

**FOREST GROVE CITY COUNCIL REGULAR MEETING  
SEPTEMBER 14, 2015 – 7:00 P.M.  
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***Minutes are unofficial until approved by Council.  
Council approved minutes as presented September 28, 2015.***

1. **ROLL CALL:**  
Mayor Peter Truax called the regular City Council meeting to order at 7:03 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:** Jesse VanderZanden, City Manager; Chris Crean, City Attorney; Paul Downey, Administrative Services Director; Jon Holan, Community Development Director; J. F. Schutz, Police Chief; Brenda Camilli, Human Resources Manager; Dan Riordan, Senior Planner; George Cress, Light and Power Director (in the audience); Rob Foster, Public Works Director (in the audience); Michael Kinkade, Fire Chief (in the audience); and Anna Ruggles, City Recorder.
1. A. **MOMENT OF SILENCE:**  
Mayor Truax called for a moment of silence in remembrance of Clifford Clark who recently passed away. Clark served as the City's 41<sup>st</sup> mayor from 1986 to 1993 and was a life-long resident of Forest Grove.
1. B. **INTRODUCTION OF CITY MANAGER:**  
Mayor Truax introduced Michael "Jesse" VanderZanden, recently appointed as City Manager. Mayor Truax reported VanderZanden began his tenure with the City on August 31, 2015, noting VanderZanden was previously Airport Manager of Fairbanks International Airport.
1. C. **POLICE OFFICER SWEARING-IN CEREMONY:**  
Ruggles administered the Oath of Offices to Nicole Freelove and Bradley Schuetz who were sworn-in as Police Officers. Police Chief Schutz read the biographies and introduced, welcomed and presented Officer Freelove and Schuetz with their official Police badge.
1. D. **PROCLAMATIONS:**  
Mayor Truax publicly proclaimed *September 25 – 26, 2015*, as a "*Fill The Boot for MDA Day*". The proclamation was received on behalf of Forest Grove Fire and Rescue.

Mayor Truax publicly proclaimed in recognition of Community Action's 50<sup>th</sup> Anniversary, *October 11 – 17, 2015*, as "*Community Action Week*". The

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proclamation was received on behalf of Community Action.

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 (B&C Interviews) Meeting Minutes of August 10, 2015).
  - B. Approve City Council Work Session (Police Facility Needs Assessment) Meeting Minutes of August 10, 2015.
  - C. Approve City Council Regular Meeting Minutes of August 10, 2015.
  - D. Accept Historic Landmarks Board Meeting Minutes of July 28, 2015.
  - E. Accept Library Commission Meeting Minutes of June 2, 2015.
  - F. Accept Parks and Recreation Commission Meeting Minutes of June 17, 2015.
  - G. Accept Public Arts Commission Meeting Minutes of July 9, 2015.
  - H. Community Development Department Monthly Building Activity Informational Report for July and August 2015.
  - I. **ENDORSE LIQUOR LICENSE CHANGE OF OWNERSHIP APPLICATION (LIMITED ON-PREMISES SALES) FOR FG BOWL, LLC, 2748 19<sup>TH</sup> PLACE (APPLICANT: ALLYN CLARK).**
  - J. **RESOLUTION NO. 2015-63 MAKING APPOINTMENT TO LIBRARY COMMISSION (APPOINTING MITCHELL FARIS, STUDENT ADVISOR, TERM EXPIRING DECEMBER 31, 2016).**
  - K. **RESOLUTION NO. 2015-64 MAKING APPOINTMENT TO PARKS AND RECREATION COMMISSION (APPOINTING BRAD BAFARO, AT-LARGE, TERM EXPIRING DECEMBER 31, 2017).**
  - L. **RESOLUTION NO. 2015-65 MAKING APPOINTMENT TO**

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**SUSTAINABILITY COMMISSION (APPOINTING JACOB ROSE, PACIFIC UNIVERSITY STUDENT ADVISOR, TERM EXPIRING DECEMBER 31, 2016).**

**MOTION:** Councilor Wenzl 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. 2015-08 ANNEXING A TRACT OF LAND LOCATED AT 1525 B STREET (PORTION OF WASHINGTON COUNTY TAX LOT NO. 1S306CB00500) INTO THE CITY LIMIT OF FOREST GROVE AND WITHDRAWING THE TRACT FROM FOREST GROVE RURAL FIRE PROTECTION DISTRICT. APPLICANT: WASTE MANAGEMENT CORPORATION. FILE NO. ANX-15-00537**

**Staff Report:**

Holan and Riordan presented the above-proposed ordinance requesting to annex into the City one parcel, totaling approximately 1.55 acres, located at 1525 B Street, Waste Management Corporation, and withdrawing the tract from Forest Grove Rural Fire Protection District. The purpose of the above-noted annexation is to provide opportunity for Waste Management to work with the City on issuance of building permits needed for improvements at the southern end of the solid waste transfer site. Riordan reported Waste Management plans to expand their compressed natural gas fueling station into the area proposed for annexation, noting the fueling station was constructed in 2014 immediately north of the area proposed for annexation. Riordan referenced Exhibit A, map, showing the location of the subject property and land use pattern in the immediate vicinity, noting the waste station facility is near the center of the site with truck fueling and parking to the south and the fueling station is currently within the city limits and truck parking area and associated circulation unincorporated area is currently in the urban growth boundary zoned as Land Extensive Industrial by Washington County and within Metro's rural reserves designation, which precludes bringing the property into the urban growth boundary and assigning a city zoning designation. In conclusion of the above-noted staff

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report, Riordan advised the Planning Commission concurred to retain the county zoning designation at this time, noting it is not unprecedented for the City to annex property that lies in and out of the urban growth boundary and rural reserves designation does not preclude annexing property into the city limits.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2015-08.

VanderZanden read Ordinance No. 2015-08 by title for first reading.

**MOTION: Councilor Kidd moved, seconded by Councilor Lowe, to adopt Ordinance No. 2015-08 Annexing a Tract of Land Located at 1525 B Street (Portion of Washington County Tax Lot No. 1S306CB00500) into the City Limit of Forest Grove and Withdrawing the Tract from Forest Grove Rural Fire Protection District. Applicant: Waste Management Corporation. File No. ANX-15-00537.**

Second reading of Ordinance No. 2015-08 by title will occur at the Council meeting of Monday, September 28, 2015.

**Public Hearing Opened:**

Mayor Truax opened the Public Hearing and explained hearing procedures.

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

None declared.

**Challenges from Parties:**

None declared.

**Written Testimony Received:**

No written testimony was received prior to the published deadline of September 14, 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.

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**Others:**

No one testified and no written comments were received.

**Council Discussion:**

Hearing no discussion from the Council, Mayor Truax continued the Public Hearing as noted below.

**Public Hearing Continued:**

Mayor Truax continued the Public Hearing to the meeting of Monday, September 28, 2015, second reading of Ordinance No. 2015-08 by title.

City Attorney Crean dismissed himself at approximately 7:30 p.m.

**7. RESOLUTION NO. 2015-66 ADOPTING REVISIONS TO CITY OF FOREST GROVE EMPLOYEE HANDBOOK AND REPEALING RESOLUTION NO. 2010-33**

**Staff Report:**

Camilli and Downey presented the above-proposed resolution for Council consideration, noting staff met with Council in work session, held on July 13, 2015, to discuss the proposed policy modifications and amendments necessary to update the Employee Handbook, which was adopted in 2006 and was last revised in 2010. Camilli reported the City's labor union representatives have reviewed the proposed modifications and amendments, noting the proposed modifications and amendments are as follows:

**Legislative or Regulatory Changes:**

**5.9 – Employee Health and Safety**

- Revised City's smoking/tobacco use policy in accordance with Council resolution.
- Revised terminology regarding hazardous chemical information in accordance with OSHA's regulatory changes.

**8.2 – Health Insurance**

- Added provision for health insurance benefit eligibility for non-regular employees who average 30 or more hours of work per week as mandated by the Affordable Care Act.

**9.4 – Leaves of Absence Policy**

- Added Veterans Day Leave as type of leave of absence.

**9.7 – Family and Medical Leave**

- Added Bereavement Leave under OFLA.

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- Revised list of covered individuals and provided definition and clarification of serious illness.
- Revised Qualifying Exigency Leave in accordance with FMLA regulations.

**9.14 – Veterans Day Leave**

- Added leave allows requesting Veterans Day off in accordance with ORS.

Other Revisions:

**Preface and Greeting**

- Updated letter from City Manager

**2.2 – Employment Relationship**

- Added Human Resources Manager to list of at-will positions.

**2.4 – Organization Hours (Overtime)**

- Clarifies policy on non-exempt employees' off-duty use of electronic devices for work-related reasons.

**3.1 – Recruitment and Section**

- Revised to reflect current pre-employment screening practices.

**3.3 – Appointment Type**

- Added Seasonal as type of appointment to distinguish between employment statuses.

**4.3 – Pay Administration**

- Added language referencing partial day absences for exempt employees.

**5.2 – Ethics**

- Added ethics language to reflect ORS.

**5.3 – Communications and Software Systems**

- Section renamed to Electronic Systems and entirely rewritten to reflect technological and communication devices/mediums changes.

**5.5 – Harassment**

- Clarifications only.

**5.6 – Substance Abuse**

- Revised to reflect current pre-employment screening practices.
- Added drugs and/or medications to list of substances employees must report to supervisor if called into emergency work to determine suitability to report to work.

**5.7 – Vehicle Usage and Safety**

- Clarifications only.

**5.9 – Employee Health and Safety**

- Clarifications of Safety Committee's responsibilities and employees

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safety training.

**6.2 – Corrective Action**

- Expanded examples of behaviors that could be cause for corrective action.
- Clarified when an employee can request to have prior disciplinary action removed from personnel file.

**7.1 – Separation from Employment**

- Updated organization property to be returned upon separation from employment.

**8.3 – Life Insurance**

- Changed standard life insurance coverage maximum from \$75,000 to \$140,000 in accordance with City's collective bargaining agreements.

**8.4 – Long Term Disability**

- Clarification only.

**8.5 – Section 125 Plan**

- Changes to allow flexibility if necessary due to federal mandates.

**8.6 – Retirement Plan**

- Revised to include part-time employees' eligibility to participate.

**8.7 – Health Reimbursement Arrangement (VEBA)**

- Updated language to reflect current situations.

**9.1 – Vacation Leave**

- Clarified when vacation leave is available to use.
- Decreased the minimum vacation leave employees can use from one hour to quarter hour increments.
- Modified policy prohibiting use of vacation leave to extend length of employment.
- Added requirement for exempt employees to use accrued vacation leave for partial day absences in certain circumstances.

**9.2 – Sick Leave**

- Clarified when sick leave is available to use.
- Decreased the minimum sick leave employees can use from one hour to quarter hour increments.
- Added language clarifying the time period employees may receive donated leave.
- Added requirement for exempt employees to use accrued sick leave for partial day absences in certain circumstances.

**9.3 – Paid Holidays**

- Added language that holiday leave may be used in quarter hour increments.

**9.5 – Bereavement Leave**

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- Defined in-laws.
- Added reference to new bereavement leave law.

**9.6 – Civic Duty**

- Added clarification that an employee must return to complete shift if released early from jury/witness duty.

**10.1 – Deferred Compensation**

- Added post-tax deferred compensation option.

**10.2 – Wellness**

- Added reimbursement dollar amount for college courses and parameters for eligibility.

**10.6 – Voluntary Supplemental Benefits**

- Clarifications only.

**Acknowledgment Form**

- Added acknowledgement of DMV monitoring for employees driving on City business.

In conclusion of the above-noted staff report, Camilli advised staff is recommending Council approve the proposed resolution, noting City Charter, Chapter IX, Section 36, requires Council to adopt personnel-related policies.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2015-66.

VanderZanden read Resolution No. 2015-66 by title.

**MOTION: Councilor Wenzl moved, seconded by Councilor Thompson, to adopt Resolution No. 2015-66 Adopting Revisions to City of Forest Grove Employee Handbook and Repealing Resolution No. 2010-33.**

**Council Discussion:**

Hearing no 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 Peter Truax. NOES: None. MOTION CARRIED 7-0.**

**8. RESOLUTION NO. 2015-67 EXTENDING CITY OF FOREST GROVE WORKERS' COMPENSATION COVERAGE TO CERTAIN**

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**VOLUNTEERS OF THE CITY OF FOREST GROVE AND REPEALING  
RESOLUTION NOS. 2007-63 AND 2010-20**

**Staff Report:**

Downey and Camilli presented the above-proposed resolution for Council consideration, noting the proposed resolution is extending workers' compensation coverage to certain public safety volunteers of the City (police reserve officer, volunteer firefighter, and non-combat support fire department volunteers with an assumed monthly wage of \$800 being used). Downey reported the resolution also clarifies that volunteers serving on the city's advisory boards; elected officials; non-public safety volunteers; public event volunteers; and community service volunteers are not applicable to the City's workers' compensation coverage. In conclusion of the above-noted staff report, Downey advised staff is recommending Council approve the proposed resolution.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2015-67.

VanderZanden read Resolution No. 2015-67 by title.

**MOTION: Councilor Uhing moved, seconded by Councilor Lowe, to adopt Resolution No. 2015-67 Extending City of Forest Grove Workers' Compensation Coverage to Certain Volunteers of the City of Forest Grove and Repealing Resolution Nos. 2007-63 and 2010-20.**

**Council Discussion:**

Hearing no 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 Peter Truax. NOES: None. MOTION CARRIED 7-0.**

**9. RESOLUTION NO. 2015-68 APPROVING TO MOVE THE REGULAR CITY COUNCIL MEETING FROM MONDAY, OCTOBER 26, 2015, TO FRIDAY, OCTOBER 30, 2015, 9:00 A.M.**

**Staff Report:**

Mayor Truax presented the above-proposed resolution for Council consideration, noting the proposed resolution is approving to move the

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regular City Council meeting from Monday, October 26 to Friday, October 30, 2015, at 9:00 a.m. Mayor Truax reported the newly elected Mayor of the Town of Nyuzen, Japan, Forest Grove's Sister City, has asked for special accommodation to view and assess a City Council meeting during the delegation's visit. (Nyuzen Mayor and Town Official will be honored guests at the Council meeting on October 30, 2015, while Nyuzen student delegates attend junior high/high school classes in the morning).

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2015-68.

VanderZanden read Resolution No. 2015-68 by title.

**MOTION: Councilor Kidd moved, seconded by Councilor Wenzl, to adopt Resolution No. 2015-68 Approving to Move the Regular City Council Meeting from Monday, October 26, 2015, to Friday, October 30, 2015, 9:00 a.m.**

**Council Discussion:**

Hearing no 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 Peter Truax. NOES: None. MOTION CARRIED 7-0.**

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

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

**11. COUNCIL COMMUNICATIONS:**

Council President Johnston reported on Forest Grove Rural Fire Protection District-related meeting, noting the concrete foundation for housing has been poured at the Gales Creek Volunteer Fire Station and the Board recently purchased iPads for its meetings. In addition, Johnston reported on other matters of interest, upcoming community-related events, and upcoming meetings he was planning to attend.

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Kidd reported on Public Arts Commission (PAC)-related meeting, noting PAC is seeking grant funding for a new park art project. In addition, Kidd reported on county-related transportation matters, upcoming community-related events, and upcoming meetings he was planning to attend.

Lowe reported attending Committee for Citizen Involvement Plastic Bag Ordinance Forum, which was held jointly with Sustainability Commission on September 2, 2015, noting attendance was good. In addition, Lowe reported on Fernhill Wetlands-related activities, upcoming community-related events, and upcoming meetings she was planning to attend..

Thompson reported attending Committee for Citizen Involvement Plastic Bag Ordinance Forum, which was held jointly with Sustainability Commission on September 2, 2015. In addition, Thompson reported on Ride Connection-related activities, other matters of interest, and upcoming meetings he was planning to attend.

Uhing distributed copies of her written report pertaining to Economic Development Commission-related meeting, Washington County Economic Alliance Land Use and Housing Committee-related meeting, and distributed reports titled The Future of North Hillsboro Industrial District and 2015 Urban Growth Management Decision and Recommendations to Metro Council. In addition, Uhing reported on other matters of interest, upcoming community-related events, and upcoming meetings she was planning to attend.

Wenzl reported attending Committee for Citizen Involvement Plastic Bag Ordinance Forum, which was held jointly with Sustainability Commission on September 2, 2015, noting 40-50 people attended. Wenzl reported on Library Commission (LC)-related meeting, noting the LC has begun its strategic planning process. In addition, Wenzl reported on Fernhill Wetlands-related activities, upcoming community-related events, and upcoming meetings she was planning to attend.

Mayor Truax announced dates of various upcoming activities, events and meetings as noted in the Council Calendar. Mayor Truax reported attending 9-11 Ceremony at the Flag Pole. Mayor Truax reminded Council of the upcoming League of Oregon Cities Conference, which will be held September 24-26, 2015, in Bend. In addition, Mayor Truax reported on other various local, regional, Metro, and Washington County meetings he

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attended, upcoming community-related events, and upcoming meetings he was planning to attend.

**12. ADJOURNMENT:**

Mayor Truax adjourned the regular meeting at 8:30 p.m.

Respectfully submitted,



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Anna D. Ruggles, CMC, City Recorder