

**FOREST GROVE CITY COUNCIL REGULAR MEETING
MAY 13, 2013 – 7:00 P.M.
COMMUNITY AUDITORIUM
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***Minutes are unofficial until approved by Council.
Council approved minutes as presented May 28, 2013.***

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; Victoria Lowe; Camille Miller; Ronald Thompson; Elena Uhing; and Mayor Peter Truax. **STAFF PRESENT:** Michael Sykes, City Manager; Paul Downey, Administrative Services Director; Susan Cole, Administrative Services Assistant Director; Rob Foster, Public Works Director; Tom Gamble, Parks and Recreation Director; Jon Holan, Community Development Director; Michael Kinkade, Fire Chief; George Cress, Light and Power Director (in the audience); Rick Vanderkin, Public Works Superintendent (in the audience); and Anna Ruggles, City Recorder.

1. A. EMPLOYEE RECOGNITIONS:

Mayor Truax and Foster presented a Certificate of Appreciation and a plaque honoring Kathy Krieger, Public Works Administrative Assistant, in recognition of her 34 dedicated years of service to the Forest Grove Public Works Department. Foster commended Krieger and congratulated her on her retirement.

Mayor Truax and Gamble presented a Certificate of Appreciation and a plaque honoring Laurie Maitland, Lifeguard Instructor, in recognition of her 33 dedicated years of service to the Forest Grove Aquatic Center. Gamble commended Maitland and congratulated her on her retirement.

1. B. PROCLAMATIONS:

National Public Works Week

Mayor Truax publicly proclaimed May 19 – 25, 2013, as “National Public Works Week”. Foster and Vanderkin accepted the proclamation on behalf of the Public Works Department.

National Historic Preservation Month

Councilor Kidd publicly proclaimed the month of May, 2013, as “National Historic Preservation Month”. Neil Poulsen, Chair, and Holly Tsur, Vice-

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Chair of Historic Landmark Board (HLB), accepted the proclamation on behalf of HLB.

Emergency Medical Services Week

Council President Johnston publicly proclaimed May 19 – May 25, 2013, as “Emergency Medical Services Week”. Robert Breihoff accepted the proclamation on behalf of Metro West Ambulance. Metro West Ambulance presented a plaque of appreciation on behalf of the City.

1. C. FIRE EMPLOYEE INTRODUCTIONS AND PROMOTIONS:

Chief Kinkade administered the Oath of Office to newly promoted Captain Fire Inspector Chris Woodford; newly promoted Fire Lieutenant Tony Carter; and new Firefighter Cassandra “Cassie” Knierim.

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 Work Session (CEP Presentations) Meeting Minutes of April 16, 2013.
- B. Approve City Council Work Session (B&C Interview) Meeting Minutes of April 22, 2013.
- C. Approve City Council Regular Meeting Minutes of April 22, 2013.
- D. Accept Community Forestry Commission Meeting Minutes of February 20 and March 20, 2013.
- E. Accept Historic Landmarks Board Meeting Minutes of March 26, 2013.
- F. Accept Parks and Recreation Commission Meeting Minutes of March 20, 2013.
- G. Accept Public Safety Advisory Commission Meeting Minutes of January 23, February 27, and March 27, 2013.
- H. Community Development Department Monthly Building Activity Informational Report for April 2013.
- I. Library Department Monthly Circulation Statistics Report for

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April 2013.

J. Accept Resignation on Committee for Citizen Involvement
(Susan Aguilar, Term Expiring December 31, 2014)

K. **RESOLUTION NO. 2013-27 MAKING APPOINTMENT TO
COMMITTEE FOR CITIZEN INVOLVEMENT (APPOINTING
DEBBIE PARIERA, TERM EXPIRING DECEMBER 31,
2014).**

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

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

5. **PRESENTATIONS:**

Children's Opportunity Fund Initiative of Washington County:

Katie Riley, Chair of Children's Opportunity Fund Initiative of Washington County, presented a PowerPoint presentation highlighting the purpose of the above-noted program, noting the Children's Opportunity Fund Initiative is seeking to create a sustainable source of funding dedicated to proven, successful programs that prevent child abuse, assure high quality early childhood care and education and support the academic success of all children. Riley reported by 2014, Washington County will have the largest youth population in the State of Oregon, noting the above-noted initiative is to help raise monies to pay for a county-wide survey/poll to inform the public of the nature of this initiative. Riley referenced statistical information, noting free and reduced lunch eligibility escalated from 22 percent in 2000 to 40.3 percent in 2010 and the number of schools with more than 50 percent eligible students has increased from 10 to 33 schools in the same period. In conclusion, Riley distributed Endorsement Forms, noting Councilmembers can pledge their support of the Children's Opportunity Fund Initiative of Washington County by submitting an Endorsement Form and making a financial contribution to help pay for the county-wide survey.

6. **PUBLIC HEARING AND SECOND READING OF ORDINANCE NO.
2013-03 AMENDING FOREST GROVE DEVELOPMENT CODE,
CHAPTER 10, ZONING TEXT AMENDMENT. FILE NO. ZNC-12-01070**

The first reading of Ordinance No. 2013-03 by title occurred at the meeting

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of April 8, 2013, and second reading was postponed at the meeting of April 22, 2013, to allow the City Attorney additional review time.

Staff Report:

Holan advised the City Attorney reviewed Exhibit A of Ordinance No. 2013-03 and made minor language amendments and amended Section 10.6.105 D. to require city engineer certification as part of the application requirements instead of pre-application. Holan advised staff also incorporated two proposed changes, which were identified by Council at the meeting of April 8, 2013, noting Council suggested amending Section 10.8.710 B.3.d to allow treatment of windows for energy or security purposes and suggested amending Section 10.8.905 F.3 to increase the interval of electronic displays from three to seven seconds. In conclusion, Holan advised staff is recommending adoption of Ordinance No. 2013-03 as amended.

Public Hearing Continued:

Mayor Truax continued the Public Hearing from the meeting of April 8, 2013.

Written Testimony Received:

No written testimony was received.

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.

Council Discussion:

In response to Council President Johnston's concerns pertaining to extension of land use permits, Holan referenced Section 10.1.135 and explained the permit process and time limitations.

Hearing no further discussion from the Council, Mayor Truax asked for a roll call vote on the motion made at the meeting of April 8, 2013.

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Sykes read Ordinance No. 2013-03 by title for second reading as amended.

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

7. PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 2013-04 AMENDING FOREST GROVE CODE SECTION 3.105, MODIFYING THRESHOLD COST AND ADDING CRITERIA FOR THE INSTALLATION OF SIDEWALKS; AND REPEALING ORDINANCE NO. 1976-27. FILE NO. ZNC-12-01070

The first reading of Ordinance No. 2013-04 by title occurred at the meeting of April 8, 2013, and second reading was postponed at the meeting of April 22, 2013, to allow the City Attorney additional review time.

Staff Report:

Holan advised the City Attorney has reviewed Exhibit A of Ordinance No. 2013-04 and made no amendments.

Public Hearing Continued:

Mayor Truax continued the Public Hearing from the meeting of April 8, 2013.

Written Testimony Received:

No written testimony was received.

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.

Council Discussion:

Hearing no discussion from the Council, Mayor Truax asked for a roll call vote on the motion made at the meeting of April 8, 2013.

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Sykes read Ordinance No. 2013-04 by title for second reading.

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

8. **PUBLIC HEARING AND FIRST AND SECOND READING OF ORDINANCE NO. 2013-05 SPECIFYING THE ASSESSMENTS TO BE MADE ON PROPERTIES SPECIALLY BENEFITED BY THE CONSTRUCTION OF CERTAIN SIDEWALK IMPROVEMENTS; SETTING SIXTY (60) MONTH AND ONE HUNDRED TWENTY (120) MONTH PERIODS FOR INSTALLMENT PAYMENTS; SETTING THE INSTALLMENT FINANCING RATE AT FOUR AND ONE-QUARTER PERCENT (4.25%) AND SIX AND ONE-HALF PERCENT (6.50%) RESPECTIVELY; DECLARING AN EMERGENCY**

Staff Report:

Foster and Cole presented the above-proposed ordinance for Council consideration, noting the proposed ordinance is assessing the final costs to property owners (listed in Exhibit A) who voluntarily consented to sidewalk repairs pursuant to the City-Wide Voluntary Sidewalk Local Improvements District Program. Cole indicated the City identified 751 sidewalk segments in 2010 when the program began and as of this report, the City has completed 135, totaling \$263,990.92. Cole reported the third year of the program resumed January 1, 2013, and is now completed, noting staff is submitting for Council consideration the completed projects so reimbursement costs to the City can be assessed immediately. Cole reported this year the City included sidewalk improvements for Talisman Park (\$37,752), noting Parks System Development Charges were allocated to fund the sidewalk improvements. Cole outlined the repayment terms, noting property owners who submit installment agreements for payment option 1B, pursuant to Resolution No. 2010-67, the installment period will be 60 months at an interest rate of 4.25% with no pre-payment penalty. For property owners who submit installment agreements for payment option 1C, the installment period will be 120 months at an interest rate of 6.50% with no pre-payment penalty. Property owners whose payment becomes delinquent will be assessed a penalty of \$10 per every 30-day period payments are or remain delinquent. Cole advised the assessments would be listed in the City's lien docket and if unpaid (along

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with accrued and unpaid interest and penalties), the City could lien pursuant to ORS. In conclusion, Foster and Cole advised staff is recommending Council declare the proposed ordinance as an emergency in order for the City Recorder to file the assessment liens in a timely manner.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2013-05 for first and second reading, declaring an emergency pursuant to City Charter.

Sykes read Ordinance No. 2013-05 by title for first and second reading, declaring an emergency pursuant to City Charter.

MOTION: Councilor Kidd moved, seconded by Councilor Lowe, to approve First and Second Reading and adopt Ordinance No. 2013-05 Specifying the Assessments to be made on properties specially benefited by the construction of certain sidewalk improvements; Setting Sixty (60) Month and One Hundred Twenty (120) Month Periods for Installment Payments; Setting the Installment Financing Rate at Four and One-Quarter Percent (4.25%) and Six and One-Half Percent (6.50%), respectively; and Declaring an Emergency.

Public Hearing Opened:

Mayor Truax opened the Public Hearing.

Written Objections Received:

No written objections to the assessments were received prior to the published deadline of May 13, 2013, 7:00 p.m.

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:

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Mayor Truax closed the Public Hearing.

Council Discussion:

In response to Thompson's inquiry pertaining to property owners making their own sidewalk improvements, Foster explained the Engineering Department issues a sidewalk repair permit, which staff uses to maintain a list of the areas repaired.

In response to Kidd's inquiry pertaining to addresses where the improvements occurred, Cole referenced Exhibit A of the Ordinance, which listed tax lot, address, property owner, and amount of assessment.

Council President Johnston commended staff for overseeing the program, noting he has noticed areas where sidewalk improvements have occurred.

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.

9. PUBLIC HEARING ADOPTING CITY MANAGER ANNUAL PERFORMANCE EVALUATION STANDARDS AND CRITERIA

Staff Report:

Mayor Truax reported that pursuant to the City Manager's Employment Agreement, Section 6, the Council must evaluate the City Manager's annual performance and establish the performance evaluation criteria, standards, policy directives, and compensation in an open meeting. Mayor Truax outlined the City Manager performance evaluation process as follows, which is the same process as previous years:

1. City Manager is directed to prepare a self-evaluation.
2. Department Directors are asked to submit input with an option to remain confidential. Council has named the City Attorney, as third-party person, who will prohibit disclosure of information submitted in confidence as provided by ORS 192.502(4).
3. City Attorney compiles submitted comments into a single document and distributes results in a sealed envelope directly to Council.

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4. Council reviews compiled responses with City Manager in Executive Session.
5. Each Councilmember submits an evaluation form to Mayor.
6. Mayor and Council President tabulate and summarize results of Council evaluations and present performance appraisal to City Manager in Executive Session.

In addition, Mayor Truax reported Council will hear the City Manager's self-evaluation and review the compiled responses and comments with the City Manager in Executive Sessions tentatively scheduled for May 28 and June 10, 2013, and after concluding the performance appraisal in the Executive Session scheduled for June 24, 2013, Council will return into open meeting to give a summary of the City Manager's performance appraisal.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt the above-proposed City Manager performance evaluation standards.

MOTION: Council President Johnston moved, seconded by Councilor Kidd, to adopt the City Manager's Annual Performance Evaluation Standards and Criteria as presented.

Public Hearing Opened:

Mayor Truax opened the Public Hearing.

Proponents:

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

Opponents:

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

Others:

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

Public Hearing Closed:

Mayor Truax closed the Public Hearing.

Council Discussion:

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Hearing no 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.

10. RESOLUTION NO. 2013-28 SUPPORTING THE EXPANDED TRANSIT SERVICE BY RIDE CONNECTION IN THE FOREST GROVE COMMUNITY

Staff Report:

Holan presented the above-proposed resolution for Council consideration, noting the proposed resolution is expressing the City's support for the expansion of transit service by Ride Connection. Holan introduced Julie Wilcke, Ride Connection Chief Operating Officer, and Elyse Brouhard, Ride Connection Transportation Coordinator, who were present. Holan reported Ride Connection successfully obtained three grants to fund operation costs for one year and to purchase two 14-passenger buses, noting TriMet will fund the local match for the operation grant and the City will fund the local match (\$13,808) for the purchase of the buses using Transportation Impact Fees. Holan explained Ride Connection will administer and operate the service and the City will provide bus stop signs and shelters where appropriate and provide maintenance service on the buses, noting the grant includes up to \$3,000 per year per bus for maintenance costs. In addition, Holan reported the next step is for Ride Connect to complete a travel behavior survey to help Ride Connection determine its bus routes and stops, noting Ride Connection's anticipated start date will be August, 2013. In conclusion, Wilcke and Brouhard thanked Council for their support, noting Ride Connection is looking forward to partnering with the City and expanding its transit services to all community members.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2013-28.

MOTION: Councilor Lowe moved, seconded by Councilor Miller, to adopt Resolution No. 2013-28 Supporting the Expanded Transit Service by Ride Connection in the Forest Grove Community.

Council Discussion:

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In response to Uhing's concern pertaining to bus parking, Holan indicated the buses would park at the Senior Center lot when not in use.

Mayor Truax commended Councilor Thompson, noting Thompson testified in Salem ensuring Forest Grove's transportation needs were met. In addition, Mayor Truax commended Ride Connection, noting he is most grateful to Ride Connection for their service and commitment.

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.

11. **DISCUSS AND DETERMINE DISTRIBUTION OF FUNDING FOR COMMUNITY ENHANCEMENT PROGRAM (CEP) PROJECTS FOR FISCAL YEAR 2013-14**

Staff Report:

Downey reported the purpose of the above-noted agenda item was to discuss designating the 2013-14 Community Enhancement Program (CEP) projects and funding allocations. Downey reported the City received 23 applications totaling \$108,983 and the CEP funds available to disburse are \$58,100. Downey reported the Council heard the CEP project presentations on April 16, 2013, and Councilors submitted their individual recommended funding allocations for the various CEP projects. In conclusion, Downey referenced an e-mail submitted by Historic Landmarks Board (HLB) Chair apologizing for being unable to attend HLB's project presentation held on April 16, 2013.

Council Discussion:

Mayor Truax opened the floor and roundtable discussion ensued pertaining to designating the 2013-14 CEP projects and allocation of the CEP funds based on the funding allocation methodology adopted by Council. Downey presented an overhead copy of the worksheet outlining each of the Councilmember's recommended funding allocations for each of the CEP projects. Downey advised all of the projects received funding from at least four Councilors as required by the funding allocation methodology adopted by Council. Downey advised two councilors still

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have funds available to allocate, noting any unallocated funds will rollover into next fiscal year. Discussion ensued as Council assessed projects, allocated funds and re-allocated funds available. At the conclusion of the above-noted assessment, Council collectively allocated the following funding amounts to each of the CEP projects as noted below:

PROJECT:	ALLOCATED:
Healthy Meals for Homebound Seniors	\$2,866
Sidewalk Chalk Art Festival	\$2,452
Housing Rehab, Repair & Access Modifications	\$3,857
Automated Irrigation System	\$1,422
Graffiti Abatement Coalition	\$2,664
Art Education in Forest Grove	\$1,003
AT Smith House Trail, Potty & Brochures	\$1,172
Old Glory	\$2,250
Valley Art Mural Project	\$1,890
WESTCO	\$4,300
Rear View Enhancement	\$940
Youth Basketball Score Clocks & Jerseys	\$1,036
Downtown Solar Powered Trash Compactor	\$1,871
Tourism Promotion -- Guide Distribution	\$1,458
FG Community Garden -- Sustaining/Maintaining Resources	\$1,400
Mobile Garden Carts -- DCCFW Community Expansion Project	\$1,350
Music, Movement and Growing Market Attendance	\$2,414
Early Childhood Education for Latino Immigrants	\$3,557
First Wednesday Events/Historic Downtown Brochure	\$3,645
Information Center	\$475
Building Permit Fees for Low Income Housing	\$6,532
HLB Renovation Grant Program	\$4,696
Art Alive in Forest Grove	\$4,850
TOTAL FUNDS AWARDED FOR FY 20136-14:	\$58,100

At the conclusion of the above-assessment, Downey advised staff will bring back a proposed resolution making the above CEP allocations for Council consideration at the next meeting, at which time the Public Hearing would also be held.

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12. 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 reminded Council the first Budget Meeting is scheduled for Wednesday, May 23, 2013. Sykes indicated staff will be bringing forth a proposed ordinance for Council consideration at the next meeting of Tuesday, May 28, 2013, requesting to issue additional revenue bonds on Pacific University's behalf, noting Pacific University has requested the City to refinance its prior bonds and finance new capital projects at the Forest Grove campus. In response to Council inquiries and concerns, Downey advised the City would charge an administrative fee of approximately \$98,000 to Pacific University for issuing the bonds, noting the issuance of the bonds does not have any financial liability to the City. Sykes advised the City of Cornelius is looking at contracting out its Building Department with the City or County, noting he is seeking Council consensus of the City contracting with Cornelius, to which Council collectively concurred. Sykes announced Richard Matzke, Light and Power Engineer Supervisor, has submitted his resignation, noting Matzke last day with the City will be June 7, 2013. Sykes commended Ismoon Hunter-Morton, Adult Services Librarian, for her recent appointment to the Oregon State Library Board of Trustees, noting Hunter-Morton will serve on the board for four years. In conclusion of the above-noted report, 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.

13. COUNCIL COMMUNICATIONS:

Council President Johnston reported the Police Department is conducting active shooter training. Johnston reported on various fire-related incidents. Johnston reported the Forest Grove Rural Fire Protection District adopted its budget for Fiscal Year 2013-14. In addition, Johnston reported on other matters of interest and upcoming meetings he was planning to attend.

Kidd reported on Historic Landmarks Board-related meeting and activities. In addition, Kidd reported on other matters of interest and upcoming meetings he was planning to attend.

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Lowe thanked everyone who participated in the Police Department's Prescription Drug Turn-In Event, noting the event resulted in 175.8 pounds of unwanted/expired prescription drugs being disposed of properly. Lowe reported she is no longer serving as a member on the Clean Water Services Advisory Committee. 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-related activities. In addition, Miller reported on other matters of interest and upcoming meetings she was planning to attend.

Thompson reported on Veterans' Job Fair-related activities. In addition, Thompson reported on other matters of interest and upcoming meetings he was planning to attend.

Uhing reported on Economic Development Commission-related activities. In addition, Uhing reported on other matters of interest and upcoming meetings she was planning to attend.

Mayor Truax announced dates of various upcoming activities and meetings as noted in the Council Calendar. Mayor Truax reported on the Big Sky Track & Field Championship, noting the event was held at Lincoln Park Stadium over the weekend bringing many people into Forest Grove. Mayor Truax reported attending the Public Arts Commission (PAC) meeting on behalf of Councilor Miller, noting the PAC is exploring forming a foundation similar to the Library Foundation. Mayor Truax reported on the Library Commission-related meeting and various activities. At the request of Mayor Truax, Foster highlighted a map showing the Washington County Visitors Association (WCVA) new Tualatin Valley Scenic Bikeway, noting the bikeway traverses through the City connecting to the Banks-Vernonia State Trail. Foster indicated the City is working with WCVA on directional signage within the City, noting the trail might enhance efforts for a traffic light at Highway 47/Maple Street. In addition, 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.

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14. **ADJOURNMENT:**
Mayor Truax adjourned the meeting at 9:35 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder