

**FOREST GROVE CITY COUNCIL REGULAR MEETING  
MAY 26, 2009 – 7:00 P.M.  
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*Minutes are unofficial until approved by Council.  
Council approved minutes as presented June 8, 2009.*

**1. ROLL CALL:**

Mayor Richard Kidd called the regular City Council meeting to order at 7:00 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL PRESENT:** Thomas Johnston, Camille Miller, Ronald Thompson, Peter Truax, Elena Uhing, and Mayor Richard Kidd. **COUNCIL ABSENT:** Victoria Lowe, excused. **STAFF PRESENT:** Michael Sykes, City Manager; Paul Downey, Administrative Services Director; Susan Cole, Assistant Finance Director; Linda Christensen, Administrative Services Supervisor; Rob Foster, Public Works Director; Derek Robbins, Civil Engineer; Colleen Winters, Library Director (present in the audience); Aaron Ashbaugh, Police Captain (present in the audience); and Anna Ruggles, City Recorder.

**2. CITIZEN COMMUNICATIONS:**

Kathryn Harrington, Metro Councilor, District 4, circulated a Thank You card for Council signatures, noting the card is for Tony Vecchio, Portland Zoo Director, who is leaving to become director of the Jacksonville Florida Zoo.

**3. CONSENT AGENDA:** Items under the Consent Agenda are considered routine and will be adopted with a single motion, without separate discussion. Council members who wish to remove an item from the Consent Agenda may do so prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the Consent Agenda item(s).

- A. Approve City Council Work Session (Transportation Access Management Plan) Meeting Minutes of May 11, 2009.
- B. Approve City Council Regular Meeting Minutes of May 11, 2009.
- C. Accept Committee for Citizen Involvement Meeting Minutes of April 14, 2009.
- D. Fire Department Monthly Statistics Report for April 2009.
- E. Library Department Monthly Statistics Report for May 2009.
- F. Endorse New Liquor License Application (Limited-On Premises) for Pacific Thai, Inc. (Applicant: Pac Thai).
- G. RESOLUTION NO. 2009-27 ADOPTING THE FOREST GROVE PUBLIC ARTS COMMISSION (PAC) BYLAWS.

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**MOTION:** Councilor Truax moved, seconded by Councilor Uhing, to approve the Consent Agenda as presented. **ABSENT:** Councilor Lowe. **MOTION CARRIED 6-0** by voice vote.

4. **ADDITIONS/DELETIONS:** None.

5. **PRESENTATIONS:**

5. A. **Forest Grove School-Based Health Center Update:**

Connie Potter, Forest Grove School District, Director of Communications & Volunteers, thanked Council for their support in the opening of the Forest Grove School-Based Health Center, noting the Health Center serves Forest Grove and Gaston students. Potter introduced several Youth Advisory Council students who presented a PowerPoint presentation outlining the hours and services offered by the Health Center, noting the Health Center is currently serving four to five students a day, which the School District hopes will increase as more students become aware of the services. In conclusion, Potter addressed Council comments pertaining to public transportation needs and health care-related inquiries.

Council Discussion:

Mayor Kidd and Councilmembers thanked the Youth Advisory Council for their presentation and advised Potter that Council is working very hard with Tri-Met to provide bus transportation for students, noting Forest Grove High School is one of the largest metropolitan school's that does not have public bus transportation.

5. B. **Community Action Agency Update:**

Jerralynn Ness, Community Action Agency, Executive Director, presented a brief video presentation pertaining to the Community Relief Fund, noting the Community Relief Fund is sponsoring a campaign, "Give \$10 Tell 10 Campaign", in hopes of raising additional funds for energy and rent assistance during the current economic crisis. Ness asked Council if they would consider endorsing a proclamation on behalf of the Council supporting the "Give \$10 Tell 10 Campaign", noting several cities have endorsed proclamations. In addition, Ness distributed various handouts and a report entitled "Forest Grove Community Profile", noting seven of Forest Grove's eleven schools have minority enrollments in excess of 30 percent and three schools (all elementary) have minority enrollments in excess of 70 percent. In conclusion,

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Ness addressed Council comments pertaining to minimum wage, health care, and other service-related inquiries.

**5. C. Forest Grove Light and Power Customer Assistance for Energy (CAPE)**

**Report:**

Cole and Christensen distributed a staff report entitled "Customer Assistance Program for Energy (CAPE)", noting the City offers \$160 per customer per year (one-half of the amount offered by Community Action Agency) for energy assistance. Cole and Christensen summarized the eligibility requirements for the CAPE program, noting the program is designed to assist Forest Grove Light and Power low-income customers in emergencies. Cole noted the CAPE program budget increased in April from \$32,140 to \$41,154 because of the current economy, and staff is proposing to increase the CAPE budget for Fiscal Year 2009-10 to \$60,000. In conclusion, Cole and Christensen addressed Council inquiries pertaining to the eligibility requirements, number of customers served, and other program-related inquiries.

**5. D. Metro Quarterly Update:**

Kathryn Harrington, Metro Councilor, District 4, presented a PowerPoint presentation outlining her Quarterly Exchange District Report. Harrington provided updates on Making the Greatest Place: Choices for our Future; Regional Transportation Plan; Oregon Zoo; Urban and Rural Reserves; and Regional and Local Aspirations. In conclusion, Harrington addressed Council comments pertaining to Metro/Forest Grove Walk Tour, business recycling, and Metro's new outdoor-school grant program.

**5. E. City of Forest Grove Water Curtailment Plan Update:**

Foster and Robbins presented a draft copy of the "Forest Grove Water Curtailment Plan" for Council review and feedback, noting the proposed Plan is to update the existing City Code, Section 4.005, which currently gives the City Manager authority to restrict or discontinue sprinkling when there is a scarcity of water. Foster and Robbins reported staff has been working with the Joint Water Commission to finalize a Water Management and Conservation Plan, noting the City must provide a detailed Water Curtailment Plan as required by the Oregon Water Resources (OAR 690-086-0160). In conclusion, Foster and Robbins summarized the four curtailment stages of the City's proposed Plan as follows: Stage 1 - Water Shortage Alert; Stage 2 - Serious Water Shortage; Stage 3 - Critical Water Shortage; and Stage 4 - Emergency Water Shortage, noting actions under Stages 2 through 4 of the Plan may be initiated only after declaration of an emergency by the City Manager or City

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Council and remain in effect until the emergency is declared ended by the initiating party.

Council Discussion:

Mayor Kidd opened the floor and roundtable discussion ensued pertaining to the City's proposed Water Curtailment Plan and the deployment of the various stages of the Plan.

In response to Mayor Kidd's inquiry pertaining to the City's water storage capacity, Foster advised the City is currently able to store three days of water supply.

In response to Uhing's concern pertaining to noncompliance enforcement measures, Foster advised that imposing monetary penalties would be considered separately at the time the City Code is proposed to be amended.

6. **PUBLIC HEARING AND RESOLUTION NO. 2009-28 ADOPTING AN IDENTITY THEFT PREVENTION PROGRAM AND PROCEDURES TO COMPLY WITH FEDERAL AND STATE REGULATIONS AND LAWS (RED FLAGS RULE) RELATING TO UTILITY BILLING**

Staff Report:

Downey, Cole, and Christensen presented the above-proposed resolution for Council consideration, noting the proposed resolution implements an Identity Theft Prevention Program for the Administrative Services, Utility Billing Section. Cole and Christensen explained that the City must develop and implement an Identity Theft Prevention Program in order to comply with Federal and State mandates, because the City owns and operates its own municipal utilities and bills for new and existing accounts as well as services in arrears. Cole noted the Administrative Services Supervisor will administer the Program and will provide training to utility staff to increase awareness of the possibility and risk of identity theft associated with utility accounts and account holders.

Before proceeding with the Public Hearing and Council discussion, Mayor Kidd asked for a motion to adopt Resolution No. 2009-28.

Sykes read Resolution No. 2009-28 by title.

**MOTION:** Councilor Johnston moved, seconded by Councilor Uhing, to

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approve Adopting an Identity Theft Prevention Program and Procedures to comply with Federal and State Regulations and Laws (Red Flags Rule) Relating to Utility Billing.

**Public Hearing Opened:**

Mayor Kidd opened the Public Hearing.

**Proponents:**

No one wished to testify and no written comments were received.

**Opponents:**

No one wished to testify and no written comments were received.

**Others:**

No one wished to testify and no written comments were received.

**Public Hearing Closed:**

Mayor Kidd closed the Public Hearing.

**Council Discussion:**

In response to Johnston's inquiry pertaining to credit cards, Christensen advised that staff verifies signatures and requires identification for all credit card transactions.

Hearing no further discussion from the Council, Mayor Kidd asked for a roll call vote on the above motion.

**ROLL CALL VOTE:** AYES: Councilors Johnston, Miller, Thompson, Truax, Uhing, and Mayor Kidd. NOES: None. ABSENT: Councilor Lowe. MOTION CARRIED 6-0.

**7. PUBLIC HEARING AND RESOLUTION NO. 2009-29 DESIGNATING COMMUNITY ENHANCEMENT PROGRAM (CEP) PROJECTS (EXHIBIT A) FOR FISCAL YEAR 2009-10**

**Staff Report:**

Downey presented the above-proposed resolution designating the 2009-10 Community Enhancement Program (CEP) projects and funding levels based on Council consensus at the meeting held May 11, 2009. Downey noted the above-proposed resolution also sets the following percentage of available

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funds for the categories for Fiscal Year 2009-10 as follows:

Infrastructure	18%
Social and Education	38%
City Promotion and Tourism	26%
Beautification	18%

Downey reported the City received 24 applications for a total of \$116,928, and Council allocated \$64,300 of CEP Funds. In addition, Downey confirmed Metro received a Public Hearing Notice as required.

**Council Discussion:**

Before proceeding with the Public Hearing, Mayor Kidd opened the floor and roundtable discussion ensued pertaining to the CEP fund allocations made at the meeting of May 11, 2009.

**MOTION TO AMEND:** Councilor Johnston moved to decrease the Historic Landmarks Board Grant Program from \$7,000 to \$5,000 and increase the Art Education in Forest Grove from \$2,000 to \$5,000; however, the motion died due to lack of a second.

Hearing no further discussion from the Council, Mayor Kidd proceeded with the Public Hearing and asked for a motion to adopt Resolution No. 2009-29 as presented.

Sykes read Resolution No. 2009-29 by title.

**MOTION:** Councilor Uhing moved, seconded by Councilor Johnston, to adopt Resolution No. 2009-29 Designating Community Enhancement Program (CEP) Projects (Exhibit A) for Fiscal Year 2009-10 as presented.

**Public Hearing Opened:**

Mayor Kidd opened the Public Hearing.

**Proponents:**

No one wished to testify and no written comments were received.

**Opponents:**

No one wished to testify and no written comments were received.

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**Others:**

No one wished to testify and no written comments were received.

**Public Hearing Closed:**

Mayor Kidd closed the Public Hearing.

**Additional Council Discussion:**

Hearing no further discussion from the Council, Mayor Kidd asked for a roll call vote on the above motion.

**ROLL CALL VOTE:** AYES: Councilors Johnston, Miller, Thompson, Truax, Uhing, and Mayor Kidd. NOES: None. ABSENT: Councilor Lowe. MOTION CARRIED 6-0.

8. **FIRST READING OF ORDINANCE NO. 2009-07 AUTHORIZING THE ISSUANCE OF ADDITIONAL EDUCATION FACILITY REVENUE BONDS FOR THE EXPANSION OF THE PACIFIC UNIVERSITY COLLEGE OF HEALTH PROFESSIONS (PHASE II)**

**Staff Report:**

Downey presented the above-proposed ordinance for Council consideration, noting Pacific University is requesting an additional \$5,000,000 in bonds to finance the University's College of Health Professions Campus (Phase II) in Hillsboro. Downey outlined the process of issuing the revenue bonds, noting if an elector files a petition challenging the issuance of the bonds, an election would be held. Downey added that in addition to the bonds being issued, Council would need to adopt another ordinance or resolution that establishes the terms and conditions of the bonds. In conclusion, Downey reported the Tax Equity Fiscal Responsibility Act (TEFRA) hearing is scheduled for the Council meeting of June 8, 2009, to allow public comment on the proposed bond issuance.

Before proceeding with Council discussion, Mayor Kidd asked for a motion to adopt Ordinance No. 2009-07.

Sykes read Ordinance No. 2009-07 by title for first reading.

**MOTION:** Councilor Johnston moved, seconded by Councilor Uhing, to adopt Ordinance No. 2009-07 Authorizing the Issuance of Additional Education Facility Revenue Bonds for the Expansion of the Pacific University College of Health Professions (Phase II).

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Second reading of Ordinance No. 2009-07 by title and final vote will occur at the Council meeting of June 8, 2009.

Council Discussion:

In response to Johnston's concern, Downey advised that the bonds would not be recognized as a liability to the City, because the bonds would be secured solely by the specific projects and revenue available to Pacific University, and the bonds would not be included in calculating the City's debt limitation under State law.

9. SECOND READING OF ORDINANCE NO. 2009-06 ADOPTING PROVISIONS TO IMPLEMENT BUSINESS RECYCLING REQUIREMENT, AMENDING FOREST GROVE CODE CHAPTER 7 BY ADDING CODE SECTION 7.700 RELATING TO BUSINESS RECYCLING

The first reading of Ordinance No. 2009-06 by title and motion to adopt occurred at the Council meeting of May 11, 2009.

Staff Report:

Downey had nothing further to report.

Public Hearing Closed:

The Public Hearing closed at the Council meeting of May 11, 2009.

Council Discussion:

In response to Truax's concern, Downey advised that staff would provide technical assistance to businesses to help ensure compliance requirements.

Hearing no further discussion from the Council, Mayor Kidd asked for a roll call vote on the above motion.

Sykes read Ordinance No. 2009-06 by title for second reading.

ROLL CALL VOTE: AYES: Councilors Johnston, Miller, Thompson, Truax, Uhing, and Mayor Kidd. NOES: None. ABSENT: Councilor Lowe. MOTION CARRIED 6-0.

10. RESOLUTION NO. 2009-30 ADOPTING THE INVESTMENT POLICY FOR THE CITY OF FOREST GROVE, AND REPEALING RESOLUTION NO. 1999-51

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**Staff Report:**

Downey presented the above-proposed resolution for Council consideration, noting the above-proposed resolution replaces the City's current Investment Policy that was adopted in 1999. Downey introduced the City's investment advisor who was present and reviewed the Investment Policy (Exhibit A) with Council. Downey indicated the City's investment advisor assisted the City with its investment portfolio and recommended amendments to the City's existing Investment Policy, noting the recommended amendments will update the policies in accordance with State laws and will allow the City additional opportunities for investments within its range of allowable investments. In addition, Downey noted the State of Oregon Short-Term Fund Board conducted a statutory review of the City's proposed Investment Policy and was satisfied with the Policy.

Before proceeding with the Public Hearing and Council discussion, Mayor Kidd asked for a motion to adopt Resolution No. 2009-30.

Sykes read Resolution No. 2009-30 by title.

**MOTION:** Councilor Truax moved, seconded by Councilor Johnston, to approve Resolution No. 2009-30 Adopting the Investment Policy for the City of Forest Grove, and Repealing Resolution No. 1999-51.

**Council Discussion:**

In response to Johnston's concern, Downey advised that Section 6 of the Investment Policy sets the City's investment percentage limits and protects the City from unreasonable risks.

In response to Truax's concern, Downey advised the above-proposed resolution would repeal the City's current Investment Policy in its entirety.

Hearing no further discussion from the Council, Mayor Kidd asked for a roll call vote on the above motion.

**ROLL CALL VOTE:** AYES: Councilors Johnston, Miller, Thompson, Truax, Uhing, and Mayor Kidd. NOES: None. ABSENT: Councilor Lowe. MOTION CARRIED 6-0.

11. **CITY MANAGER'S REPORT:**

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Sykes reported on upcoming events as noted in the Council calendar and reported on other various upcoming local meetings and events. Sykes reported the Budget meeting scheduled for Thursday, June 4, 2009, has been cancelled, noting the Budget Committee approved the Budget for Fiscal Year 2009-10 at their last meeting. Sykes noted that Fred Hansen, TriMet General Manager, is planning to attend the Council meeting of June 8, 2009, to give Council his report on the TriMet Line 57 extension assessment. Sykes announced the Thatcher Park Grand Opening has been rescheduled to June 9, 2009, at 4:00 p.m. Sykes reported a Council Work Session (Charter Implementation) has been scheduled for Monday, June 15, 2009, at 4:00 p.m., noting Ruggles has been diligently working to prepare draft rules/procedures and ordinance amendments that will be necessary for implementation of the new Charter. In addition, Sykes reported staff is scheduling a Council Watershed Tour on June 16, 2009, at 9:00 a.m., following with a Council Work Session (Timber Harvest) at noon. In conclusion, Sykes reported on other various City-related matters and projects.

**11. A. CLEAN WATER SERVICES SYSTEM DEVELOPMENT CHARGES UPDATE:**

Sykes provided a brief update on the above item, noting staff met with Clean Water Services (CWS) and advised CWS that the City preferred "status quo" on the proposed System Development Charges.

**12. COUNCIL COMMUNICATIONS:**

Johnston reported on the meetings and events he attended and various upcoming meetings he was planning to attend. In response to Johnston's inquiry pertaining to Senate Bill 30, Ethics Bill, Ruggles advised she would contact the Oregon Government Ethics Commission to ascertain if public officials will be required to file the July 15, 2009, Quarterly Public Official Disclosure Form.

Miller reported on the upcoming meetings she was planning to attend.

Thompson reported on Ride Connection-related matters.

Truax advised Council that he would like to revisit the Community Enhancement Program grant application process, noting he supports the overall goal of the Program but has concerns with the process and distribution formula. Truax advised Council that he would like to give the Library Commission an opportunity to provide feedback to Council on the proposal to implement library late fees. In conclusion, Truax highly commended Johnston

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for his work and contributions during his tenure at Forest Grove High School.

Uhing reported on the upcoming meetings she was planning to attend.

Mayor Kidd reported on various regional, Metro, and Washington County meetings and tours he attended and upcoming meetings and events he was planning to attend. Mayor Kidd reported on Senator Wyden's Town Hall Meeting, noting topics included health care, light rail, and the need for a new Post Office. Mayor Kidd noted that approximately 400-500 people attended the flag dedication ceremony on Memorial Day. In addition, Mayor Kidd reported on various Washington County transportation issues, various regional and local issues, and various upcoming community events and activities.

13. **ADJOURNMENT:**

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

Respectfully submitted,



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Anna D. Ruggles, CMC, City Recorder