

**FOREST GROVE CITY COUNCIL REGULAR MEETING  
JUNE 13, 2011 – 7:00 P.M.  
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***Minutes are unofficial until approved by Council.  
Council approved minutes as presented June 27, 2011.***

1. **ROLL CALL:**  
Mayor Peter Truax called the regular City Council meeting to order at 7:04 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL PRESENT:** Thomas BeLusko, Jr., Thomas Johnston, Council President, Victoria Lowe, Camille Miller, Ronald Thompson, Elena Uhing, and Mayor Peter Truax. **STAFF PRESENT:** Michael Sykes, City Manager; Paul Downey, Administrative Services Director; Rob Foster, Public Works Director; Jon Holan, Community Development Director; James Reitz, Senior Planner; Michael Kinkade, Fire Chief (in the audience); Kerry Aleshire, Police Chief (in the audience); Richard Matzke, Interim Light and Power Director (in the audience); Bev Maughan, Executive Assistant to City Manager (in the audience); and Anna Ruggles, City Recorder.
1. A. **IF I WERE MAYOR 2011 AWARD PRESENTATIONS:**  
Mayor Truax announced the following 2011 "If I Were Mayor Contest" winners: Dessa Myatt, Elementary School, Poster; Braden Hofeling, Middle School, Essay; and Alea Eason, High School, Video. Each student won first prize in their respective category and were awarded a \$50 cash prize. Mayor Truax noted the Oregon Mayors Association sponsors the contest.
1. B. **CIVIC SERVICE AWARD PRESENTATIONS:**  
Mayor Truax and Holan presented Certificates of Appreciation to the following Vista Planning, Portland State University Students: Joey Shearer, Project Manager and Land Use; Misty Schymtzik, Publications and Water, Sewer and Stormwater; Lisa Pepper, Public Involvement; Ryan Mochie, GIS and Natural Resources; Lindsey Kuipers, Client Liaisons and Housing; and Krissy Hostetler, Title 11 Compliance and Transportation. The students received a Civic Service Award for the exceptional work they did on developing a Concept Plan for David Hill Urban Reserve (refer to Item 5. B. for more information).
2. **CITIZEN COMMUNICATIONS:** None.
3. **CONSENT AGENDA:** Items under the Consent Agenda are considered

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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 Executive Session (City Manager Evaluation) Meeting Minutes of May 23, 2011.
- B. Approve City Council Work Session (Library Commission) Meeting Minutes of May 23, 2011.
- C. Approve City Council Regular Meeting Minutes of May 23, 2011. **ITEM REMOVED, REFER BELOW.**
- D. Accept Historic Landmarks Board Meeting Minutes of April 26, 2011.
- E. Accept Parks and Recreation Commission Meeting Minutes of April 20, 2011.
- F. Accept Planning Commission Meeting Minutes of May 2, 2011.
- G. Accept Public Safety Advisory Commission Meeting Minutes of April 27, 2011.
- H. Community Development Department Monthly Building Activity Informational Report for May 2011.
- I. Library Department Monthly Circulations Statistics Report for June 2011.

**MOTION: Councilor Johnston moved, seconded by Councilor Lowe, to approve the Consent Agenda as amended. MOTION CARRIED 7-0 by voice vote.**

**3. C. APPROVE CITY COUNCIL REGULAR MEETING MINUTES OF MAY 23, 2011:**

Miller removed the above-noted item from the Consent Agenda, noting Page 6 was omitted from the minutes. BeLusko asked to amend his comment on Page 6 to read “agree” instead of “disagree”, to which Ruggles noted she would resubmit amended minutes for Council consideration at the next meeting of June 27, 2011.

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

**5. PRESENTATIONS:**

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**5. A. Water Rates Open House:**

Foster and Cole provided an update on the results of the Water Rates Open House held on June 2, 2011, 3:30 pm to 6:30 pm, noting two residents attended and inquired about their water bills. Foster and Cole reported the Council directed staff to hold an Open House so the public could have an opportunity to learn more and comment about the water utility and possible changes to the water rates, noting during the Open House, staff presented eight exhibits covering the City's water infrastructure. In addition, Foster and Cole reported the City advertised the Open House in the *NewsTimes*, *FYI Forest Grove* utility bill insert, City's website and City's Facebook, noting no other comments were received. In conclusion of the above-noted presentation, Council suggested that staff attempt to reach out to the public at other different locations with more foot traffic, such as the Library, Forest Grove Senior and Community Center, and Farmers' Market, to which staff concurred, noting they would distribute information pertaining to the water utility and proposed water rates at the next Farmers' Market and report back to Council at the next meeting of June 27, 2011.

**5. B. Vista Planning Update:**

Holan facilitated the presentation and reported over the past several months six graduate students from Portland State University Masters In Urban Planning Program worked on a land use concept for David Hill Urban Reserve area. Holan noted the six students named their group Vista Planning and approached the project as if they were a consultant working for the City. Holan introduced the Portland State University students who work jointly as Vista Planning, noting the students developed five proposed alternatives during the development of the Concept Plan for the David Hill Urban Reserve. The students presented a PowerPoint presentation outlining the assessment process for selecting the final Concept Plan for the David Hill Urban Reserve Area and reported on the various activities they conducted to engage public involvement during the development of the Concept Plan, noting the final Concept Plan integrates David Hill with greater Forest Grove; preserves and protects natural resource areas and views; supplies a variety of housing options; provides safe and connected transportation options; and provides public services efficiently. The students referenced a map showing the David Hill Urban Reserve Area and a diagraph showing the current and proposed build out area of David Hill, noting by 2060, Forest Grove is projected to add 38,131

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people and will need 15,260 new housing units citywide and 10,760 new housing units in new residential zones. In conclusion of the above-noted presentation, the students addressed various Council inquiries pertaining to buildable acres, average density, population growth, and various housing options. Mayor Truax highly commended the students for the exceptional work they did in managing and overseeing the development of the David Hill Urban Reserve Area Concept Plan.

**6. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2011-08 AMENDING FOREST GROVE CITY CODE SECTION 3.900, 3.905, AND 3.910 TO ALLOW OFFSITE TEMPORARY SIGNS AND CITY-ERECTED SIGNS MORE THAN TWO BLOCKS FROM THE COUPLET, AMENDING ORDINANCE NO. 2009-13, PERMITTED USES OF THE PUBLIC WAY**

**Staff Report:**

Holan, Foster, and Reitz presented the above-proposed ordinance for Council consideration, noting the proposed ordinance would amend Code Section 3.900, 3.905 and 3.910 to allow offsite temporary signs and city-erected signs more than two blocks from the couplet. Staff reported the Council directed staff to prepare possible amendments to the sign and public rights-of-way codes to address businesses located away from the couplet and to address real estate and open house signs, noting the proposed ordinance is addressing possible amendments to the public rights-of-way code and the sign code amendments are currently under review by the Planning Commission to be presented to Council at a later date. Staff referenced the proposed ordinance and outlined the significant amendments to the public rights-of-way code, noting the ordinance includes language to define tourist-oriented businesses and type and location of off-premise signs allowed. Staff referenced Exhibit A, which outlined the proposed amendments to Code Section 3.910.2(g)(ii) and (iii), noting as proposed, the code would allow up to two temporary signs, located anywhere in a residential, commercial, or industrial zone within the public rights-of-way from Noon on Friday to 6:00 pm on Sunday and no City permit would be required. Staff noted the intent is for open house signs; however, any sign complying with the above-noted provisions would be allowed. As a result, staff suggested that Council consider further amending the language to provide clarity of the type of signs the code should allow as follows: “up to two temporary signs “*during the time of sale, lease, or rental of a lot or structure*”. In addition, staff referenced the proposed amendments to Code Section 3.910(i)(ii)(iii)(iv) as outlined in

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Exhibit A, noting as proposed, the code would allow businesses located at least two blocks north of Pacific Avenue or two blocks south of 19<sup>th</sup> Avenue to have tourist-oriented signage on a street pole (blade sign) and more than one tourist-oriented signage on other poles (blue tourist-oriented signs). In addition, staff reported they distributed the proposed code amendments to the Chamber of Commerce, Economic Development Commission, and Portland Metropolitan Association of Realtors (PMAR) and the proposed code amendments were also posted on the City's website and mailed to individuals who participated in the 2009 review of the sign and public rights-of-way codes, noting two written responses were received (refer to written testimony below). Additionally, staff advised since the public review of the draft code amendments, two other options were suggested (which were not included in the draft that was distributed or posted) as follows: *Option 1: Allow off-premise sandwich board signs in the public rights-of-way with the written permission of the adjoining property owner.* Staff advised if Council considers implementing Option 1, staff is recommending not pursuing the amendment for transit-oriented signs, because by allowing offsite sandwich board signs, the purpose of tourist-oriented signs has been addressed. *Option 2: Remove the two-block restriction for signs within the public rights-of-way.* Staff explained this would extend opportunity to have tourist-oriented signs for any such business, which could result in a proliferation of signage at Pacific Avenue and Main Street intersections (staff estimated potentially 13 businesses could request such signage). Staff advised if Council pursues implementing Option 2, staff is recommending to provide a limit on the number of signs that could be erected on a pole and possibly establish a policy to make the request first come, first serve basis. In conclusion, staff recommended Council consider adopting the proposed code amendments as written in Exhibit A and/or modify the proposed code to implement one of the two options noted above, noting a Council motion is necessary if amendments are made to the proposed Exhibit A.

**Questions of Staff:**

Mayor Truax opened the floor and roundtable discussion ensued pertaining to the proposed code amendments as written in Exhibit A and the two proposed options noted above. Foster displayed photographs showing examples of two tourist-oriented signs, noting a "blade sign" is similar to the current signs erected on street poles for churches and a "blue tourist-oriented sign" is similar to the State's tourist-related signs and would be erected by the City within the public rights-of-way. In response

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to the rationale of the two-block radius restriction, Holan explained the two-block radius is proposed only for tourist-oriented signs erected on City street poles or erected within the public rights-of-way, noting if Council wishes to remove the two-block radius restriction, this could result in a proliferation of signage on City street poles at main intersections. Holan suggested Council consider specifying the number of signs that could be erected on a pole and establish a policy to make the request first come, first serve basis. In response pertaining to the cost of a tourist-oriented sign, Foster advised the City is proposing to impose a fee of approximately \$100 per sign. In response to open house and for-sale signs, Holan explained Exhibit A as written allows up to two temporary signs, noting this could result in a proliferation of any sign complying with the code provisions. Holan suggested Council consider adding language to provide clarity of the type of temporary offsite signs the code would allow.

Before proceeding with a motion for First Reading, Mayor Truax opened the Public Hearing.

**Public Hearing Opened:**

Mayor Truax opened the Public Hearing.

**Written Testimony Received:**

Roberta Nickels, submitted a letter dated May 20, 2011, requesting to expand the time limitation for temporary signs to Friday 6:00 a.m. (instead of Noon) to Sunday 6:00 p.m.

Portland Metropolitan Association of Realtors (PMAR), 825 NE Multnomah, Suite 1145, Portland, OR 97232, submitted a letter dated June 1, 2011, proposing language amendments that would enhance clarity for temporary offsite signs as outlined in the above-referenced letter.

**Proponents:**

Roberta Nickels, 2629 17<sup>th</sup> Avenue, submitted and read her written testimony, dated June 6, 2011, and urged Council to allow garage sales signs in the public rights-of-way, noting directional signage is vital to the success of garage sales. Nickels reported she is on a fixed income and has two garage sales per year to help supplement her income, noting she is not a fan of signs that stay up after a sale is done or signs that endanger city workers who may have to climb utility poles filled with nails. Nickels indicated she believes the City needs to recognize garage sales as a

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popular low-cost activity frequented by many citizens from a variety of backgrounds. Nickels stressed her main point is that there needs to be a way to accommodate garbage sales so people can find their way to weekly activities and still keep the city safe and clean. In addition, Nickels submitted three suggestions that would allow garage sales signs for Council consideration as outlined in her written testimony.

Mike Pearson, 164 South Fawn Court, Cornelius, testified and urged Council to amend the code so 22<sup>nd</sup> Street Station could retain the City-erected “blue tourist-oriented sign” located at the corner of Pacific Avenue and Douglas Street. In response to BeLusko’s inquiry pertaining to Pearson’s preference for signage, Pearson replied that his first choice would be an A-frame sign.

Angie Jungling, 2410 14<sup>th</sup> Avenue, submitted and read written testimony submitted by her husband and read comments she received from friends and family via Facebook and stated she is testifying in support of 22<sup>nd</sup> Street Station and every other business in Forest Grove that might be affected by the recently enforced ban on offsite A-frame signage. Jungling urged Council to rethink the law and allow signage for 22<sup>nd</sup> Street Station and other small businesses that are not located along main thoroughfares.

Joyce Heredia, 1923 18<sup>th</sup> Avenue, testified in support of allowing signage for 22<sup>nd</sup> Street Station, noting she found the diner because of signage. Heredia stressed that businesses need to be able to advertise and urged Council to do all they can to keep businesses in Forest Grove.

Brenda Gutierrez, 3530 16<sup>th</sup> Place, signed in to testify; however, she was not present when her name was called.

Cynthia Smith, 22<sup>nd</sup> Street Station, testified and submitted a document with photographs showing A-frame signs adjacent to various downtown businesses and photographs illustrating that her diner cannot be seen from the street block. Smith told Council she is saddened that people who wanted to testify had to leave this evening because they were too nervous to testify. Smith stressed she has talked to various City officials and not one of them has addressed the issue and stated she does not understand how the Council can have printed on the City’s new tourist signs “Where Families and Small Businesses Thrive”, stressing the Council should be

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ashamed of themselves for not sticking up for the small business community. Smith informed Council she has been put through hell since September when the code went into effect, articulating various names and things she has been called, and stated she is tired of it, her customers are tired of it, and the community is tired of it. Smith advised she does not have funds to hire a lawyer, stressing the Council was voted in to protect the community and stated what the Council is doing is unconstitutional. Smith reported her diner has been the longest food service business that has been in Forest Grove, noting she has been at her diner for 38 years and her building has historic significance, highlighting historical events and people who patronized over the years. Smith told Council what matters is that she has a business in Forest Grove and she has thoroughly paid her dues to the community and voiced further frustration, stating she is a single woman trying to run a business and stressed she is not going to feel intimidated by politics.

In response to Smith's testimony, Johnston advised Smith that he voted in favor when the action was before the Council previously.

Jeff Duyck, 44775 SW Richie Road, Forest Grove, testified and stated he is here to support small businesses and to reiterate that small businesses need signage. Duyck informed Council he is unsure he would support sandwich boards; however, he stated he does like the "blue signs". BeLusko advised Duyck the "blue signs" being proposed would be for tourist-oriented businesses only, to which Duyck acknowledged.

Pilar Perrault, 3254 Ridge Pointe Drive, Forest Grove, testified and reiterated comments heard by Angie Jungling's earlier testimony, noting they found 22<sup>nd</sup> Street Station through signage. Perrault testified they are here this evening to show support for 22<sup>nd</sup> Street Station and to support small local businesses and urged Council to reconsider the matter and put the matter to rest. Perrault informed Council she does not want to see clutter everywhere either; however, she stated she supports signage that is appealing, such as the "blue signs".

Mick Werbe, 2424 14<sup>th</sup> Avenue, Forest Grove, testified and stated he travels a lot and drives through many towns all over the States, noting that a town needs signs in order to be successful. Werbe stressed that if a town does not have signs, the town is probably boring and people are not going to stop.

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Ed Nigbor, 3300 Main Street # 29, Forest Grove, testified and stated he does not understand why the diner was left out when the ordinance was first adopted, stressing the city has not been fair to Smith. Nigbor reported the business has been there 60 years and the Smith family has had the diner 30 years, stressing he wonders just how much city taxes the diner has paid over the years. Nigbor informed Council he is thankful to see movement for “blue signs” and stated he would like to see the diner get a “blue sign” along Pacific Avenue and possibly one at Cedar Street. Nigbor urged Council to change their thoughts and allow the diner to have proper signage, such as the “blue signs”, pointing out people can see the “blue signs” better than the “blade signs”, which he pointed out were too small to read.

No one else testified and no other written comments were received.

**Opponents:**

Bruce Clark, 2405 Pacific Avenue, testified and thanked Council for enforcing the code, stressing the signs erected in front of his property are detrimental to his business. Clark informed Council he likes the “blue signs” much better than the sandwich board and stated if Council decides to allow offsite sandwich boards, he wants Council to make sure it is with consent of the property owner. Clark referenced, as an example, an ordinance from San Diego, which regulated the number of real estate signs allowed and required signs to be erected on private property only, stressing if the City enacts a similar ordinance, City workers would not need to worry about regulating signs within the public rights-of-way. In addition, Clark noted the Forest Grove Senior and Community Center needs a bigger sign as well. In response to BeLusko’s point of clarification, Clark replied that he is okay with tourist-oriented signs less than a two-block radius but he thinks Council should consider and discuss the matter. In response to Clark’s testimony pertaining to the State tourist sign on Pacific Avenue, Mayor Truax clarified the sign was grandfathered in when the City took over jurisdiction of the State highway.

Barbara Sturgis, no address provided, signed in to testify; however, she was not present when her name was called.

No one else testified and no other written comments were received.

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**Others:**

Tammy Clark, 2405 Pacific Avenue, testified and stated her location is where 22<sup>nd</sup> Street Station wishes to put their sign, stressing it has been an ongoing battle for years. Clark stated she agrees that 22<sup>nd</sup> Street Station should be able to get traffic to her business, but stressed that when a sign comes from two-blocks away it detracts from her business and it welcomes other signs from other businesses that she does not want posted at the corner of her business. Clark reported as soon as 22<sup>nd</sup> Street Station's A-frame showed up at the corner of her business, she began to notice other ugly signs of different sizes and styles showing up, noting it was diminishing her property value and overall frontage appearance. Clark spoke in opposition of the two-block restriction, noting it is bad taste to allow one business the opportunity and not the other business. Clark informed Council the "blue sign" the City erected recently for 22<sup>nd</sup> Street Station is too big and the post is too short, pointing out years ago, she suggested the City consider the smaller "blue blade signs". Clark informed Council that she does not care if A-frames are posted on other properties as long as she has the right as a business owner to grant permission for her property.

Teri Koerner, Chamber of Commerce Director, testified on behalf of the Chamber of Commerce and recapped the lengthy process that occurred during the development of the sign and rights-of-way ordinances, noting a lot of positive feedback has been received about how good the town looks now that all the little signs are gone. Koerner informed Council her heart goes out to 22<sup>nd</sup> Street Station; however, the City needs to look at the bigger picture of what is best for everyone in Forest Grove not just one business, noting the business community is working together and finding more creative ways to make it work. Koerner gave examples, such as the Wayfinders Committee has erected 10 tourist-oriented signs around town, noting the plan is to develop kiosk opportunities for individual businesses to be listed. In addition, Koerner informed Council that a majority of the Chamber business membership is opposed to the "blue blade signs", articulating various reasons for opposition, and also pointed out several businesses are at a disadvantage with the two-block restriction. Koerner cautioned Council to take a hard look at the proposal on "blue signs", stressing they are working very hard to look at other solutions to help businesses so they can have a healthy climate in Forest Grove.

No one testified and no other written comments were received.

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**Council Response to Testimony:**

Uhing responded to testimony heard and recapped the lengthy process that occurred during the development of the sign and rights-of-way ordinances and advised there is no ban on signs in Forest Grove. Uhing explained the Council put into place an ordinance based on what a visioning committee and citizens of Forest Grove asked Council to address, which she noted was visual garbage.

BeLusko responded to testimony heard and commented prior to the adoption of the new code, the offsite sign erected by 22<sup>nd</sup> Street Station was an illegal sign under the old code and the sign is still illegal under the current code, stressing that nothing in the Code has changed.

**Public Hearing Recessed:**

Mayor Truax recessed the Public Hearing until the next Council meeting of June 27, 2011.

**Council Discussion:**

BeLusko voiced opposition of the two-block restriction, noting the restriction is unfair to other businesses.

Johnston suggested simplifying the ordinance so the code allows either one “blue sign” or one A-frame.

BeLusko concurred, noting the choice is a personal property right.

Miller voiced opposition of allowing “blue signs”.

Uhing voiced support of allowing a “blue tourist-oriented sign” only and spoke in opposition of the two-block restriction, noting she believes there needs to be consistency throughout the community and sign visibility. Uhing also stressed the City is unable to police, enforce, and monitor A-frames by having to verify if a business owner has permission from the property owner to post an A-frame.

Thompson voiced support of the “blue tourist-oriented sign” program, noting a “blue tourist-oriented sign” is uniform and professional and eliminates the problem of having a proliferation of signs that are of different sizes and styles. Thompson explained when the new code

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provisions were adopted, a compromise was made to allow one A-frame adjacent to a business property, noting prior to the adoption of the new code, A-frames were illegal. In addition, Thompson voiced opposition of the two-block restriction, noting every business should have equal right.

In response to Miller's inquiry pertaining to size provision, Reitz confirmed the code sets provisions for size of area of a sign but not dimensions.

Lowe explained signs were illegal under the old code and are still illegal under the new code, noting she is unsupportive of going back to A-frames or a proliferation of signs. Lowe voiced support of allowing a "blue tourist-oriented sign" only, noting this type of sign provides uniformity and is controllable. Lowe supported the City assessing a small fee for providing the signage and stated she was undecided on the two-block restriction.

**MOTION TO AMEND: Councilor Johnston moved, seconded by Councilor BeLusko, Jr., to direct staff to amend Ordinance No. 2011-08 to allow the option of an A-frame or a "blue blade sign", one per business, and remove the two-block restriction (Code Section 3.910(2)(i)(i)). MOTION DIED DUE TO COUNCILOR BeLusko, Jr., WITHDREW HIS SECOND.**

**MOTION TO AMEND NO. 1: Councilor Uhing moved, seconded by Councilor Lowe, to direct staff to amend Ordinance No. 2011-08 to allow a "blue tourist-oriented sign" and remove the two-block restriction (Code Section 3.910(2)(i)(i)).**

Sykes clarified by removing Code Section 3.910(2)(i)(i), the code provisions would still allow no more than one sign per business; only one sign on a street sign pole; and more than one sign on other poles. Holan pointed out there would be no limitation on the number of signs per pole; however, the code does give discretion to the Public Works Director.

Johnston voiced concern of having too many blade signs on street poles and voiced concern the amendment still does not allow an offsite A-frame with written permission, to which Sykes concurred, noting the code would continue to allow only one A-frame adjacent to the business.

BeLusko voiced concern of limiting personal property rights, stressing what difference does it make whose A-frame is adjacent to the property

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and pointed out the A-frame would still be required to be permitted by the City.

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

**ROLL CALL VOTE ON MOTION TO AMEND NO. 1: AYES: Councilors Lowe, Thompson, and Uhing. NOES: Councilor BeLusko, Jr., Miller, Johnston, and Mayor Truax. MOTION FAILED 3-4.**

**MOTION TO AMEND NO. 2: Councilor BeLusko, Jr., moved, seconded by Councilor Johnston, to direct staff to amend Ordinance No. 2011-08 to allow one permitted offsite sign if a property owner relinquishes its rights to another business owner (amend Code Section 3.910(2)(g)(i)) and no “blue tourist-related signs”.**

In response to Lowe’s and Uhing’s point of clarification, Sykes explained this is one of the options suggested by staff, noting if Council chooses this option there would be no need for the “blue tourist-oriented signs” because the code provision would allow each business to have one portable sign adjacent to the business or allow the business to give their right to another business with written permission.

In response to BeLusko’s point of clarification, Holan explained the code provision is still based on one sign per location.

**ROLL CALL VOTE ON MOTION TO AMEND NO. 2: AYES: Councilors BeLusko, Jr., Johnston, Miller, and Mayor Truax. NOES: Councilor Lowe, Thompson, and Uhing. MOTION PASSED 4-3.**

Mayor Truax announced the motion to amend passed; therefore, staff is directed to submit an amended Ordinance No. 2011-08 for first reading incorporating the revisions for consideration at the next meeting of June 27, 2011.

**MEETING CONTINUED:**

Mayor Truax called for a motion to waive Council Rules of Adjournment in order to allow Council to continue the meeting past 10:00 p.m.

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**MOTION:** Councilor Johnston moved, seconded by Councilor BeLusko, Jr., to waive Council Rules of Adjournment to allow the Council to continue the meeting past 10:00 p.m. **MOTION CARRIED 7-0 by voice vote.**

**7. A. PUBLIC HEARING AND RESOLUTION NO. 2011-43 ADOPTING BUDGET FOR FISCAL YEAR COMMENCING JULY 1, 2011, AND ENDING JUNE 30, 2012**

**Staff Report:**

Downey and Cole presented the above-proposed resolution for Council consideration, noting the Budget Committee approved at its May 25, 2011, meeting a proposed budget of \$70,269,764 for Fiscal Year commencing July 1, 2011, and ending June 30, 2012. Downey advised there is one proposed change to the approved budget in the Light and Power Fund (transfer of \$121,000 to the City Utility Fund to correct error), noting the change will not increase the total amount approved by the Budget Committee.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2011-43.

Sykes read Resolution No. 2011-43 by title.

**MOTION:** Councilor Miller moved, seconded by Councilor BeLusko, Jr., to approve Resolution No. 2011- 43 Adopting Budget for Fiscal Year Commencing July 1, 2011, and Ending June 30, 2012.

**Public Hearing Opened:**

Mayor Truax opened the Public Hearing.

**Proponents:**

No one testified and no written comments were received.

**Opponents:**

No one testified and no written comments were received.

**Others:**

No one testified and no written comments were received.

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**Public Hearing Closed:**

Mayor Truax closed the Public Hearing.

**Council Discussion:**

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

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

**7. B. RESOLUTION NO. 2011-44 MAKING APPROPRIATIONS FOR THE CITY OF FOREST GROVE, WASHINGTON COUNTY, OREGON, FOR THE FISCAL YEAR COMMENCING JULY 1, 2011, AND ENDING JUNE 30, 2012**

**Staff Report:**

Downey and Cole presented the above-proposed resolution making the necessary appropriations for Fiscal Year commencing July 1, 2011, and ending June 30, 2012, as outlined in the staff report and as proposed in the resolution.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2011-44.

Sykes read Resolution No. 2011-44 by title.

**MOTION: Councilor Uhing moved, seconded by Councilor Thompson, to adopt Resolution No. 2011-44 Making Appropriations for the City of Forest Grove, Washington County, Oregon, for the Fiscal Year Commencing July 1, 2011, and Ending June 30, 2012.**

**Council Discussion:**

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

**ROLL CALL VOTE: AYES: Councilors BeLusko, Jr., Johnston, Lowe, Miller, Thompson, Uhing, and Mayor Truax. NOES: None.**

**MOTION CARRIED 7-0.**

**7. C. RESOLUTION NO. 2011-45 LEVYING AND CATEGORIZING TAXES FOR FISCAL YEAR COMMENCING JULY 1, 2011, AND ENDING JUNE 30, 2012**

**Staff Report:**

Downey and Cole presented the above-proposed resolution levying and categorizing taxes imposed at the rate of \$5.3054 per \$1,000 of assessed value for Fiscal Year commencing July 1, 2011, and ending June 30, 2012, as outlined in the staff report and as proposed in the resolution.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2011-45.

Sykes read Resolution No. 2011-45 by title.

**MOTION: Councilor Lowe moved, seconded by Councilor Thompson, to adopt Resolution No. 2011-45 Levying and Categorizing Taxes for Fiscal Year Commencing July 1, 2011, and Ending June 30, 2012.**

**Council Discussion:**

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

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

**8. A. PUBLIC HEARING AND RESOLUTION NO. 2011-46 DECLARING CITY'S ELECTION TO RECEIVE STATE REVENUES**

**Staff Report:**

Downey and Cole presented the above-proposed resolution declaring the City's intent to receive State Revenue Sharing for Fiscal Year 2011-12 as outlined in the staff report and as proposed in the resolution.

Before proceeding with the Public Hearing and Council discussion, Mayor

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Truax asked for a motion to adopt Resolution No. 2011-46.

Sykes read Resolution No. 2011-46 by title.

**MOTION:** Councilor Johnston moved, seconded by Councilor Uhing, to adopt Resolution No. 2011-46 Declaring City's Election to Receive State Revenues.

**Public Hearing Opened:**

Mayor Truax opened the Public Hearing.

**Proponents:**

No one testified and no written comments were received.

**Opponents:**

No one testified and no written comments were received.

**Others:**

No one testified and no written comments were received.

**Public Hearing Closed:**

Mayor Truax closed the Public Hearing.

**Council Discussion:**

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

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

**8. B. PUBLIC HEARING AND RESOLUTION NO. 2011-47 CERTIFYING SERVICES PROVIDED BY THE CITY OF FOREST GROVE**

**Staff Report:**

Downey and Cole presented the above-proposed resolution certifying services provided by the City for Fiscal Year 2011-12 as outlined in the staff report and as proposed in the resolution.

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Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2011-47.

Sykes read Resolution No. 2011-47 by title.

**MOTION: Councilor Miller moved, seconded by Councilor Johnson, to adopt Resolution No. 2011-47 Certifying Services Provided by the City Of Forest Grove.**

**Public Hearing Opened:**

Mayor Truax opened the Public Hearing.

**Proponents:**

No one testified and no written comments were received.

**Opponents:**

No one testified and no written comments were received.

**Others:**

No one testified and no written comments were received.

**Public Hearing Closed:**

Mayor Truax closed the Public Hearing.

**Council Discussion:**

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

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

**9. RESOLUTION NO. 2011-48 ADOPTING THE FISCAL YEAR 2011-16 CAPITAL IMPROVEMENTS PROGRAM**

**Staff Report:**

Downey and Cole presented the above-proposed resolution adopting the Fiscal Year 2011-16 Capital Improvements Program (CIP), noting the CIP forms the basis for planning capital projects over a five-year period and

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aids in setting system development charges for the City. Downey advised there is one proposed change to the CIP approved by the Budget Committee, noting the Project PR31, High School Sports Field Lighting Conduit, is proposed to be increased from \$35,000 to \$55,000. The other projects to be accomplished for Fiscal Year 2011-12 are identified in the appropriate funds in the adopted budget.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2011-48.

Sykes read Resolution No. 2011-48 by title.

**MOTION: Councilor Lowe moved, seconded by Councilor Uhing, to approve Resolution No. 2011-48 Adopting Fiscal Year 2011-16 Capital Improvements Program.**

**Council Discussion:**

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

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

**10. PUBLIC HEARING AND RESOLUTION NO. 2011-49 ADOPTING CAPITAL IMPROVEMENTS PROGRAM EXCISE TAX AND REPEALING RESOLUTION NO. 2010-52**

**Staff Report:**

Downey and Cole presented the above-proposed resolution imposing the Capital Improvements Program (CIP) Excise Tax for the purpose of funding public safety and general government programs within the CIP. Downey reported the City expects to collect approximately \$206,000 in revenue from the CIP Excise Tax in Fiscal Year 2011-12, noting no increases in rates are being proposed for the Fiscal Year 2011-12 budget.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2011-49.

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Sykes read Resolution No. 2011-49 by title.

**MOTION:** Councilor Uhing moved, seconded by Councilor Miller, to approve Resolution No. 2011-49 Adopting Capital Improvements Program Excise Tax and Repealing Resolution No. 2010-52.

**Public Hearing Opened:**

Mayor Truax opened the Public Hearing.

**Proponents:**

No one testified and no written comments were received.

**Opponents:**

No one testified and no written comments were received.

**Others:**

No one testified and no written comments were received.

**Public Hearing Closed:**

Mayor Truax closed the Public Hearing.

**Council Discussion:**

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

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

**11. RESOLUTION NO. 2011-50 TRANSFERRING APPROPRIATIONS  
WITHIN VARIOUS FUNDS FOR FISCAL YEAR 2010-11**

**Staff Report:**

Downey and Cole presented the above-proposed resolution transferring the various appropriated amounts for Fiscal Year 2010-11 as outlined in the staff report and as proposed in the resolution.

Before proceeding with Council discussion, Mayor Truax asked for a

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motion to adopt Resolution No. 2011-50.

Sykes read Resolution No. 2011-50 by title.

**MOTION:** Councilor Lowe moved, seconded by Councilor Johnston, to adopt Resolution No. 2011-50 Transferring Appropriations within Various Funds for Fiscal Year 2010-11.

**Council Discussion:**

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

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

12. **PUBLIC HEARING AND RESOLUTION NO. 2011-51 ADOPTING SUPPLEMENTAL BUDGET AND AUTHORIZING THE EXPENDITURE OF TRANSPORTATION SERVICES FUNDS**

**Staff Report:**

Downey and Cole presented the above-proposed resolution authorizing the expenditures of transportation services grant funds received from the Department of Human Services for the purpose of Ride Connection's transit services as outlined in the staff report and as proposed in the resolution.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2011-51.

Sykes read Resolution No. 2011-51 by title.

**MOTION:** Councilor Uhing moved, seconded by Councilor Lowe, to approve Resolution No. 2011-51 Adopting Supplemental Budget and Authorizing the Expenditure of Transportation Services Funds.

**Public Hearing Opened:**

Mayor Truax opened the Public Hearing.

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**Proponents:**

No one testified and no written comments were received.

**Opponents:**

No one testified and no written comments were received.

**Others:**

No one testified and no written comments were received.

**Public Hearing Closed:**

Mayor Truax closed the Public Hearing.

**Council Discussion:**

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

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

**13. PUBLIC HEARING AND RESOLUTION NO. 2011-52 SETTING FEES AND CHARGES, EFFECTIVE JULY 1, 2011, AND REPEALING RESOLUTION NO. 2010-40**

**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, 2011. Downey outlined the significant changes to the fee schedule as noted in the staff report and proposed resolution. In addition, Downey addressed inquiries pertaining to the eliminating the Administrative Services Online Payment Maintenance Fee of \$1.25 to try to increase the number of customers who pay utility bills online, noting staff is proposing a new fee for Telephone Payment Execution of \$3.00 per transaction for payments made over the telephone to cover costs.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2011-52.

Sykes read Resolution No. 2011-52 by title.

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**MOTION:** Councilor Miller moved, seconded by Councilor BeLusko, Jr., to adopt Resolution No. 2011-52 Setting Fees and Charges, Effective July 1, 2011, and Repealing Resolution No. 2010-40.

**Public Hearing Opened:**

Mayor Truax opened the Public Hearing.

**Proponents:**

Teri Koerner, Chamber of Commerce Director, testified on behalf of the Chamber of Commerce, and voiced support of staff's proposal to eliminate the Online Payment Maintenance Fee.

No one testified and no written comments were received.

**Opponents:**

No one testified and no written comments were received.

**Others:**

No one testified and no written comments were received.

**Public Hearing Closed:**

Mayor Truax closed the Public Hearing.

**Council Discussion:**

In response to Uhing's inquiry pertaining to eliminating the online payment fee, Cole advised the City would currently absorbed costs of approximately \$5,000 as part of the utility funds, noting those costs will increase depending on the number of customers using online bill pay.

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

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

**14. A. PUBLIC HEARING AND RESOLUTION NO. 2011-53 INCREASING SANITARY SEWER RATES FOR THE CITY OF FOREST GROVE,**

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**EFFECTIVE JULY 1, 2011, AND REPEALING RESOLUTION NO. 2010-42**

**Staff Report:**

Downey and Cole presented the above-proposed resolution proposing to increase the City's sanitary sewer rates by four and one-half percent (4.5%), effective July 1, 2011, noting the sewer rate increase is necessary in order to cover increasing costs of regulations, labor, chemicals, and utilities. The City's surcharge will increase to \$3.47 per Equivalent Dwelling Unit (EDU) above the sewer rates established by Clean Water Services (CWS)(refer to Agenda Item 14B).

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2011-53.

Sykes read Resolution No. 2011-53 by title.

**MOTION: Councilor Lowe moved, seconded by Councilor Johnston, to adopt Resolution No. 2011-53 Increasing Sanitary Sewer Rates for the City of Forest Grove, Effective July 1, 2011, and Repealing Resolution No. 2010-42.**

**Public Hearing Opened:**

Mayor Truax opened the Public Hearing.

**Proponents:**

No one testified and no written comments were received.

**Opponents:**

No one testified and no written comments were received.

**Others:**

No one testified and no written comments were received.

**Public Hearing Closed:**

Mayor Truax closed the Public Hearing.

**Council Discussion:**

Hearing no discussion from the Council, Mayor Truax asked for a roll call

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vote on the above motion.

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

**14. B. RESOLUTION NO. 2011-54 ESTABLISHING CERTAIN CLEAN WATER SERVICES UTILITY RATES AND CHARGES FOR THE CITY OF FOREST GROVE, EFFECTIVE JULY 1, 2011, AND REPEALING RESOLUTION NO. 2010-43**

**Staff Report:**

Downey and Cole presented the above-proposed resolution authorizing the City to collect sanitary sewer rates, sewer system development charges (SDC), and surface water management (SWM) rates pursuant to the Intergovernmental Agreement with Clean Water Services (CWS). Staff reported CWS' Board of Directors approved increasing its SWM utility rate by \$0.50 per Dwelling Unit Equivalent (DUE), noting the SWM fees collected cover the cost of leaf-pick up, catch basin cleaning, street sweeping, and programs to lessen the pollution in local streams and rivers. The SWM rate would increase from \$4.75 to \$5.25. The City currently has an adopted surcharge of \$0.75 per DUE for a combined total of \$6.00 per DUE per month. CWS increased its sanitary sewer rates by four and one-half percent (4.5%) and increased its sewer SDC by \$400, increasing the sewer SDC from \$4,100 per EDU to \$4,500 per EDU. Staff noted the City retains 20 percent (20%) of the SDC revenue. In conclusion, staff advised that CWS has held public hearings notifying customers of the above-noted rate increases.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2011-54.

Sykes read Resolution No. 2011-54 by title.

**MOTION: Councilor Johnston moved, seconded by Councilor Thompson, to adopt Resolution No. 2011-54 Establishing Certain Clean Water Services Utility Rates and Charges for the City of Forest Grove, Effective July 1, 2011, and Repealing Resolution No. 2010-43.**

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**Council Discussion:**

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

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

**15. RESOLUTION NO. 2011-55 ADOPTING REVISIONS TO THE LIGHT AND POWER RATE SCHEDULES AND DEFINITIONS AND DESCRIPTIONS AND REPEALING RESOLUTION NO. 2009-71**

**Staff Report:**

Downey and Matzke presented the above-proposed resolution adopting revisions to the Light and Power Rate Schedules and Definitions and Descriptions, noting staff is proposing minor language amendments to Large Commercial and Industrial Service and Net Metering Service as outlined in the staff report and as proposed in the resolution. Staff noted there are no proposed increases to the existing rate schedule at this time.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2011-55.

Sykes read Resolution No. 2011-55 by title.

**MOTION: Councilor Miller moved, seconded by Councilor Johnston, to approve Resolution No. 2011-55 Adopting Revisions to the Light and Power Rate Schedules and Definitions and Descriptions and Repealing Resolution No. 2009-71.**

**Council Discussion:**

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

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

**16. APPROVAL OF PLANS AND SPECIFICATIONS FOR CONSTRUCTION**

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**OF BONNIE LANE AND B STREET DRAINAGE IMPROVEMENTS WO #3390 AND CEDAR STREET SEWER REHABILITATION WO #3393**

**Staff Report:**

Foster and Kelsay presented the proposed plans and specifications for construction of Bonne Lane and B Street Drainage Improvements for Council consideration, noting the improvements will eliminate drainage problems at the intersection of Bonne Lane and B Street. Kelsay reported the project includes installing new curb line inlets and repaves the intersection with a crown to shed water to the curbs, noting the project is estimated to cost \$60,000. In addition, Kelsay presented the proposed plans and specifications for Cedar Street Sewer Rehabilitation for Council consideration, noting the plans are for replacement of a sanitary sewer line that extends east from Cedar Street through an alley located between 21<sup>st</sup> Avenue and 21<sup>st</sup> Place. The project is estimated to cost \$27,000. In conclusion, Foster and Kelsay reported the funds have been budgeted for both projects, noting staff is seeking Council approval to proceed with the bidding process for both projects.

Before proceeding with Council discussion, Mayor Truax asked for a motion to accept the above-proposed plans and specifications for both projects as presented.

**MOTION: Councilor Johnston moved, seconded by Councilor Uhing, to accept the Plans and Specifications for Construction of Bonnie Lane and B Street Drainage Improvements WO #3390 and Cedar Street Sewer Rehabilitation WO #3393 as presented.**

**Council Discussion:**

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

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

**17. 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

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distributed a copy of his written report, which outlined various meetings he attended and provided updates on various City department-related activities, projects, and upcoming city-wide events.

**18. COUNCIL COMMUNICATIONS:**

Mayor Truax postponed Council Communications due to the late hour.

**19. ADJOURNMENT:**

Mayor Truax adjourned the meeting at 10:35 p.m.

Respectfully submitted,



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Anna D. Ruggles, CMC, City Recorder