

**FOREST GROVE CITY COUNCIL REGULAR MEETING
DECEMBER 9, 2013 – 7:00 P.M.
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***Minutes are unofficial until approved by Council.
Council approved minutes as presented January 13, 2014.***

1. ROLL CALL:

Mayor Peter Truax called the regular City Council meeting 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 Elsner, City Attorney; Paul Downey, Administrative Services Director; Tom Gamble, Parks and Recreation Director; Jon Holan, Community Development Director; Dan Riordan, Senior Planner; Sue Hudson-Rau, Municipal Court Supervisor; Michael Kinkade, Fire Chief (in the audience); Janie Schutz, Police Chief (in the audience); Rob Foster, Public Works Director (in the audience); George Cress, Light and Power Director (in the audience); and Anna Ruggles, City Recorder.

1. A. EMPLOYEE RECOGNITION:

Mayor Truax and Sykes read the commendation and presented a Certificate of Appreciation to Beverly Maughan, Executive Assistant to City Manager, who was recognized for 25 years of service with the City.

1. B. PROCLAMATION:

Mayor Truax publicly proclaimed December 8 – 14, 2013, as “*Human Rights Week*” and December 10, 2013, as “*Human Rights Day*”. Mayor Truax presented the proclamation to Nancy Panitch, who accepted the proclamation on behalf of Washington County Human Rights Council.

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 (Parking Code Regulations) Meeting Minutes of November 25, 2013.

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- B. Approve City Council Regular Meeting Minutes of November 25, 2013.
- C. Accept Community Forestry Commission Meeting Minutes of September 18 and October 16, 2013.
- D. Accept Public Arts Commission Meeting Minutes of September 12 and October 10, 2013.
- E. Community Development Department Monthly Building Activity Report for November 2013.
- F. Fire Department Monthly Activity Report for October 27–November 20, 2013.
- G. Endorse New Liquor License Application (Distillery) for Flooded Fox Den Distillery, LLC, 2331 23rd Avenue (Applicant: Scot Lester).

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:

5. A. The Intertwine Alliance

Gamble introduced Mike Wetter, The Intertwine Alliance Executive Director, who presented a PowerPoint Presentation and provided an update on The Intertwine Alliance, noting The Alliance is a program made up of a coalition of private firms, public agencies, including City of Forest Grove, and non-profit organizations (over 109 partners) working together to tap new sources of funding, better leverage existing investments, and more fully engage citizens with the outdoors and nature. Wetter reported The Alliance formed two and half years ago as a non-profit and works closely on regional conservation and strategies, ensuring the region's trail network gets completed; natural areas get restored; and people of all ages discover and enjoy the outdoors near areas they live. In conclusion of the above-noted presentation, Wetter distributed various printed materials and brochures, as well as a brochure showcasing Fernhill Wetlands.

5. B. Metro Quarterly Exchange Report

Kathryn Harrington, Metro Councilor, District 4, was unable to attend this

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meeting and will reschedule to a later date.

6. CONTINUE PUBLIC HEARING FROM OCTOBER 14, 2013: SECOND READING OF ORDINANCE NO. 2013- 12 ANNEXING A TRACT OF LAND INTO THE CITY LIMIT OF FOREST GROVE AND WITHDRAWING THE TRACT FROM WASHINGTON COUNTY ENHANCED SHERIFF PATROL DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCES DISTRICT, AND FOREST GROVE RURAL FIRE PROTECTION DISTRICT. THE TERRITORY TO BE ANNEXED CONSISTS OF ONE PARCEL, TOTALING 5.6 ACRES, LOCATED AT 3351 THATCHER ROAD. WASHINGTON COUNTY TAX LOT NO. 1N4260000400. APPLICANT: BRADFORD AND LINDA TAYLOR, OWNER-INITIATED. FILE NO. ANX-12-01074

The first reading of Ordinance No. 2013-12 by title occurred at the Council meeting of October 14, 2013.

Staff Report:

Holan and Riordan presented the above-proposed ordinance for second reading, noting staff has provided responses addressing issues and concerns heard at the Public Hearing, Council meeting of October 14, 2013, as outlined in the staff report and findings noted below:

- Adequately meets Metro Code provision (Section 3.09.045 D. 2.) and Comprehensive Plan criteria regarding the logical and cost-effective extension of municipal services, principally sanitary sewer.

Findings: The annexation would have no impact on the extension of urban services, the quality, or quantity of those services or result in duplication of facilities. Whether it is appropriate to approve a development project with interim services is a question to be addressed during the Type III (quasi-judicial) development review process. If it is found inappropriate, no urban development will occur on the site until urban services are available.

Riordan reported the City has instituted that it will consider annexation of any lands within the Urban Growth Boundary if it is adjacent to an existing City limit boundary, noting the applicant is seeking annexation at this time as the initial step necessary for future development approval and issuance of building permits. Riordan advised facility plans

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contemplate serving the site in the future with sanitary sewer, storm drainage, and water; however, currently, sewer and water lines are located 1,000' to 1,500' from the subject property. Riordan noted to remedy the sanitary sewer issue, the applicant is proposing an interim onsite sanitary sewer system. Riordan explained the applicant will be required to connect to municipal sanitary sewer, storm drainage, and water lines when available to the site, noting final determination regarding urban services will be required prior to issuance of building permits by the City.

- Whether a condominium ownership invalidates Washington County's Environmental Health approval of the onsite sanitary sewer system for the co-housing project proposed by the applicant.

Findings: It is the City Attorney's opinion that a condominium arrangement does not constitute a subdivision or partition under State law.

- Concern whether a well or municipal water will be used to serve the needs of the co-housing project proposed by the applicant.

Findings: Determination and need of urban services will be evaluated as part of the development review process.

- Location of the driveway necessary to serve development of the site.

Findings: Access requirements for future development will be assessed as part of the development review process. Thatcher Road is under Washington County jurisdiction; as such, Washington County will review and approve access onto Thatcher Road to support future development.

Riordan advised the type of development proposed by the applicant would require additional review and approval by the Planning Commission through a Type III (quasi-judicial) process, noting pursuant to Type III process, decisions of the Planning Commission are appealable to the Council.

In conclusion of the above-noted staff report, Holan and Riordan affirmed

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the applicant is aware their co-housing development project proposal will require site plan and development review processes, pertaining to needed services in order to issue building and land use permits, consistent with the Development Code.

Public Hearing Continued:

Mayor Truax continued the Public Hearing from the meeting of October 14, 2013, and explained hearing procedures. Mayor Truax advised the Council that the proposed ordinance is for annexation consideration and not the proposed development plans.

Written Testimony Received:

David Noren, Attorney at Law, 217 E. Main, PO Box 586, Hillsboro, Oregon 97123-0586, representing Richard and Doreen Stenson, residing at 44872 NW Plum Hill Lane, directly south of the subject property, submitted a letter, dated October 28, 2013, affirming they understand the annexation Public Hearing was continued to December 9, 2013, and submitted a letter, dated December 9, 2013, citing his clients concerns (refer to testimony below).

Dorothy Cofield, Law Office, 8705 SW Nimbus Avenue, Beaverton, Oregon 97008, representing Brad and Linda Taylor, applicants, submitted a letter dated December 4, 2013, intending to provide assurances that the proposed interim septic system meets Development Code and State laws and will not create an inconvenient precedent (refer to testimony below).

No other written testimony was received.

Proponents:

Dorothy Cofield, Law Office, 8705 SW Nimbus Avenue, Beaverton, Oregon 97008, representing Brad and Linda Taylor, petitioners, urged Council to approve the annexation proposal, stating the annexation application was filed in March and her clients never expected it would be this difficult to annex into the City under the same conditions as their neighbor did in 2007. Cofield referenced her written testimony, dated December 4, 2013, citing assurances that the proposed interim septic system, "state of the art", meets Development Code and State laws and would not create an inconvenient precedent as noted in her written testimony. Cofield stated the annexation with its interim solution of an onsite septic system is a reasonable alternative to declaring a

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moratorium per State law and meets all legal requirements. Cofield indicated in her brief discussion with City Attorney Elsner, Elsner stated an interim sewerage system is legally acceptable as long as the applicant enters into a binding agreement that the property will hook-up to City sewer when it is available. Cofield stressed the Council could determine how many feet from the property would trigger the sewer hook-up requirement. Cofield added the other issues mentioned, i.e., street improvements and how the site will be developed, are considered part of the development application, and will be reviewed as step two in the process. In addition, Cofield affirmed her clients understand the risks of annexing into the City.

No one else testified and no written comments were received.

Opponents:

David Noren, Attorney at Law, 217 E. Main, PO Box 586, Hillsboro, Oregon 97123-0586, representing Richard and Doreen Stenson, residing at 44872 NW Plum Hill Lane, directly south of the subject property, urged Council to deny the annexation and zone change based on information found in the record/staff report. Noren referenced his written testimony, dated December 9, 2013, citing concerns regarding water, sewer, and road access and indicating the proposed annexation and zone change are inconsistent with State goals and Comprehensive Plan as noted in his written testimony. Noren stated the staff report is clear that the zone change and annexation may only be approved if public facilities and services, including public water and public sanitary waste disposal, are capable of supporting the uses allowed by the zone. Noren asked if the annexation and zone change are approved, there be clear conditions limiting development until public sewer is provided and a requirement to connect to City water before any development is allowed, stating the water issue is of particular concern to his client, because his client must carefully monitor well water use to avoid running dry in the summer. In addition, Noren asked for a condition requiring access from Thatcher Road rather than Plum Hill Lane.

No one else testified and no written comments were received.

Others:

David Hunter, 3406 NW Thatcher Road, voiced concerns pertaining to septic sewer, wastewater runoff, well water, and safety/traffic volumes on Thatcher Road.

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No one else testified and no written comments were received.

Response to Testimony:

In response to testimony heard and at Council's request, Elsner indicated Noren raised legitimate points, noting there are no conditions attached to the ordinance in terms of the annexation. Elsner advised the provision of "adequate services" has not been defined by the City, noting Council could issue an interpretation to mean "adequate *public* services". Elsner indicated Council has time to direct staff to develop conditions of approval to attach to the annexation or Council could adopt the annexation as proposed, noting the 120-day rule does not apply to this specific (annexation) legislative action. Elsner affirmed to his knowledge, Council has not added conditions of approval to previous annexations; however, Elsner noted it does not preclude Council from doing so. In addition, Elsner advised the conditions of approval require explicit language, noting his office would help staff draft such language if necessary.

Rebuttal:

Dorothy Cofield, Law Office, 8705 SW Nimbus Avenue, Beaverton, Oregon 97008, representing Brad and Linda Taylor, applicants, in response to testimony heard, rebutted that the sewer system will not affect neighboring water wells and will be reviewed during the development review process. In response to septic-related issues, Cofield replied the property does not allowed for more than 10 houses (one existing and nine new homes), due to the property site cannot accommodate additional drain fields. In response to road access-related issues, Cofield replied Washington County must approve road access, including adequate sight distances. In response to water-related issues, Cofield replied the applicant has written clearly in their application that they will connect to City water, even though, connecting to City water is a distance away. Cofield affirmed her clients are willing to agree to a condition on the interim septic system for up to 10 units. Cofield indicated her clients have shown the property is capable of being served, and as the City Attorney stated, the Council would have to insert the word "public" into what is currently in the Code and make an interpretation. In conclusion of the above-noted rebuttal, Cofield urged Council to approve the annexation with conditions, if Council felt her client's assurances were needed.

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Mayor Truax closed the Public Hearing

Council Discussion:

In response to Miller's concern pertaining to annexation and development criteria, Riordan affirmed approval of an annexation does not authorize development approval, noting annexation is the first step in the process that would then allow development to occur at some point in the future.

In response to Thompson's concern pertaining to the 300' sewer connection requirement, Holan clarified the 300' requirement, pursuant to State law, is for a single-family dwelling, and the sewer line must be physically available. Holan advised for five or more units, the requirement is 200' times the number of units, i.e., for 10 units it is 2,000'; however, it has to be topographically available, noting in this particular instance, given the topography of the area and location of a creek, it is unlikely a connection to the existing service lines south of the subject property will be possible. In response to Thompson's concern pertaining to future sewer lines, Holan referenced Attachment B, which showed a long-term conceptual plan extending a trunk line (aka: North Forest Grove Trunk), north of David Hill Road, east of Thatcher Road, within the Purdin Road urban reserve area, to serve future development in the David Hill area and affirmed there is an existing line at Highway 47 that comes from Banks.

In response to Uhing's concern pertaining to conditions of assurance, Holan explained the Code is not clear if adequate level of services means private or public services, which is why staff has brought this provision concern to Council's attention. Holan added as the City Attorney mentioned earlier there is a potential from Council to adopt conditions of approval as part of the annexation proposal. Holan affirmed the applicant must demonstrate at the time of the development review their ability to provide adequate services to support the proposed development plans.

Lowe indicated worries and possibilities pertaining to development will be heard during the development review phase, stressing the applicant could change their development plans at any time. In addition, Lowe indicated where the services will come from is not part of the annexation decision-making process, emphasizing the Council has been encouraging annexation and offering incentives and is now questioning

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or wanting to put conditions on a willing applicant who wants to annex into the City, noting the processes that the City has in place must be trusted.

In response to Thompson's concern pertaining to development review process, Holan advised the Planning Commission, not Council, is the decision-making body for a Type III development application review, noting the Planning Commission's decision is appealable to Council. Thompson indicated the Council does have to make a final decision on the annexation based on substantial evidence in the record and the written decision must include Findings (Exhibit C) based on the evidence, noting Metro Code Criteria 5 states: *Promote the timely, orderly, and economic provision of public facilities and services.*

Kidd indicated the nine items listed in Reasons for Decision (Exhibit C) are consistent with annexation laws and provisions, noting the action before the Council is for annexation not development plans and added that there will be an opportunity to put conditions at that time of development review.

Hearing no further discussion from the Council, Mayor Truax asked for a roll call vote on the motion made at the Council meeting of October 14, 2013.

Elsner read Ordinance No. 2013-09 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.

7. **PUBLIC HEARING AND ORDER NO. 2013-02 ASSIGNING A CITY OF FOREST GROVE ZONING DESIGNATION, CONSISTENT WITH THE FOREST GROVE COMPREHENSIVE PLAN MAP AS REQUIRED BY FOREST GROVE DEVELOPMENT CODE SECTION 10.2.160 AND 10.2.750, TO A TRACT OF LAND ANNEXED INTO THE CITY LIMIT OF FOREST GROVE. FILE NO. ZNC-13-00253**

Staff Report:

Holan and Riordan presented the above-proposed Order requesting to amend the official zoning map to rezone one parcel, totaling 5.4 acres,

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located at 3351 Thatcher Road, from FD-10 (County) to R-10 (4.35 dwellings per acre), to be effective following the enactment date of the annexation (File No. ANX-12-01074) pursuant to Ordinance No. 2013-12 (refer to Agenda Item 6).

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Order No. 2013-02.

Elsner read Order No. 2013-02 by title.

MOTION: Councilor Uhing moved, seconded by Councilor Miller, to adopt Order No. 2013-02 Assigning a City of Forest Grove Zoning Designation, Consistent with the Forest Grove Comprehensive Plan Map as Required by Forest Grove Development Code Section 10.2.160 and 10.2.750, to a Tract of Land Annexed into the City Limit of Forest Grove. File No. ZNC-13-00253 (Ordinance No. 2013-12).

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained hearing procedures.

Written Testimony Received:

Refer to Agenda Item 6.

Proponents:

Dorothy Cofield, Law Office, 8705 SW Nimbus Avenue, Beaverton, Oregon 97008, representing Brad and Linda Taylor, applicants, declined testimony.

No one else testified and no written comments were received.

Opponents:

David Noren, Attorney at Law, 217 E. Main, PO Box 586, Hillsboro, Oregon 97123-0586, representing Richard and Doreen Stenson, residing at 44872 NW Plum Hill Lane, directly south of the subject property, urged Council to deny the zone change based on information found in the record/staff report; otherwise, they will look at appealing the City's decision. (Refer to Agenda Item 6, written testimony, dated December 9, 2013, citing concerns regarding water, sewer, and road access and the proposed annexation and zone change are inconsistent with State goals

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and City's comprehensive plan).

No one else 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 concern pertaining to zoning, Holan clarified the property is currently zoned County FD-10 (10 acre minimum), noting the Comprehensive Plan designates the property as R-10, 10,000' lot size (4.35 dwelling units per net acre).

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. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2013-13 REPEALING AND REENACTING CHAPTER 6 OF THE FOREST GROVE CODE, ENTITLED "VEHICLES AND TRAFFIC", AND AMENDING CODE SECTIONS 3.210, 5.060, AND 9.620

Staff Report:

Downey and Hudson-Rau presented the above-proposed Ordinance proposing to reenact City Code, Chapter 6, entitled "Vehicles and Traffic" and amending the above-noted code sections. Downey reported staff met with Council in work sessions on September 9 and November 25, 2013, and met with Economic Development Commission (EDC) on September 12th and Public Safety Advisory Commission (PSAC) on September 25, 2013, to review and seek feedback on the proposed code amendments. Downey advised the proposed code amendments are minor housekeeping items, such as transferring certain sections of the code to new areas, as well as renumbering code sections for better flow within the code; new definitions were added, minor language

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amendments were made; and certain sections were deleted. Downey referenced Attachment 1 to the staff report showing cross-references and reassignment of code numbers; Attachment 2, existing Code Chapter 6; Exhibit A, proposed Code Chapter 6; and Exhibit B, amending the above-noted related code sections, noting the significant code amendments are as follows:

Section 6.065: Prohibits throwing rubbish from a vehicle, or bicycle.

Section 6.075: Replaces Central Business District to areas identified as sidewalks north of 19th Avenue to 21st Avenue and sidewalks east of B Street to Cedar Street; prohibiting skateboarding and similar devices.

Section 6.080: Replaces “roadside planting strip” with curbed parkways.

Section 6.090: Replaces previous time limits for parking for 48 hours and storing a vehicle for seven days; new language consolidates both restrictions for a period in excess of 72 continuous hours, and adds public property.

Section 6.090 (3): Adds new language to clarify that personal property, such as rocks, dirt, a POD, etc., cannot be stored on a street or public property, including a curbed parkway, in excess of 24 continuous hours, unless an exception is granted from the City.

[Prior] Sections 6.280, 6.285, Section 6.130: Proposes to delete regulations requiring bicycle owners to obtain a license, requiring rental bikes to have a license, and requiring bicycle dealers to report the names and addresses of bicycle purchases to the Forest Grove Police Department. Staff reported as discussed in both work sessions with Council and with the commissions, these provisions have not been consistently followed by the public and are too cumbersome for officers to even enforce.

Sections 6.130 – 6.160 PARADES AND PROCESSIONS (Events)

Language amendments for consistency with current policies; adds new language requiring proof of liability insurance and estimated need of public safety personnel.

Sections 6.200 – 6.245 PARKING REGULATIONS

Section 6.205: Incorporates State motor vehicle laws pertaining to specific parking regulations and making Parking on a curbed parkway

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subject to a \$15.00 parking fine.

Section 6.210: Clarifies that parking is prohibited in excess of maximum designated parking times, both on city streets and on public property, including City parking lots and reinforces the 72 continuous hour time limit for parked vehicles, on public streets and public property.

Decreases the list of vehicles parked in a residential zone from 16 specific descriptions to a list of six more generically described vehicles, and restriction for parking near a driveway is reduced from within 30' to 15' of a driveway.

Provision of displaying a vehicle for sale has been deleted, as recommended by City Attorney, due to it is subject to “free expression”.

Section 6.215: Adds the ability to park momentarily to pick up or drop off a passenger.

Section 6.240: Language deletes the ability for a person to live in an RV on public property, unless otherwise permitted by the City. Staff explained a person could park an RV on public property, such as a street or in a parking lot, subject to the parking rules, but a person could not live in the RV on public property, unless permitted by the City. A person can still live in an RV on private property up to 14 days in a calendar year, in accordance with existing code, or unless otherwise permitted by the City.

Section 6.245: Fines are either set by Council resolution (currently \$15 for parking violations), set by State statute, or set at a minimum of \$100 and capped at \$250. Staff advised if the proposed ordinance is adopted by Council, staff will bring forth a proposed resolution re-establishing the parking fine violations to coincide with the newly-assigned code section numbers.

Section 6.300 (1): Amend timeframe to answer a parking citation from 5 days to 10 calendar days.

Section 6.300 (2): Clarifies it is the owner's responsibility, not the operator, to respond within 10 days of the ticket being issued, or the fine will double.

Sections 6.600 – 6.670 ABANDONED VEHICLES

Renumbered from Sections 6.505 to 6.585

Language is drafted consistent with State law, reducing the timeframe

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from when an abandoned vehicle can be towed. The process currently takes at least a minimum of seven days, or usually more. New language will allow an officer to post a 24-hour tow notice on an abandoned vehicle.

Section 6.600: Defines an abandoned vehicle and adds trailers to the definition.

Section 6.635: Clarifies decision of the Municipal Judge is final and is not subject to appeal consistent with the Oregon Revised Statutes.

Sections 6.700 – 6.765 DISCARDED VEHICLES

Renumbered from Sections 6.605 – 6.670.

Section 6.700: Defines a discarded vehicle and adds boats, aircraft, recreation vehicles and trailers to the definition.

Section 6.710: Allows a discarded vehicle to be kept on private property up to 72 hours. Prior language does not allow a discarded vehicle to be kept for any period of time.

In conclusion of the above-noted staff report, Downey and Hudson-Rau advised the proposed code amendments will not have any direct fiscal impact, noting it is anticipated the code amendments will streamline the process and reduce staff time on parking and vehicle code-related violations.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2013-13 for first reading.

Elsner read Ordinance No. 2013-13 by title for first reading.

MOTION: Council President Johnston moved, seconded by Councilor Lowe, to adopt Ordinance No. 2013-13 Repealing and Reenacting Chapter 6 of the Forest Grove Code, entitled “Vehicles and Traffic”, and Amending Code Sections 3.210, 5.060, and 9.620. The second reading of Ordinance No. 2013-13 by title and final vote will occur at the meeting of January 13, 2014.

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained hearing procedures.

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Written Testimony Received:

No written testimony was received.

Proponents:

No one else 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:

Council President Johnston thanked staff for all their work and effort it took to review and amend Chapter 6 of the Code, noting it is a good overhaul of the code and will speed up some of the processes.

Kidd indicated he wants the record to show that he objects very strongly to the removal of bicycle licensing, noting he will support the changes, realizing that he has the opportunity to petition for its addition in the future.

Mayor Truax expressed his appreciation to staff for their work and appreciation to EDC and PSAC for providing their input on the proposed code amendments.

Public Hearing Recessed:

Mayor Truax recessed the Public Hearing until the next Council meeting of January 13, 2014.

9. PUBLIC HEARING AND RESOLUTION NO. 2013-72 FIXING SOLID WASTE RATES TO BE CHARGED BY FRANCHISE IN CITY OF FOREST GROVE, AND REPEALING RESOLUTION NO. 2010-82, EFFECTIVE JANUARY 1, 2014

Staff Report:

Downey presented the above-noted resolution for Council consideration, noting on October 7, 2013, Waste Management (WM) proposed a rate increase of 7.7 percent for all customer classes, noting staff reviewed the proposed rate increase with Council at the last meeting of November 25,

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2013, and made a staff recommendation for a four (4%) percent rate increase based rate of return. Downey added he viewed the City's recent housing growth and island annexation as generating revenue for WM, noting the proposed four (4%) rate increase would range from \$0.70 per month for a 20-gallon roll cart to \$1.85 per month for a 90-gallon roll cart and would be effective January 1, 2014. In conclusion of the above-noted staff report, Downey referenced Exhibit 1, which showed the effect of the proposed increase in residential rates and referenced Exhibit 2, which compared commercial container and drop-box rates in Forest Grove to other Washington County jurisdictions.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2013-72.

Elsner read Resolution No. 2013-72 by title.

MOTION: Councilor Miller moved, seconded by Councilor Kidd, to adopt Resolution No. 2013-72 Fixing Solid Waste Rates to be Charged by a Franchise, Waste Management, in the City of Forest Grove and Repealing Resolution No. 2010-82, Effective January 1, 2014.

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained hearing procedures.

Proponents:

Dean Kemper, Waste Management representative, reported the last WM rate increase occurred in 2010. In addition, Kemper addressed various Council inquiries pertaining to bulk rates, sustainability issues, and recyclable materials, such as film, batteries, Styrofoam and peanut packaging materials, noting Forest Grove Transfer Station currently accepts the same materials as curbside and WM is always investing in technology to expand its markets for processing a variety of materials.

No one else testified and no written comments were received.

Opponents:

Stephen Webber, Forest Grove, signed-in but when his name was called, he was not present.

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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:

Uhing indicated she is not opposed to the rate increase and she understands the necessity of a rate increase; however, she wants the record to show that she is concerned that rate increases continue to put a strain on the most vulnerable citizens.

Mayor Truax commented it is a difficult balancing act and he concurs with Uhing's concerns; however, Mayor Truax added he understands the necessity of a rate increase, noting a \$0.70 per month increase for a 20-gallon cart is a reasonable increase, considering the fact that a rate increase occurred in 2007 and not again until 2010.

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.

10. CITY MANAGER'S REPORT:

Sykes reported on upcoming events as noted in the Council calendar and reported on other various upcoming local meetings and community-wide events as noted in the City Manager's Report. Sykes announced the Five-Cities Joint Legislative Session is scheduled Thursday, January 23; Boards, Committees and Commission Annual Reception, Thursday, January 30; Annual Town Meeting, Saturday, February 1; Mayor's State of the City Address, Monday, February 24, Chamber Luncheon; and Council's Goal-Setting Retreat is scheduled Saturday, March 1, 2014. 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

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upcoming city-wide events.

11. COUNCIL COMMUNICATIONS:

Council President Johnston reported attending the Forest Grove Rural Fire Protection District meeting, noting the last bond payment was made. Johnston commended public safety personnel for expressively working together as a team when responding to mutual aid calls. In addition, Johnston reported on matters of interest and upcoming meetings he was planning to attend.

Kidd reported Historic Landmarks Board (HLB) was awarded a grant to help update its website, which is currently underway. Kidd announced HLB is seeking new members to serve on the board. In addition, Kidd reported on matters of interest and upcoming meetings he was planning to attend.

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

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

Thompson provided updates on the Ride Connection's Community Transit Service and Forest Grove Senior and Community Center. In addition, Thompson reported on other matters of interest and meetings he was planning to attend.

Uhing reported she was unable to attend the Economic Development Commission meeting. In addition, Uhing reported on other matters of interest and meetings she was planning to attend.

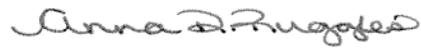
Mayor Truax announced dates of various upcoming activities and meetings as noted in the Council Calendar. Mayor Truax reported attending the League of Oregon Cities (LOC) Board meeting and commended Councilors and staff who serve on the various LOC's boards. Mayor Truax reported attending the Oregon Leaders Summit. 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.

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12. **ADJOURNMENT:**

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

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder