

**FOREST GROVE CITY COUNCIL REGULAR MEETING
NOVEMBER 9, 2015 – 7:00 P.M.
COMMUNITY AUDITORIUM
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***Minutes are unofficial until approved by Council.
Council approved minutes as presented November 23, 2015.***

1. ROLL CALL:

Mayor Peter Truax called the regular City Council meeting to order at 7:04 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL PRESENT:** Thomas Johnston, Council President; Richard Kidd; Victoria Lowe; Malynda Wenzl; and Mayor Peter Truax. **COUNCIL ABSENT:** Ronald Thompson and Elena Uhing, excused. **STAFF PRESENT:** Jesse VanderZanden, City Manager; George Cress, Light and Power Director; Paul Downey, Administrative Services Director; Jon Holan, Community Development Director; Michael Kinkade, Fire Chief; J. F. Schutz, Police Chief; Rob Foster, Public Works Director (in the audience); and Anna Ruggles, City Recorder.

1. A. AWARD PRESENTATION:

Cardiopulmonary Resuscitation (CPR) Lifesaving Citizen Award:

Fire Chief Kinkade introduced Aziza Kibamba, who went into cardiac arrest at her Forest Grove home last summer and whose husband, Rene Mandiangu, initiated bystander CPR until first responders arrived. Kibamba received commemorative coins from Chief Kinkade inscribed, "In Recognition Of Saving A Life" and "To Save One Life Is To Save The World" for her to present to her husband and to first responders who helped save her life that day. Kibamba presented commemorative coins to members of Forest Grove Fire and Rescue, the Forest Grove Police Department, and the Washington County Consolidated Communications Agency who helped by performing CPR, providing a heart defibrillator and giving instructions over the phone. In conclusion of the above-noted presentation, Chief Kinkade reported the national save rate for CPR is five percent, noting Forest Grove community has an amazing CPR save rate of 21 percent.

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).

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- A. Approve City Council Special Meeting Minutes of October 30, 2015.
- B. Accept Community Forestry Commission Meeting Minutes of June 17, 2015.
- C. Accept Historic Landmarks Board Meeting Minutes of September 22, 2015.
- D. Accept Parks and Recreation Commission Meeting Minutes of September 16, 2015.
- E. Accept Planning Commission Meeting Minutes of September 21, 2015.
- F. Accept Public Safety Advisory Commission Meeting Minutes of September 23, 2015.
- G. Community Development Department Monthly Building Activity Informational Report for October 2015.
- H. ENDORSE NEW LIQUOR LICENSE APPLICATION (FULL-ON PREMISES), FOREST GROVE EVENT CENTER/BANQUET ROOM, 2032 PACIFIC AVENUE (APPLICANT: TANA LOERA).

MOTION: Councilor Kidd moved, seconded by Councilor Wenzl, to approve the Consent Agenda as presented. ABSENT: Councilors Thompson and Uhing. MOTION CARRIED 5-0 by voice vote.

4. ADDITIONS/DELETIONS:

Mayor Truax welcomed Senator Chuck Riley who was present in the audience and added Senator Riley's legislative report under Item 5. C.

5. PRESENTATIONS:

5. A. Light and Power (L&P) Substation Transformers:

Cress presented a PowerPoint presentation displaying photographs of the delivery of the new transformers, noting L&P purchased two new electric transformers for Forest Grove substation and purchase one new electric transformer for Thatcher Junction substation. Cress reported the new transformers would provide winter capacity increase of approximately 45 percent, noting the new transformers replacement expenditures total \$3,792,000. In conclusion of the above-noted presentation, Cress addressed various Council inquiries, noting the City plans to keep one of the replaced transformers on hand as a backup and perhaps sell or recycle the other two transformers.

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5. B. Quarterly Financial Report for Periods Ending June 30 and September 30, 2015:

Downey presented a PowerPoint presentation outlining the quarterly financial report ending June 30, 2015, and September 30, 2015, noting June 30th is the end of the fourth quarter of the City's fiscal year ending June 30, 2015, and September 30th is the end of the first quarter of the City's fiscal year ending June 30, 2016. Downey reported the quarterly reports compare the budget to the year-to-date revenues and expenditures, noting the first section of each report contains a graphical presentation of the revenues and expenditures in the General Fund with expenditures by departments and other major operating funds; second section contains the line item detail for all of the City's funds; and third section is actual revenues received or expenditures disbursed through the end of the quarter and are compared to the year-to-date quarterly budget allotments and expressed in the detail report as both a dollar variance and percent variance. In addition, Downey highlighted graphs pertaining to the General Fund, Building Services Fund, Information Systems Fund, Light Fund, Street Fund, Sewer Fund, Water Fund, Surface Water Management Fund, Equipment Fund and other funds, noting the Beginning Fund Balance for FY 2014-15 is just over \$6 million, which is what the five-year financial forecast estimated the balance would be during the budget preparation for FY 2014-15, and the Beginning Fund Balance for FY 2015-16 is just over \$6.15 million, which is \$214,000 over what the five-year financial forecast estimated the balance would be for FY 2015-16. In conclusion of the above-noted presentation, Downey advised based on projections, the City will receive about \$200,000 more in property tax revenue by the end of the current fiscal year than the amount the City budgeted, noting the City projected three percent assessed value increase and actual assessed value increase was about six percent.

5. C. Legislative Update:

Senator Chuck Riley gave a legislative update, noting the 2016 Legislative Session will convene on February 1, 2016. In conclusion of the above-noted presentation, Mayor Truax pointed out various legislative priorities, including city right-of-way franchise fees, mental health resources and public safety funding.

Mayor Truax called for a recess from the regular meeting at 8:09 p.m. to convene in Work Session.

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6. WORK SESSION: MARIJUANA-RELATED ACTIVITIES (PROPOSED AMENDMENTS TO CITY CODE)

Staff Report:

Holan, Police Chief Schutz, and VanderZanden facilitated the work session, noting the purpose of the work session was to continue discussions from the work session held on September 14, 2015, and to provide further direction on potential code amendments addressing marijuana-related activities. Holan reported at the work session held on September 14, 2015, Council concurred not to ban any marijuana-related activities and avoid activities in residential areas. Holan advised based on Council's direction, staff has prepared potential code amendments in four areas as noted in the staff report:

1. Location (allow commercial sales in Town Center Districts (only affects expansion area) and prohibit grow sites in Residential Districts).
2. Development Requirements (apply spacing requirements to commercial retail, grow sites, processors, wholesale and all activities and to what extent).
3. Operational Requirements (apply appropriate requirements to commercial retail, grow sites, processors, wholesale and all marijuana-related activities).
4. Sales Tax (amend Ordinance No. 2014-09 to change tax from ten percent to three percent (exempt taxes on medical marijuana-related activities; dispensaries, processing, wholesale and grow) and; specifically, apply taxes on all recreation marijuana-related activities (retail, processing, wholesale and grow). Once adopted, the City would need to seek voter approval at the appropriate general election.

Council Discussion:

Mayor Truax opened the floor and roundtable discussion ensued pertaining to the above-noted options as outlined above and in the staff report. In addition, Holan, Police Chief Schutz and VanderZanden addressed various Council concerns, inquiries, and scenarios posed by Council pertaining to where commercial sales and grow operations should be located and whether to allow commercial sales in Town Center Districts; grow sites in Residential Districts; and whether to apply spacing requirements or location separation for commercial retail, grow sites,

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processors, wholesale and other similar activities, to which Council collectively concurred allowing commercial sales in Town Center Districts and prohibiting grow sites in Residential Districts; however, Council did not reach consensus if the City should apply spacing requirements. In response to Council President Johnston's inquiry, Police Chief Schutz indicated she would prefer taking baby steps until the state has its own regulations all together. In conclusion of the above-noted roundtable discussion, Wenzl pointed out the importance of avoiding extra barriers and not making it difficult for businesses wanting to come into Forest Grove. Wenzl also noted there are banks who will work with cash only businesses. Lowe pointed out that in four years there still is no statistical data showing that medical marijuana facilities are worse than bars and asked the question if staff could contact other cities to inquire if they are experiencing location compression of facilities (spacing requirements), to which staff concurred. In addition, Mayor Truax advised he would like to continue discussion on recreation marijuana, to which staff concurred. In addition, Holan advised the City has two pending dispensary applications and an inquiry for a recreational marijuana retail sales operation.

Council took no formal action nor made any formal decisions during the work session.

Mayor Truax adjourned the Work Session and reconvened the regular meeting at 9:00 p.m.

7. COUNCIL COMMUNICATIONS:

Council President Johnston reported attending the Forest Grove Rural Fire Protection District meeting. Johnston reported the Chamber Board of Directors discussed conducting their own survey on the proposed plastic bag ban. In addition, Johnston reported on other matters of interest, upcoming community-related events, and upcoming meetings he was planning to attend.

Kidd recapped the Nyuzen Student Delegation visit and reported attending a meeting with George Cress, Light and Power Director. In addition, Kidd reported on other matters of interest, upcoming community-related events, and upcoming meetings he was planning to attend.

Lowe reported attending the League of Oregon Cities' Water and Waste Water meeting. Lowe reported she led a tour of Fernhill Wetlands during the Nyuzen Student Delegation visit. In addition, Lowe reported on other

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matters of interest, upcoming community-related events, and upcoming meetings she was planning to attend.

Thompson was absent.

Uhing was absent.

Wenzl reported the Committee for Citizen Involvement has determined the Annual Town Meeting's topic will be titled "*Back To The Future of Forest Grove*", noting the topic will focus on Forest Grove's economy, and will be held on Saturday, January 31, 2016. Wenzl reported the Nyuzen Student Delegation attended her class at Neil Armstrong Middle School and lunch was provided. In addition, Wenzl reported on other matters of interest, upcoming community-related events, and upcoming meetings she was planning to attend.

8. CITY MANAGER'S REPORT:

VanderZanden reported on upcoming meetings and events as noted in the Council calendar and City Manager's Report. VanderZanden referenced an Activity Report, attached to the City Manager's Report, noting the intent of the report is to provide Council a quick five-year visual reference for common city-related activities being tracked and listed within the budget. VanderZanden noted he welcomes Council comments on the usefulness of the Activity Report and/or ways to improve the report. In addition, VanderZanden referenced the remainder of the City Manager's Report, which was emailed to Council in advance and outlined various attended meetings and updates on various City department-related activities, projects, and other upcoming city-wide events.

9. MAYOR'S REPORT:

Mayor Truax announced dates of various upcoming activities, events and meetings as noted in the Council Calendar. Mayor Truax reported attending the National League of Congressional Cities Conference in Nashville as LOC President. Mayor Truax reminded Councilors to submit their names if seeking reappointment on the LOC's policy advisory committees. 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.

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10. ADJOURNMENT:

Mayor Truax adjourned the regular meeting at 9:23 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder