

**FOREST GROVE CITY COUNCIL REGULAR MEETING  
NOVEMBER 26, 2012 – 7:00 P.M.  
COMMUNITY AUDITORIUM  
PAGE 1**

***Minutes are unofficial until approved by Council.  
Council approved minutes as presented December 10, 2012.***

1. **ROLL CALL:**  
Mayor Peter Truax called the regular City Council to order at 7:04 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL PRESENT:** Thomas Johnston, Council President; Richard Kidd, newly-elected (replaced Thomas BeLusko, Jr.); Victoria Lowe (incumbent); Camille Miller; Ronald Thompson; Elena Uhing (incumbent); and Mayor Peter Truax. **STAFF PRESENT:** Michael Sykes, City Manager; Paul Downey, Administrative Services Director; Susan Cole, Administrative Services Assistant Director; Jon Holan, Community Development Director; Rob Foster, Public Works Director (in the audience); Michael Kinkade, Fire Chief (in the audience); Janie Schutz, Police Chief (in the audience); and Anna Ruggles, City Recorder.
  
2. **CITIZEN COMMUNICATIONS:** None.
  
2. A. **CITY COUNCIL PRESIDENT NOMINATION AND APPOINTMENT FOR 2012-2013**  
Mayor Truax reported three Council seats were on the ballot at the General Election, held Tuesday, November 6, 2012. Councilors Lowe and Uhing, incumbents, were reelected and Richard Kidd was elected to replace Councilor BeLusko, Jr., who did not seek reelection. Mayor Truax advised due to the election results and pursuant to City Charter, Chapter III, Section 9, he is requesting to the Council to consider making the appointment of Council President at this time, noting the Council President will act as Mayor when the Mayor is unable to perform mayoral duties.  
  
**Council Discussion:**  
After brief Council discussion, the following motion was made to reelect Councilor Johnston as Council President.  
  
**MOTION:** Councilor Miller moved, seconded by Councilor Lowe, to reelect Councilor Johnston as Council President for 2012-2013.  
**MOTION CARRIED 6-0 by voice vote with Council President Johnston abstaining.**

**FOREST GROVE CITY COUNCIL REGULAR MEETING  
NOVEMBER 26, 2012 – 7:00 P.M.  
COMMUNITY AUDITORIUM  
PAGE 2**

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

- A. Approve City Council Work Session (B&C Interviews) Meeting Minutes of November 13, 2012.
- B. Approve City Council Executive Session (Litigation) Meeting Minutes of November 13, 2012.
- C. Approve City Council Work Session (Downtown Traffic Analysis) Meeting Minutes of November 13, 2012.
- D. Approve City Council Regular Meeting Minutes of November 12, 2012.
- E. Accept Public Arts Commission Meeting Minutes of October 11, 2012.
- F. Police Department Monthly Calls for Service Statistics Report for 2012.
- G. Accept Resignation on Planning Commission (Richard Kidd, Term Expiring December 31, 2014).
- H. **RESOLUTION NO. 2012-72 MAKING APPOINTMENT TO LIBRARY COMMISSION (APPOINTING ANNELLE “ANNIE” HICKS, TERM EXPIRING DECEMBER 31, 2013).**
- I. **RESOLUTION NO. 2012-73 MAKING APPOINTMENT TO PUBLIC ARTS COMMISSION (APPOINTING VICTORIA HAMPTON, NON-VOTING STUDENT ADVISOR, TERM EXPIRING DECEMBER 31, 2013).**

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

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

**FOREST GROVE CITY COUNCIL REGULAR MEETING  
NOVEMBER 26, 2012 – 7:00 P.M.  
COMMUNITY AUDITORIUM  
PAGE 3**

**5. A. Quarterly Financial Report for Period Ending September 30, 2012:**

Cole and Downey presented a PowerPoint presentation outlining the quarterly financial report ending September 30, 2012, noting this is the first quarter of the City's fiscal year ending June 30, 2013. Cole explained the first part of the report is a graphical representation of the quarterly status of the City's major operating departments and funds; the second part of the report contains comments on other funds where material events have or are projected to occur; and the third part of the report is the line item detail, noting the actual revenues received or expenditures disbursed through the end of the quarter are compared to the quarterly budget allotment and expressed in the detail report as both a dollar variance and percent variance. Cole highlighted the graphs pertaining to the General Fund, Building Services Fund, Information Systems Fund, Light Fund, Street Fund, Sewer Fund, Water Fund, Surface Water Management Fund, and Equipment Fund, noting expenditures are approximately three (3%) percent less than the first quarter budget allotment. In conclusion, Cole addressed various Council inquiries pertaining to the City's fuel costs and replacement schedule of City vehicles with fuel efficiency vehicles.

**6. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2012-05 APPROVING THE DELETION OF CONDITION 31 OF ORDINANCE NUMBER 2006-05 (HAWTHORNE MEADOWS PLANNED RESIDENTIAL DEVELOPMENT), CONDITION 34 OF ORDINANCE NUMBER 2006-06 (COUNCIL MEADOWS PLANNED RESIDENTIAL DEVELOPMENT), CONDITION 36 OF ORDINANCE NUMBER 2006-24 (HAWTHORNE VILLAGE PLANNED RESIDENTIAL DEVELOPMENT), AND CONDITION 40 OF ORDINANCE NUMBER 2007-03 (CASEY MEADOWS PLANNED RESIDENTIAL DEVELOPMENT). APPLICANT: CITY OF FOREST GROVE. FILE NO. ZNC-12-00913**

**Staff Report:**

Holan presented the above-proposed ordinance for Council consideration, noting staff is requesting to delete a condition that was included in the approval of four Planned Residential Developments (PRDs) (Condition 31 of Ordinance No. 2006-05, Hawthorne Meadows; Condition 34 of Ordinance No. 2006-06, Council Meadows; Condition 36 of Ordinance No. 2006-24, Hawthorne Village; and Condition 40 of Ordinance No. 2007-03, Casey Meadows). Holan reported the approval conditions of the above-

**FOREST GROVE CITY COUNCIL REGULAR MEETING  
NOVEMBER 26, 2012 – 7:00 P.M.  
COMMUNITY AUDITORIUM  
PAGE 4**

mentioned PRDs required that any homes built less than 5' from a property line to be sided and roofed with noncombustible material or be equipped with fire suppression systems; however, the 2005 Oregon Residential Specialty Code Section R302.1 requires the use of noncombustible materials with a fire separation of less than 3' (State Code) rather than 5' (City provisions). In conclusion, Holan advised the City Attorney has concluded the City's provisions conflict with State code, and as a result, staff is recommending the City remove the conditions from the above-mentioned PRDs.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2012-05.

Sykes read Ordinance No. 2012-05 by title for first reading.

**MOTION: Council President Johnston moved, seconded by Councilor Lowe, to adopt Ordinance No. 2012-05 Approving the Deletion of Condition 31 of Ordinance Number 2006-05 (Hawthorne Meadows Planned Residential Development), Condition 34 of Ordinance Number 2006-06 (Council Meadows Planned Residential Development), Condition 36 of Ordinance Number 2006-24 (Hawthorne Village Planned Residential Development), and Condition 40 of Ordinance Number 2007-03 (Casey Meadows Planned Residential Development). Applicant: City Of Forest Grove. File No. ZNC-12-00913. The second reading of Ordinance No. 2012-05 by title and final vote will occur at the meeting of December 10, 2012.**

**Disclosure of Conflict of Interest:**

Kidd disclosed he served as a Planning Commissioner when the Planning Commission held its hearing and made recommendation proposing to delete the conditions.

Uhing disclosed she attended the Planning Commission hearing.

**Public Hearing Opened:**

Mayor Truax opened the Public Hearing.

**Proponents:**

**FOREST GROVE CITY COUNCIL REGULAR MEETING  
NOVEMBER 26, 2012 – 7:00 P.M.  
COMMUNITY AUDITORIUM  
PAGE 5**

No one testified and no written comments were received.

**Opponents:**

Justin Engeseth, 2853 Osburn St, spoke in opposition of the City eliminating the 5' setback requirement due to fire and life safety reasons. Engeseth indicated he attended a meeting with City fire officials about his concerns, noting he has been advised that because he is aware that his home has been built with a 3' setback and combustible siding, he has been told that he is now obligated to disclose his fire and life safety concerns to any prospective homebuyer when he attempts to sell his home. Engeseth stressed that if City requires a 5' setback requirement, it would help eliminate homeowners' fire safety concerns. Engeseth also asked to be notified of future work sessions or meetings that the Council holds pertaining to setback requirements.

No one else testified and no written comments were received.

**Others:**

No one testified and no written comments were received.

**Council Discussion:**

In response to Lowe's concerns pertaining to setback requirements, Holan explained all the above-mentioned PRDs requested reduced setbacks, which the Planning Commission and Council approved as part of the conditions. In addition, Lowe voiced concern pertaining to code deviations, noting she has concerns citizens are caught in the middle of the conflicting code regulations, and as a result, citizens now have a moral obligation.

In response to Uhing's concerns pertaining to impositions, Holan advised none of the above-mentioned developments were imposed by the City's conditions. In addition, Uhing indicated she would like additional information for the sake of the citizen who testified.

Thompson voiced concerns pertaining to code deviations and safety, noting the Council made a cautious decision as recommended by the Fire Department to set the conditions because it was a fire hazard to allow a 3' setback requirement.

**FOREST GROVE CITY COUNCIL REGULAR MEETING  
NOVEMBER 26, 2012 – 7:00 P.M.  
COMMUNITY AUDITORIUM  
PAGE 6**

Johnston voiced concern pertaining to code deviations and safety, noting this is an issue that the Oregon Fire Marshal needs to bring to Salem so changes can be made to State code. Johnston advised at this point the Council needs to conform to State code, noting he would like this issue to be brought back to Council for review and discussion at a later date.

In response to Mayor Truax's inquiries and concerns pertaining to legislative process, Holan explained that he believes there is a process at State level to submit changes to State code, noting the City could submit a recommendation to change the standard 3' setback requirement to a 5' setback requirement. Mayor Truax advised whether Council or citizens agree or disagree, the City being in conflict is not a comfortable position for him or the City, noting the Council needs to eliminate conflicting code regulations and then explore what options are available at a later date

In conclusion of the above-noted Council discussion, Holan advised he would prepare an analysis for Council at the first meeting in January so Council can explore options of whether to accept State code regulation or pursue action to increase the City's setback requirement.

**Public Hearing Recessed:**

Mayor Truax recessed the Public Hearing until the next Council meeting of December 10, 2012.

**7. RESOLUTION NO. 2012-74 MAKING CITY COUNCIL LIAISON APPOINTMENTS TO VARIOUS BOARDS, COMMITTEES, AND COMMISSIONS, AND OTHER REPRESENTATIVE APPOINTMENTS**

**Staff Report:**

Mayor Truax presented an amended copy of the above-proposed resolution, Exhibit A, making the Councilmember liaison appointments to various boards, committees, and commissions and other representative appointments. Mayor Truax advised due to the election results and pursuant to City Council Rules of Procedure, Section 14.4, he is requesting to make the Council liaison appointments at this time.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2012-74.

**FOREST GROVE CITY COUNCIL REGULAR MEETING  
NOVEMBER 26, 2012 – 7:00 P.M.  
COMMUNITY AUDITORIUM  
PAGE 7**

Sykes read Resolution No. 2012-7 by title.

**MOTION: Councilor Lowe moved, seconded by Councilor Miller, to adopt Resolution No. 2012-74 Making City Council Liaison Appointments to Various Boards, Committees, and Commissions, and other Representative Appointments.**

**Council Discussion:**

In response to Uhing's inquiry about the effective date of the new Council Liaison appointments, Mayor Truax advised the appointments are effective immediately.

Mayor Truax asked Ruggles to contact the board chairs and staff liaisons and inform them about the new Council liaison appointments.

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

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

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

City Manager Sykes reported on upcoming meetings and events as noted in the Council calendar and reported on dates of significant events of interest as noted in the City Manager's Report. Sykes reported the Sustainability Committee has stepped forward to coordinate the Annual Town Meeting, which will be held Saturday, January 26, 2013, noting the topic will be "How to foster safe, livable and sustainable neighborhoods to support a prosperous green City". Sykes reported the Council Goal-Setting Retreat has been scheduled for Saturday, February 9, 2013. Sykes reminded Council to attend the Western Washington County Cities Legislative Work Session, which will be held Thursday, November 29, 2012, 6:00 p.m. in the Community Auditorium. In conclusion, 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.

**FOREST GROVE CITY COUNCIL REGULAR MEETING  
NOVEMBER 26, 2012 – 7:00 P.M.  
COMMUNITY AUDITORIUM  
PAGE 8**

**9. COUNCIL COMMUNICATIONS:**

Council President Johnston thanked Tom BeLusko, Jr., for his service on Council; congratulated Lowe and Uhing for being reelected; and welcomed Kidd who was elected to replace BeLusko. Johnston briefly reported on the Fire Department's Annual Toy Drive and the Police Department's 2013 Citizen Academy. In addition, Johnston reported on legislative matters pertaining to 911 dispatch centers and upcoming meetings he was planning to attend.

Kidd thanked individuals who voted for him and thanked his wife for giving him permission to seek election.

Lowe reported on Parks and Recreation Commission (P&R)-related activities, noting P&R is excited about the City's new parkland purchase but is also concerned the Parks and Recreation Department has a stretched budget as it is and may be unable to maintain efficiently any additional parkland. Lowe briefly reported on Fernhill Wetlands-related activities. In addition, Lowe reported on other matters of interest and upcoming meetings she was planning to attend.

Miller reported the Forest Grove Chamber of Commerce Board has appointed Ray Giansante as Interim Chamber Executive Director. Miller reported on Committee for Citizen Involvement (CCI)-related activities, noting she is anxious to see a copy of CCI's mission statement (referring to Mayor Truax's letter to B&C Chairs). In addition, Miller reported on other matters of interest and upcoming meetings she was planning to attend.

Thompson reported the Community Forestry Commission (CFC) held its Free Tree Pruning Workshop on Saturday, November 17, 2012, noting the event was well attended. Thompson briefly reported on Ride Connection-related activities and Forest Grove Senior and Community Center-related activities. In addition, Thompson reported on other matters of interest and upcoming meetings he was planning to attend.

Uhing commended the Economic Development Commission (EDC) on their work and video presentation earlier, noting EDC worked diligently to create the videos, which will be used for tourism and economic

**FOREST GROVE CITY COUNCIL REGULAR MEETING  
NOVEMBER 26, 2012 – 7:00 P.M.  
COMMUNITY AUDITORIUM  
PAGE 9**

development recruitment. In addition, Uhing reported on other matters of interest and upcoming meetings she was planning to attend.

Mayor Truax distributed a copy of a draft letter that he is sending to all Boards, Committees and Commissions Chairs, noting the letter is requesting that each B&C re-examine their mission statement; discuss and identify this year's accomplishments; identify goals that they would like to pursue this coming year; and the letter is also requesting that each B&C give some thought to how they can help enhance sustainable practices within the community. Mayor Truax advised he would like to point out that he is referring to sustainable social justice, making it a much broader definition and more powerful. Mayor Truax also reported he, as well as Fire Chief and Police Chief, will be participating in "ringing of the bell" event in support of Salvation Army. In addition, Mayor Truax reported on various local, regional, Metro, and Washington County meetings he attended; reported on legislative matters pertaining to 911 dispatch centers and League of Oregon Cities; and upcoming meetings and community-related events he was planning to attend.

**10. ADJOURNMENT:**

Mayor Truax adjourned the meeting at 8:55 p.m.

Respectfully submitted,



---

Anna D. Ruggles, CMC, City Recorder