

**FOREST GROVE CITY COUNCIL REGULAR MEETING
JULY 11, 2011 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 1**

*Minutes are unofficial until approved by Council.
Council approved minutes as presented August 8, 2011.*

1. ROLL CALL:

Mayor Peter Truax called the regular City Council meeting to order at 7:15 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL PRESENT:** Thomas BeLusko, Jr., Victoria Lowe, Camille Miller, Ronald Thompson, Elena Uhing, and Mayor Peter Truax. **COUNCIL ABSENT:** Thomas Johnston, Council President, excused. **STAFF PRESENT:** Michael Sykes, City Manager; Paul Downey, Administrative Services Director; Brenda Camilli, Human Resources Manager; Rob Foster, Public Works Director; James Reitz, Senior Planner; Kerry Aleshire, Police Chief (in the audience); and Anna Ruggles, City Recorder.

2. CITIZEN COMMUNICATIONS: None.

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 Executive Session (City Manager Evaluation) Meeting Minutes of June 27, 2011.
- B. Approve City Council Executive Session (Labor Negotiations) Meeting Minutes of June 27, 2011.
- C. Approve City Council Work Session (B&C Interview) Meeting Minutes of June 27, 2011.
- D. Approve City Council Regular Meeting June 27, 2011.
- E. **RESOLUTION NO. 2011-65 MAKING APPOINTMENT TO HISTORIC LANDMARKS BOARD (APPOINT ERNEST WALSTON, TERM EXPIRING DECEMBER 31, 2012).**
- F. **RESOLUTION NO. 2011-66 MAKING STUDENT APPOINTMENT TO PARKS AND RECREATION COMMISSION (APPOINT JONATHAN FARIS, NON-VOTING STUDENT ADVISORY, TERM EXPIRING DECEMBER 31, 2012).**

**FOREST GROVE CITY COUNCIL REGULAR MEETING
JULY 11, 2011 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 2**

G. Endorse Temporary Liquor License Application (Applicant: Tabb's Sports Bar & Grill, 124 North 20th Avenue, Cornelius; Forest Grove Rotary Concours d'Elegance, Pacific University Campus; Full-On Premises Sales). (**ADDED TO CONSENT AGENDA**)

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

4. ADDITIONS/DELETIONS:

Ruggles added Consent Agenda Item 3. G. (as noted above).

5. PRESENTATIONS: None.

6. CONTINUE PUBLIC HEARING FROM JUNE 27, 2011: SECOND READING OF ORDINANCE NO. 2011-08 AMENDING FOREST GROVE CODE SECTION 3.900, 3.905, 3.910 AND 3.940 TO ALLOW OFF-SITE TEMPORARY AND PORTABLE SIGNS, OR CITY ERECTED SIGNS FOR TOURIST-ORIENTED BUSINESSES AND IMPLEMENTING SIGN FEE AND REPEALING CODE SECTIONS FROM ORDINANCE NO. 2009-13

First Reading of Ordinance No. 2011-08 by title and motion to adopt occurred at the meeting of June 27, 2011.

Staff Report:

Foster and Reitz presented the above-proposed amended ordinance (Exhibit A) for Council consideration, noting the motions to amend made by Council at the meeting of June 27, 2011, were as follows:

Amend Code Section 3.900, 3.905 and 3.912(2) to:

- Allow each tourist-oriented business to have either one "blue tourist-oriented blade sign" or one off-site "sandwich board sign" with permission of the adjoining property owner.
- Allow each business to have one off-site "sandwich board sign" with permission of the adjoining property owner.
- Allow up to two off-site signs anywhere in the public rights-of-way during a garage sale event and limiting the signs from Friday to Saturday.

**FOREST GROVE CITY COUNCIL REGULAR MEETING
JULY 11, 2011 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 3**

- Allow up to two off-site signs in the public rights-of-way during the time of sale, lease, or rental of a property from Friday to Sunday.

Amend Code Section 3.940 to allow the City to set by resolution a fee for City erected signs (blue tourist-oriented blade sign).

Public Hearing Continued:

Mayor Truax continued the Public Hearing from the meeting of June 27, 2011.

Written Testimony Received:

Portland Metropolitan Association of Realtors (PMAR), 825 NE Multnomah, Suite 1145, Portland, OR 97232, submitted a letter dated July 11, 2011, voicing PMAR's support of the proposed amendments that would allow temporary/portable signage within the public rights-of-way during the time of sale, lease, or rental of a property from Friday to Sunday.

Proponents:

No one testified and no other written comments were received.

Opponents:

No one testified and no other written comments were received.

Others:

No one testified and no other written comments were received.

Public Hearing Closed:

Mayor Truax closed the Public Hearing.

Council Discussion:

In response to Thompson's inquiry pertaining to obtaining written permission, Reitz reiterated there is no written permission required from an abutting property owner to post a garage sale or real estate sign within the public rights-of-way pursuant to the proposed ordinance, noting the written permission applies only to off-site signage (sandwich boards). In response to Thompson's inquiry pertaining to affixing garage sale signs on utility poles or street trees, Reitz referenced Code Section 3.910.2.B., noting the Code prohibits attaching any sign to fire hydrants, traffic signal controllers, traffic signs, utility poles or street trees.

**FOREST GROVE CITY COUNCIL REGULAR MEETING
JULY 11, 2011 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 4**

In response to Lowe's inquiry pertaining to undeveloped areas without parkways, Reitz concurred, noting there is no provision that prohibits an abutting property owner from removing a sign posted in front of their home.

Hearing no further discussion from the Council, Mayor Truax asked for a roll call vote on the motion made at the meeting of June 27, 2011.

Sykes read Ordinance No. 2011-08 by title for second reading.

ROLL CALL VOTE: AYES: Councilors BeLusko, Jr., Thompson, Uhing, and Mayor Truax. NOES: Councilors Lowe and Miller. ABSENT: Councilor Johnston. MOTION PASSED 4-2.

7. RESOLUTION NO. 2011-67 AUTHORIZING EXECUTION OF A LABOR AGREEMENT BETWEEN THE CITY OF FOREST GROVE AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, (AFSCME), LOCAL 3786, COUNCIL 75, EFFECTIVE JULY 1, 2011, THROUGH JUNE 30, 2014

Staff Report:

Camilli and Downey presented the above-proposed resolution requesting authorization to execute the labor agreement between the City and the American Federation of State, County and Municipal Employees, (AFSCME), effective July 1, 2011, through June 30, 2014. Camilli reported staff met with AFSCME and negotiated a new labor agreement, noting language modifications to the agreement include setting a flat contribution amount per month per employee for VEBA; a clothing allowance increase; implementing a defined retirement contribution plan for new employees hired on or after July 1, 2011; allowing inclement weather compensatory time; and a cost-of-living adjustment (COLA) of 1.3 percent (1.3%), effective July 1, 2011. Camilli reported the COLA adjustment for July 1, 2012, will be based upon the Portland Consumer Price Index (CPI) with a minimum of zero percent (0%) and a maximum of two percent (2%) and the option to open contract to negotiate wages for 2013. Additionally, spot adjustments were made to positions that were found to be more than five percent (5%) below market; the adjustments will be spread over the first two years of the contract. Camilli advised the costs to implement the agreement are within the parameters set by

**FOREST GROVE CITY COUNCIL REGULAR MEETING
JULY 11, 2011 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 5**

Council and funds have been identified in the 2011-12 budget and are within the five-year fiscal plan.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2011-67.

Sykes read Resolution No. 2011-67 by title.

MOTION: Councilor Lowe moved, seconded by Councilor Miller, to adopt Resolution No. 2011-67 Authorizing Execution of a Labor Agreement between the City of Forest Grove and the American Federation of State, County and Municipal Employees, (AFSCME), Local 3786, Council 75, Effective July 1, 2011, through June 30, 2014.

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., Lowe, Miller, Thompson, Uhing, and Mayor Truax. NOES: None. ABSENT: Councilor Johnston. MOTION CARRIED 6-0.

8. RESOLUTION NO. 2011-68 ADOPTING COST-OF-LIVING ADJUSTMENT FOR NON-REPRESENTED POSITIONS FOR FISCAL YEAR 2011-12

Staff Report:

Camilli and Downey presented the above-proposed resolution requesting authorization to amend the cost-of-living adjustment (COLA) for Fiscal Year 2011-12 from 1.25 percent (1.25%) to 1.3 percent (1.3%) increase for non-represented positions. Camilli and Downey reported the budget for 2011-12 was adopted using a COLA adjustment of 1.25 (1.25%) percent for non-represented positions; however, union negotiations have resulted in a COLA increase of 1.3 percent (1.3%). In conclusion, Camilli and Downey referenced Exhibit A, outlining the salary and wage amounts for non-represented positions using the proposed COLA adjustment of 1.3 percent (1.3%).

Before proceeding with Council discussion, Mayor Truax asked for a

**FOREST GROVE CITY COUNCIL REGULAR MEETING
JULY 11, 2011 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 6**

motion to adopt Resolution No. 2011-68.

Sykes read Resolution No. 2011-68 by title.

MOTION: Councilor Miller moved, seconded by Councilor Thompson, to approve Resolution No. 2011-68 Adopting Cost-of-Living Adjustment for Non-Represented Positions for Fiscal Year 2011-12.

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., Lowe, Miller, Thompson, Uhing, and Mayor Truax. NOES: None. ABSENT: Councilor Johnston. MOTION CARRIED 6-0.

9. RESOLUTION NO. 2011-69 RATIFYING ADOPTION OF THE 2011 RESTATEMENT OF THE CITY OF FOREST GROVE RETIREMENT PLAN

Staff Report:

Downey presented the above-proposed resolution for Council consideration, requesting approval to ratify the City Manager's adoption of the 2011 Restatement Retirement Plan. Downey reported staff met with Council in Work Session earlier this year to discuss options on how to control future retirement costs, noting staff received direction from Council at that time to include a defined contribution retirement plan in the labor negotiations. Downey reported the City was able to negotiate a new defined contribution retirement plan with AFSCME for future employees; the Police Association agreed to explore the concept during the next fiscal year; and the Firefighters Association is still negotiating with the City. Downey referenced the 2011 Restatement Retirement Plan (Exhibit A) and outlined the significant changes to the Plan, noting AFSCME employees and non-represented employees, with exception of certified police officers and firefighters, who are hired on or after July 1, 2011, will be placed into the new defined contribution retirement plan and will not be eligible for participation in the City's current defined benefit plan. Downey noted the new police officers and firefighters, both

**FOREST GROVE CITY COUNCIL REGULAR MEETING
JULY 11, 2011 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 7**

represented and non-represented, will still participate in the City's current defined benefit plan and new IBEW employees will also still participate in the City's current defined benefit plan. Downey explained the Restatement Plan was written to ensure that any changes to the Plan would not result in the City having to go through an equal-to-or-better than test by PERS, noting the changes in the amended Plan are not intended to have any affect on public safety employees. Downey advised the defined contribution plan negotiated with AFSCME calls for the City to contribute 10 percent of an employee's base salary and the City will match another two percent if the employee puts two percent of their salary into the employee's deferred compensation plan. The City's total percentage for the defined contribution plan would be 12 percent. Downey noted the City currently pays about 19.2 percent of base salary into the defined benefit plan. In conclusion, Downey advised the City Manager approved the Plan on June 30, 2011, in order to meet a July 1st deadline and in order for the changes to be effective and not cause issues with IRS regulations, noting the City Manager is required to inform Council of any amendments made to the Plan.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2011-69.

Sykes read Resolution No. 2011-69 by title.

MOTION: Councilor BeLusko, Jr., moved, seconded by Councilor Lowe, to adopt Resolution No. 2011-69 Ratifying Adoption of the 2011 Restatement of the City of Forest Grove Retirement Plan.

Council Discussion:

In response to Uhing's inquiry pertaining to employees who retire and return, Downey outlined various scenarios, noting upon termination date existing benefits are suspended.

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

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

**FOREST GROVE CITY COUNCIL REGULAR MEETING
JULY 11, 2011 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 8**

10. CITY MANAGER'S REPORT:

Sykes reported on upcoming events as noted in the Council calendar and reported on other various upcoming local meetings and community-wide events. Sykes reported he is attending the Oregon City County Managers Annual Summer Conference July 12-15, 2011, noting this will be his first meeting as a Board Member of the organization. In addition, Sykes 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/community-wide events.

11. COUNCIL COMMUNICATIONS:

BeLusko reported the Economic Development Commission meeting was rescheduled and reported on Public Arts Commission-related activities. In addition, BeLusko reported on community-related events held and reported on various upcoming community-related events of interest and meetings he was planning to attend.

Johnston was absent.

Lowe reported on Joint Water Commission (JWC)-related activities and referenced a copy of a report pertaining to new water strategies, noting she would like to get the report linked to the City's website, to which Sykes advised Lowe to submit the web link to staff. In addition, Lowe reported on upcoming meetings she was planning to attend.

Miller reported on community-related events held and reported on various upcoming community-related events of interest and meetings she was planning to attend.

Thompson reported on Ride Connection-related activities and reported on various upcoming community-related events and meetings he was planning to attend.

Uhing reported on Historic Landmarks Board (HLB)-related activities, noting HLB rescheduled its last meeting due to lack of a quorum. In addition, Uhing advised she is working with the City Manager on scheduling ethics/legal training for appointed boards, committees, and commissions.

Mayor Truax reported on various local, regional, Metro, and Washington

**FOREST GROVE CITY COUNCIL REGULAR MEETING
JULY 11, 2011 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 9**

County meetings he attended and reported on various upcoming meetings and community-related events he was planning to attend. Mayor Truax reported the Library Commission moved its last meeting date to the second Monday of the month. In addition, Mayor Truax reported he is attending the upcoming Oregon Mayors Annual Summer Conference on August 4-6, 2011, and noted the League of Oregon Cities Annual Conference will be held September 26-October 1, 2011.

12. ADJOURNMENT:

Mayor Truax adjourned the meeting at 7:56 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder