

**FOREST GROVE CITY COUNCIL REGULAR MEETING
JUNE 8, 2009 – 7:00 P.M.
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*Minutes are unofficial until approved by Council.
City Council approved minutes as presented June 22, 2009.*

1. **ROLL CALL:**

Mayor Richard Kidd called the regular City Council meeting to order at 7:12 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL PRESENT:** Victoria Lowe, Camille Miller, Thomas Johnston, Ronald Thompson, Peter Truax (left at 10:25 p.m.), Elena Uhing (arrived at 7:41 p.m.), and Mayor Richard Kidd. **STAFF PRESENT:** Michael Sykes, City Manager; Jack Hammond, City Attorney; Paul Downey, Administrative Services Director; Susan Cole, Assistant Finance Director; Rob Foster, Public Works Director; Jon Holan, Community Development Director; Colleen Winters, Library Director; James Reitz, Senior Planner; Dan Riordan, Senior Planner; Derek Robbins, Civil Engineer; Kerry Aleshire, Police Chief (present in the audience); Michael Kinkade, Fire Chief (present in the audience); and Anna Ruggles, City Recorder.

1. A. **AWARD PRESENTATION:**

If I Were Mayor 2009 Student Contest:

Mayor Kidd announced the following 2009 "If I Were Mayor Contest" winner: 1) Video/PowerPoint Presentation: Emily Eason, home-schooled 10th grade. Mayor Kidd reported there were no entries submitted for the poster and essay categories, noting the contest is sponsored by the Oregon Mayors' Association and is open to students enrolled grades 4 through high school or homeschooled for the 2008-09 school year.

2. **CITIZEN COMMUNICATIONS:**

John Hock, Forest Grove, addressed Council to inquiry about the new flagpole and flag located at Maple Street and Pacific Avenue. Hock requested various public records regarding the Council's decision-making action and public review process as well as the staff time required to maintain the flag and any financial impact to the City.

In response to the above request, Mayor Kidd referred the matter to the City Manager for follow-up.

3. **CONSENT AGENDA:** Items under the Consent Agenda are considered routine

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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 Executive Session (Real Property) Meeting Minutes of May 26, 2009.
- B. Approve City Council Joint Work Session with Planning Commission (Reserves Concept Planning) Meeting Minutes of May 26, 2009.
- C. Approve City Council Regular Meeting Minutes of May 26, 2009.
- D. Accept Community Forestry Commission Meeting Minutes of April 15, 2009.
- E. Accept Economic Development Commission Meeting Minutes of March 5 and April 2, 2009.
- F. Accept Historic Landmarks Board Meeting Minutes of April 28, 2009.
- G. Accept Parks and Recreation Commission Meeting Minutes of April 22, 2009.
- H. Accept Public Safety Advisory Commission Meeting Minutes of April 22, 2009.
- I. Accept Resignation on Planning Commission (Cindy McIntyre, Term Expiring December 31, 2011).
- J. **ENDORSE LIQUOR LICENSE APPLICATION RENEWAL FOR 2009:**
 - McMenamins Grand Lodge, 3505 Pacific Avenue, (Brewery Public House)

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

4. ADDITIONS/DELETIONS:

Sykes added Agenda Item 4. A. as noted below.

4. A. ENDORSE NEW LIQUOR LICENSE APPLICATIONS:

Sykes added the following new liquor license applications to the agenda for Council consideration:

- 1. 76 Forest Grove, 2710 19th Avenue (Off-Premises Sales)
- 2. Little Monkey Deli, 1919 Pacific Avenue (Limited-On Premises Sales)

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Council Discussion:

Hearing no discussion from the Council, Mayor Kidd asked for a motion and vote to approve the above liquor license applications as presented.

MOTION: Council Truax moved, seconded by Councilor Lowe, to approve Agenda Item 4. A. as presented. **ABSENT:** Councilor Uhing. **MOTION CARRIED 6-0 by voice vote.**

5. PRESENTATIONS:

5. A. TriMet Line 57 Extension Assessment Report:

Fred Hansen, TriMet General Manager, provided a report on TriMet's assessment of Line 57 (Tualatin Valley Highway/Forest Grove Service Extension to Forest Grove High School area), noting the overall guidance for productive service is at least 15 new boarding riders, noting the analysis for expanding service to the Forest Grove High School area showed an expected ridership benefit of six to 12 new riders per added vehicle hour, which Hansen reported is too low for costs of service. Hansen explained that TriMet has experienced a sharp decline in employer payroll taxes and is proposing an overall nine percent budget cut, making it very difficult at this time to expand bus services. In conclusion, Hansen stressed that TriMet is very open to working with Forest Grove and suggested exploring a pilot service program when the economy improves to determine whether or not expanding bus services in Forest Grove would be feasible.

