

**FOREST GROVE CITY COUNCIL REGULAR MEETING  
MAY 27, 2014 – 7:00 P.M.  
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***Minutes are unofficial until approved by Council.  
Council approved minutes as presented June 23, 2014.***

**1. ROLL CALL:**

Mayor Peter Truax called the regular City Council meeting to order at 7:01 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL PRESENT:** Thomas Johnston, Council President; Richard Kidd; Victoria Lowe; Camille Miller; Ronald Thompson; Elena Uhing; and Mayor Peter Truax. **STAFF PRESENT:** Michael Sykes, City Manager; Paul Downey, Administrative Services Director; Tom Gamble, Parks and Recreation Director; Jon Holan, Community Development Director; Janie Schutz, Police Chief; Jeff King, Economic Development Coordinator; George Cress, Light and Power Director (in the audience); and Anna Ruggles, City Recorder.

Mayor Peter Truax expressed his sincere appreciation to everyone who sent well wishes, noting he is recuperating from his injuries sustained in his motor scooter accident, which occurred the evening of Wednesday, May 7, 2014.

**1. A. PLANNING COMMISSION RECOGNITION:**

Councilor Miller presented a Certificate of Appreciation to Carl "Al" Miller who was honored by Council for his dedicated years of service and exceptional leadership on the Planning Commission. Miller served on the Planning Commission as Vice Chair since 1998.

**2. CITIZEN COMMUNICATIONS:**

Kathleen Shaw, Forest Grove, addressed Council pertaining to various neighborhood concerns, i.e., installing sidewalks and curbs, right turn lane on Highway 47/Maple Street, allowing portable garages, and rezoning a mobile home located on 12<sup>th</sup> Avenue, to which Mayor Truax deferred Shaw's concerns to City Manager Sykes.

**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).

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- A. Approve City Council Work Session (B&C Interview) Meeting Minutes of May 12, 2014.
- B. Approve City Council Executive Session (Labor Negotiations) Meeting Minutes of May 12, 2014.
- C. Approve City Council Work Session (Retirement) Meeting Minutes of May 12, 2014.
- D. Approve City Council Regular Meeting Minutes of May 12, 2014.
- E. Accept Planning Commission Meeting Minutes of May 5, 2014.
- F. Library Department Monthly Circulation Statistics Report for May 2014.
- G. **RESOLUTION NO. 2014-41 MAKING APPOINTMENT TO PUBLIC SAFETY ADVISORY COMMISSION (PSAC) (APPOINTING CHAS HUNDLEY, RURAL FIRE DISTRICT CITIZEN, TERM EXPIRING DECEMBER 31, 2016).**

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

- 4. **ADDITIONS/DELETIONS:** None.
- 5. **PRESENTATIONS:** None.
- 6. **PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2014-06 AMENDING FOREST GROVE CODE, CHAPTER 5, PUBLIC PROTECTION OFFENSES, BY ADDING NEW CODE SECTION 5.485, TITLED SMOKING AND TOBACCO USE PROHIBITED, AND ADDING NEW CODE SECTION 5.490, TITLED VIOLATIONS AND PENALTIES AND AMENDING CODE SECTION 5.405**

**Staff Report:**

Gamble and Police Chief Schutz presented the above-proposed ordinance requesting to adopt a new Code Section 5.485 that would prohibit smoking and tobacco use in designated City parks and City-sponsored events, noting the proposed code would prohibit any tobacco products, cigarettes, cigars, pipe tobacco, marijuana, smokeless tobacco, chewing tobacco, and electronic smoke devices. Gamble

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advised the original proposed code provisions presented to the Parks and Recreation Commission (P&R) and Public Safety Advisory Commission (PSAC) prohibited smoking and tobacco use in city-owned properties; however, after further discussion, staff determined it would be too cumbersome to enforce all city-owned properties, excluding streets and sidewalks, noting the ban would only apply to streets and sidewalks within the designated areas of City-sponsored events. Gamble added that staff currently spends at least two hours a week collecting litter, picking up cigarette buds and disinfecting drinking fountains from remains of smokeless tobacco in City parks. Chief Schutz reported on law enforcement-related matters, noting the proposed code provisions would allow law enforcement to contact persons smoking in areas designated as City parks and City-sponsored events, noting if the proposed ordinance is adopted by Council, there will be an implementation period with warning citations issued during the one-month educational period. In addition, Gamble introduced Carla Bennett, Washington County Health and Human Services, who reported on the County's efforts to reduce the impact of tobacco and nicotine addiction and health risks of secondhand smoke and applauded the City for its efforts to support a healthier, smoke-free community. In conclusion of the above-noted staff report, Gamble and Police Chief Schutz advised staff is recommending adoption of the proposed Code amendments as outlined in Exhibit A of Ordinance No. 2014-06.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2014-06.

Sykes read Ordinance No. 2014-06 by title for first reading.

**MOTION: Councilor Lowe moved, seconded by Councilor Kidd, to adopt Ordinance No. 2014-06 Amending Forest Grove Code, Chapter 5, Public Protection Offenses, by Adding New Code Section 5.485, Titled Smoking and Tobacco Use Prohibited, and Adding New Code Section 5.490, Titled Violations and Penalties and Amending Code Section 5.405. (Refer to Motion to Amend below).**

**Public Hearing Opened:**

Mayor Truax opened the Public Hearing and explained hearing procedures.

**Written Testimony:**

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Gamble referenced the following written testimony received.

Shirley Bates, Forest Grove, (Attachment A to the staff report), submitted a letter thanking the Parks and Recreation Commission for taking public comment and for caring about the issue of secondhand smoke and how it affects people, citing she suffers from severe allergic reactions if within 50' to 100' of someone smoking.

Susan and Jerry Munger, Forest Grove, submitted a letter thanking the Parks and Recreation Commission for encouraging public input on the above issue, citing they can attest to the fact that cigarette debris is the number one litter problem and they appreciate knowing that special events, such as the Farmers' Market will be included in the policy.

Ann Barr-Gillespie, DPT, PhD, Pacific University Vice Provost and Executive Dean, submitted a letter urging Council to adopt a tobacco and smoke-free outdoor policy for city properties and downtown areas, citing Pacific University is working on adopting a smoke-free policy for their campus. If approved, Pacific University's policy would prohibit smoking on all campuses, including cars, parking lots, and outdoors on University grounds.

Bridget Cooke, Adelante Mujeres Executive Director, submitted a letter urging Council to adopt a tobacco and smoke-free outdoor policy for city properties and downtown areas, citing the policy could be confusing and potentially challenging if the policy is only enforced during the Farmers' Market.

Marni Kuyl, RN, MC, Washington County Health and Human Services Manager, submitted a letter urging Council to adopt a tobacco and smoke-free policy in outdoor public places and expand the policy to include all city properties for comprehensive protection and consistency.

No other written testimony was received prior to the published deadline of May 27, 2014, 7:00 p.m.

**Proponents:**

Susan Munger, Forest Grove, testified in support of the proposed code provisions as noted above in her written testimony. Munger stated while walking to this evening's Council meeting, she encountered a bunch of cigarette buds along the way, noting it is truly a widespread problem. In

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addition, Mayor Truax acknowledged receiving written testimony directly from Munger. When asked by Mayor Truax, Munger replied she supports expanding her testimony to include provisions for city-owned properties.

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

**Opponents:**

No one testified and no written comments were received.

**Others:**

No one testified and no written comments were received.

**Council Discussion:**

In response to Lowe's concerns pertaining to staff focusing only on City parks and City-sponsored events and excluding City-owned properties, Gamble explained the City Attorney's opinion is enforcement would likely be difficult, especially in streets and sidewalks, noting the City does not own streets and sidewalks, rather the City holds easements for the benefit of the public. Sykes added it came down to the ability to enforce provisions effectively, noting efforts are to support a healthier, smoke-free community in places and areas where children are present and large public gatherings occur, such as City parks and Farmers' Market, and not enforcement for that one person or employee who may smoke on occasion in City-owned parking lots or streets and sidewalks.

Kidd indicated he is having a difficult time supporting the proposal if code provisions exclude City-owned properties, noting the provisions should be all or none. In response to Kidd's inquiry pertaining to provisions imposed by other cities, Bennett indicated it is common for cities to adopt a tobacco and smoke-free policy to include all city-owned properties and city-owned parking lots.

Council President Johnston indicated both the P&R and PSAC supported the original proposed code provisions prohibiting smoking and tobacco use within all city-owned properties, excluding streets and sidewalks unless it was a city-sponsored event.

Uhing indicated she concurs with staff and City Attorney's opinion to exclude streets and sidewalks, noting she could support code provisions that prohibit smoking and tobacco use within all city-owned properties,

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excluding streets and sidewalks unless it is a city-sponsored event.

Thompson indicated he has concerns excluding City-owned properties, noting he could support code provisions that prohibit smoking and tobacco use within all city-owned properties, excluding streets and sidewalks unless it is a city-sponsored event.

Mayor Truax voiced concern if the provisions exclude city-owned properties, i.e., the public could smoke inside City-owned facilities, including meetings held in the Community Auditorium.

Hearing no further discussion from the Council, Mayor Truax acknowledged the following motion to amend as noted below.

**MOTION TO AMEND: Councilor Lowe moved, seconded by Councilor Kidd, to amend Ordinance No. 2014-06 by adding language to Exhibit A to prohibit smoking and tobacco use within all city-owned properties, excluding streets and sidewalks unless it was a city-sponsored event.**

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

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

Hearing no further discussion from the Council, Mayor Truax recessed the Public Hearing, noting the second reading of Ordinance No. 2014-06 by title and final vote as amended will occur at the meeting of Monday, June 9, 2014.

**Public Hearing Recessed:**

Mayor Truax recessed the Public Hearing until the next Council meeting of Monday, June 9, 2014.

- 7. PUBLIC HEARING AND RESOLUTION NO. 2014-42 DESIGNATING COMMUNITY ENHANCEMENT PROGRAM (CEP) PROJECTS (EXHIBIT A) FOR FISCAL YEAR 2014-15**

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**Staff Report:**

Downey presented the above-proposed resolution designating Fiscal Year 2014-15 Community Enhancement Program (CEP) projects (Exhibit A) and allocating funding levels based on individual Council allocations proposed at the Council meeting of May 12, 2014. Downey reported the City received 21 applications totaling \$87,936 and Council allocated \$56,604 in CEP funds. In conclusion of the above-noted staff report, Downey affirmed that Metro received a Public Hearing Notice as required.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-42.

Sykes read Resolution No. 2014-42 by title.

**MOTION: Councilor Kidd moved, seconded by Councilor Miller, to approve Resolution No. 2014-42 Designating Community Enhancement Program (CEP) Projects (Exhibit A) for Fiscal Year 2014-15.**

**Public Hearing Opened:**

Mayor Truax opened the Public Hearing.

**Written Testimony Received:**

No written testimony was received prior to the published deadline of May 27, 2014, 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:**

Hearing no discussion from the Council, Mayor Truax asked for a roll call

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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. RESOLUTION NO. 2014-43 AUTHORIZING THE CITY OF FOREST GROVE TO APPLY FOR A MATCHING GRANTS PROGRAM GRANT FROM THE OREGON TRAVEL COMMISSION DBA TRAVEL OREGON FOR DEVELOPMENT AND PROMOTION OF FARMS, FOOD AND BEVERAGE TOURISM**

**Staff Report:**

King presented the above-proposed resolution requesting authorization to submit a grant proposal to Oregon Travel Commission, Travel Oregon for Development and Promotion of Farms, Food and Beverage Tourism, to help identify, develop and market local small businesses and farms. King reported total project costs are estimated at \$38,000, of which the grant requires a local match of \$16,000. In conclusion of the above-noted staff report, King advised the matching funds will be paid from cash and in-kind resources from private sector organizations and \$5,000 from Community Enhancement Program Grant as noted in the staff report.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-43.

Sykes read Resolution No. 2014-43 by title.

**MOTION: Council President Johnston moved, seconded by Councilor Uhing, to adopt Resolution No. 2014-43 Authorizing the City of Forest Grove to Apply for a Matching Grants Program Grant from the Oregon Travel Commission DBA Travel Oregon for Development and Promotion of Farms, Food and Beverage Tourism.**

**Council Discussion:**

In response to Council President Johnston's concern pertaining to budgetary impact, King advised there is no budgetary impact to the City, noting some staff time will be required as part of the grant proposal.

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

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

**9. RESOLUTION NO. 2014-44 AUTHORIZING THE CITY MANAGER TO ENDORSE THE REVISED INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF FOREST GROVE (CITY) AND WASHINGTON COUNTY FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM YEARS 2015-2017**

**Staff Report:**

Sykes presented the above-proposed resolution authorizing the City to endorse a revised Intergovernmental Agreement (IGA) between the City and Washington County for Community Development Block Grant (CDBG) Program Years 2015-2017, noting the revised IGA continues the County's CDBG Program and Policy Advisory Board of which the City is member and reflects changes required by the Department of Housing and Urban Development (HUD). In conclusion of the above-noted staff report presentation, Sykes advised there is no budgetary impact to the City, noting City staff will provide some project management as needed.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-44.

Sykes read Resolution No. 2014-44 by title.

**MOTION: Councilor Lowe moved, seconded by Councilor Thompson, to adopt Resolution No. 2014-44 Authorizing the City Manager to endorse the revised Intergovernmental Agreement (IGA) between the City of Forest Grove and Washington County for Community Development Block Grant Program Years 2015-2017.**

**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,**

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**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 Budget Committee plans to hold its second meeting on Thursday, May 29, 2014, 7pm in the Community Auditorium, noting he anticipates the Budget Committee will complete its work at this meeting. Sykes announced the Council Creek Regional Trail Open House is June 4, 2014, 6pm to 8pm, Community Auditorium. Sykes reported the Citizens' Survey would be mailed this year in June utility bills, noting the City normally sends out its Citizens' Survey every two years in October or November. Sykes reported a new button has been added to the City's website homepage that allows customers to pay utility bill payments online, noting the new button is much easier to navigate and is more user friendly. 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.

**11. COUNCIL COMMUNICATIONS:**

Council President Johnston reported he plans to attend the next Public Safety Advisory Commission meeting. Johnston commended Al Miller, noting it was an honor honoring Al this evening for his many years of service on the Planning Commission. Johnston reported on the Celebration of Life for Beverly (Anderson) Bergee, who died recently, noting Bergee worked for Stimpson Lumber for over 30 years and was a very active community member serving as a volunteer at the Forest Grove Senior and Community Center and Forest Grove Library. In addition, Johnston reported on other matters of interest and upcoming meetings he was planning to attend.

Kidd reported he was unable to attend the Historic Landmarks Board meeting (HLB), due to HLB's meeting date/time coincided with this evening's Council Meeting. Kidd reported attending the League of Oregon Cities Transportation Policy Advisory Committee meeting. In addition, Kidd reported on other matters of interest and upcoming meetings he was planning to attend.

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

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

Thompson reported attending the League of Oregon Cities Energy Policy Advisory Committee meeting. In addition, Thompson reported on other matters of interest and upcoming meetings he was planning to attend.

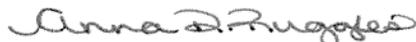
Uhing reported Mayor Truax would be attending the next Economic Development Commission meeting in her absence. In addition, Uhing reported on other matters of interest and upcoming meetings she was planning to attend.

Mayor Truax announced dates of various upcoming activities and meetings as noted in the Council Calendar. Mayor Truax reported the League of Oregon Cities would be asking city officials to submit their top four issues to recommend to be added to the priorities for the League's 2015 Legislative Agenda. 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.

**12. ADJOURNMENT:**

Mayor Truax adjourned the meeting at 8:16 p.m.

Respectfully submitted,



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Anna D. Ruggles, CMC, City Recorder