

**FOREST GROVE CITY COUNCIL REGULAR MEETING  
JULY 9, 2012 – 7:00 P.M.  
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***Minutes are unofficial until approved by Council.  
Council approved minutes as presented August 13, 2012.***

**1. ROLL CALL:**

Mayor Peter Truax called the regular City Council meeting to order at 7:06 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL PRESENT:** Thomas BeLusko, Jr., Victoria Lowe, Camille Miller, Ronald Thompson, and Mayor Peter Truax. **COUNCIL ABSENT:** Elena Uhing and Thomas Johnston, Council President, excused. **STAFF PRESENT:** Michael Sykes, City Manager; Paul Elsner, City Attorney; Paul Downey, Administrative Services Director; Susan Cole, Administrative Services Assistant Director; Rob Foster, Public Works Director; Derek Robbins, Civil Engineer; Jon Holan, Community Development Director; Bill Steele, Interim Police Chief; George Cress, Light and Power Director (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. Memorandum pertaining to the City Council Meeting Minutes of June 25, 2012.
- B. Accept Historic Landmarks Board Meeting Minutes of May 22, 2012.
- C. Accept Public Arts Commission Meeting Minutes of May 10, 2012.
- D. Accept Public Safety Advisory Commission Meeting Minutes of June 27, 2012. **ITEM REMOVED, REFER BELOW.**

**MOTION:** Councilor Lowe, moved, seconded by Councilor Miller, to approve the Consent Agenda as amended. **ABSENT:** Councilor Uhing and Council President Johnston. **MOTION CARRIED 5-0 by voice vote.**

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**3. D. ACCEPT PUBLIC SAFETY ADVISORY COMMISSION MEETING  
MINUTES OF JUNE 27, 2012**

Ruggles asked to remove the above-noted item from the Consent Agenda, noting the minutes were distributed in error prior to the Public Safety Advisory Commission's review and approval.

**4. ADDITIONS/DELETIONS:**

Sykes removed from the agenda the 5:15 p.m. Executive Session in accordance with: ORS 192.660(2)(D) to conduct deliberations with person designated by the governing body to carry on labor negotiations.

**5. PRESENTATIONS:**

**5. A. Bonneville Power Administration 75<sup>th</sup> Anniversary:**

Cress introduced Kevin Farleigh, Bonneville Power Administration (BPA) Account Executive, who presented a video highlighting BPA's history over the last 75 years. In addition, Farleigh provided a brief update on BPA's future rate proposals, noting BPA is looking at rate increases of 10-20 percent; however, BPA is assessing closely all processes and highest priority programs in attempt to maintain rates as low as possible. In conclusion, Farleigh reported that BPA's initial rate proposals will be issued November of 2012, with final rates issued July of 2013.

**5. B. Metro Quarterly Exchange Update:**

Kathryn Harrington, Metro Councilor District 4, presented a PowerPoint presentation outlining District 4 Quarterly Exchange Report. Harrington highlighted various topics and reported on Metro's Climate Smart Communities; Transportation Equity Analysis; natural areas; trails; and visitor venue updates; and distributed various handouts.

**5. C. National Night Out Update:**

Interim Police Chief Steele provided an update on National Night Out, which will be held August 7, 2012, noting the Police Department has decided to change this year's National Night Out Event venue by allowing various neighborhood watch groups to host barbeques (BBQ) in hope of engaging more community involvement. Steele reported so far eight groups have committed to hosting block parties, noting officers will be attending the block parties, displaying police vehicles, providing handouts, and answering questions about crime prevention, etc. Steele noted Police

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hopes the block parties will encourage and motivate citizens to go out and meet their neighbors. In response to various Council inquiries, Steele advised the same concepts would continue to be promoted at the Farmers' Market and First Wednesday in hopes of reaching out to the whole community. In conclusion, Steele affirmed the Council is welcome to attend the block parties, noting he will provide Council with a list of the locations and times.

**6. A. INFORMATIONAL PUBLIC HEARING ON THE FORMATION OF A PROPOSED STREET IMPROVEMENT REIMBURSEMENT DISTRICT, PURSUANT TO CITY CODE FOR 26<sup>TH</sup> AVENUE, BETWEEN HAWTHORNE STREET AND JUNIPER STREET, IN WHICH PERSONS IMPACTED BY THE CREATION OF THE PROPOSED REIMBURSEMENT DISTRICT TO OBTAIN INFORMATION AND TO COMMENT THEREON**

**Staff Report:**

Foster, Cole, Robbins, and Sykes reported the purpose of the Informational Public Hearing is to allow persons impacted by the formation of the proposed Street Improvement Reimbursement District for 26<sup>th</sup> Avenue, between Hawthorne Street and Juniper Street, an opportunity to comment on the proposed Reimbursement District, noting the Council has sole discretion after the hearing to decide whether or not to form the Reimbursement District (refer below to Agenda Items 6. B. and 6.C.). Sykes explained the main reasons the City is self-initiating the Reimbursement District for the area is because the roadway has caused serious transportation issues for the City and neighbors have voiced concerns. Sykes noted with the potential of 170 new homes proposed in the area, without a City-initiated Reimbursement District, the unimproved roadway would be inadequate to handle the amount of traffic the roadway will generate. Staff explained the proposed Reimbursement District will benefit adjacent properties (identified in Attachment 1 of Resolution No. 2012-55), noting the total costs eligible to be reimbursed to the City is estimated at \$259,224 and the City's net share is estimated at \$113,408. Staff reported the Engineer's Report (attached as Exhibit A to Resolution No. 2012-54) identifies the manner and method of carrying out the street improvements and estimated costs associated for each property making the street improvements as illustrated in Exhibit 1 and Exhibit 2 of the staff report. Staff advised a neighborhood meeting was held on June 20, 2012, to present the project to interest parties, noting the meeting was well

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attended and staff addressed a variety of comments during the neighborhood meeting. Staff indicated the property to the south expressed support of the project and dedicated right-of-way. The property to the northeast end submitted written comments in support. Other participants asked questions and expressed concerns about the project, such as when the Reimbursement District would trigger and when non-participating properties would be required to improve their section of the roadway. Staff reported on June 25, 2012, the Council accepted the Draft Engineer's Report, noting staff is proposing no changes to the Final Engineer's Report (attached as Exhibit A to Resolution No. 2012-54). In addition staff reported on June 26, 2012, notice was sent to all property owners within the proposed Reimbursement District informing them of this evening's Informational Public Hearing and a legal notice was published in the *NewsTimes* on Wednesday, June 27, 2012, noting no additional comments were received prior to the published deadline of July 9, 2012.

**Informational Public Hearing Opened:**

Mayor Truax opened the Informational Public Hearing.

**Proponents:**

Lindsey Quartini, Non-Profit Casa of Oregon, 20512 SW Rogers Road, Sherwood, OR 97140, testified that they are the developing consultants for Juniper Gardens project of which Bienstar is the owner, noting the project is currently in Phase I and Phase II will occur in 2013. Quartini indicated their property has frontage on 26<sup>th</sup> Avenue and they are very supportive of the Reimbursement District. Quartini testified that they understand and accept their financial contribution. In addition, Quartini indicated they will be constructing Juniper Street as part of their development, noting when the two streets are completed there will be more connectivity in the area.