Council Discussion:

Mayor Kidd opened the floor and roundtable discussion ensued pertaining to Council's disappointment of the results of TriMet's analysis. Council collectively voiced concern that TriMet's data was outdated, noting that Forest Grove's population has significantly increased since 2002. Council pointed out that Forest Grove High School is one of the largest that currently does not have bus transit services, noting that the new Forest Grove High School Health-Based Center could easily double ridership if bus transit services were available. In addition, Council pointed out that two Forest Grove TriMet bus stops are currently located within a two-block radius, noting that over half of the community cannot conveniently access bus transit services.

Additionally, Mayor Kidd advised Hansen of Forest Grove's future transit plans, staging areas, and future ridership projections, noting Council is very interested in exploring a pilot service program. In conclusion, Council thanked

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Hansen for the new TriMet transit service improvements that were recently conducted in the Forest Grove area.

Uhing arrived at 7:41 p.m.

**6. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2009-08
AMENDING FOREST GROVE DEVELOPMENT CODE, CHAPTER 10, SECTION
10.12.210 AND 10.3.120, TO ALLOW DOMESTICATED FOWL**

Staff Report:

Holan and Reitz presented the above-proposed ordinance for Council consideration, noting the proposed ordinance would amend the Development Code to allow domesticated fowl for personal use within the City limits. Staff reported that testimony heard at the Planning Commission hearing on May 18, 2009, was unanimously in favor of the proposal to allow fowl in residential zones, noting that in response to testimony, the Planning Commission modified the proposal as follows:

- Include a purpose statement that fowl are for personal use only.
- Establish a setback requirement (structures must be located at least 20 feet from adjacent homes).
- Allow fowl on a permit basis on existing single-family properties in commercial zones (but not in the Town Center zones).
- Allow fowl in single-family zones, but not in RML or RMH zones. Testimony was received that apartment yards would be inadequately sized to allow this activity.

Before proceeding with the Public Hearing and Council discussion, Mayor Kidd asked for a motion to adopt Ordinance No. 2009-08.

Hammond read Ordinance No. 2009-08 by title for first reading.

MOTION: Councilor Lowe moved, seconded by Councilor Johnston, to adopt Ordinance No. 2009-08 Amending Forest Grove Development Code, Chapter 10, Section 10.12.210 and 10.3.120, to Allow Domesticated Fowl.

Second reading of Ordinance No. 2009-08 by title and final vote will occur at the Council meeting of June 22, 2009.

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Public Hearing Opened:

Mayor Kidd opened the Public Hearing.

Declaration of Ex-parte Contacts, Conflicts of Interest, or Abstentions:

None declared.

Written Testimony Received:

Staff submitted into the record the following written testimony.

Tori Hackney, Forest Grove, submitted an e-mail dated June 8, 2009, expressing support of allowing hens in the City limits as stated in her written testimony.

Proponents:

David Morelli, Forest Grove, signed in and testified as a proponent, noting the concerns he had have been addressed in the proposed ordinance.

Stephanie Vasquez, Forest Grove, signed in and testified as a proponent. Vasquez suggested requiring a 10' setback from the property line.

Martha Khoury, Forest Grove, signed in and testified as a proponent.

Bob Browning, Forest Grove, signed in and testified as a proponent. Browning suggested allowing only three chickens in a 5,000' lot and requiring a 5' setback as currently required for all other accessory structures

Greg Campbell, Forest Grove, did not sign in but testified as a proponent, noting the setback requirement makes sense.

John Hock, Forest Grove, did not sign in but testified as a proponent, noting his concern pertains to peacocks.

No one else 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.

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Public Hearing Closed:

Mayor Kidd closed the Public Hearing.

Mayor Kidd advised he would accept written testimony until the Council meeting of June 22, 2009.

In addition, Mayor Kidd advised that the second reading of Ordinance No. 2009-08 would occur at the Council meeting of June 22, 2009, at which time, he would have the option to reopen the Public Hearing if he deemed it necessary.

Council Discussion:

Lowé suggested requiring a 5' setback from the property line as currently required for all other accessory structures and supported the number of fowl allowed in the proposed ordinance.

Johnston opposed requiring a 5' setback from the property line because of fire hazards.

MOTION 1. TO AMEND: Councilor Lowé moved, seconded by Councilor Thompson, to amend Ordinance No. 2009-08 to require a 5' setback from the existing property line as currently required for all other accessory structures.

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

VOICE VOTE: AYES: Councilors Lowé, Thompson, Uhing, and Mayor Kidd. NOES: Councilors Miller, Johnson, and Truax. MOTION CARRIED 4-3.

Additional Council Discussion:

Uhing suggested deleting the permit requirement in single-family residential zones.

MOTION 2. TO AMEND: Councilor Uhing moved, seconded by Councilor Lowé, to amend Ordinance No. 2009-08 to delete the issuance of a permit in single-family residential zones.

Mayor Kidd opposed deleting the issuance of a permit requirement, because staff would not have the ability to investigate complaints without the permit

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information on file.

Truax opposed deleting the issuance of a permit requirement.

In response to Lowe's inquiry, Reitz indicated staff receives approximately six complaints a year regarding chickens.

MOTION 3. RESCIND AND AMEND: Councilor Uhing moved, seconded by Councilor Miller, to rescind Motion 2. and amend Motion 2. to amend Ordinance No. 2009-08 to require the issuance of a permit in single-family residential zones and commercial zones.

In response to Mayor Kidd's concern, Hammond advised that the motion to amend the proposed ordinance would not require republishing a new Hearing.

Hearing no further discussion from the Council, Mayor Kidd asked for a roll call vote on the above motion to rescind Motion 2. and amend Motion 2. as noted above.

ROLL CALL VOTE: AYES: Councilors Miller, Thompson, Uhing, and Mayor Kidd. NOES: Councilors Lowe, Johnson, and Truax. MOTION CARRIED 4-3.

Additional Council Discussion:

Truax opposed assessing a permit fee, noting the permit is for recordkeeping purposes only.

Lowe opposed assessing a permit fee.

Uhing supported assessing a permit fee, noting staff's time should be compensated for costs of service.

Mayor Kidd supported assessing a permit fee, noting he does not support services that are not funded to meet costs of service.

MOTION 4. TO AMEND: Councilor Truax moved, seconded by Councilor Lowe, to amend Ordinance No. 2009-08 to assess no permit fee.

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

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ROLL CALL VOTE: AYES: Councilors Johnston, Lowe, Thompson, and Truax. NOES: Councilors Miller, Uhing, and Mayor Kidd. MOTION CARRIED 4-3.

7. PUBLIC HEARING AND RESOLUTION NO. 2009-31 ADOPTING LIBRARY LATE FINES, EFFECTIVE JULY 1, 2009, AND AMENDING RESOLUTION NO. 1995-21

Staff Report:

Downey and Winters presented the above-proposed resolution, noting the proposed resolution would amend the existing Library Circulation Policy to assess fines for overdue library materials in accordance with the rates established by the Washington County Cooperative Library Services (WCCLS), effective July 1, 2009. Staff noted the proposed resolution is also in compliance with the Goals and Objectives set by the Council for Fiscal Year 2008-09. Staff advised that the City is a member of the WCCLS, which includes 14 public libraries, noting Forest Grove and North Plains (a recent member) are the only WCCLS member libraries that do not charge fines. In addition, staff advised that the estimated revenue that could potentially be collected in the first year the fines are implemented would be \$15,000, noting the estimated revenue has been included in the Fiscal Year 2009-10 budget.

Before proceeding with the Public Hearing and Council discussion, Mayor Kidd asked for a motion to adopt Resolution No. 2009-31.

Hammond read Resolution No. 2009-31 by title.

MOTION: Councilor Johnston moved, seconded by Councilor Lowe, to approve Resolution No. 2009-31 Adopting Library Late Fines, Effective July 1, 2009, and Amending Resolution No. 1995-21.

Public Hearing Opened:

Mayor Kidd opened the Public Hearing.

Written Testimony Received:

Staff submitted into the record the following written testimony.

Susan Vosburg, Gales Creek, submitted an e-mail dated June 8, 2009, opposing library late fines as stated in her written testimony.

Louise Rickard, Forest Grove, submitted an e-mail dated June 8, 2009,

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opposing library late fines as stated in her written testimony.

Paul Sansone, Gales Creek, submitted an e-mail dated June 8, 2009, opposing library late fines as stated in his written testimony.

Bridget Cooke, Forest Grove, submitted an e-mail dated June 8, 2009, opposing library late fines as stated in her written testimony.

Proponents:

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

Opponents:

Anita Eller, Library Commission Chair, signed in and testified in opposition and read her testimony. Eller reported the Library Commission is recommending no changes to the existing policy and is suggesting forming an ad-hoc committee to review the library late fines proposal further. Eller cited concerns pertaining to staff workloads, library usage, book return rate, circulation-related issues, and budget implications if revenue is not generated.

Mike Smith, Friends of the Library, Forest Grove, signed in and testified in opposition. Smith cited staff-related and patron-related concerns and circulation-related issues if library late fines were imposed and advised Council to looking at ways to increase circulation instead of imposing late fines.

David Pauli, Library Foundation, Forest Grove, signed in and testified in opposition. Pauli cited staff-related and patron-related concerns and circulation-related issues if library late fines were imposed and advised Council to ask the Library Foundation to raise funds instead of imposing late fines.

C. J. Stuart, library volunteer, Forest Grove, signed in and testified in opposition. Stuart cited concerns and economic hardships that would affect her if library late fines were imposed, noting she checks out a large number of books at a time.

Karla Thaler, Forest Grove, signed in and testified in opposition. Thaler cited patron-related concerns and economic hardships if library late fines were imposed.

Martha Khoury, Forest Grove, signed in in opposition but was not present when her name was called.

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Bud Bliss, Forest Grove, signed in and testified in opposition and read his testimony. Bliss cited staff-related and patron-related concerns if library late fines were imposed and advised Council to allow the Library Commission the opportunity to study the proposal further before imposing late fines.

Paula Roberts, Forest Grove, signed in and testified in opposition. Roberts cited patron-related concerns and economic hardships if library late fines were imposed and noted the library drop boxes are always full on the weekends.

John Camp, Friends of the Library, Forest Grove, signed in and testified in opposition. Camp cited staff-related concerns and economic hardships if library late fines were imposed, noting his wife checks out a large number of books a year.

John Hock, Friends of the Library, Forest Grove, signed in and testified in opposition. Hock cited patron-related concerns, economic hardships, and circulation-related issues if library late fines were imposed.

Greg Buchan, Forest Grove, did not sign in but testified in opposition. Buchan cited patron-related concerns, economic hardships, and circulation-related issues if library late fines were imposed.

Don Hennig, Gales Creek, did not sign in but testified in opposition. Hennig cited patron-related concerns, economic hardships, and circulation-related issues if library late fines were imposed, noting his family checks out a large number of books a year.

Kate Grandusky, Gales Creek, did not sign in but testified in opposition. Grandusky cited student-related concerns and economic hardships if library late fines were imposed and advised finding other ways to raise funds instead of imposing late fines.

Len Taylor, Laurelwood, did not sign in but testified in opposition. Taylor cited concerns and hardships that would affect her family if library late fines were imposed.

Charles McAvoy, Library Foundation, Forest Grove, did not sign in but testified in opposition. McAvoy asked if the revenue generated by the library late fines would go directly to the Library's fund. In addition, McAvoy advised finding

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other ways to increase funds and circulation instead of imposing late fines.

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

Others:

Karen Shepard, Forest Grove, did not sign in but testified as a proponent, stating she has heard testimony tonight that indicates patrons are taking full advantage of the library because late fines are not imposed and some are not paying taxes for the library bond because they reside outside the City limits. Shepard indicated the lack of patrons' responsibility of returning books on time impacts circulation, noting circulation would increase if books are renewed, noting books can be renewed on-line and by telephone.

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

Public Hearing Closed:

Mayor Kidd closed the Public Hearing.

Council Discussion:

Johnston spoke about the police levy expiring, noting the Library has as many librarian staff as the Police Department has police officers. In addition, Johnston advised that the Library has been financially struggling for the last several years.

Uhing spoke about the responsibility of owning a library card, returning books on time, and avoiding late fines. In addition, Uhing pointed out it is not only low-income patrons who fail to return books on time.

Thompson spoke about the responsibility of returning books on time and avoiding late fines. In addition, Thompson spoke about the costs and staff time required to send notification to people for late book returns, noting he does not anticipate staff workload to be further impacted.

Miller spoke about her respect of the work of the advisory boards, committees and commissions, noting sometimes there will be disagreements.

Lowe spoke about the numerous times the Council has reviewed the issue of imposing library late fines and spoke about her respect of the work of the advisory boards, committees and commissions, noting from time to time, there will be disagreements. In addition, Lowe spoke about the responsibility of

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owning a library card, noting fines can be prevented if books are returned on time.

Truax spoke about the importance of Council seeking input from the Library Commission before taking action to impose library late fines.

Mayor Kidd spoke about the numerous times the Council has reviewed the issue of imposing library late fines, noting he visited nine libraries in Washington, DC, and fees there were substantially more than Council is currently proposing. In addition, Mayor Kidd spoke about his respect of the work of the advisory boards, committees and commissions, noting from time to time, there will be disagreements.

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

ROLL CALL VOTE: AYES: Councilors Lowe, Johnston, Miller, Thompson, Uhing, and Mayor Kidd. NOES: Councilor Truax. MOTION CARRIED 6-1.

8. **PUBLIC HEARING AND RESOLUTION NO. 2009-32 SETTING FEES AND CHARGES, EFFECTIVE JULY 1, 2009, AND REPEALING RESOLUTION NO. 2008-38**

Staff Report:

Downey and Cole presented the above-proposed resolution increasing fees and charges by three percent (3%), rounded to the nearest increment, effective July 1, 2009. Downey outlined the significant changes to the fee schedule as noted in his staff report. Downey addressed inquiries pertaining to the proposed Administrative Services Online Payment Maintenance Fee and other various fees.

Before proceeding with the Public Hearing and Council discussion, Mayor Kidd asked for a motion to adopt Resolution No. 2009-32.

Hammond read Resolution No. 2009-32 by title.

MOTION: Councilor Johnston moved, seconded by Councilor Miller, to adopt Resolution No. 2009-32 Setting Fees and Charges, Effective July 1, 2009, and Repealing Resolution No. 2008-38.

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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:

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

ROLL CALL VOTE: AYES: Councilors Lowe, Johnston, Miller, Thompson, Truax, Uhing, and Mayor Kidd. NOES: None. MOTION CARRIED 7-0.

9. **PUBLIC HEARING AND RESOLUTION NO. 2009-33 FIXING WATER RATES FOR THE CITY OF FOREST GROVE, EFFECTIVE JULY 1, 2009, AND REPEALING RESOLUTION NO. 2008-50**

Staff Report:

Downey, Cole, and Foster presented the above-proposed resolution and recommended increasing water rates by six percent (6%) for all customer classes, effective July 1, 2009. Staff noted a typical water bill for a residential customer who uses 7,480 gallons per month would increase from \$22.29 to \$23.62.

Before proceeding with the Public Hearing and Council discussion, Mayor Kidd asked for a motion to adopt Resolution No. 2009-33.

Hammond read Resolution No. 2009-33 by title.

MOTION: Councilor Uhing moved, seconded by Councilor Lowe, to adopt Resolution No. 2009-33 Fixing Water Rates for the City of Forest Grove,

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Effective July 1, 2009, and Repealing Resolution No. 2008-50.

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:

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

ROLL CALL VOTE: AYES: Councilors Lowe, Johnston, Miller, Thompson, Truax, Uhing, and Mayor Kidd. NOES: None. MOTION CARRIED 7-0.

Truax excused himself at 10:25 p.m.

Mayor Kidd called for a motion and Council consensus to suspend Council's meeting curfew rule.

MOTION: Councilor Johnston moved, seconded by Councilor Thompson, to suspend Council curfew rule to continue the meeting. ABSENT: Councilor Truax. MOTION CARRIED 6-0 by voice vote.

10. **PUBLIC HEARING AND RESOLUTION NO. 2009-34 INCREASING SURFACE WATER MANAGEMENT (SWM) RATES FOR THE CITY OF FOREST GROVE, EFFECTIVE JULY 1, 2009, AND REPEALING RESOLUTION NO. 2008-51**

Staff Report:

Downey, Cole, and Foster presented the above-proposed resolution and recommended increasing Surface Water Management (SWM) utility rates by

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\$0.25 per Dwelling Unit Equivalent (DUE). Staff noted the City's rate would increase from \$3.50 to \$3.75 per DUE and Clean Water Services' portion would increase from \$1.00 to \$1.25 for a combined total of \$5.00 per DUE.

Before proceeding with the Public Hearing and Council discussion, Mayor Kidd asked for a motion to adopt Resolution No. 2009-34.

Hammond read Resolution No. 2009-34 by title.

MOTION: Councilor Johnston moved, seconded by Councilor Miller, to adopt Resolution No. 2009-34 Increasing Surface Water Management (SWM) Rates for the City of Forest Grove, Effective July 1, 2009, and Repealing Resolution No. 2008-51.

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

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

11. **PUBLIC HEARING AND RESOLUTION NO. 2009-35 ESTABLISHING CERTAIN CLEAN WATER SERVICES UTILITY RATES AND CHARGES FOR THE CITY OF FOREST GROVE, EFFECTIVE JULY 1, 2009**

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Staff Report:

Downey, Cole, and Foster presented the above-proposed resolution authorizing the City to collect sanitary sewer rates and surface water management rates pursuant to the Intergovernmental Agreement with Clean Water Services (CWS). Staff reported CWS' Board of Directors approved increasing its sanitary sewer rates by 5.5 percent (5.5%) and surface water management rates by \$0.25, noting Forest Grove is proposing no increase for its portion of the sanitary sewer billing. In addition, staff report Forest Grove will retain 20 percent (20%) of the Sanitary Sewer System Development Charges as set forth by CWS.

Before proceeding with the Public Hearing and Council discussion, Mayor Kidd asked for a motion to adopt Resolution No. 2009-35.

Hammond read Resolution No. 2009-35 by title.

MOTION: Councilor Miller moved, seconded by Councilor Johnston, to adopt Resolution No. 2009-35 Establishing Certain Clean Water Services Utility Rates and Charges for the City of Forest Grove, Effective July 1, 2009.

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:

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

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

12. PUBLIC HEARING TO CONSIDER ADOPTING CITY MANAGER PERFORMANCE EVALUATION CRITERIA, STANDARDS, AND POLICY DIRECTIVES

Mayor Kidd reported the City Charter requires the City Council to evaluate the City Manager's performance at least once a year and requires Council to establish the performance evaluation criteria, standards, and policy directives in an open Public Hearing. Mayor Kidd reported Council collectively agreed in an earlier work session to make amendments to the evaluation form (added the word "grant" to Section 3; deleted Section 4; and removed the word "adequately" from Section 7; and deleted Part II, Section 1). In addition, Council collectively agreed to continue using the following rating categories: (1) Needs Improvement, (2) Meets Standards, (3) Exceed Standards, and Not Observed. As part of the evaluation process, Council collectively agreed to provide a mechanism for Department Director input with an option to remain confidential. Mayor Kidd noted the Council assigned the City Attorney as the third-party person who will forward a compilation of the responses and comments to Council for their review. Council will review the compiled responses and comments with the City Manager in a special Executive Session tentatively scheduled for June 22, 2009.

Before proceeding, Mayor Kidd asked for motion to amend the above-proposed performance evaluation form as noted above.

MOTION TO AMEND: Councilor Miller moved, seconded by Councilor Johnston, to amend the City Manager Performance Evaluation Form as noted above.

Council Discussion:

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

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

Before proceeding with the Public Hearing and Council discussion, Mayor Kidd

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asked for a motion to adopt the City Manager Performance Evaluation Criteria, Standards, and Policy Directives as amended.

MOTION: Councilor Lowe moved, seconded by Councilor Uhing, to adopt the City Manager Performance Evaluation Criteria, Standards, and Policy Directives as amended.

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:

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

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

13. **SECOND 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)**

First reading of Ordinance No. 2009-07 by title occur at the Council meeting of May 26, 2009

Staff Report:

Downey had nothing further to report.

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Public Hearing Closed:

The Public Hearing closed at the Council meeting of May 26, 2009.

Council Discussion:

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

Hammond read Ordinance No. 2009-07 by title for second reading.

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

14. CITY MANAGER'S REPORT:

Sykes reported on upcoming events as noted in the Council calendar and reported on other various upcoming local meetings and events. Sykes reminded Council of the upcoming Council Watershed Tour, scheduled for June 16, 2009, at 9:00 a.m., followed with a Council Work Session (Timber Harvest) at noon and Council Work Session (Council Rules), scheduled for Thursday, June 18, 2009, at 3:00 p.m. In conclusion, Sykes reported on other various City-related matters and projects.

15. COUNCIL COMMUNICATIONS:

Johnston reported on the meetings and events he attended and various upcoming meetings he was planning to attend.

Lowe had nothing to report.

Miller had nothing to report.

Thompson had nothing to report.

Uhing had nothing to report.

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. In addition, Mayor Kidd reported on various Washington County transportation issues, various regional and local issues, and various upcoming community events and activities.

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16. ADJOURNMENT:

Mayor Kidd adjourned the meeting at 11:07 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder