

**FOREST GROVE CITY COUNCIL REGULAR MEETING
JANUARY 27, 2014 – 7:00 P.M.
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***Minutes are unofficial until approved by Council.
Council approved minutes as presented February 24, 2014.***

1. ROLL CALL:

Mayor Peter Truax called the regular City Council meeting to order at 7:00 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL PRESENT:** Thomas Johnston, Council President; Richard Kidd; Victoria Lowe; Camille Miller; Ronald Thompson; and Mayor Peter Truax. **COUNCIL ABSENT:** Elena Uhing, excused. **STAFF PRESENT:** Michael Sykes, City Manager; Michael Greene, City Attorney; Paul Downey, Administrative Services Director; Jon Holan, Community Development Director; Dan Riordan, Senior Planner; Jeff King, Economic Development Coordinator; George Cress, Light and Power Director (in the audience); Janie Schutz, Police Chief (in the audience); Rob Foster, Public Works Director (in the audience); and Anna Ruggles, City Recorder.

Moment of Silence:

Mayor Truax called for a moment of silence in remembrance of George Burlingham, a long-time resident of Forest Grove, who passed away recently.

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 (Litigation) Meeting Minutes of January 13, 2014.
- B. Approve City Council Work Session (Backyard Burning) Meeting Minutes of January 13, 2014.
- C. Accept Community Forestry Commission Meeting Minutes of December 18, 2013.
- D. Accept Library Commission Meeting Minutes of December 17, 2013.

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- E. Accept Parks and Recreation Commission Meeting Minutes of November 20, 2013.
- F. Library Department Monthly Circulation Statistics Report for January 2014.
- G. Endorse Temporary Liquor License for Forest Grove/Cornelius Chamber of Commerce, 2417 Pacific Avenue (Applicant Jill Wilson). *ADDED TO CONSENT AGENDA.*

MOTION: Councilor Kidd moved, seconded by Councilor Lowe, to approve the Consent Agenda as amended. ABSENT: Councilor Uhing. MOTION CARRIED 6-0 by voice vote.

4. ADDITIONS/DELETIONS:

Ruggles added Consent Agenda Item 3 G. as noted above.

Due to lack of the time, Sykes postponed the Work Session (Urban Renewal) scheduled at 6:00 p.m. to the Council meeting of February 10, 2014.

4. A. LITIGATION SETTLEMENT AGREEMENT (JORDAN RAMIS, PC):

City Manager Sykes added Agenda Item 4. A. as noted below. City Attorney Greene reported a settlement has been reached to settle pending litigation between the City and Jordan Ramis, P.C. for a payment to the City in the amount of \$100,000.

Before proceeding with Council discussion, Mayor Truax asked for the following motion.

MOTION: Councilor Thompson moved, seconded by Councilor Kidd, to authorize the City Manager to sign such documents as may be necessary and as approved by the City's legal counsel, Michael Greene, in order to settle the pending litigation between the City of Forest Grove and Jordan Ramis P.C. for a payment to the City in the amount of \$100,000.00 and further directing staff to bring back a resolution for the Council's consideration in February which will reflect the settlement and the related documents.

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

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ROLL CALL VOTE: AYES: Councilors Johnston, Kidd, Lowe, Miller, Thompson, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing. MOTION CARRIED 6-0.

5. PRESENTATIONS:

5. A. Redevelopment Recommendations of the Times Litho Ad-Hoc Committee

King introduced Jerry Johnson, consultant, Cindy Strum, Brian Wilbur, and Rod Fuiten, Ad-Hoc Committee members, who presented the Times Litho redevelopment site recommendations and next steps in the development process, noting the recommendations for the site include creating mixed-use development with apartments; specialty retail space, i.e., specialty grocer; and a public plaza. The group addressed various Council inquiries pertaining to the Committee's recommendations; lease/rental and development opportunities; current market and housing trends; and noting the importance of maintaining a public/private partnership with the developer throughout the redevelopment process. In conclusion of the above-noted presentation, King asked for Council consensus to proceed with drafting a Request for Information/Proposal to send out to prospective developers, noting Jerry Johnson, consultant, is assisting the City in preparing the prospectus.

Hearing no further discussion from the Council, Mayor Truax asked for a motion and vote as noted below.

MOTION: Councilor Miller moved, seconded by Councilor Kidd, to accept the Redevelopment Recommendations of the Times Litho Ad-Hoc Committee and authorize staff to proceed with a Request for Information/Proposal in the form of a prospectus to solicit a developer. ABSENT: Councilor Uhing. MOTION CARRIED 6-0 by voice vote.

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 Nature Areas; Climate Smart Communities; Convention Center Hotel; Transportation Updates; Southwest Corridor; Willamette Falls Legacy Project; and ongoing work to support local

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jurisdictions. In conclusion of the above-presentation, Harrington reported on other various upcoming events, distributed various handouts, and addressed Council inquiries pertaining to Chehalem Ridge and solid waste-related facilities.

6. CONTINUE PUBLIC HEARING FROM JANUARY 13, 2014: SECOND READING OF ORDINANCE NO. 2014-01 ADOPTING WORK PRODUCTS RELATED TO THE UPDATE OF THE CITY OF FOREST GROVE COMPREHENSIVE PLAN REQUIRED UNDER OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT PERIODIC REVIEW ORDER 001786 AS AMENDED AND REPEALING ORDINANCE NO. 1980-14 AND SUBSEQUENT CONFLICTING ORDINANCES AND AMENDING MUNICIPAL CODE SECTION 9.700(1) COMPREHENSIVE PLAN. FILE NO. CPA-13-01369

The first reading of Ordinance No. 2014-01 by title and motion to adopt occurred at the Council meeting of January 13, 2014.

Staff Report:

Holan and Riordan provided a summary as outlined in Attachment A of the staff report, Relative Earthquake Hazard Map; Attachment B, Floodplain and Vegetative Corridor Map; and Attachment C, Wetland Map, noting the staff report addresses testimony heard at the Council meeting of January 13, 2014, and is reaffirming the Planning Commission's recommendations of retaining a Multi-Family High-Density zoning designation in the area of D Street.

Sykes read Ordinance No. 2014-01 by title for second reading.

Public Hearing Continued:

Mayor Truax continued the Public Hearing from the Council meeting of January 13, 2014, and explained hearing procedures.

Proponents:

Lee Leighton, Westlake Consultants, 15115 SW Sequoia Pkwy, Suite 150, Tigard, OR 97224, representing Gales Creek Terrace, testified in support of the recommendations at the Council meeting of January 13, 2014, stating he had no new testimony to add to the record; however, Leighton advised he might have concerns depending on testimony at this evening's meeting. At the conclusion of testimony, Mayor Truax invited Leighton to readdress the Council, to which Leighton readdressed

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Council and testified that no homes are proposed to be built in the area where it would put residents within a flood zone. Leighton also cited Clean Water Services' (CWS) permit requirements, stating CWS has very clear requirements that must be met before CWS will issue a Service Provider Letter.

No one else testified and no written comments were received.

Opponents:

Kathy Corey, 1815 D Street, Forest Grove, OR 97116, testified in opposition at the Council meeting of January 13, 2014. Corey presented a PowerPoint presentation, along with maps, into the record, testifying in opposition of a Multi-Family High-Density zoning designation in the area along and west of D Street.

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:

Lowe referred to testimony heard as noted above, stating she has the same floodplain concerns and objection of building homes in the above-mentioned area, to which Holan addressed, noting the vegetation corridors map shown in Corey's presentation do not depict CWS' vegetative corridors. Holan advised development is restricted within the floodway and floodplain by the Development Code and Washington County and development is restricted near wetlands and within the vegetative corridors established by CWS. In addition, Holan advised development potentially impacting vegetative corridors requires review by CWS and issuance of a Service Provider Letter before development permits are issued by the City, noting although no official plans have been submitted to the City by the developer, all proposed development would be required to be outside of the vegetative corridors.

Hearing no further discussion from the Council, Mayor Truax asked for a roll call vote on the motion made at the Council meeting of January 13, 2014.

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ROLL CALL VOTE: AYES: Councilors Johnston, Kidd, Miller, Thompson, and Mayor Truax. NOES: Councilor Lowe. ABSENT: Councilor Uhing. MOTION CARRIED 5-1.

7. CONTINUE PUBLIC HEARING FROM JANUARY 13, 2014: SECOND READING OF ORDINANCE NO. 2014-02 ADOPTING POST-ACKNOWLEDGMENT PLAN AMENDMENT WORK PRODUCTS RELATED TO THE UPDATE OF THE CITY OF FOREST GROVE COMPREHENSIVE PLAN. FILE NO. CPA-13-01369

The first reading of Ordinance No. 2014-02 by title and motion to adopt occurred at the Council meeting of January 13, 2014.

Staff Report:

Holan and Riordan had nothing further to add to the staff report presented under Agenda Item 6.

Sykes read Ordinance No. 2014-02 by title for second reading.

Public Hearing Continued:

Mayor Truax continued the Public Hearing from the Council meeting of January 13, 2014, and explained hearing procedures.

Proponents:

Lee Leighton, Westlake Consultants, 15115 SW Sequoia Pkwy, Suite 150, Tigard, OR 97224, representing Gales Creek Terrace, testified in support, stating he had nothing further to add to his earlier testimony as noted above.

No one else testified and no written comments were received

Opponents:

Kathy Corey, 1815 D Street, Forest Grove, OR 97116, testified in opposition, stating she had nothing further to add to her earlier testimony as noted above.

No one else testified and no written comments were received.

Others:

No one testified and no written comments were received.

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Public Hearing Closed:

Mayor Truax closed the Public Hearing.

Council Discussion:

Hearing no discussion from the Council, Mayor Truax asked for a roll call vote on the motion made at the Council meeting of January 13, 2014.

ROLL CALL VOTE: AYES: Councilors Johnston, Kidd, Miller, Thompson, and Mayor Truax. NOES: Councilor Lowe. ABSENT: Councilor Uhing. MOTION CARRIED 5-1.

8. **RESOLUTION NO. 2014-19 DIRECTING CITY MANAGER TO FORWARD ADOPTED WORK PRODUCTS RELATED TO COMPREHENSIVE PLAN UPDATE TO OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT (LCDC) FOR REVIEW AND APPROVAL AS REQUIRED UNDER STATE LAW ORS CHAPTER 197 (COMPREHENSIVE LAND USE COORDINATION) AND OAR CHAPTER 660, DIVISION 25 (PERIODIC REVIEW)**

Staff Report:

Holan and Riordan presented the above-proposed resolution requesting approval to forward the adopted work products related to the Comprehensive Plan update to the Oregon Department of Land Conservation and Development for review and approval as required pursuant to Periodic Review.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-19.

Sykes read Resolution No. 2014-19 by title.

MOTION: Councilor Kidd moved, seconded by Councilor Miller, to approve Resolution No. 2014-19 Directing the City Manager to Forward Adopted Work Products related to the Comprehensive Plan Update to the Oregon Department of Land Conservation and Development for Review and Approval as Required under State Law ORS Chapter 197 (Comprehensive Land Use Coordination) and OAR Chapter 660 Division 26 (Periodic Review).

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Council Discussion:

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

ROLL CALL VOTE: AYES: Councilors Johnston, Kidd, Miller, Thompson, and Mayor Truax. NOES: Councilor Lowe. ABSENT: Councilor Uhing. MOTION CARRIED 5-1.

**9. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2014-03
ADOPTING THE CITY OF FOREST GROVE TRANSPORTATION
SYSTEM PLAN UPDATE AND REPEALING ORDINANCE NO. 2010-09**

Staff Report:

Holan and Riordan presented the above-noted ordinance requesting to consider adopting the Transportation System Plan (TSP) update, noting the proposed ordinance is accepting the Planning Commission's findings and adopting the transportation elements of the Comprehensive Plan pursuant to the adoption of Ordinance No. 2014-01. Riordan provided a summary as outlined in Attachment A of the staff report, Transportation System Plan, Appendix K (findings); Attachment B, Updated Street Functional Classification Map; Attachment C, Tualatin Valley Scenic Bikeway; and Attachment D, Scenic Bikeway through Forest Grove.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2014-03.

Sykes read Ordinance No. 2014-03 by title for first reading.

MOTION: Council President Johnston moved, seconded by Councilor Kidd, to approve Ordinance No. 2014-03 Adopting the City of Forest Grove Transportation System Plan Update and Repealing Ordinance No. 2010-09. The second reading of Ordinance No. 2014-03 by title and final vote is scheduled to occur at the Council meeting of February 10, 2014.

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained hearing procedures.

Proponents:

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Lee Leighton, Westlake Consultants, 15115 SW Sequoia Pkwy, Suite 150, Tigard, OR 97224, representing Gales Creek Terrace, testified in support of the recommendations.

No one else testified and no other written comments were received.

Opponents:

Kathy Corey, 1815 D Street, Forest Grove, OR 97116 testified in opposition. In response to Corey's inquiry pertaining to the area of 19th Avenue west of E Street, a one-way graveled road, Holan advised the roadway would remain in the TSP designated as a collector street.

No one else testified and no other written comments were received.

Others:

No one testified and no written comments were received.

Council Discussion:

In response to Lowe's inquiry pertaining to Poplar Street extension to Heather Street, Holan advised the roadway is designated in the TSP as an industrial collector.

Council President Johnston referenced Page 6 of the staff report, noting the report shows David Hill Road east of Thatcher Road as "not classified" by Washington County Transportation System Plan and Regional Transportation System plan, to which Holan addressed, noting the City has identified David Hill Road as a future extension to Highway 47.

Kidd referenced Appendix K, noting he would like to expand the definition of high-capacity transit to include "light rail", to which Riordan concurred expanding the definition to include "light rail".

Thompson pointed out Bonnie Lane (at B Street) does not depict stop signs, to which Riordan concurred making an amendment to the report/map.

Hearing no further discussion from the Council, Mayor Truax recessed the Public Hearing for Ordinance No. 2014-03 as noted below.

Public Hearing Recessed:

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Mayor Truax recessed the Public Hearing until the next Council meeting of Monday, February 10, 2014.

10. RESOLUTION NO. 2014-15 APPOINTING THE DIRECTOR OF ADMINISTRATIVE SERVICES AS THE PLAN COORDINATOR FOR THE CITY'S ICMA-RC SECTION 457 DEFERRED COMPENSATION PLAN

Staff Report:

Downey presented the above-proposed resolution requesting to appoint the Administrative Services Director as the Plan Coordinator for the City's Deferred Compensation Plan, noting the City Recorder was appointed in 1983 as the Plan Coordinator; however, the Director, in coordination with the Human Resources Manager, has administered the duties for many years now. In conclusion of the above-noted staff report, Downey advised the proposed resolution affirms who has responsibility on behalf of the City to administer duties as the Plan Coordinator and has no fiscal impact to the City as outlined in the staff report and as proposed in the resolution.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-15.

Sykes read Resolution No. 2014-15 by title.

MOTION: Council President Johnston moved, seconded by Councilor Miller, to adopt Resolution No. 2014-15 Appointing the Director of Administrative Services as the Plan Coordinator for the City's ICMA-RC Section 457 Deferred Compensation Plan.

Council Discussion:

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

ROLL CALL VOTE: AYES: Councilors Johnston, Kidd, Lowe, Miller, Thompson, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing. MOTION CARRIED 6-0.

11. RESOLUTION NO. 2014-16 ADOPTING SUPPLEMENTAL BUDGET AND INCREASING MUNICIPAL COURT AND POLICE DEPARTMENT

APPROPRIATIONS WITHIN THE GENERAL FUND FOR FISCAL YEAR 2013-14

Staff Report:

Downey presented the above-proposed resolution authorizing to increase appropriations within the General Fund Municipal Court so the required pass-through Cornelius Court revenue could be paid and authorizing to increase appropriations within the Police Department to replace three radar units as outlined in the staff report and as proposed in the resolution.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-16.

Sykes read Resolution No. 2014-16 by title.

MOTION: Councilor Thompson moved, seconded by Councilor Kidd, to adopt Resolution No. 2014-16 Adopting Supplemental Budget and Increasing Municipal Court and Police Department Appropriations within the General Fund for Fiscal Year 2013-14.

Council Discussion:

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

ROLL CALL VOTE: AYES: Councilors Johnston, Kidd, Lowe, Miller, Thompson, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing. MOTION CARRIED 6-0.

12. **RESOLUTION NO. 2014-17 AUTHORIZING THE EXPENDITURE OF WASHINGTON COUNTY STRATEGIC FRAMEWORK STATE INCENTIVE GRANT FUNDS IN THE POLICE DEPARTMENT AND INCREASING APPROPRIATIONS FOR THE GENERAL FUND FOR FISCAL YEAR 2013-14**

Staff Report:

Downey presented the above-proposed resolution authorizing expenditures of Police Department grant funds (pay for related staff time and purchase of two alcohol screening devices) received from Washington County Strategic Framework State Incentive Grant as

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outlined in the staff report and as proposed in the resolution.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-17.

Sykes read Resolution No. 2014-17 by title.

MOTION: Councilor Kidd moved, seconded by Council President Johnston, to adopt Resolution No. 2014-17 Authorizing the Expenditure of Washington County Strategic Framework State Incentive Grant Funds in the Police Department and Increasing Appropriations for the General Fund for Fiscal Year 2013-14.

Council Discussion:

Mayor Truax commended Police Department personnel for recently conducting an underage drinking sting, noting three businesses were cited for selling alcohol to a minor.

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, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing. MOTION CARRIED 6-0.

13. RESOLUTION NO. 2014-20 APPROVING TO MOVE THE MARCH 10, 2014, REGULAR CITY COUNCIL MEETING TO MONDAY, MARCH 17, 2014

Staff Report:

Sykes presented the above-proposed resolution requesting to consider rescheduling the regular Council meeting of Monday, March 10, 2014, to Monday, March 17, 2014, due to Mayor and Councilors who are attending the National League of Cities Conference.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-20.

Sykes read Resolution No. 2014-20 by title.

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MOTION: Council President Johnston moved, seconded by Councilor Kidd, to adopt Resolution No. 2014-20 Approving to move the March 10, 2014, Regular City Council Meeting to Monday, March 17, 2014.

Council Discussion:

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

ROLL CALL VOTE: AYES: Councilors Johnston, Kidd, Lowe, Miller, Thompson, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing. MOTION CARRIED 6-0.

14. 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 reported on the Five-Cities Joint Legislative Session, held Thursday, January 23, 2014, noting he was very pleased with the attendance and presentations heard. Sykes commended Linda Minor, Library Reference Supervisor, for her 23 dedicated years of service, noting Minor is retiring February 28, 2014. Sykes commended Paul Downey, Administrative Services Director, for his 15 dedicated years of service. 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.

15. COUNCIL COMMUNICATIONS:

Council President Johnston reported on Public Safety Advisory Commission (PSAC)-related activities, noting PSAC will be discussing whether they need to meet every month. Johnston commended police and fire personnel for their efforts on recent emergency-related calls. In addition, Johnston reported on matters of interest and upcoming meetings he was planning to attend.

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

Lowe reported on upcoming meetings she was planning to attend.

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

Thompson reported on matters of interest and 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 Parks and Recreation Commission (P&R) meeting to discuss consideration of making all city parks smoke-free areas. In addition, Mayor Truax reported on various local, regional, Metro, and Washington County meetings he attended and distributed a copy of the upcoming meetings and community-related events he was planning to attend.

16. ADJOURNMENT:

Mayor Truax adjourned the meeting at 9:45 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder