, 2011 to June 19, 2025, as outlined in the employment agreement. Councilor Linville seconded the motion.

Vote: Motion carried 4-0.

SUMMARY OF VOTES

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

C. Upcoming Meetings

The Mayor reported on the following events:

1. Heat Wave
 - Glad the heat wave did not get as hot as forecasted.
2. City Council meetings
 - Next meeting is Monday, August 16, 2021.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

3. 68th Anniversary of the Korean War Armistice Commemoration Ceremony
 - Held on July 24, 2021 at the Korean War Memorial in Town Center Park.
 - Sponsored by the Korean War Memorial Foundation of Oregon and Korean War Veterans Assn Oregon Trail Chapter.
 - Wilsonville honored to host Consul Junsik Kim of the Consulate General of the Republic of Korea in Seattle.
 - Heard from the Director of Oregon Department of Veterans Affairs, the President of the Korean Society of Oregon and a Korean Adoptee who has grown up in the US.
 - The Mayor and Councilor Linville placed a wreath on behalf of the Wilsonville community at the Korean War Memorial.
 - Participants in the ceremony were very interested in learning about the Korean War Memorial Interpretive Center that is to be located in the Park and Recreation building in Town Center Park.

4. Court Ruling and New State Laws Addressing Homeless Population Issues
 - Addressed an issue of community rumors regarding a court ruling and new state laws addressing homeless population issues. The Mayor described how the City responds in Wilsonville such as welfare checks and referral to social services. The Mayor shared she attended the Oregon Mayors' Conference over the weekend and heard from many other cities and participated in discussions on homelessness and how cities respond.
 - In September 2018, a panel of the Ninth Circuit decided the case of *Martin v. City of Boise*, holding that a homeless person cannot be punished for sleeping outside on public property in the absence of adequate alternatives. The Court found that doing so constitutes “cruel and unusual punishment” under the Second Amendment of the United States Constitution.
 - People experiencing unsheltered homelessness—at least in the Ninth Circuit’s jurisdiction—can sleep on public property without facing criminal punishment for doing so if no viable alternative is readily available. A viable alternative in the Boise case was determined to be available space in a shelter readily available to the homeless person.
 - In December 2019, the US Supreme Court denied a petition for review of the Ninth Circuit’s decision, meaning that *Martin v. City of Boise* stands as law and is binding authority in the Ninth Circuit, which includes Oregon.
 - Although the Ninth Circuit’s decision is not the “law of the land” for all of the US, and directly applies only to the lower federal courts of the nine Western states, including Oregon, under the Ninth Circuit Court’s jurisdiction, it is considered persuasive precedent for other circuits and other courts.
 - Thus, some other cities outside of the Ninth Circuit may be attempting to take a more aggressive stance against homeless encampments, those actions do not open the door for Oregon to follow suit and may be struck down as unconstitutional.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

- During the 2021 session of the Oregon Legislature that concluded at the end of June, lawmakers sought to address the impacts of this court case and homelessness for local governments.
- House Bill (HB) 3115 codifies into law a general direction to Oregon cities and counties concerning how they may legally respond to issues of homelessness and occupation of public property.
- The bill was passed in response to a growing number of homeless and the issues surrounding homelessness throughout Oregon. The law was also passed to help cities and counties address the Ninth Circuit Court of Appeals decision in the case of Martin vs City of Boise.
- The League of Oregon Cities (LOC) developed HB 3115 as a compromise and homeless population advocates under the leadership of the Speaker of the House.
- HB 3115 ensures that local regulations affecting the ability of a person experiencing homelessness to sit, lie, sleep, or keep warm and dry must be objectively reasonable based on the totality of the circumstances.
- The bill reads, in pertinent part “Any city or county law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness.”
- HB 3115 provides a general framework for cities to update or develop new ordinances to manage public space and gives time to support intentional community conversations to inform those ordinances.
- HB 3115 confirms cities’ obligation to manage public spaces for the benefit of the community while still protecting the safety and dignity of people experiencing homelessness.
- While the bill provides local flexibility in determining how to stay compliant with this bill and case law, it also includes an award of attorney fees if a city’s “management” is found to be “unreasonable” based on its time, place and manner restrictions.
- A companion bill by the Oregon Legislature, HB 3124, increases the time that written notice must be posted before removal of homeless individuals from established camping sites. The bill requires written notice of how individuals may claim personal property removed from a camping site, and increases recipients of unclaimed personal property from evicted camping sites, including charitable corporation.
- HB 3124 provides for local laws that are more specific or provide greater protections to homeless individuals subject to removal from established camping sites may preempt new state law.
- One might wonder how this affects the City of Wilsonville.
- Wilsonville is working actively with social-service agencies, the Sheriff’s Office and our Community Center to address issues of helping community members in need. The City recognizes that there are many reasons for homelessness and will attempt to conduct welfare checks on those who may be in need.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

- The City works with Clackamas County as the lead social-service agency and Sheriff's Office to provide assistance, as is necessary and available for a range of issues, including behavioral health, alternative living arrangements and others.
 - The City will update various Ordinances based on the recently passed legislation by the Oregon Legislature, following the direction articulated in the Boise case.
 - The City will engage community members and stakeholders in conversations as we move forward, recognizing that public safety and health is of paramount importance.
 - The City can also work closer with the County and other partners to advance a more integrated program of behavioral health and law enforcement to positively address the many issues of surrounding homelessness and alternative living arrangements.
5. Meetings with City, County, Metro and State Officials
- Attended the summer conference of the Oregon Mayors Association at Coos Bay.
 - Great networking event and opportunity for the Mayor to meet mayors from across the state and learn about their communities' issues.
 - Councilor Lehan and the Mayor attended the July meeting of the French Prairie Forum of local governments.
 - Heard reports from the various cities and counties. Including a report from the City of Woodburn regarding the planned 3.8 Million square-foot Amazon warehouse.
6. Upcoming Meetings
- Meetings with Clackamas County Commissioners Sonya Fisher and Martha Schrader to discuss City-County business.

COMMUNICATIONS

A. Student Advocacy and Voices

Mikaela Ochocki, reigning Miss Oregon Teen USA of Wilsonville, spoke to the City Council to advance her platform. Ms. Ochocki explained her platform is to improve support for Oregon youth struggling with mental health challenges.

Staff shared their contact information with Ms. Ochocki so that they could help broadcast and further her platform.

B. Tourism Promotion Update

Zoe Mombert, Assistant to the City Manager provided an update on tourism promotion specifically the City's Explore Wilsonville campaign, which is designed to attract overnight visitors to enjoy

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Wilsonville's hotels, restaurants, shops and attractions. Staff's presentation detailed recommended day trips being promoted on ExploreWilsonville.com.

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.

Bob Milano, Wilsonville resident, announced his opposition to one of the Wilsonville-Metro Community Enhancement Committee's recommended expenditures for funding of a Villebois homeowners association (HOA) grant request.

Mayor Fitzgerald recalled staff attempted to notify all Wilsonville HOAs via email. In addition, an article about the grant funding opportunity was announced in the Boones Ferry Messenger and on the City's Facebook page.

COUNCILOR COMMENTS

A. Council President Akervall

Councilor Akervall thanked the other Councilors for allowing her to join the meeting via Zoom.

She then appreciated the Citizens Academy graduates for their involvement and engagement in the program. Ms. Akervall then recalled she was able to speak with a few of the graduates during the July Citizens Academy Social.

Lastly, Councilor Akervall reported on the Willamette Intake Facilities meeting she attended the week before.

B. Councilor Lehan

Councilor Lehan reported briefly on the French Prairie Forum that she and the Mayor attended. She shared topic of discussion at the meeting was the Amazon Warehouse which is coming in on the east side of I-5 in Woodburn. Ms. Lehan feels the City should have a conversation with ODOT about traffic impacts and plans.

Ms. Lehan then invited all to attend the Heritage Tree Dedication in Murase for the Walnut Tree Grove taking place on Thursday, August 12, 2021 at 2:00 p.m. at the Murase Plaza Grove Shelter.

C. Councilor West - Excused

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

D. Councilor Linville

Councilor Linville shared she attended the Korean War Armistice Recognition. She added the Korean War Foundation Memorial Foundation is seeking donations, which can be submitted on their website.

Ms. Linville shared she would be attending a virtual training hosted by the League of Oregon Cities, in conjunction with the Center for Public Service and the Oregon City Planning Directors Association (OCPDA), on August 3-5, 2021.

Ms. Linville shared her excitement that Rotary Concerts are back at Town Center Park.

Thanked the community for their help in mitigating the potential fire hazards for Fourth of July. Ms. Linville recalled it was a difficult decision for Council but a wise one.

Announced she planned to attend these upcoming meetings:

- C4 Metro Subcommittee
- Willamette Falls Locks Commission

Ms. Linville reported the City of Wilsonville COVID-19 immunization rate is now at 65.8%.

In closing, Ms. Linville asked for the public’s help to assist the Wilsonville Police Department locate Walter a 30-year-old tortoise who went missing from Critter Cabana.

CONSENT AGENDA

Ms. Jacobson read the title of the Consent Agenda item into the record.

A. Minutes of the July 19, 2021 Council Meeting.

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

Vote: Motion carried 4-0.

SUMMARY OF VOTES

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

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

NEW BUSINESS

City Manager Cosgrove announced this item was discussed in length during Work Session.

Ms. Jacobson read the title of Resolution No. 2920 into the record.

A. Resolution No. 2920

A Resolution To Allocate The Second Round Of Community Enhancement Funds For Fiscal Year 2021/2022.

Councilor Lehan reminded the Work Session presentation was recorded and can be viewed by those interested.

Zoe Mombert, Assistant to the City Manager then provided the key elements of the PowerPoint.

The Mayor noted Councilors West and Linville are on the Wilsonville-Metro Community Enhancement Committee. Furthermore, the Mayor mentioned she and Councilor West live in one of the HOAs that applied for funding.

The Mayor explained she would recuse herself from voting.

Councilor Akervall shared she lives in Villebois however; she does not live in the HOA that applied for funding.

Motion: Councilor Lehan moved to approve the Resolution No. 2920. Councilor Linville seconded the motion.

Vote: Motion carried 3-0-1.

SUMMARY OF VOTES

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

CONTINUING BUSINESS

A. None.

PUBLIC HEARING

A. Resolution No. 2916

A Resolution Of The City Of Wilsonville Authorizing The Use Of A Progressive Design Build (PDB) Alternative Contracting Method For The Boeckman Road Corridor Project (Capital Improvement Projects 4212, 4206, 4205, 2102).

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

Mayor Fitzgerald opened the public hearing at 8:44 p.m.

Ms. Jacobson read the title of Resolution No. 2916 into the record.

Mayor Fitzgerald provided the public hearing format.

Dominique Huffman, PE, Civil Engineer and Nancy Kraushaar, PE, Civil Engineer provided the PowerPoint, which has been made a part of the record.

Mayor Fitzgerald invited public testimony, seeing none she closed the public hearing at 8:50 p.m.

Motion: Councilor Akervall moved to approve Resolution No. 2916. Councilor Linville seconded the motion.

Clarifying questions followed.

Vote: Motion carried 4-0.

SUMMARY OF VOTES

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

CITY MANAGER’S BUSINESS

City Manager Cosgrove thanked Council for their confidence in his abilities and thanked them for his contract renewal.

He then invited Council to the following events:

- National Night Out on August 3, 2021
- Employee Picnic on August 4, 2021
- Community Block Party on August 26, 2021

Mr. Cosgrove announced staff had begun researching the eviction moratorium. Furthermore, staff planned to meet to discuss bilingual resources to provide to the public. Mr. Cosgrove told Council he would share all information gathered with them.

Mr. Cosgrove noted that due to the Centers for Disease Control and Prevention (CDC) updated masking guidelines he would soon make mask determination requirements for City Facilities. He requested that if Council had any input on the topic to share their thoughts after the meeting, as he would factor in their input when making the decision.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

It was mentioned the City would be receiving \$2.7 million in American Rescue Plan Act (ARPA) funds. Moreover, staff plans to bring ideas on possible uses of the funds to Council in September 2021 with the information outlined in a PowerPoint and staff report.

LEGAL BUSINESS

City Attorney Jacobson provided an update that the contractor hired by Fry's was scheduled to clean up their lot that week.

The City Manager added the City owned property for the bridge landing had been cleaned up. Furthermore, the lot was scheduled for regularly maintenance. Mr. Cosgrove described staff would return at a future meeting with recommendations for possibly placing pollinator plants in the lot.

It was mentioned there had been many complaints received on a property that was spoken about earlier in the vertical housing discussion. Council was informed the City Attorney had spoken with the property owner and the issues had been taken care of and staff would monitor the property regularly.

ADJOURN

Mayor Fitzgerald adjourned the meeting at 9:04 p.m.

Respectfully submitted,

DocuSigned by:
Kimberly Veliz
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Kimberly Veliz, City Recorder

ATTEST:

DocuSigned by:
Julie Fitzgerald
8A974AF3ADE042E...

Julie Fitzgerald, Mayor