

**FOREST GROVE CITY COUNCIL REGULAR MEETING
JULY 8, 2013 – 7:00 P.M.
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***Minutes are unofficial until approved by Council.
Council approved minutes as presented August 12, 2013.***

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:** Richard Kidd; Victoria Lowe; Camille Miller; Ronald Thompson; and Mayor Peter Truax. **COUNCIL ABSENT:** Thomas Johnston, Council President, and Elena Uhing, excused. **STAFF PRESENT:** Michael Sykes, City Manager; Paul Downey, Administrative Services Director; Susan Cole, Administrative Services Assistant Director; Rob Foster, Public Works Director; Jon Holan, Community Development Director; Michael Kinkade, Fire Chief; Janie Schutz, Police Chief; George Cress, Light and Power Director (in the audience); and Anna Ruggles, City Recorder.

1. A. FIRE DEPARTMENT EMPLOYEE RECOGNITION:

Mayor Truax presented a Certificate of Appreciation and plaque honoring Dwight Lanter, Fire Captain, in recognition of 28 dedicated years of service, plus seven volunteer years of service, to the Forest Grove Fire and Rescue Department. Fire Chief Kinkade presented Lanter with a Firefighter Axe Presentation plaque, which was presented to Lanter on behalf of the Forest Grove Firefighters Association.

1. B. FIRE DEPARTMENT SWEARING-IN CEREMONY:

Fire Chief Kinkade administered the Oath of Credence to Jordan Ruiz who was sworn-in as Firefighter. Chief Kinkade read the biography and introduced, welcomed and presented Ruiz his official badge.

1. C. POLICE DEPARTMENT SWEARING-IN CEREMONY:

Ruggles administered the Oath of Offices to James M. Kimsey who was sworn-in as Police Officer and Eduardo Sanchez-Quiroz who was sworn-in as Police Reserve Officer. Police Chief Schultz read the biographies and introduced, welcomed and presented each officer their official badges.

1. D. POLICE DEPARTMENT EMPLOYEE RECOGNITIONS:

Police Chief Schutz presented the *Police Service Achievement Medal* to Captain Michael Herb, Sergeant Dean Foster, and Sergeant Wayne

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Hart for exemplary actions that led to an arrest and conviction in a 2009 murder case; presented the *Meritorious Service Citation* to Sergeant Wayne Hart and Officer Mike Smith for conspicuous service in relation to a high risk shooting incident that occurred January, 2013; presented the *Medal of Valor* to Officer Charles McCutchen, Officer Jenifer Smith, Officer Ryan Wolf, Officer Matthew Jacobsen, and Officer Gary Anderson for acts of true valor in relation to a high risk shooting incident that occurred January, 2013.

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 24, 2013.
 - B. Approve City Council Work Session (Comprehensive Plan and Transportation System Plan Updates) Meeting Minutes of June 24, 2013.
 - C. Approve City Council Regular Meeting Minutes of June 24, 2013.
 - D. Accept Historic Landmarks Board Meeting Minutes of May 28, 2013.
 - E. Accept Parks and Recreation Commission Meeting Minutes of April 17 and May 15, 2013.
 - F. Accept Public Safety Advisory Commission Meeting Minutes of May 22, 2013.
 - G. Endorse New Liquor License Application (Limited On-Premises Sales) for Behind The Flag Deli, 3034-C Pacific Avenue (Applicant: Michael Johnson)

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

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4. ADDITIONS/DELETIONS:

Ruggles added to Agenda Item 1. D. as noted above.

5. PRESENTATIONS:

5. A. Strategic Sustainability Plan Update:

Holan introduced Elaine Cole, who presented a PowerPoint presentation highlighting the Forest Grove Strategic Sustainability Plan Draft. Cole recognized the committee members who were present in the audience. Cole reported the Sustainability Ad-Hoc Committee formed in 2011 and has held three sustainability summits and sponsored the Annual Town Meeting, noting over 200 people have attended these meetings. Cole explained the committee's mission was to develop a Sustainable Strategic Plan to implement sustainable practices in the community, noting the committee focused on developing a strategy to reduce carbon emissions and wastes locally and promote a healthy and sustainable lifestyle. Cole highlighted the Strategic Plan's six topical areas which emerged from community discussions as follows:

- Energy Conservation and Green Buildings
Forest Grove will become a leader in the support of green building practices and the promotion of energy and natural resource conservation.
- Food
Forest Grove will be a thriving food community in which all residents have the opportunity to grow, prepare, and consume nutritious local food in order to support the health of the land and its people.
- Materials Management
Forest Grove will be a city that focuses on the recapture, reduction, and elimination of its material stream to enable a high quality of life for all citizens.
- Social Equity
Forest Grove is a place that welcomes and supports equitable and sustainable opportunity for all community members by providing the means for human needs to be met.
- Transportation and Planning
To develop a safe, affordable, reliable, sustainable, and connected transportation system that is energy efficient while supporting other transportation modes.

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In addition, Cole reported the Strategic Plan sets goals and associated strategies for each of the six topic areas as noted above, noting the next steps will be to conduct public presentations and finalizing the Plan for formal Council consideration by the end of September, 2013.

In conclusion of the above-noted presentation, Mayor Truax referred to various topics and goals within the Strategic Sustainability Plan Draft, giving examples of sustainable practices, i.e., the City's watershed and water supply. Mayor Truax commended and thanked the Sustainability Ad-Hoc Committee for their work, noting there will be a Council-appointed Sustainability Committee in the future. Lowe commended and thanked the Sustainability Ad-Hoc Committee for their volunteerism, noting without the ad-hoc members' support, she would not have been able to get Council-level consensus. In addition, Lowe urged committee members to apply when the Council-appointed Sustainability Committee is formally established.

5. B. Metro Quarterly Exchange Update:

Kathryn Harrington, Metro Councilor District 4, presented a PowerPoint presentation outlining her District 4 Quarterly Exchange Report and provided overviews on Metro's Fiscal Year 2013-14 adopted budget; Natural Areas Local Option Levy and next steps; Zoo bond projects; Oregon Convention Center Hotel project fact sheet; Climate Smart Communities, region must adopt a preferred scenario by December 2014; Community Investment Initiative for building regional infrastructure; Active Transportation Plan; Eco-efficient employment pilot; SW Corridor; and ongoing work to support local jurisdictions. In conclusion of the above-presentation, Harrington distributed various informational handouts pertaining to the above-noted presentation.

6. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2013-07 AMENDING FOREST GROVE CODE CHAPTER 2 BY ADDING NEW CODE SECTION 2.615 ENTITLED MUNICIPAL UTILITY BILLINGS; PRIORITIZATION OF PAYMENT; SUSPENSION/TERMINATION OF UTILITY SERVICE

Staff Report:

Downey and Cole presented the above-proposed Ordinance requesting to amend City Code, Chapter 2, as outlined in Exhibit A of Ordinance No.

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2013-07. Cole advised the ordinance is proposing to amend City Code, Chapter 2, by adding a new Code Section 2.615, entitled Municipal Utility Billings; Prioritization of Payment; Suspension/Termination of Utility Service. Cole reported currently the City applies monthly payments to utility billings in a specific order of sequence, noting the proposed ordinance is codifying current practice by clarifying the specific order in which the City shall apply customer payments to ensure the timely payments of all rates, taxes, charges, and utility fees. In conclusion of the above-noted staff report, Downey and Cole advised staff is recommending adoption of the proposed Code amendment as outlined in Exhibit A of Ordinance No. 2013-07.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2013-07 for first reading.

Sykes read Ordinance No. 2013-07 by title for first reading.

MOTION: Councilor Lowe moved, seconded by Councilor Thompson, to adopt Ordinance No. 2013-07 Amending Forest Grove Code Chapter 2 by Adding New Code Section 2.615 Entitled Municipal Utility Billings; Prioritization Of Payment; Suspension/Termination of Utility Service. The second reading of Ordinance No. 2013-07 by title and final vote will occur at the Council meeting of Monday, August 12, 2013.

Public Hearing Opened:

Mayor Truax opened the Public Hearing.

Written Testimony Received:

No written testimony was received prior to the published deadline of July 8, 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.

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Council Discussion:

Hearing no discussion from the Council, Mayor Truax recessed the Public Hearing for Ordinance No. 2013-07 as noted below.

Public Hearing Recessed:

Mayor Truax recessed the Public Hearing until the next Council meeting of Monday, August 12, 2013.

7. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2013-08 AMENDING FOREST GROVE CODE CHAPTER 4 BY ADDING NEW SUB-CHAPTER 4.300 ENTITLED STREETLIGHT FEE

Staff Report:

Downey and Cole presented the above-proposed Ordinance No. 2013-08 requesting to amend City Code, Chapter 4, by adding a new Code Subsection 4.300, entitled Streetlight Fee. Cole reported staff met with Council in work session on May 28, 2013, to review and discuss implementing a streetlight fee to fund operations and maintenance of streetlights, noting the City spends approximately \$150,000 a year maintaining streetlights, which is currently funded with gas tax revenues in the Street Fund. Cole referenced Table 1 of the staff report, noting the Street Department has estimated the annual need for overlaying streets is approximately \$390,000; however, current projections show the Street Fund will only be able to fund \$100,000 to the street overlay program. As a result, in lieu of allocating gas tax revenues in the Street Fund for maintaining streetlights, staff is proposing to implement a streetlight fee and redirect the gas tax revenues to help fund the shortfall in the City's annual street overlay program. In conclusion of the above-noted staff report, Downey and Cole advised staff is recommending adoption of the proposed Code amendment as outlined in Exhibit A of Ordinance No. 2013-08, which will allow the City to implement a streetlight fee. Cole advised the resolution implementing a streetlight fee of \$1.50 per utility account will be presented for Council consideration at the next Council meeting of Monday, August 12, 2013.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2013-08.

Sykes read Ordinance No. 2013-08 by title for first reading.

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MOTION: Councilor Lowe moved, seconded by Councilor Kidd, to adopt Ordinance No. 2013-08 Amending Forest Grove Code Chapter 4 By Adding New Sub-Chapter 4.300 Entitled Streetlight Fee. The second reading of Ordinance No. 2013-08 by title and final vote will occur at the Council meeting of Monday, August 12, 2013.

Public Hearing Opened:

Mayor Truax opened the Public Hearing.

Written Testimony Received:

No written testimony was received prior to the published deadline of July 8, 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:

Mayor Truax closed the Public Hearing.

Council Discussion:

In response to Thompson's inquiry pertaining to Washington County's proposed vehicle tax, Foster advised he is uncertain when the County's proposal will be submitted to the voters for consideration, noting funding in the Street Fund is an immediate need in order to continue funding the annual street overlay program. Cole added if the streetlight fee is implemented, the gas tax revenues allocated currently in the Street Fund to pay for the streetlight maintenance program would instead be allocated to help fund the shortfall in the street overlay program.

Hearing no further discussion from the Council, Mayor Truax recessed the Public Hearing for Ordinance No. 2013-08 as noted below.

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Public Hearing Recessed:

Mayor Truax recessed the Public Hearing until the next Council meeting of Monday, August 12, 2013.

Mayor Truax called for Council consensus to suspend Council's 9:00 p.m. curfew rule, to which, Council collectively agreed to continue the meeting.

8. RESOLUTION NO. 2013-54 AUTHORIZING MAYOR AND CITY MANAGER TO EXECUTE A CITY OF CORNELIUS – CITY OF FOREST GROVE INTERGOVERNMENTAL BUILDING SERVICES AGREEMENT

Staff Report:

Holan and Downey presented the above-proposed resolution authorizing the Mayor and City Manager to endorse an Intergovernmental Agreement between the City of Forest Grove and City of Cornelius for Building Services, noting the IGA would allow the City to provide services necessary to operate and administer the Cornelius building permits in Forest Grove. The IGA will take effect July 15, 2013, and Forest Grove will begin to perform all plan reviews, inspections, and enforcement for Cornelius effective August 1, 2013. Holan and Downey outlined the key elements of the proposed IGA, noting Forest Grove will collect and retain all building-related fees and monies collected based on Forest Grove's adopted fee schedule pursuant to Section 1B3 and Section 1C of the IGA; Cornelius will retain all system development charges, transportation development taxes, and construction excise taxes pursuant to Section 1B4 of the IGA; Forest Grove will maintain building records until final occupancy is issued, at which time, the records will be returned to Cornelius for records retention pursuant to Section 1A4 of the IGA; and no personnel from Cornelius will be transferred to Forest Grove pursuant to Section 1B2 of the IGA. Holan and Downey reported based on Forest Grove's building permit fee schedule, Cornelius's activity will generate approximately \$50,000 to \$70,000 annually, noting the additional revenue will help defray costs for an additional building inspector which has been approved in Fiscal 2013-14 budget. In conclusion of the above-noted staff report, Holan and Downey advised Cornelius Council is scheduled to consider adoption of the IGA at their next meeting, and if approved, Forest Grove will assume building permit services for Cornelius on August 1, 2013, pursuant to the terms of the IGA.

Before proceeding with Council discussion, Mayor Truax asked for a

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motion to adopt Resolution No. 2013-54.

Sykes read Resolution No. 2013-54 by title.

MOTION: Councilor Kidd moved, seconded by Councilor Miller, to approve Resolution No. 2013-54 Authorizing Mayor and City Manager to execute a City of Cornelius – City of Forest Grove Intergovernmental Building Services Agreement.

Council Discussion:

In response to Thompson's concerns pertaining to higher level of permit activity, i.e., significant housing development begins occurring in Cornelius, Holan advised it could cause additional demand on staff workload but it is not expected to be significant and the addition of a new building inspector will also help offset the additional workload. Downey added the IGA allows amendments if necessary with written notice pursuant to Section 5I of the IGA and termination of the IGA with 120 days written notice by either party pursuant to Section 4 of the IGA.

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

ROLL CALL VOTE: AYES: Councilors Kidd, Lowe, Miller, Thompson, and Mayor Truax. NOES: None. ABSENT: Council President Johnston and Councilor Uhing. MOTION CARRIED 5-0.

9. 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 reported Department Directors heard a presentation on the Strategic Sustainability Plan Draft, noting the directors were very impressed with the plan. Sykes noted he appreciates the dedication and hard work of the Sustainability Ad-Hoc Committee. Sykes commended staff for doing an excellent job with the transition of operating two Municipal Courts (Forest Grove and Cornelius), noting citation volume is higher than anticipated, and trials have increased. Sykes reported since April 1, 2013, staff has processed 1,100 citations (562 from Cornelius Police Department and 538 from Forest Grove Police Department), noting during the same period last year, the court processed 322 citations. Sykes advised the Land Use Board of Appeals (LUBA) has upheld the City's island annexation action.

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Sykes advised he hopes having an update for Council by the next Council meeting of August 12, 2013, on discussions held with Washington County officials regarding jurisdictional road transfers. 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-wide events.

10. COUNCIL COMMUNICATIONS:

Council President Johnston was absent.

Kidd reported on Historic Landmarks Board (HLB)-related meeting and activities, noting HLB approved two renovation grants. Kidd reported attending the Westside Alliance meeting. In addition, Kidd reported on other matters of interest and upcoming meetings he was planning to attend.

Lowe reported on Parks and Recreation Commission (P&R)-related meeting and activities, noting P&R selected two new playground structures for installation at Bard Park and Talisman Park. Lowe reported attending the Westside Alliance meeting. In addition, Lowe reported on other matters of interest and upcoming community-related events and meetings she was planning to attend.

Miller passed on her report due to the hour.

Thompson provided an update on Ride Connection's Community Transit Service Questionnaire and thanked the Press for its publications pertaining to the survey, noting he encourages everyone who has not completed the online survey to do so by the deadline date. In addition, Thompson reported on other matters of interest and upcoming meetings he was planning to attend.

Uhing was absent.

Mayor Truax announced dates of various upcoming activities and meetings as noted in the Council Calendar. Mayor Truax reported attending the Washington County Coordinating Committee meeting, noting he stated the support of a 50/50 split on the proposed county vehicle tax due to most citizens live in the city and not the county. Mayor Truax announced Ben Unger is holding a Town Hall Meeting on July 17, 2013, at

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6pm, in the Community Auditorium. In addition, Mayor Truax reported on various local, regional, Metro, and Washington County meetings he attended and upcoming meetings and community-related events he was planning to attend.

11. ADJOURNMENT:

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

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder