

**FOREST GROVE CITY COUNCIL REGULAR MEETING
SEPTEMBER 28, 2015 – 7:00 P.M.
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***Minutes are unofficial until approved by Council.
Council approved minutes as presented October 12, 2015.***

1. ROLL CALL:

Mayor Peter Truax called the regular City Council meeting to order at 7:05 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; Paul Downey, Administrative Services Director; George Cress, Light and Power Director; Jon Holan, Community Development Director; Rob Foster, Public Works Director; Jeff King, Economic Development Manager; J. F. Schutz, Police Chief (in the audience); and Anna Ruggles, City Recorder.

2. CITIZEN COMMUNICATIONS:

Rob Drake and Harry Bodine, People for Libraries, addressed Council and spoke in support of the Washington County Cooperative Library Services and Washington County Public Safety levies, which are on the November 3, 2015, General Election ballot.

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 September 14, 2015.
- B. Approve City Council Regular Meeting Minutes of September 14, 2015.
- C. Accept Committee for Citizen Involvement Meeting Minutes of May 5, July 7 and August 4, 2015.
- D. Accept Historic Landmarks Meeting Minutes of August 18, 2015.
- E. Accept Library Commission Meeting Minutes of August 11, 2015.
- F. Accept Parks and Recreation Commission Meeting Minutes of August 19, 2015.
- G. Accept Planning Commission Meeting Minutes of August 3,

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2015.

H. Endorse New Liquor License Application (Brewery Public House) for Kaiser Brewing Company, LLC, 1607 Hawthorne Street (Applicant: Jonathan Kaiser). *ITEM REMOVED*

I. **RESOLUTION NO. 2015-68 MAKING APPOINTMENT TO COMMITTEE FOR CITIZEN INVOLVEMENT (KEVIN CANALES, TERM EXPIRING JANUARY 31, 2019).**

MOTION: Councilor Kidd moved, seconded by Councilor Thompson, to approve the Consent Agenda as amended (Item 3. H. removed).
MOTION CARRIED 7-0 by voice vote.

3. H. ENDORSE NEW LIQUOR LICENSE APPLICATION (BREWERY PUBLIC HOUSE) FOR KAISER BREWING COMPANY, LLC, 1607 HAWTHORNE STREET (APPLICANT: JONATHAN KAISER)

Thompson voiced concern the above-noted liquor license allows sales and consumption on-premises, noting the home occupation business is located in a residential zone and could generate excessive traffic and eliminate off-street parking, pointing out the business days and hours are Tuesday through Saturday, 4pm to 11pm. Ruggles explained a Brewery License allows tastings and on-premise consumption but does not allow taking license off-premise; whereas, a Brewery – Public House license allows tastings and consumption on-premise and applying for a special event permit to take license off-premise. Ruggles advised there are specific grounds pursuant to ORS that the Oregon Liquor License Control Commission (OLCC) can refuse to issue a license, noting zoning may not fall within the statutorily defined reasons. Holan reported it is his understanding from the business license application the applicant is to brew beer and does not intend to sell for consumption on-premise. Holan referenced Development Code Section 10.7.065, home occupation standards, noting home occupation businesses could be cited for code infractions if they generate vehicular traffic in excess of that normally associated with single-family uses or for eliminating off-street parking. In conclusion of the Council discussion, Council collectively concurred to carry over Consent Agenda Item 3. H. to the next meeting of October 12, 2015, pending City Recorder seeking further advisement from OLCC, if residential zoning falls within the statutorily defined reasons for refusing to issue a liquor license.

4. ADDITIONS/DELETIONS:

VanderZanden added Agenda Item 4. A. as noted below.

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**4. A. RESOLUTION NO. 2015-72 AUTHORIZING APPROVAL OF
AMENDMENT NO. 1 TO AN EXCLUSIVE NEGOTIATING AGREEMENT
WITH TOKOLA PROPERTIES, INC., AND AUTHORIZING CITY
MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE
CITY OF FOREST GROVE**

Staff Report:

Downey and Holan presented the above-proposed resolution, noting the proposed resolution is authorizing the City Manager to execute Amendment No. 1 to the exclusive negotiating agreement between the City and Tokola Properties, Inc., for property known as the Times Litho Property, located at Pacific Avenue, between A Street and B Street, as outlined in Exhibit A. Downey reported staff met with Council in Executive Session earlier to discuss the terms and conditions of the amendment, noting Tokola Properties is hesitant to proceed with the land use applications prior to starting design work until the Disposition and Development Agreement is completed but is willing to move to the next phase if the City is willing to add up to an additional \$20,000 in costs for the land use applications process in order to start construction of Phase I in the summer of 2016.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2015-72.

VanderZanden read Resolution No. 2015-72 by title.

MOTION: Council President Johnston moved, seconded by Councilor Thompson, to adopt Resolution No. 2015-72 Authorizing Approval of Amendment No. 1 to an Exclusive Negotiating Agreement with Tokola Properties, Inc., and Authorizing City Manager to Execute the Agreement on behalf of the City of Forest Grove.

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 Truax. NOES: None. MOTION CARRIED 7-0.

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5. PRESENTATIONS:

5. A. Electronic Records Management Services (ERMS) Intergovernmental Agreement

Ruggles introduced Mary Beth Herkert, State Archives Division Director, who presented a PowerPoint presentation outlining the Oregon Records Management Solution (ORMS) program, noting the State of Oregon, acting through its offices of the Secretary of State and State Archives, has implemented a statewide solution that allows managing all electronic records in a single system from creation until final disposition. Herkert reported the State's program is known as "Oregon Records Management Solution" (ORMS) and is a cloud-based system, between the State and consulting firm, using Hewlett Packard (HP) TRIM software, noting because ORMS is cloud-based, there are no upfront infrastructure costs to agencies who participate in the program as part of the Intergovernmental Agreement (IGA). Herkert added cost is based on a monthly per-user cost, which current subscription rate is \$37.02 per month per user, with a minimum of 10 users for \$370.20 per month, noting as more agencies join the program, projected costs are as low as \$10.54 per month per user. In addition, Herkert advised the IGA partnership would allow the City to purchase the ORMS that incorporates HP Trim software with the electronic records stored offsite and accessed through a cloud-based system, noting the central data repository is located in state-of-the-art Tier 3+ data center located in a secure Oregon location and meets the Department of Defense Standards adopted by the State certified to provide highest level of information security and allows scheduled automated destruction of records (archiving) to reduce legal risk and liability and storage needs. In conclusion of the above-noted presentation, Herkert and Ruggles addressed various Council inquiries and scenarios pertaining to accessing electronic public records, liability, sharing information, costs savings, and overall program implementation process, noting over 32 agencies in Oregon are currently onboard, including cities of Beaverton, Dundee, Hillsboro, Keizer, Lebanon, Milwaukie, St. Helens, Stayton, and West Linn as well as other state and county agencies.

5. B. Economic Development Commission (EDC) Strategic Plan 2015-18

King and Cress introduced Tim Budelman, EDC Chair, who presented a PowerPoint presentation outlining the EDC's Strategic Plan 2015-18,

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noting the initial strategic plan was adopted by Council in 2009 and minor updating and streamlining occurred in 2011. Budelman reported EDC began the process of updating its strategic plan in late 2014, taking a comprehensive and deliberate approach, with the final product including a revised mission statement, revised work plan and target areas for business retention; business recruitment and attraction; new business formation; tourism; downtown; local, interagency and regional cooperation; utilities and infrastructure; and finance as well as supporting goals for each target area. In conclusion of the above-noted presentation, Budelman and King addressed various Council inquiries pertaining to the strategic plan and targeted areas, noting the 2015-18 Strategic Plan represents more extensive changes and reflects changes in post-recession and will be used to guide initiatives to sustain and grow Forest Grove's economy.

5. C. Water System Development Charges Update

Foster and Downey presented the above-noted presentation, noting staff is providing a follow-up to the Council work session held on April 27, 2015, regarding an increase of the Water System Development Charges (SDC) of an "Area-Specific" charge within the future David Hill Urban Growth Planning Zone. Foster and Downey reported staff is recommending postponing further discussion of the "area-specific" SDC until more work is done to analyze cost of providing services, noting once the Westside Study is completed new growth data can be used to more accurately assess an "Area-Specific" SDC; however, staff is recommending to increase the city-wide SDC from \$4,820 to \$5,478, based on the City's update of capital improvement needs and financial analysis study. Foster and Downey explained pursuant to ORS 223.304, the City must provide written notice to persons of interest at least 90 days of the first hearing date to establish or modify a SDC and methodology supporting the SDC must be available at least 60 days prior to the first hearing date. In conclusion of the above-noted staff presentation, Foster and Downey advised staff has prepared a public hearing legal notice setting a hearing date for the Council meeting on Monday, January 11, 2016, to consider increasing the city-wide SDC from \$4,820 to \$5,478, noting staff is seeking Council consensus to proceed with the required notification and setting the hearing date. At the conclusion of Council discussion, Council collectively concurred proceeding with the required notification and setting the above-noted hearing date.

6. SECOND READING OF ORDINANCE NO. 2015-08 ANNEXING A

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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

The first reading of Ordinance No. 2015-08 by title occurred at the Council meeting of September 14, 2015.

Staff Report:

Holan presented the above-proposed ordinance for second reading, noting staff had nothing further to report.

Public Hearing Continued:

Mayor Truax continued the Public Hearing from the meeting of September 14, 2015, and explained hearing procedures.

Written Testimony Received:

No written testimony was received prior to the published deadline of September 28, 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.

Public Hearing Closed:

Mayor Truax closed the Public Hearing.

Council Discussion:

Hearing no discussion from the Council, Mayor Truax asked for a voice vote on the motion made at the meeting of September 14, 2015.

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

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

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7-0.

7. RESOLUTION NO. 2015-69 ADOPTING THE FOREST GROVE ECONOMIC DEVELOPMENT COMMISSION 2015-2018 ECONOMIC DEVELOPMENT STRATEGIC PLAN

Staff Report:

King and Cress presented the above-proposed resolution for Council consideration, noting the proposed resolution is adopting the EDC's 2015-18 Strategic Plan, which includes a revised mission statement, revised work plan and target areas for business retention; business recruitment and attraction; new business formation; tourism; downtown; local, interagency and regional cooperation; utilities and infrastructure; and finance, as well as supporting goals for each target area. In conclusion of the above-noted staff report, King and Cress advised EDC is recommending Council approve its Strategic Plan attached as Exhibit A.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2015-69.

VanderZanden read Resolution No. 2015-69 by title.

MOTION: Councilor Uhing moved, seconded by Councilor Thompson, to approve Resolution No. 2015-69 Adopting the Forest Grove Economic Development Commission 2015-2018 Economic Development Strategic Plan.

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. 2015-70 APPROVING THE SUBMISSION OF AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR 2016-17 PROGRAM PERIOD (FOREST GROVE SENIOR AND COMMUNITY CENTER)

Declaration of Ex-parte Contacts, Conflicts of Interest, or

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Abstentions:

Council President Johnston declared a conflict of interest and recused himself from the dais at 8:33 p.m., declaring his wife is the executive director of the Forest Grove Senior and Community Center.

Staff Report:

King and Downey presented the above-proposed resolution authorizing the City to submit an application for Community Development Block Grant (CDBG) funding for 2016-17 Program Period, noting staff has identified the Forest Grove Senior and Community Center (FGSCC) Rehabilitation Improvement Project as a priority for 2016-17 funding cycle. King advised the total project costs is \$339,080, of which the CDBG grant amount to be submitted is \$325,000 and \$14,080 match coming from several sources. King introduced Raean Johnston, FGSCC Executive Director, who was present and spoke on behalf of the FGSCC, noting the improvements to the Senior Center include final design, engineering and construction bid documents; removing and relocating inner walls; new flooring; electrical rewiring; plumbing; new countertops; new shelving and cabinets; and new equipment, i.e., range/oven, griddle, gas fryer, walk-in freezer, steam table, and sinks. In conclusion of the above-noted staff report, Downey 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. 2015-70.

VanderZanden read Resolution No. 2015-70 by title.

MOTION: Councilor Wenzl moved, seconded by Councilor Kidd, to adopt Resolution No. 2015-70 Approving the Submission of an Application for Community Development Block Grant Funding for 2016-17 Program Period (Forest Grove Senior and Community Center).

Council Discussion:

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

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

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Council President Johnston returned to the dais at 8:50 p.m.

**9. RESOLUTION NO. 2015-71 AUTHORIZING CITY MANAGER TO
ENDORSE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE
CITY OF FOREST GROVE AND STATE OF OREGON ACTING
THROUGH ITS OFFICES OF SECRETARY OF STATE AND ARCHIVES
DIVISION FOR ELECTRONIC RECORDS MANAGEMENT SERVICES
(IGA NO. 165-150057-15)**

Staff Report:

Downey and Ruggles presented the above-proposed resolution authorizing the City Manager to endorse an Intergovernmental Agreement (Exhibit A) between City and the State of Oregon, acting through its offices of the Secretary of State and State Archives Division, allowing the City to implement the State's electronic records management services that incorporates HP Trim software known as "Oregon Records Management Solution" (ORMS). Downey and Ruggles reported because ORMS is cloud-based, there are no upfront infrastructure costs to the City to participate in the program as part of the IGA, noting the monthly per-user current subscription rate is \$37.02 per month per user, with a minimum of 10 users for \$370.20 per month, and includes software, hardware, support, ongoing staff training, data storage, ongoing hardware and software maintenance, and upgrades. Ruggles indicated staff is recommending implementing ORMS in the City Recorder's Office, which includes Council legislative and administrative records, and then expanding to other departments in the future, i.e., engineering and community development, noting the City Recorder's Office has been utilizing day-forward scanning to convert records to electronic format for some time now and will continue converting into electronic format legislative and administrative records dating back to when the city was first incorporated. In conclusion of the above-noted staff report, Downey and Ruggles advised staff is recommending Council approved the IGA attached as Exhibit A, noting funds for implementing the State's electronic records management services are budgeted in FY 2015-16 budget.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2015-71.

VanderZanden read Resolution No. 2015-71 by title.

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MOTION: Councilor Kidd moved, seconded by Council President Johnston, to adopt Resolution No. 2015-71 Authorizing City Manager to Endorse an Intergovernmental Agreement between the City of Forest Grove and State of Oregon acting through its offices of Secretary of State and Archives Division for Electronic Records Management Services (IGA No. 165-150057-15).

Council Discussion:

In response to Lowe's inquiry pertaining to insurance rating, Downey advised he does not believe the IGA will reduce the City's CIS insurance rating.

In response to Uhing's inquiry pertaining to police records, Downey explained the Police Department would continue using its own records management system, known as Regional Justice Information Network (RegJin).

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 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.

VanderZanden suggested changing the order of the Council meeting agenda so Council Communications are heard prior to the City Manager's Report in an effort to not double report on items that are mentioned in the City Manager's Report, to which Council collectively concurred proceeding with Council meeting agenda as follows: 1) Council Communications; 2) City Manager's Report; and 3) Mayor's 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.

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11. COUNCIL COMMUNICATIONS:

Council President Johnston reported attending League of Oregon Cities (LOC) Conference and recapped his highlights of the conference. Johnston thanked and commended Mayor Truax for his outstanding speech as LOC President. Johnston announced the Mayor's Dinner and Auction is October 24, 2015, 6pm, Forest Grove Senior and Community Center. Johnston reported the Parks and Recreation Commission received over 500 on-line responses on the Parks/Community Center Master Plan Survey. In addition, Johnston reported on other matters of interest, upcoming community-related events, and upcoming meetings he was planning to attend.

Kidd reported attending LOC Conference and recapped his highlights of the conference. Kidd reported attending Historic Landmarks Board (HLB) meeting, noting HLB awarded a historic preservation grant. In addition, Kidd reported on other matters of interest, upcoming community-related events, and upcoming meetings he was planning to attend.

Lowe reported she was unable to attend Sustainability Commission meeting because she attended LOC Conference. Lowe recapped her highlights of the conference. In addition, Lowe reported on other matters of interest, upcoming community-related events, and upcoming meetings she was planning to attend.

Thompson reported attending LOC Conference and recapped his highlights of the conference. Thompson reported attending the Public Safety Advisory Commission meeting, noting the Police Department was awarded two COP grants. Thompson thanked and commended Jeff King, Economic Development Manager, noting King dedicated a lot of his time and effort into preparing the CDBG application on behalf of Forest Grove Senior and Community Center. In addition, Thompson reported on Grovelink-related activities, other matters of interest, and upcoming meetings he was planning to attend.

Uhing reported attending Washington County Economic Alliance meeting and recapped mental health legislative-related topics. In addition, Uhing reported on other matters of interest, upcoming community-related events, and upcoming meetings she was planning to attend.

Wenzl reported attending her first LOC Conference and recapped her highlights of the conference. In addition, Wenzl reported on other matters

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of interest, 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 LOC Conference and recapped his highlights of the conference. In addition, Mayor Truax reported on other various local, regional, Metro, and Washington County meetings he attended, upcoming community-related events, and upcoming meetings he was planning to attend.

12. ADJOURNMENT:

Mayor Truax adjourned the regular meeting at 9:21 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder