

**FOREST GROVE CITY COUNCIL REGULAR MEETING  
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***Minutes are unofficial until approved by Council.  
Council approved minutes as presented May 12, 2014.***

**1. ROLL CALL:**

Mayor Peter Truax called the regular City Council meeting to order at 7:10 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; Paul Downey, Administrative Services Director; Rob Foster, Public Works Director; Tom Gamble, Parks and Recreation Director; Jon Holan, Community Development Director; Michael Kinkade, Fire Chief; Janie Schutz, Police Chief; Ian O'Connor, Fire Division Chief; Kari Middleton, Volunteer Coordinator; and Anna Ruggles, City Recorder.

**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 Work Session (B&C Interviews) Meeting Minutes of April 14, 2014.
- B. Approve Executive Session (Labor Negotiations) Meeting Minutes of April 14, 2014.
- C. Approve Work Session (Medical Marijuana Facilities) Meeting Minutes of April 14, 2014.
- D. Approve City Council Regular Meeting Minutes of April 14, 2014.
- E. Accept Community Forestry Commission Meeting Minutes of March 19, 2014.
- F. Accept Historic Landmarks Board Meeting Minutes of February 25 and March 25, 2014.
- G. Accept Parks and Recreation Commission Meeting Minutes

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of March 20, 2014.

- H. Accept Public Arts Commission Meeting Minutes of March 13 and March 22, 2014.
- I. Endorse Liquor License Change of Application (Full On-Premises Sales) for Grampy's Deli and Pub (Applicant: Christopher Somers).
- J. **Resolution No. 2014-39 Making Appointment to Public Safety Advisory Commission (Appoint Tim Rippe, At-Large, Term Expiring December 31, 2017.**

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

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

5. **PRESENTATIONS:**

5. A. **City Volunteer Programs Update:**

Kari Middleton, Volunteer Coordinator, presented a PowerPoint presentation highlighting the various library, parks and police volunteer programs, noting the total dollar value in volunteer hours for Fiscal Year 2012-13 was \$167,986 as follows:

- Library had 5,724 volunteer hours served, total dollar value of \$122,207, and currently has 45 volunteers.
- Parks had 570 volunteer hours served, total dollar value of \$12,169.
- Police had 1574.25 volunteer hours served, total dollar value of \$33,610.

In addition, Middleton displayed slides of each department showing photographs of various projects and tasks done by volunteers, noting volunteer services free up staff time and allow staff to focus on other, more specialized work, and helps foster positive community relations.

6. **CONTINUE PUBLIC HEARING FROM APRIL 14, 2014: SECOND READING OF ORDINANCE NO. 2014-04 OF THE CITY OF FOREST GROVE IMPOSING A MORATORIUM ON MEDICAL MARIJUANA**

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**FACILITIES WITHIN THE CORPORATE BOUNDARIES OF THE CITY;  
DECLARING AN EFFECTIVE DATE**

The first reading of Ordinance No. 2014-04 by title and motion to adopt occurred at the Council meeting of April 14, 2014.

**Staff Report:**

Holan and Police Chief Schutz had nothing further to add to the staff report presented at the Council meeting of April 14, 2014. Holan referenced written testimony submitted as noted below.

Sykes read Ordinance No. 2014-04 by title for second reading.

**Public Hearing Continued:**

Mayor Truax continued the Public Hearing from the Council meeting of April 14, 2014, and explained hearing procedures.

**Written Testimony:**

Justin Roney, unknown address, submitted a letter dated April 28, 2014, in opposition to the one-year moratorium and instead proposed a more reasonable, lessened moratorium of 180-days to six-month ban.

**Proponents:**

No one testified and no written comments were received.

**Opponents:**

Thomas Hubbel, Beaverton, testified in opposition to the one-year moratorium and instead proposed a four to six-month ban, stating the moratorium bans safe access to medicine and inhibits job creation. In addition, Hubble questioned why officers would need a year for training and why the City lacked an inventory of private schools.

Judith Ecker-Cornett, Forest Grove, testified in opposition of the moratorium, calling upon Council to let Forest Grove lead the way and end suffering for those who need access to medical marijuana.

John William Cornett, Forest Grove, testified in opposition of the moratorium, calling upon Council to let Forest Grove be a leader and end prohibition of medical marijuana.

Greg Ship, Forest Grove, testified in opposition of the moratorium, calling

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upon Council to allow safe access for people who need medical marijuana.

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 Lowe's concern pertaining to the moratorium, Holan affirmed SB 1531 gives local governments the authority to impose up to one-year maximum. Lowe commented the key to her support is recognizing the City can shorten the moratorium; otherwise, she would have asked for a reduced time; noting it is time and she supports the need.

Miller commented though she is unsure if it is time, it is State law and, as a result, it needs to happen now, noting she acknowledges the need and request and she is glad the City has latitude to change the moratorium.

In response to Kidd's concern pertaining to the moratorium, Holan affirmed the City could shorten the moratorium at any time. Kidd commented he does not believe police training should be stretched out, noting he would be supportive of shortening the moratorium if the City has an application on file for a facility.

Council President Johnston thanked those who testified, noting he still has many questions that need to be addressed, such as zoning and if banks will work with facilities. In addition, Johnston noted he and Councilor Thompson are attending a League of Oregon Cities training session on May 1, 2014, to learn more on medical marijuana regulations.

Mayor Truax gave closing comments, noting the moratorium expires May 1, 2015, which puts a lot of pressure on State legislature to do something between now and then. In addition, Mayor Truax commented on the inaction of the State legislature, putting cities in Oregon in a difficult position to act and federal government dragging its feet on continuing to

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identify marijuana as a controlled substance, noting until change happens, cities like Forest Grove have to make these types of decisions. Mayor Truax added if change were to happen, it would make it a whole lot easier for people who need medical marijuana.

Hearing no further discussion from the Council, Mayor Truax asked for a roll call vote on the motion made at the Council meeting of April 14, 2014.

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

7. **PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2014-05 DECLARING THAT BLIGHTED AREAS EXIST WITHIN THE CITY OF FOREST GROVE, RECOGNIZING THE NEED FOR AN URBAN RENEWAL AGENCY TO FUNCTION WITHIN THE CITY OF FOREST GROVE AND PROVIDING FOR THE EXERCISE OF THE AGENCY'S POWERS BY THE CITY COUNCIL OF THE CITY OF FOREST GROVE; AMENDING FOREST GROVE CITY CODE, CHAPTER 2, BY ADDING NEW CODE SECTIONS 2.10.005 THROUGH 2.10.009, TITLED "URBAN RENEWAL AGENCY**

The first reading of Ordinance No. 2014-05 by title and motion to adopt occurred at the Council meeting of April 14, 2014.

**Staff Report:**

Holan had nothing further to add to the staff report presented at the Council meeting of April 14, 2014.

Sykes read Ordinance No. 2014-05 by title for second reading.

**Public Hearing Continued:**

Mayor Truax continued the Public Hearing from the Council meeting of April 14, 2014, and explained hearing procedures.

**Written Testimony Received:**

No written testimony was received.

**Proponents:**

No one testified and no written comments were received.

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**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:**

Hearing no further discussion from the Council, Mayor Truax asked for a roll call vote on the motion made at the Council meeting of April 14, 2014.

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

**8. PUBLIC HEARING AND RESOLUTION NO. 2014-37 SETTING FEES AND CHARGES FOR AQUATIC CENTER, EFFECTIVE JULY 1, 2014, AND REPEALING RESOLUTION NO. 2013-25**

**Staff Report:**

Downey and Gamble presented the above-proposed resolution for Council consideration, noting the proposed resolution would increase Aquatic Center fees and charges by three and one-half percent (3.5%), rounded to the nearest increment, effective July 1, 2014. For in-City (18-64) public and fitness swim, the fee would increase from \$4.75 to \$4.90. For in-City (2-17 years); Senior and Disabled Veteran, the fee would increase from \$3.25 to \$3.35. For outside-City (2-17 years); Senior and Disabled Veteran, the fee would increase from \$4.25 to \$4.40. In addition, staff proposed to increase the Lifeguard Challenge fee from \$50 to \$85 to recoup actual costs for providing the test. In conclusion of the above-noted staff report, Downey advised the fee request at this time is to allow the Aquatic Center the ability to post the new fee schedule in its summer brochure.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-37.

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Sykes read Resolution No. 2014-37 by title.

**MOTION:** Councilor Lowe moved, seconded by Councilor Miller, to adopt Resolution No. 2014-37 Setting Fees and Charges for Aquatic Center, Effective July 1 2014, and Repealing Resolution No. 2013-25.

**Public Hearing Opened:**

Mayor Truax opened the Public Hearing.

**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.

**Public Hearing Closed:**

Mayor Truax closed the Public Hearing.

**Council Discussion:**

In response to Mayor Truax's concern pertaining to setting the same fee as in-city for out-of-city veteran, Gamble advised the reason the fee is higher than in-city fee is that out-of-city do not pay property taxes to live in the City.

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

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

**9. RESOLUTION NO. 2014-38 ADOPTING FISCAL YEAR 2013-14  
SUPPLEMENTAL BUDGET AND AUTHORIZING THE EXPENDITURE**

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**BY THE FIRE DEPARTMENT WITHIN THE GENERAL FUND BUDGET  
OF FIRE CONFLAGRATION REIMBURSEMENT FUNDS RECEIVED  
FROM THE STATE OF OREGON**

**Staff Report:**

Downey and Fire Chief Kinkade presented the above-proposed resolution for Council consideration, requesting authorization for the expenditure by the Fire Department, within the General Fund budget of fire conflagration reimbursement funds received from the Oregon Department of Forestry (ODF), to purchase audio/visual and video conference equipment upgrades for the fire training room. Downey reported the total cost for the Mondo Pad System equipment and installation is \$15,240 and there is a monthly maintenance fee of \$99 (\$1,188 annual) required to maintain interactive video conferencing, noting the project will be funded using reimbursement funds received from ODF and Forest Grove Rural Fire Protection District has agreed to fund half of its share. In conclusion of the above-noted staff report, Downey advised an appropriation of funds is needed before the City can expend funds, noting no supplemental budget hearing is required pursuant to budget law.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-38.

Sykes read Resolution No. 2014-38 by title.

**MOTION: Councilor Lowe moved, seconded by Councilor Miller, to approve Resolution No. 2014-38 Adopting Fiscal Year 2013-14 Supplemental Budget and Authorizing the Expenditure by the Fire Department within the General Fund Budget of Fire Conflagration Reimbursement Funds Received from the State Of Oregon.**

**Council Discussion:**

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

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

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**10. DEPARTMENT WORK PLANS FOR FY 2014-15:**

Fire Department:

Chief Kinkade presented a PowerPoint presentation outlining the Fire Department's Work Plan for 2014-15 as noted in his staff report. Kinkade's report focused on fire-related work plan and action items outlined in the Cornelius/Forest Grove Fire and Rescue Strategic Plan for Fiscal Year 2014-15, including service delivery; strategic planning; community outreach and education; technological enhancements; strategic partnerships; and employee development. In addition, Kinkade reported on other various department-related action plans and addressed various Council inquiries.

Engineering/Public Works Department:

Foster presented a PowerPoint presentation outlining the Engineering, Public Works, and Water Treatment Department's Work Plans for 2014-15 as noted in his staff report. Foster's report focused on various transportation-related projects; sewer infrastructure in newly-annexed areas; northwest area concept plan; water treatment plant seismic 5-year study; and sustainability infrastructure design. In addition, Foster reported on other various department-related action plans and addressed various Council inquiries.

Community Development Department:

Holan presented a PowerPoint presentation outlining the Community Development Department's Work Plan for 2014-15 as noted in his staff report. Holan's report focused on various department-related projects; ongoing tasks; building permit activity; support for other departments; board and commission projects; and outside agencies. In addition, Holan reported on other various department-related action plans and addressed various Council inquiries.

Administrative Services Department:

Downey presented a PowerPoint presentation outlining the Administrative Services Department's Work Plan for 2014-15 as noted in his staff report. Downey's report focused on finance and budget-related major tasks; management-related tasks; Human Resources major tasks; and IT major tasks. In addition, Downey reported on other various department-related projects and addressed various Council inquiries.

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**11. 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 staff is working on an appeal regarding Oregon Department of Transportation's (ODOT) speed study recommendations for Highway 47/Maple Street/Fern Hill Road Interchange, noting a Town Hall is scheduled for May 1, 2014, with multi-jurisdictions to discuss concerns. Sykes recapped the Town Hall, held April 23, 2014, to discuss Highway 47/Verboort/Purdin Road intersection, noting ODOT is on site today making speed zone changes. Sykes reported 29 citizens graduated from 6<sup>th</sup> Annual Police Citizen Academy, noting the class has been very successful. 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.

**12. COUNCIL COMMUNICATIONS:**

Council President Johnston reported attending the Oregon Department of Forestry meeting and attending the League of Oregon Cities Finance and Taxation Committee meeting. Johnston reported on Public Safety Advisory Commission (PSAC)-related meeting, noting PSAC supported the proposed smoking ban in city parks. Johnston reported he plans to attend the League of Oregon Cities training session on May 1, 2014, to learn more on medical marijuana regulations. Johnston noted he enjoyed interacting with department staff during the joint negotiations training session held on April 25, 2014. In addition, Johnston reported on other matters of interest and upcoming meetings he was planning to attend.

Kidd reported on Historic Landmark Board (HLB)-related meeting, noting HLB welcomed its newest member. Kidd reported attending the League of Oregon Cities Energy Committee meeting. In addition, Kidd reported on other matters of interest and upcoming meetings he was planning to attend.

Lowe invited everyone to attend the ribbon-cutting celebration at Fernhill Wetlands on May 1, 2014. Lowe commended Mayor Truax and thanked everyone who attended the Town Hall on April 23, 2014, to discuss Highway 47/Verboort/Purdin Road intersection. In addition, Lowe

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

Miller highlighted on Public Arts Commission-related activities. Miller reported on Chamber-related matters, noting the Chamber would like to see city dollars budgeted this fiscal year to support the Chamber as other cities currently do. In addition, Miller reported on other matters of interest and upcoming meetings she was planning to attend.

Thompson reported he plans to attend the League of Oregon Cities training session on May 1, 2014, to learn more on medical marijuana regulations. 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 commended Senators Bruce Starr and Betsy Johnson, the Oregon Department of Transportation, Washington County Commissioners, and Pacific University, and families who attended the Town Hall on April 23, 2014, to discuss Highway 47/Verboort/Purdin Road intersection, noting he is looking forward to the safety improvements planned by the ODOT and Washington County. In addition, Mayor Truax reported on other various local, regional, Metro, and Washington County meetings he attended and community-related events he was planning to attend.

Community Enhancement Program (CEP) Funding Allocation:

Mayor Truax reported on the CEP grant application presentations, heard on April 22, 2014, noting he is seeking Council feedback on whether to consider reallocating the unrequested CEP funds from Boards and Commissions (B&C) to Non-Profit, noting B&C has \$28,300 funds available and only \$17,200 was requested, leaving a balance of \$11,102 unrequested funds available, which resulted in the following motion:

**MOTION: Councilor Thompson moved, seconded by Councilor Kidd, to approve transferring B&C unrequested CEP funds to Non-Profit. ABSENT: Councilor Uhing. MOTION CARRIED 6-0 by voice vote.**

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In conclusion of the above-noted discussion, Downey advised he would e-mail a new CEP funding allocation worksheet to Council in the morning. In addition, Mayor Truax reminded Council to submit their evaluation forms allocating CEP funding by Wednesday, April 30, 2014.

**12. ADJOURNMENT:**

Mayor Truax adjourned the meeting at 9:15 p.m.

Respectfully submitted,



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Anna D. Ruggles, CMC, City Recorder