

**FOREST GROVE CITY COUNCIL REGULAR MEETING
JULY 13, 2015 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 1**

***Minutes are unofficial until approved by Council.
Council approved minutes as presented August 10, 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:** Richard Kidd; Victoria Lowe; Ronald Thompson; Malynda Wenzl; Elena Uhing; and Mayor Peter Truax. **COUNCIL ABSENT:** Thomas Johnston, Council President, excused. **STAFF PRESENT:** Paul Downey, Administrative Services Director; Brenda Camilli, Human Resources Manager; George Cress, Light and Power Director (in the audience); J. F. Schutz, Police Chief (in the audience); and Anna Ruggles, City Recorder. **STAFF ABSENT:** Thomas Gamble, City Manager Pro Tem, excused.

1. A. **EMPLOYEE RECOGNITION:**
Mayor Truax and Camilli presented a Certificate of Appreciation honoring Jacquie Haney, Human Resources Administrative Assistant, for 14 years of dedicated service to the City, noting Haney's last day of employment with the City is July 24, 2015.

1. B. **AWARDS OF COMMENDATION:**
Police Chief Schutz presented a "*Life Saving Award of Commendation*" to Police Officers Gary Anderson, Whitney Black, Jeff Fox and Joe Martino, noting 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.

2. **CITIZEN COMMUNICATIONS:**
Ralph Rodia, Oregon State Beekeeper Association (OSBA), Salem, addressed Council pertaining to the OSBA's interest in actions and regulations that may affect beekeepers, noting Michael Standing, Forest Grove resident and beekeeper, was notified by the City that he was in violation of Code Section 10.3.120, which prohibits "commercial agricultural uses" and keeping of livestock and poultry, other than domesticated fowl, in residential areas. Rodia stressed that keeping honeybees as a hobby is not a commercial agricultural operation, nor does the Code define honeybees as livestock. Rodia referenced articles relating to urban beekeeping and pointed out that House Bill 2653 is awaiting the Governor's signature, which will require local governments to

**FOREST GROVE CITY COUNCIL REGULAR MEETING
JULY 13, 2015 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 2**

adopt ordinances consistent with the best practices for beekeeping within residential areas. Rodia encouraged the City to withdraw its notice violation and amend City Code to allow beekeeping within residential areas.

Raine Le Ritalto, Master Beekeeper Program, Portland, addressed Council and noted she was the requestor of HB 2653. Ritalto stressed that when HB 2653 is approved, local governments will be mandated to review existing codes to reflect new regulations of allowing beekeeping in residential areas. Ritalto pointed out the City should look at Gresham's Code, as an example, rather than inventing new code language.

Michael Standing, Forest Grove, addressed Council pertaining to the City's notice of violation that he was issued for keeping honeybees. Standing explained he received the complaint from the City because some honeybees were visiting his neighbor's water feature during the extreme hot weather, noting he immediately assessed the issue and worked with his neighbor to educate them about honeybees. Standing stated he feels his neighbors are more comfortable now and the complaint is a non-issue.

Jeff Clark, President of Beekeeper Association, North Plains, addressed Council and pointed out that having small beekeepers in the community is valuable to the neighborhood as well as agriculturally.

In response to the above-noted testimony heard, Uhing voiced concern of requiring Standing to move his bees by August pursuant to the City's notice of violation. In conclusion of the above-noted discussion, Council collectively concurred directing staff to draft an ordinance that works for the City, to which Downey advised he would defer the matter to the Community Development Director to consider amending the Development Code.

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 Regular Meeting Minutes of June 22,

**FOREST GROVE CITY COUNCIL REGULAR MEETING
JULY 13, 2015 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 3**

2015. *(Item was removed)*

- B. Endorse New Liquor License Application (Limited On-Premises Sales) for Buffet Dynasty, Inc., 2834 Pacific Avenue, Suite E (Applicant: Ying Yun Wei).
- C. Accept Public Arts Commission Meeting Minutes of May 14, 2015.
- D. Accept Community Forestry Commission Meeting Minutes of April 15, 2015.
- E. Community Development Department Monthly Building Activity Report for June 2015.

MOTION: Councilor Wenzl moved, seconded by Councilor Thompson, to approve the Consent Agenda as amended (Item 3. A. was removed). Absent: Council President Johnston. MOTION CARRIED 6-0 by voice vote.

4. ADDITIONS/DELETIONS:

Ruggles removed Item 3. A. from the Consent Agenda as this item was not included in the Council Packet.

Downey announced the Public Hearing on Times Litho Sale Agreement was removed from the printed Council Agenda and was rescheduled to August 10, 2015.

Downey added Item 10, Resolution No. 2015-57 Establishing Compensation for the City Manager Pro Tem as noted below.

5. PRESENTATIONS:

5. A. Washington County Museum:

Mark Harmon, Washington County Museum's new Executive Director, presented a PowerPoint presentation outlining information about the museum's mission, new director's goal, strategies, activities and city celebrations, opportunities and partnerships. In addition, Harmon reported the Washington County Museum Board of Directors recently expanded its membership to allow individuals from the community to serve on the board. In conclusion of the above-noted presentation, Harmon encouraged Council to inform citizens who may have interest in serving on the board.

6. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2015-

**FOREST GROVE CITY COUNCIL REGULAR MEETING
JULY 13, 2015 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 4**

**07 OF THE CITY OF FOREST GROVE GRANTING A NON-EXCLUSIVE
CABLE TELEVISION FRANCHISE TO COMCAST OF OREGON II, INC.**

Staff Report:

Downey presented the above-proposed ordinance for first reading, noting the proposed ordinance is granting a non-exclusive cable television 10-year renewal franchise agreement, between member jurisdictions and Metropolitan Area Communications Commission (MACC), to Comcast of Oregon II, Inc., as outlined in Exhibit A. Downey introduced Larry Hatch and Fred Christ who reported MACC is recommending all 15-member jurisdictions approve the proposed 10-year renewal franchise agreement negotiated with Comcast, noting each member city must approve the franchise agreement for it to become effective. Hatch and Christ referenced a chart comparing the current and proposed renewal franchise, noting the renewal franchise retains the important financial, service and regulatory benefits that member jurisdictions have relied on for the last 17 years of the existing franchise and includes technology updates for Tualatin Valley Community Television's programming, such as high-definition equipment and network services provided by the Public Communication Network; provides five percent franchise fee paid by Comcast, approximately \$6.5 million to member jurisdictions each year; PEG/PCN fee was decreased from \$1/month to \$0.80/month; sets a fine structure for violations for failure by Comcast to meet customer service standards, such as telephone availability, installation and service, billing and customer complaint procedures; and complementary television service will still be provided to public buildings. In conclusion of the above-noted staff report, Hatch and Christ advised once MACC certifies that all 15-member jurisdictions have approved the Comcast renewal franchise, the agreement would be retroactively effective July 1, 2015, through June 30, 2025.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2015-07 for first reading.

Downey read Ordinance No. 2015-07 by title for first reading.

MOTION: Councilor Kidd moved, seconded by Councilor Wenzl, to adopt Ordinance No. 2015-07 Authorizing the City Manager Pro Tem to Endorse the Cable Television Franchise Agreement between Jurisdictions Participating in the Metropolitan Area Communications

**FOREST GROVE CITY COUNCIL REGULAR MEETING
JULY 13, 2015 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 5**

Commission (MACC) and Comcast of Oregon II, Inc., retroactively effective July 1, 2015, through June 30, 2025 (10-Year Renewal).

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 July 13, 2015, 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 inquiry pertaining to franchise violations, Hatch indicated the grantor, Comcast, could be fined for failure to comply with any provisions of the franchise agreement as outlined on Pages 37-39 of the franchise agreement.

Mayor Truax spoke about the importance of municipalities collecting franchise fees/privilege tax revenues for use of the public rights-of-way.

Hearing no further discussion from the Council, Mayor Truax recessed the Public Hearing until the next meeting of Monday, August 10, 2015.

Public Hearing Recessed:

Mayor Truax recessed the Public Hearing until the next Council meeting of Monday, August 10, 2015.

7. RESOLUTION NO. 2015-54 APPOINTING CITY MANAGER FOR THE CITY OF FOREST GROVE

Staff Report:

Camilli presented the above-proposed resolution for Council

**FOREST GROVE CITY COUNCIL REGULAR MEETING
JULY 13, 2015 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 6**

consideration, noting the proposed resolution is appointing Michael “Jesse” VanderZanden as the new City Manager, effective August 31, 2015. Camilli reported the Council adopted Resolution No. 2014-90 on December 8, 2014, giving notice of the intent to appoint a new city manager, noting following an advertising effort and personal outreach to local and national governmental management professionals, 30 applications were received by the March 31, 2015, filing deadline. The screening process and interview processes, which included input from a city manager panel, citizen panel, employee panel and department directors' panel, culminated with the Council's decision to select VanderZanden as City Manager. Camilli added the Council adopted Resolution No. 2015-37 on May 26, 2015, declaring intent to appoint VanderZanden as City Manager. In conclusion of the above-noted staff report, Camilli reported resolutions noted below are establishing the Employment Agreement between the City and VanderZanden and setting the City Manager’s compensation for Fiscal Year 2015-16.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2015-54.

MOTION: Councilor Kidd moved, seconded by Councilor Lowe, to adopt Resolution No. 2015-54 Appointing City Manager for the City of Forest Grove (Michael “Jesse” VanderZanden, effective August 31, 2015).

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 Kidd, Lowe, Thompson, Uhing, Wenzl, and Mayor Peter Truax. NOES: None. ABSENT: Council President Johnston. MOTION CARRIED 6-0.

8. RESOLUTION NO. 2015-55 ESTABLISHING EMPLOYMENT AGREEMENT AND AUTHORIZING MAYOR TO EXECUTE THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF FOREST GROVE AND CITY MANAGER

Staff Report:

Camilli presented the above-proposed resolution for Council consideration, noting the proposed resolution is establishing the

**FOREST GROVE CITY COUNCIL REGULAR MEETING
JULY 13, 2015 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 7**

Employment Agreement between the City and City Manager Michael “Jesse” VanderZanden, effective August 31, 2015. Camilli reported the proposed Employment Agreement includes various provisions, including: 1) appointed for an indefinite term with compensation set annually by Council resolution; 2) termination provisions with potential for up to three months of severance pay depending if voluntary or involuntary termination and if cause or no cause; 3) option to provide a monthly vehicle allowance set annually by Council resolution in lieu of a city-provided vehicle; 4) an initial leave bank of 80 hours in both sick leave and vacation; 5) reimbursement of two-thirds of the moving expenses not to exceed \$22,000; and 6) City Manager shall become a resident of Forest Grove within 18 months of employment and shall remain a resident while employed by the City.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2015-55.

MOTION: Councilor Kidd moved, seconded by Councilor Thompson, to adopt Resolution No. 2015-55 Establishing Employment Agreement and Authorizing Mayor to Execute the Employment Agreement between the City of Forest Grove and City Manager (Michael “Jesse” VanderZanden, effective August 31, 2015).

Council Discussion:

In response to Uhing’s concern pertaining to the residency provision, Camilli referenced City Charter, Section 33, which states the City Manager need not reside in the City at the time of employment, but the City Manager must within six months of employment become a resident of the City and remain a resident while employed as City Manager. Camilli explained the Charter does allow a majority of the Council to modify the contract to extend the time to comply. Uhing voiced concern of establishing an 18-month timeline for the new City Manager to comply with the residency requirement, noting most employees rent until making a final home purchase. Uhing recommended instead establishing a six-month residency requirement with an extension of up to 12 months, noting she does not want to have to renegotiate the contract in six months; however, Uhing stressed she also recognizes the housing inventory and options are greatly down in Forest Grove and concurs that after 18 months, the Council can revisit the contract.

Wenzl voiced concern of establishing an 18-month timeline for the City

**FOREST GROVE CITY COUNCIL REGULAR MEETING
JULY 13, 2015 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 8**

Manager to comply with the residency requirement, noting 12 months is sufficient time to become a resident of the City, whether the City Manager is renting or buying.

Kidd voiced concern of the City Manager's ability to finding suitable housing in Forest Grove and instead recommended establishing a six-month timeline with an extension of up to 18 months.

Thompson voiced concern that even 12 months was not sufficient time to finalize a home purchase, noting an 18-month timeline allows the option of purchasing a lot and building a new home if the City Manager cannot secure suitable housing.

Lowe stressed it is very imperative that the new City Manager be understandably clear and aware that the intent and requirement is to becoming a resident of the City and remaining a resident while employed by the City.

Mayor Truax advised he feels establishing an 18-month timeline for the City Manager to comply with the residency requirement is reasonable considering the ability of securing suitable housing, i.e., housing market in Forest Grove, for the City Manager's family.

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

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

9. RESOLUTION NO. 2015-56 ESTABLISHING COMPENSATION FOR THE CITY MANAGER FOR FISCAL YEAR 2015-16

Staff Report:

Camilli presented the above-proposed resolution for Council consideration, noting the proposed resolution is establishing compensation for City Manager Michael "Jesse" VanderZanden of \$138,420 annually for Fiscal Year 2015-16 and establishing a vehicle allowance of \$350 per month.

Questions of Staff:

**FOREST GROVE CITY COUNCIL REGULAR MEETING
JULY 13, 2015 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 9**

Camilli clarified that Section 9 of the Employment Agreement (Exhibit A) reads: Employee may be provided a monthly vehicle allowance in lieu of the City providing the use of a city-owned vehicle for city business purposes. The amount of the vehicle allowance shall be set annually by the City Council as part of the employee's salary resolution. Employee will be able to use a City vehicle to take people within the areas served by all City services for City-related business. If a monthly vehicle allowance is not provided, Employee shall have the use of an automobile provided by City to be used for City-related business only, at City's expense. The automobile must not be used for home-to-work or work-to-home travel for any residence of the Employee located outside of City limits.

Uhing indicated she could not support a vehicle allowance as well as the use of a city-provided vehicle at the City's expenses in good conscience.

In response to Wenzl's inquiry pertaining to other cities, Camilli clarified the majority of the cities surveyed provide one option or the other but not both options concurrently. Downey noted the City Manager's existing vehicle would be replaced with a new vehicle this budget year.

MOTION TO AMEND: Councilor Kidd moved, seconded by Councilor Lowe, to amend Resolution No. 2015-56 by striking out Section 2 of the resolution to read: Section 2. The City Manager will not receive a car allowance for Fiscal Year 2015-16.

ROLL CALL VOTE MOTION TO AMEND: AYES: Councilors Kidd, Lowe, Uhing, and Wenzl. NOES: Councilor Thompson and Mayor Truax. ABSENT: Council President Johnston. MOTION CARRIED 4-2.

Mayor Truax asked for a motion to adopt Resolution No. 2015-56 as amended.

MOTION: Councilor Kidd moved, seconded by Councilor Lowe, to adopt Resolution No. 2015-56 Establishing Compensation for the City Manager for Fiscal Year 2015-16 (\$138,420 annually) as amended.

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

**FOREST GROVE CITY COUNCIL REGULAR MEETING
JULY 13, 2015 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 10**

10. RESOLUTION NO. 2015-57 ESTABLISHING COMPENSATION FOR THE CITY MANAGER PRO TEM

Staff Report:

Camilli presented the above-proposed resolution for Council consideration, noting the proposed resolution is establishing compensation for City Manager Pro Tem, from \$10,958 to \$11,275 per month, effective July 1, 2015. Camilli reported cost-of-living compensation adjustments occurred July 1, 2015, and the agreement between the City and City Manager Pro Tem requires a salary increase of five percent more than the highest-paid department director.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2015-57.

MOTION: Councilor Uhing moved, seconded by Councilor Lowe, to adopt Resolution No. 2015-57 Establishing Compensation for the City Manager Pro Tem.

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 Kidd, Lowe, Thompson, Uhing, Wenzl, and Mayor Peter Truax. NOES: None. ABSENT: Council President Johnston. MOTION CARRIED 6-0.

11. CITY MANAGER PRO TEM'S REPORT:

Downey 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 Pro Tem's Report. In addition, Downey distributed a copy of the City Manager Pro Tem's written report, which outlined various attended meetings and updates on various City department-related activities, projects, and upcoming city-wide events.

12. COUNCIL COMMUNICATIONS:

Council President Johnston was absent.

Kidd reported attending Public Arts Commission (PAC) meeting, noting PAC unveiled its Walking Art Tour brochure. Kidd reported attending Westside Economic Alliance (WEA). In addition, Kidd reported on other

**FOREST GROVE CITY COUNCIL REGULAR MEETING
JULY 13, 2015 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 11**

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

Lowé thanked citizens and employees who assisted in the new City Manager selection process, noting their input was very much appreciated. Lowé reported on Sustainability Commission-related tasks, noting a joint work session was held earlier with the Commission. In addition, Lowé reported on regional water-related matters of interest and reported on upcoming meetings she was planning to attend.

Thompson reported on Public Safety Advisory Commission (PSAC)-related activities, noting National Night Out is August 4, 2015. Thompson reported on Community Forestry Commission (CFC)-related activities, noting CFC received over 300 surveys on the Urban Forest Management Plan. Thompson reported attending Metro's Chehalem Ridge Nature Park tour. In addition, Thompson reported on other matters of interest and upcoming meetings he was planning to attend.

Uhing reported on Economic Development Commission (EDC)-related activities, noting EDC continues to work on several leads as noted in the City Manager Pro Tem's report. Uhing reported attending Westside Economic Alliance (WEA), noting WEA is hosting an Affordable Housing Tour on August 19, 11am-3pm. Uhing reported attending a Measure 91 forum as well, noting she would submit a detailed report by e-mail to Council. In addition, Uhing reported on other matters of interest and upcoming meetings she was planning to attend.

Wenzl reported attending Committee for Citizen Involvement (CCI) meeting, noting Sustainability Commission attended CCI's meeting and presented three projects (plastic bag ordinance, Latino Town Hall and bike and pedestrian safety). Wenzl announced CCI scheduled a Town Hall Forum on the plastic bag ordinance on September 2, 2015, 7pm, Community Auditorium. Wenzl reported attending Metro's Chehalem Ridge Nature Park tour and attending Western Washington County Firefighters Association Fireworks Show, noting it was huge success for Forest Grove with over 6,000 attendees. In addition, Wenzl 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 he,

**FOREST GROVE CITY COUNCIL REGULAR MEETING
JULY 13, 2015 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 12**

Councilors Kidd and Wenzl will be headed to Nyuzen, Japan, departing July 20 and returning July 26, 2015. In addition, Mayor Truax reported on other various local, regional, Metro, and Washington County meetings he attended and community-related events and upcoming meetings he was planning to attend.

13. ADJOURNMENT:

Mayor Truax adjourned the regular meeting at 9:30 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder