

**FOREST GROVE CITY COUNCIL REGULAR MEETING  
DECEMBER 8, 2014 – 7:00 P.M.  
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***Minutes are unofficial until approved by Council.  
Council approved minutes as presented January 12, 2015.***

**1. ROLL CALL:**

Mayor Peter Truax called the regular City Council meeting to order at 7:02 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL**

**PRESENT:** Thomas Johnston, Council President; Richard Kidd; Victoria Lowe; Ronald Thompson; Elena Uhing; Malynda Wenzl; and Mayor Peter Truax. **STAFF PRESENT:** Michael Sykes, City Manager; Paul Downey, Administrative Services Director; Brenda Camilli, Human Resources Manager; Jon Holan, Community Development Director; Michael Kinkade, Fire Chief; David Nemeyer, Fire Marshal; Janie Schutz, Police Chief; Mike Herb, Police Captain; Kevin Ellingsburg, Police Captain; James Reitz, Senior Planner; Rob Foster, Public Works Director (in the audience); Tom Gamble, Parks and Recreation Director (in the audience); and Anna Ruggles, City Recorder.

**1. A. AWARD OF COMMENDATION:**

Police Chief Schutz presented a *“Life Saving Award of Commendation”* to Police Officer Matt Jacobson for two separate incidences where he performed CPR on infants. Chief Schutz reported the award can be given to any employee who, while serving in any capacity performs extraordinary life saving measures, whether or not the victim survived.

**1. B. CERTIFICATES OF APPRECIATION:**

Mayor Truax presented a Certificate of Appreciation honoring James Reitz, Senior Planner, for 25 years of dedicated service to the City.

Mayor Truax presented a Certificate of Appreciation honoring Michael Sykes, City Manager, for 10 years of dedicated service to the City, noting Sykes is resigning December 31, 2014, and is taking a new position as City Manager of the City of Scappoose.

**1. C. PROCLAMATION:**

**Human Rights Week**

Mayor Truax publicly proclaimed December 7 – December 13, 2014, as *“Human Rights Week”* and December 10, 2014, as *“Human Rights Day”* in Forest Grove”. Mayor Truax presented the proclamation to Lauri Stewart,

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who accepted the proclamation on behalf of Human Rights Council of Washington County.

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 (Law Enforcement Body Worn Cameras) Meeting Minutes of October 27, 2014.
- B. Approve City Council Regular Meeting Minutes of November 10, 2014.
- C. Accept Community Forestry Commission Meeting Minutes of October 15, 2014.
- D. Accept Historic Landmarks Board Meeting Minutes of October 28, 2014.
- E. Accept Parks and Recreation Commission Meeting Minutes of October 15, 2014.
- F. Community Development Department Monthly Building Activity Report for November 2014.

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

4. **ADDITIONS/DELETIONS:**  
Mayor Truax added Agenda Items 9. B. Resolution Appointing the City Manager, Pro Tem; Item 9. C. Resolution Establishing Compensation for the City Manager Pro Tem; and Item 9. D. Resolution Declaring Intent to Appoint a City Manager, noting Agenda Item 9. A. is Accepting City Manager Sykes's resignation (refer below).
5. **PRESENTATIONS:** None.
6. **PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2014-11 ADOPTION OF AMENDMENTS TO PACIFIC UNIVERSITY MASTER**

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**PLAN TO ENLARGE OPPORTUNITY SITE “L”, ADOPT DESIGN  
GOALS, ADDITIONAL USES AND MISCELLANEOUS AMENDMENTS,  
2402, 2410, 2526, 2610, 2616, 2624 AND 2632 SUNSET DRIVE  
(APPLICANT: INICI GROUP, PATTI MILES). FILE NO. ZNC-14-01185**

**Staff Report:**

Holan and Reitz presented the above-proposed ordinance for first reading (Attachment A) and Pacific University Master Plan, Amendment No. 4 (Exhibit 1), noting the purpose of the amendment is to enlarge Opportunity Site L, along the west side of Sunset Drive, to include properties 2402, 2410, 2526, 2610, 2616, 2624 and 2632 Sunset Drive. Reitz reported the property site located at 2526 Sunset Drive would be developed with a 2,700' building to house locker rooms, a 2,600' warehouse building, and four ADA parking stalls, noting no interim uses for the other properties are proposed at this time and long-term uses for all properties may include future residence halls or student apartments. Reitz recapped the Planning Commission's review and hearing held on November 17, 2014, noting discussion centered on how development along Sunset Drive should be designed to better blend in with the residential character of the adjacent neighborhood. Reitz added the Planning Commission discussed parking demand if Opportunity Site L in the vicinity of 26<sup>th</sup> Avenue is ever developed with residence halls, noting due to the distance of the area from the campus, the Planning Commission concluded that if residence construction occurs on sites identified as 2526 to 2632 Sunset Drive, on-site parking would be necessary and the Commission has recommended this amendment be stipulated in the Master Plan. In addition, Reitz reported the Planning Commission observed that campus support facilities are described in the current Master Plan as "short-term" or "interim" uses in Opportunity Site L, when in fact, the facilities may be permanent. As a result, the Planning Commission recommended a revision to remove the descriptions from the Master Plan. Lastly, Reitz reported the Planning Commission discussed the current status of the Master Plan's implementation and testimony received indicated that current student and staff FTE (full-time employees) may already be above the number projected for 2020, noting the Commission voiced concern the projected numbers could have implications on such things as parking. As a result, the Planning Commission requested the University provide an annual update on its FTE. In conclusion of the above-noted staff report, Holan and Reitz advised staff is recommending adopting the proposed ordinance (Attachment A) and approving the Pacific University Master Plan,

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Amendment No. 4 (Exhibit 1).

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2014-11.

Sykes read Ordinance No. 2014-11 by title for first reading.

**MOTION: Councilor Kidd moved, seconded by Council President Johnston, to approve Ordinance No. 2014-11 Adoption of Amendments to Pacific University Master Plan to Enlarge Opportunity Site “L”, Adopt Design Goals, Additional Uses and Miscellaneous Amendments, 2402, 2410, 2526, 2610, 2616, 2624 and 2632 Sunset Drive (Applicant: Inici Group, Patti Miles). File No. Znc-14-01185.**

**Public Hearing Opened:**

Mayor Truax opened the Public Hearing and explained hearing procedures.

**Declaration of Ex-parte Contacts, Conflicts of Interest, or Abstentions:**

Council President Johnston disclosed he owns property in the area of Sunset Drive. Johnston declared no financial benefit or conflict of interest.

**Written Testimony Received:**

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

**Council Discussion:**

In response to Uhing's concern pertaining to Pacific University's

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temporary modular (maintenance office, located on Sunset Drive) becoming a permanent fixture, Reitz explained the landscaping in front and along the structure indicates long-term use, noting the Planning Commission is recommending a revision to remove “short-term” and “interim” uses from the Master Plan.

In response to Thompson’s concern pertaining to parking and anticipated enrollment referenced in Table 1, PDF Page 94-95, Holan confirmed a parking study was conducted when the Master Plan was first adopted, noting the Planning Commission has requested the University provide an annual update on FTE.

In response to Lowe’s concern pertaining to re-evaluating the Master Plan, Holan concurred the City should not proceed with any more amendments until Pacific University updates its current Master Plan.

Hearing no further discussion from the Council, Mayor Truax recessed the Public Hearing until the next meeting on Monday, January 12, 2015.

**Public Hearing Recessed:**

Mayor Truax recessed the Public Hearing until the next Council meeting on Monday, January 12, 2015.

**7. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2014-12 ADOPTING THE OREGON FIRE CODE 2014 EDITION; AMENDING CITY CODE SECTIONS 5.605, 5.610, 5.620, 5.625 AND 5.635**

**Staff Report:**

Fire Chief Kinkade and Fire Marshal Nemeyer presented the above-proposed ordinance for first reading (Attachment A) amending City Code Sections 5.605, 5.620, 5.625 and 5.635 (Exhibit 1), noting the purpose of the ordinance is to update City Code Sections 5.605, 5.620, 5.625 and 5.635 by adopting the Oregon Fire Code 2014 Edition. Nemeyer reported as an exempt jurisdiction, the City must also adopt specific Code amendments enforceable within the City. In conclusion of the above-noted staff report, Kinkade and Nemeyer advised staff is recommending adopting the proposed ordinance (Attachment A) amending City Code Sections 5.605, 5.620, 5.625 and 5.635 (Exhibit 1).

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2014-12 for first

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reading.

Sykes read Ordinance No. 2014-12 by title for first reading.

**MOTION: Council President Johnston moved, seconded by Councilor Kidd, to approve Ordinance No. 2014-12 Adopting the Oregon Fire Code 2014 Edition; Amending City Code, Sections 5.605, 5.610, 5.620, 5.625 and 5.635.**

**Public Hearing Opened:**

Mayor Truax opened the Public Hearing and explained hearing procedures.

**Written Testimony Received:**

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

**Council Discussion:**

In response to Council President Johnston's and Kidd's concerns pertaining to fire hydrant spacing, Nemeyer explained the amendment reinstates the City's fire hydrant spacing requirement of 400' apart, instead of 500' apart as required by State law, noting for decades the City has required less spacing between fire hydrants, mostly due to the length of streets in Old Town.

Hearing no further discussion from the Council, Mayor Truax recessed the Public Hearing until the next meeting on Monday, January 12, 2015.

**Public Hearing Recessed:**

Mayor Truax recessed the Public Hearing until the next Council meeting on Monday, January 12, 2015.

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**8. PUBLIC HEARING AND RESOLUTION NO. 2014-87 ADOPTING NEW LIGHT AND POWER DEPARTMENT ELECTRIC RATE SCHEDULES AND DEFINITIONS AND DESCRIPTIONS, EFFECTIVE JANUARY 15, 2015; AND REPEALING RESOLUTION NO. 2013-65**

**Staff Report:**

Downey and Cress presented the above-proposed resolution for Council consideration, noting the above-proposed resolution is requesting to increase Light and Power (L&P) electric rates to achieve an overall 6.0 percent (6%) rate increase, effective for services provided on or after January 15, 2015. Downey and Cress reported staff met with Council in work session held on October 13, 2014, to discuss and review revenue requirements, noting the estimated costs of replacing three transformers and rebuilding two substations is approximately \$3.8 million. In addition, Downey and Cress reported staff met with Council in work session earlier this evening to discuss and review the cost-of-service and rate study, noting the results of the study, which were conducted by Financial Consulting Solution Group (FCS Group), found that the City would require rate increases at an average of six percent (6%) per year through 2018 in order to meet increased power and operating costs, costs of replacing three substation transformers and rebuilding two substations while maintaining sufficient reserves and covering anticipated debt reserve requirements. Downey added the results of the study also showed that Residential Service class currently needs a larger rate increase than 6% to pay its allocated costs-of-services, noting staff is recommending the City start to phase-in the rate increase by service class and begin moving toward each service class paying its costs-of-services. Cress introduced the FCS Group consultants who presented PowerPoint presentation slides titled "Overview of the rate setting process; key factors considered; Capital Plan; Revenue Requirements Summary; Proposed Rate Strategy; Cost-of-Service Analysis; Cost-of-Service Results; Cost-of-Service Alternatives; Rate Design; Existing Rates; Across-the-Board Rate Alternative; Higher Customer Charge Rate Alternative; Survey Comparison – Residential; Survey Comparison – General Service; and Survey Comparison – Large General Service". Downey and Cress reported staff is recommending phase-in percentage increases to Residential and Irrigation customers by seven percent (7.0%) and Industrial and Commercial customers by five percent (5%), noting this recommendation ensures each customer class is paying its allocated costs-of-services and ensures the City is raising sufficient revenue to cover costs if power sales are lower than expected. In conclusion of the

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above-noted staff report, Downey and Cress referenced the proposed L&P rate schedules (Exhibit A), noting an average residential energy bill would increase from \$13.26 per month to \$16.00 per month, approximately \$2.74 per month increase.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-87.

Sykes read Resolution No. 2014-87 by title.

**MOTION:** Councilor Kidd moved, seconded by Councilor Wenzl, to approve Resolution No. 2014-87 Adopting New Light And Power Department Electric Rate Schedules and Definitions and Descriptions, Effective January 15, 2015; and Repealing Resolution No. 2013-65.

**Public Hearing Opened:**

Mayor Truax opened the Public Hearing and explained hearing procedures.

**Written Testimony Received Prior to Public Hearing:**

No written testimony was received prior to the published deadline of December 8, 2014, 7:00 p.m.

**Proponents:**

No one testified and no other written comments were received.

**Opponents:**

Chester Epperson, Forest Grove, testified in opposition of increasing L&P rates.

Jennifer Webber, Forest Grove, testified in opposition of increasing L&P rates.

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

**Others:**

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

**Public Hearing Closed:**

Mayor Truax closed the Public Hearing.

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**Council Discussion:**

Council President Johnston reported the City also provides an energy assistance program, noting the program is to help residents who are struggling with their utility payments, to which, Downey added that \$75,000 was budgeted in this fiscal year budget. In addition, Johnston referenced the graph shown on PDF Page 131 (Survey Comparison – General Service), pointing out the City has the lowest electric rates in comparison to other entities.

Lowe noted difficulty in her decision-making process when considering rate proposals and provided background information on previous rate proposals and fiscal management of reserves, noting the importance of the continuance of a reliable power electric system for Forest Grove citizens.

Uhing noted difficulty in her decision-making process when considering rate proposals and provided background information on previous rate proposals and the need to upgrade aging equipment, noting the importance of future planning.

Wenzl noted the City's willingness to meet in the middle and share cost burdens with citizens.

Thompson reported Bonneville Power Administration (BPA) set rates every two years and the City has absorbed portions of the BPA pass-through energy costs in previous rate proposals, noting the responsibility is to provide for future generations.

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, Thompson, Uhing, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.**

**9. CITY MANAGER'S REPORT:**

Sykes reported on upcoming events as noted in the Council calendar and reported on other various upcoming local meetings and community-wide events as noted in the City Manager's Report. Sykes reported the Aquatic Center's boiler replacement project is 50 percent complete, noting staff is

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manually controlling the pools' temperatures 24-hours a day. Sykes reported the auditors have completed the audit report and had nothing major to report. Sykes commended Mike Nolop, IT Manager, noting Nolop received a grant from Metropolitan Area Communications Commission for \$42,000 for a disaster recovery system for the City. Sykes indicated the City has hired a part-time Administrative Specialist who will be assisting on the 2<sup>nd</sup> floor of City Hall and begins employment on December 10, 2014. 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.

**9. A. ACCEPT CITY MANAGER'S RESIGNATION:**

Mayor Truax formally announced that Michael Sykes, City Manager, has submitted his resignation, effective December 31, 2014, noting Sykes will take over as the City Manager in Scappoose. Mayor Truax commended Sykes for his 10-year tenure with the City, noting he has valued Sykes's professionalism, productive and team-oriented leadership.

**Council Discussion:**

Hearing no discussion from the Council, Mayor Truax asked for Council consensus to accept the resignation of Michael Sykes, City Manager, effective December 31, 2014.

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

**9. B. RESOLUTION NO. 2014-88 APPOINTING THE CITY MANAGER PRO TEM**

**Staff Report:**

Camilli presented the above-noted resolution in accordance with City Charter and on behalf of Council, noting the proposed resolution is appointing Tom Gamble, Parks and Recreation Director, as the City Manager Pro Tem, effective January 1, 2015.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-88.

**MOTION: Councilor Kidd moved, seconded by Councilor Lowe, to**

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**adopt Resolution No. 2014-88 Appointing Thomas Gamble as the City Manager Pro Tem, effective January 1, 2015.**

**Council Discussion:**

Mayor Truax reported Gamble has accepted the position as City Manager Pro Tem.

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

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

**9. C. RESOLUTION NO. 2014-89 ESTABLISHING COMPENSATION FOR THE CITY MANAGER PRO TEM**

**Staff Report:**

Camilli presented the above-noted resolution in accordance with City Charter and on behalf of Council, noting the proposed resolution is establishing compensation and approving the employment agreement for Tom Gamble, City Manager Pro Tem, effective January 1, 2015. Camilli reported the City Manager Pro Tem employment agreement would be effective until commencement of a new City Manager or removal by Council. In conclusion of the above-noted staff report, Camilli advised the costs to implement the employment agreement are within the parameters set by Council and funds have been identified in the 2014-15 budget.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-89.

**MOTION: Councilor Lowe moved, seconded by Councilor Wenzl, to adopt Resolution No. 2014-89 Establishing Compensation (base salary of \$10,958 per month) for Thomas E. Gamble, City Manager Pro Tem, effective January 1, 2015.**

**Council Discussion:**

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

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

**9. D. RESOLUTION NO. 2014-90 DECLARING INTENT TO APPOINT A CITY MANAGER**

**Staff Report:**

Camilli presented the above-noted resolution in accordance with City Charter and on behalf of Council, noting the proposed resolution is declaring Council's intent to hire a new City Manager.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-90.

**MOTION: Councilor Lowe moved, seconded by Councilor Thompson, to adopt Resolution No. 2014-90 Declaring Intent to Appoint a City Manager.**

**Council Discussion:**

Mayor Truax reported the Council would be involved in the City Manager selection process as well as Department Directors, other professionals and the public.

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

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

**10. COUNCIL COMMUNICATIONS:**

Council President Johnston reported attending Forest Grove Rural Fire Protection District Board meeting, noting the Board discussed bills, revenue and recruiting volunteers in Gales Creek. Johnston reported attending Public Safety Advisory Commission (PSAC) meeting, noting PSAC will appoint new officers in January. Johnston commended Police Captain Mike Herb for an article he wrote on mental health, noting the article was published in the League of Oregon Cities Local Focus Magazine. Johnston commended the Economic Development

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Commission, Jeff King, Economic Development Manager, Daybreak Rotary Club, Forest Grove/Cornelius Chamber of Commerce and Forest Grove Firefighters Association who spearheaded the planning for the Holiday Light Parade in the Grove, noting they all did an outstanding job and the event was a great community turnout. Johnston reported facilitating the ribbon-cutting ceremony, on behalf of Mayor Truax, for the new Forest Grove Self Storage, located on Elm Street. In addition, Johnston reported on other matters of interest and upcoming meetings he was planning to attend.

Kidd reported attending Historic Landmarks Board (HLB) meeting, noting HLB approved two historic home grants. Kidd reported attending the ribbon-cutting ceremony for the new Forest Grove Self Storage, located on Elm Street, noting Council President Johnston did an outstanding job facilitating the ceremony. In addition, Kidd reported on other matters of interest and upcoming meetings he was planning to attend.

Lowe reported attending Sustainability Commission (SC) meeting, noting SC is reviewing options on banning plastic bags. Lowe reported attending Parks and Recreation Commission (P&R) meeting, noting P&R is working on the Parks Master Plan. In addition, Lowe reported on other matters of interest and upcoming meetings she was planning to attend.

Thompson reported attending Community Forestry Commission (CFC) meeting, noting CFC's Pruning Work Shop, held in November, was well attended. Thompson reported on Ride Connection and GroveLink-related activities. In addition, Thompson reported on other matters of interest and upcoming meetings he was planning to attend.

Uhing reported attending Westside Economic Alliance – Housing Summit and Legislative Reception, noting she sent an e-mail to Council recapping discussion points for both events. Uhing reported she plans to attend the upcoming Westside Economic Alliance – Affordable Housing Summit in January. Uhing reported on Economic Development Commission (EDC)-related activities, noting Forest Grove/Cornelius Chamber of Commerce has added 66 new members since Howard Sullivan's hire date as Chamber Executive Director. In addition, Uhing reported on other matters of interest and upcoming meetings she was planning to attend.

Wenzl commended City Manager Sykes, Department Directors, and City Recorder Ruggles for taking time to familiarize her with responsibilities

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and work of the City and providing tours of each facility during her New Councilor Orientation. Wenzl reported on other matters of community interest, noting she has nothing further to report until she is assigned as a Council Liaison, to which Mayor Truax advised appointments would occur at the first Council meeting in January.

Mayor Truax announced dates of various upcoming activities and meetings as noted in the Council Calendar. Mayor Truax announced City Day at the Capitol in Salem is Thursday, February 26, 2015. Mayor Truax reported attending League of Oregon Cities Board of Directors' Meeting, noting he was appointed as 2015 LOC Board President. Mayor Truax recapped five legislative priorities (tax reform, rights-of-way protection, marijuana legislation, transportation funding and mental health services) the LOC will focus on during 2015 legislative session. Mayor Truax publicly read City Manager Sykes's resignation letter, noting Sykes's resignation is effective December 31, 2014. Mayor Truax commended Sykes for his 10-year tenure with the City, noting Sykes will be greatly missed. Mayor Truax introduced Tom Gamble, Parks and Recreation Director, who was appointed earlier as City Manager Pro Tem. 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.

**11. ADJOURNMENT:**

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

Respectfully submitted,



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Anna D. Ruggles, CMC, City Recorder