Karen Shawcross, Bienstar Executive Director, 220 SE 12<sup>th</sup> Avenue, Suite A-100, Hillsboro, OR 97123-4667, testified that Bienstar is the owner of 6-1/2 acres with frontage on 26<sup>th</sup> Avenue, noting as Quartini testified, Bienstar is constructing Juniper Gardens, including 24 multiple-family units in Phase I and 22 units in Phase II. Shawcross indicated they will probably be the first neighbors to pay into the Reimbursement District and they are happy to do so. Shawcross indicated the road improvements that Bienstar will be constructing on Juniper Street will provide an important access point from south to north and they think the improvements along 26<sup>th</sup> Avenue, jointly with Juniper Street improvements, will make for a

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much safer road and a viable neighborhood. In addition, Shawcross thanked the City Manager and City Engineering Department for developing a solution to a difficult problem in an area, noting it is an area that is going to suddenly explode with new development.

Shawn Billman, 2727 26<sup>th</sup> Avenue, Forest Grove, referenced his property on the map and inquired if a traffic impact study has been conducted to determine how many cars actually travel the road daily, noting the road is a real safety concern for traffic and kids playing in the neighborhood. In addition, Billman indicated the City needs to conduct a traffic study to ensure a sufficient road is constructed to handle traffic and new development in the area.

Drennen Wesley, 2204 26<sup>th</sup> Avenue, Forest Grove, referenced his property on the map and testified he is a middle school teacher in Forest Grove and he lives right on the corner of 26<sup>th</sup> Avenue and Sunset Drive. Wesley testified he is in support, including financial support of anything that will help widen the sidewalks and improve pedestrian access in the area. Wesley applauded City Council for the City's desire to improve the roadway, noting he has witnessed many of his students attempting to cross the roadway and he recently witnessed a serious bicycle accident. Wesley indicated there seems to be a lot of development around 26<sup>th</sup> Avenue without first improving the roadway to accommodate capacity and pedestrian access, noting he hopes this is the first step in really looking at roadway improvements and pointed out Sunset Drive/Hawthorne Street are more heavily used than Hawthorne Street/Juniper Street.

Michelle Yanaoka, 2222 26<sup>th</sup> Avenue, Forest Grove, testified that she has had many discussions with City Engineering regarding the lack of pedestrian and bicycle safety access on 26<sup>th</sup> Avenue and lack of no-parking signs in the area, noting at the very least, the City needs to post no-parking signs until the roadway is improved. In addition, Yanaoka spoke about her daughter's death, noting she does not want to see another person experience the loss of a child due to unsafe roads as she has.

No one else testified and no written comments were received.

**Opponents:**

Ryan Wiley, 2531 Hawthorne Street, Forest Grove, referenced his

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property on the map, noting his property is located in unincorporated Washington County. Wiley projected a PowerPoint presentation, citing his reasons for objection of the proposed Reimbursement District, noting his reasons are lack of assessment value, undue financial obligation and unnecessary features. Wiley inquired about the definition of the type of development that would trigger the Reimbursement District and the legalities of assessing property located outside of the City limits. Wiley stated he is planning to build a garage addition and the assessed fees to his property in the Reimbursement District would cost him an additional \$16,840 over and beyond his project costs. Wiley referenced Washington County's current market value on his property and voiced concern the City did not perform due diligence in assessing the financial burden equally in the neighborhood. Wiley questioned why the City was not assessing only the developments that would be using the roadway and questioned why the City was approving development in the first place with the current roadway conditions. In addition, Wiley questioned if the City received three bids for the work, stating he would like to see an itemized quote for the portion of the project that he will be assessed.

No one else testified and no written comments were received.

**Others:**

Shane Radecellini, 2715 Juniper Street, Forest Grove, inquired about no-parking signs and reported violations of the City's tree protection plan. Radecellini testified over the weekend, three no-parking signs were erected, pointing out that the signs were posted in areas where they are not needed. Radecellini projected photographs to show the locations of no-parking signs and questioned why the City would erect the signs in those locations. In addition, Radecellini showed photographs where the City's tree protection plan was being violated.

Kristen Thomas, 2735 26<sup>th</sup> Avenue, Forest Grove, indicated the improvement of the road should have occurred seven years ago, stating she has been begging for a safer street and dust control. Thomas indicated 26<sup>th</sup> Avenue to Hawthorne Street is pathetic and inadequate and lacks curbs and sidewalks, and is an unsafe roadway. In addition, Thomas questioned why the City has not worked with the County for MSTIP funds to fix and make the roadways in the area safer streets.

No one testified and no written comments were received.

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**Public Hearing Closed:**

Mayor Truax closed the Public Hearing.

**Council Discussion:**

In response to Council concerns and testimony heard, Foster affirmed that roads are improved by adjacent properties when development occurs, noting even without a Reimbursement District, if the properties ever develop, the owner would still be required by City Code to pay for their portion of improving the roadway at the time of development. Foster explained a Reimbursement District simply provides the financing mechanism for the improvements. Foster advised he did not believe that City staff was responsible for posting the three no-parking signs in the area, noting he would look into the matter further. In addition, Foster explained MSTIP is a levy program for major transportation improvements countywide, noting it would be questionable if 26<sup>th</sup> Avenue would qualify for MSTIP funding. Foster explained the property located at 2531 Hawthorne Street, Wiley's property, is located on a corner lot and has larger frontage, which is why the costs are assessed higher for this tax lot.

Robbins indicated a Local Improvement District (LID) is another tool the City could use; however, an LID is initiated by property owners, if more than 50 percent are in favor of the improvements, and each property owner would be responsible to pay their share.

Mayor Truax affirmed that MSTIP funding is allocated to fund significant roadways and highways improvements countywide and advised that a discussion pertaining to no parking and speed limits needs to continue.

**City Attorney Response to Testimony:**

Elsner advised Council and staff that if properties were located outside of the City limits and the City does not have jurisdiction, the City may not have authority to assess the properties. Elsner explained the formation of a Reimbursement District does not result in a lien against the property, noting once the Reimbursement District is established, final assessment costs for each property is a precondition to receipt of any City permit necessary for development of that property.

Holan clarified there are planning agreements with Washington County for the above-noted area and explained the property located at 2531

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Hawthorne Street, Wiley's property, is able to proceed with a garage addition and no assessment costs would be assessed as long as the property remained in Washington County, noting once the property is sold and is rebuilt, the property would need to annex into the City's jurisdiction and the Reimbursement District assessment costs would be assessed at that time, noting the issuance of a building permit would trigger the start time for the cost assessments.

Discussion continued with City Attorney and staff on whether or not the City should withdraw the properties located in unincorporated Washington County (Tax Lot 401, 2531 Hawthorne Street, Tax Lot 400, 2523 Hawthorne, and Tax Lot 301, 2718 16<sup>th</sup> Avenue) from the proposed Reimbursement District. Elsner advised Council and staff that the reimbursement assessment costs would need to be reallocated to exclude the above-noted properties located outside of the City's jurisdiction or the City could also consider an LID instead of a Reimbursement District. Elsner suggested tabling/postponing Council action on the proposed resolutions so staff could reassess the proposal.

At the conclusion of above-noted discussion, Mayor Truax asked for a motion to table Resolution No. 2012-54 (refer below to Agenda Item 6. B.) and table Resolution No. 2012-55 (refer below to Agenda Item 6. C.) and asked staff to reassess the proposal and make changes if necessary.

**MOTION: Councilor Lowe moved, seconded by Councilor BeLusko, Jr. , to TABLE Resolution No. 2012-54 (refer below to Agenda Item 6. B.) and table Resolution No. 2012-55 (refer below to Agenda Item 6. C.) until the next meeting of Monday, August 13, 2012.**

**Council Discussion:**

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, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing and Council President Johnston. MOTION CARRIED 5-0.**

6. B. **RESOLUTION NO. 2012-54 ACCEPTING THE CITY ENGINEER'S REPORT ON THE FORMATION OF A PROPOSED STREET IMPROVEMENT REIMBURSEMENT DISTRICT, PURSUANT TO CITY**

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**CODE, FOR 26<sup>TH</sup> AVENUE, BETWEEN HAWTHORNE STREET AND JUNIPER STREET “26<sup>TH</sup> AVENUE IMPROVEMENT PROJECT REIMBURSEMENT DISTRICT”**

The above-noted resolution was tabled (refer above to Agenda Item 6. A.) until the next meeting of Monday, August 13, 2012.

**6. C. RESOLUTION NO. 2012-55 FORMING A STREET IMPROVEMENT REIMBURSEMENT DISTRICT FOR 26<sup>TH</sup> AVENUE, BETWEEN HAWTHORNE STREET AND JUNIPER STREET “26<sup>TH</sup> AVENUE IMPROVEMENT PROJECT REIMBURSEMENT DISTRICT”**

The above-noted resolution was tabled (refer above to Agenda Item 6. A.) until the next meeting of Monday, August 13, 2012.

**7. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2012-04 ADOPTION OF AMENDMENTS TO PACIFIC UNIVERSITY MASTER PLAN TO INCORPORATE PROVISIONS FOR TWO NEW OPPORTUNITY SITES (L, SUNSET DRIVE, AND M, CANNERY FIELD), ADDITIONAL USES AND MISCELLANEOUS AMENDMENTS (AMENDMENT NO. 3)**

**Staff Report:**

Holan presented the above-proposed ordinance for Council consideration, noting Pacific University is requesting a third amendment to its Master Plan to incorporate provisions for two new opportunity sites (L, Sunset Drive, and M, Cannery Field), additional uses, and miscellaneous amendments as initiated by staff. Holan reported the purpose of the amendments are to allow consideration of a temporary student health center, located west of College Way in proximity to Parr Lumber storage area, and a maintenance facility, to be moved from Cedar Street to a site located on Sunset Drive, immediately north of the Aquatic Center. The other proposed amendments are the addition of Cannery Field/Cedar Street as a new opportunity site and clarifying provisions to the Master Plan as initiated by staff. Holan reported the Planning Commission, at its meeting of June 18, 2012, approved the third amendment to Pacific University's Master Plan, with proposed revisions as shown in Exhibit 1, Findings, and Exhibit 2, Recommended Changes to Amendment 3 of the Master Plan. In conclusion, Holan advised it is staff's recommendation to approve the proposed amendments as proposed.

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Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2012-04.

Elsner read Ordinance No. 2012-04 by title for first reading.

**MOTION:** Councilor BeLusko, Jr., moved, seconded by Councilor Miller, to approve Ordinance No. 2012-04 Adoption of Amendments to Pacific University Master Plan to Incorporate Provisions for Two New Opportunity Sites (L, Sunset Drive, and M, Cannery Field), Additional Uses and Miscellaneous Amendments (Amendment No. 3). The second reading of Ordinance No. 2012-04 by title and final vote will occur at the meeting of August 13, 2012.

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

Thompson declared he attended the Planning Commission hearing on June 18, 2012.

**Challenges from Parties:**

None declared.

**Public Hearing Opened:**

Mayor Truax opened the Public Hearing.

**Written Testimony:**

Michael Charles Lamb, 162 SE Oak, Hillsboro, receipt of a certified letter dated July 3, 2012, submitted to City Recorder prior to hearing date of July 9, 2012, voicing support of his father, Robert Charles Lamb, 2402 Sunset Drive, Forest Grove, who resides within the area that Pacific University is considering as Opportunity Site L. Staff referenced the letter into the record for Council consideration at the hearing of July 9, 2012.

**Proponents:**

No one testified and no written comments were received.

**Opponents:**

No one testified and no written comments were received.

**Others:**

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No one testified and no written comments were received.

**Council Discussion:**

Hearing no discussion from the Council, Mayor Truax recessed the Public Hearing as noted below.

**Public Hearing Recessed:**

Mayor Truax recessed the Public Hearing until the next Council meeting of Monday, August 13, 2012.

**8. RESOLUTION NO. 2012-56 AUTHORIZING MAYOR OF THE CITY OF FOREST GROVE TO ENDORSE AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT (SANITARY SEWER SYSTEM DEVELOPMENT CHARGES) BETWEEN THE CITY OF FOREST GROVE AND CLEAN WATER SERVICES**

**Staff Report:**

Downey presented the above-proposed resolution requesting authorization to endorse an amendment to the Intergovernmental Agreement (IGA) between the City and Clean Water Services (CWS) pertaining to the allocation of Sanitary Sewer System Development Charges (SDC), noting the City and CWS have negotiated a one-year extension of the IGA, which will allow the City to continue to retain 20 percent of the Sanitary Sewer SDC allocations for the repayment of the Sunset Drive Sanitary Sewer Project. Downey advised the City has six more years to pay CWS (through 2018) for the Sunset Drive Sanitary Sewer Project. In conclusion, Downey recommended allowing the City to endorse the IGA so the City could continue to retain 20 percent of the allocations through June 30, 2013.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2012-56.

Elsner read Resolution No. 2012-56 by title.

**MOTION: Councilor Thompson moved, seconded by Councilor Lowe, to adopt Resolution No. 2012-56 Authorizing Mayor to Endorse Amendment to the Intergovernmental Agreement (Sanitary Sewer System Development Charges) between the City of Forest Grove and**

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**Clean Water Services.**

**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, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing and Council President Johnston. MOTION CARRIED 5-0.**

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

City Manager Sykes reported on upcoming events as noted in the Council calendar and reported on other various upcoming local meetings and events. Sykes reported staff has scheduled four finalists for Police Chief to meet with Council on Friday, August 3, 2012, noting the Public Safety Advisory Commission will be invited to attend and the public will also be invited to attend a reception afterwards in the Community Auditorium. Sykes reported the Oregon Department of Transportation has authorized the Safe Routes to School Grant for sidewalks along B Street for Harvey Clarke Elementary School, noting staff is currently working on a Request for Proposal for consultant selection. 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 other upcoming city/community-wide events.

**10. COUNCIL COMMUNICATIONS:**

BeLusko reminded everyone that the Forest Grove Concours Car Show, presented by the Forest Grove Rotary Club, is Sunday, July 15, 2012. In addition, BeLusko reported on other matters of interest and upcoming meetings he was planning to attend.

Council President Johnston was absent.

Lowe reported on matters of interest and upcoming meetings she was planning to attend.

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

Thompson reported on Ride Connection-related events and upcoming

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events and meetings he was planning to attend.

Uhing was absent.

Mayor Truax reported on various local, regional, Metro, and Washington County meetings he attended and reported on various upcoming meetings and community-related events he was planning to attend. Mayor Truax recapped his attendance at the Washington County Coordinating Committee (WCCC) meeting, noting the Transportation Development Tax discount program will continue for another year or so. Mayor Truax gave Kudos to TriMet for recently relocating a City bus stop, pointing out that even though Forest Grove is a net payer into the system, routes have not changed in 45 years to his recollection. In addition, Mayor Truax recapped the schedule for the upcoming Nyuzen, Japan, Adult Delegation Visit, noting the delegation will arrive July 12 and depart July 16, 2012. Mayor Truax announced he will be conducting the Ribbon-Cutting and Dedication Ceremony for Fernhill Wetlands' picnic shelter and restroom, which will be held Tuesday, July 31, 2012, 4:00 p.m. at Fernhill Wetlands, noting the public is invited to attend. Mayor Truax highlighted the presentation that BPA gave earlier, noting the video showed some great examples of how elected officials make use of federal tax dollars. In conclusion, Mayor Truax highlighted various upcoming Council Calendar events and other community-related matters of interest.

**11. ADJOURNMENT:**

Mayor Truax adjourned the meeting at 9:54 p.m.

Respectfully submitted,



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Anna D. Ruggles, CMC, City Recorder