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City Council Regular Meeting Minutes

**Monday, April 25, 2016
7:00 p.m., Community Auditorium**

***Minutes are unofficial until approved by Council.
Council approved minutes as presented May 9, 2016.***

1. CALLED TO ORDER AND ROLL CALL:

Mayor Peter Truax called the regular City Council meeting to order at 7:11 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; Ashley Driscoll, representing City Attorney; Paul Downey, Administrative Services Director; George Cress, Light and Power Director; Rob Foster, Public Works Director; Colleen Winters, Library Director; Jeff King, Economic Development Manager; Dan Riordan, Senior Planner; and Anna Ruggles, City Recorder.

2. CITIZEN COMMUNICATIONS: None.

3. CONSENT AGENDA:

Items under the Consent Agenda are considered routine and are 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 remaining Consent Agenda item(s).

- A. Approve City Council Regular Meeting Minutes of April 11, 2016.
- B. Accept Library Commission Retreat Minutes of March 15, 2016.
- C. Accept Parks and Recreation Commission Meeting Minutes of February 17, 2016.
- D. Accept Public Safety Advisory Commission Meeting Minutes of February 24, 2016.
- E. **ENDORSE LIQUOR LICENSE RENEWAL APPLICATIONS FOR YEAR 2016:**
 - 1. Forest Grove Elks Lodge, 2810 Pacific Avenue (Full On-Premises Sales Private Club)
 - 2. Tyson Pub n Grub, 2104 Main Street (Full On-Premises Sales)

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

4. **ADDITIONS/DELETIONS:** Refer to Agenda Item 6. A. and 8. B.

5. **PRESENTATIONS:**

5. A. **Tualatin Basin Water Supply/Scoggins Dam Project**

Tom VanderPlaat, Water Supply Project Manager of Clean Water Services (CWS), gave an informational PowerPoint presentation titled “*Reclamation’s Scoggins Dam/Henry Hagg Lake, Safety of Dams and Tualatin Basin Water Supply Joint Project*”, which outlined background information on the dam’s history; shared investment repayment contractors (Forest Grove 6.6%); Tualatin Basin Water Supply partnerships; federal and local partnerships; 2016 Omnibus spending; 2016 federal priorities; joint project status; reclamation’s safety of dams alternatives; and CWS’ water supply alternatives, noting the next steps include 2016 reclamation scheduled to complete Corrective Action Study and 2017 reclamation scheduled to begin feasibility study and environmental review. In conclusion of the above-noted presentation, VanderPlaat addressed various Council inquiries pertaining to impacts to existing roads and recreational use of Hagg Lake during construction phase.

6. A **FIRST READING OF ORDINANCE NO. 2016-10 AMENDING FOREST GROVE CITY CODE BY ADDING NEW CODE SECTION 5.248 PROHIBITING THE ESTABLISHMENT OF RECREATIONAL MARIJUANA PRODUCER LOCATIONS WITHIN THE CITY OF FOREST GROVE AND DECLARING AN IMMEDIATE EFFECTIVE DATE (AUTOMATICALLY REPEAL ON AUGUST 5, 2016)**

Staff Report:

VanderZanden presented the above-proposed ordinance for first reading, noting the proposed ordinance is being added to the Council agenda for first reading following this evening’s earlier work session with Council. VanderZanden added as result of issues surrounding grow operations in the City, the City Attorney and staff met with Council in work sessions on April 11 and April 25, 2016, to provide additional research findings regarding zoning regulations addressing all seven marijuana-related activities, which include medical marijuana dispensaries; recreational retail sales; medical grow (producers); recreational grow (producers); medical processor; recreational processors and wholesaling, noting the findings showed that no other city in the county allows outdoor grow operations and some cities have completely banned cannabis operations from industrial areas, including indoor grow operations, leaving Forest Grove as the only city in the county to currently allow both indoor and outdoor recreational marijuana grow operations. VanderZanden advised subsequently, the City has received one application for a proposed open grow facility located on south Elm Street/Highway 47 industrial area, noting the application is complete pending the appeal period, noting the appeal filing date expires Friday, April 29, 2016. In addition, VanderZanden reported the Public Safety Advisory Commission (PSAC) has expressed concerns about

recreational grow within the City limits, among others, noting PSAC subcommittee met on April 19, 2016, and expressed concerns regarding open grow; marijuana by schools, parks, libraries; retail and medical sales in mixed-use; and production/processing near residential areas. In conclusion of the above-noted staff report, VanderZanden advised staff is recommending Council consider first reading of the above-noted ordinance establishing a temporary prohibition on recreational marijuana producer locations within the City through August 5, 2016, and declaring an immediate effective date, noting this would allow the City time to consider potential time, place and manner regulations before any proposed facility is approved by the City. In addition, VanderZanden advised if regulations are enacted sooner, the Council could repeal Ordinance No. 2016-10 at any time prior to August 5, 2016.

Mayor Truax asked for a motion to adopt Ordinance No. 2016-10 for first reading.

VanderZanden read Ordinance No. 2016-10 for first reading in its entirety.

MOTION: Councilor Lowe moved, seconded by Councilor Uhing, to adopt Ordinance No. 2016-10 Amending Forest Grove City Code by Adding New Code Section 5.248 Prohibiting the Establishment of Recreational Marijuana Producer Locations within the City of Forest Grove and Declaring an Immediate Effective Date (Automatically Repeal on August 5, 2016).

Special Council Meeting Scheduled:

Hearing consensus from the Council, Mayor Truax announced a Special Council Meeting would be held Thursday, April 28, 2016, 7:00 p.m., in the Community Auditorium, at which time, a Public Hearing and second reading of Ordinance No. 2016-10 would occur.

6. PUBLIC HEARING AND RESOLUTION NO. 2016-27 SETTING FEES AND CHARGES FOR AQUATIC CENTER, EFFECTIVE JULY 1, 2016, AND REPEALING RESOLUTION NO. 2015-29

Staff Report:

Downey presented the above-proposed resolution for Council consideration, noting the proposed resolution would increase Aquatic Center fees and charges by three percent (3.0%), rounded to the nearest increment, effective July 1, 2016. For in-City (18-64) public and fitness swim, the fee would increase from \$5.00 to \$5.15. For in-City (2-17 years) and Senior and Disabled Veteran, the fee would increase from \$3.50 to \$3.60. In conclusion of the above-noted staff report, Downey advised the fee request at this time is to allow the Aquatic Center the ability to post the new fee schedule in its summer brochure.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-27.

VanderZanden read Resolution No. 2016-27 by title.

MOTION: Council President Johnston moved, seconded by Councilor Wenzl, to adopt Resolution No. 2016-27 Setting Fees and Charges for Aquatic Center, Effective July 1, 2016, and Repealing Resolution No. 2015-29.

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained hearing procedures.

Written Testimony Received:

No written testimony was received prior to the published deadline of April 25, 2016, 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 roll call vote on the above-noted motion.

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

7. **RESOLUTION NO. 2016-28 AUTHORIZING THE EXPENDITURE OF ADDITIONAL FUNDS FROM THE WASHINGTON COUNTY COOPERATIVE LIBRARY SERVICES (WCCLS) IN THE LIBRARY DEPARTMENT IN THE GENERAL FUND FOR FISCAL YEAR 2015-16**

Staff Report:

Downey presented the above-proposed resolution requesting authorization for the

expenditure of additional funds that were received from Washington County Cooperative Library Services (WCCLS) for Fiscal Year 2015-16. Downey reported the City received additional one-time funding of \$48,794 from WCCLS and the Library is proposing to spend the funds on self-checkout machines, security equipment and other capital items instead of operational expenditures. In conclusion of the above-noted staff report, Downey advised an appropriation is needed before the City can expend the additional funds, noting a supplemental budget hearing is not required pursuant to budget law.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-28.

VanderZanden read Resolution No. 2016-28 by title.

MOTION: Councilor Lowe moved, seconded by Councilor Thompson, to adopt Resolution No. 2016-28 Authorizing the Expenditure of Additional Funds from the Washington County Cooperative Library Services (WCCLS) in the Library Department in the General Fund for Fiscal Year 2015-16.

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.

8. RESOLUTION NO. 2016-29 ADOPTING 2016-21 URBAN FOREST MANAGEMENT PLAN AS RECOMMENDED BY COMMUNITY FORESTRY COMMISSION

Staff Report:

Riordan presented the above-proposed resolution requesting to adopt the Urban Forest Management Plan as recommended by the Community Forestry Commission (CFC), noting CFC completed the Plan for a five-year period (2016-21) to address long-term health and viability of the City's urban forest. Riordan noted the Plan provides an overall framework for managing the City's urban and natural forest resources, excluding the watershed. Riordan added the impetus of the Plan resulted from concerns about the condition of trees in the wooded area located at Thatcher Park and the City's lack of a comprehensive strategic plan for managing its urban forest. In addition, Riordan presented a PowerPoint presentation outlining highlights of the Plan, noting the Plan addresses the following elements:

- Street trees

- Facility trees near buildings
- Parking lot trees
- Park trees
- Register/Heritage trees
- Open space trees; and
- Hazard trees

In conclusion of the above-noted staff report, Riordan advised staff is recommending Council adopt the proposed resolution, noting the Plan does not oblige any expenditure of funds.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-29.

VanderZanden read Resolution No. 2016-29 by title.

MOTION: Councilor Lowe moved, seconded by Councilor Thompson, to adopt Resolution No. 2016-29 Adopting 2016-21 Urban Forest Management Plan as Recommended by Community Forestry Commission.

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.

8. B. RESOLUTION NO. 2016-30 ADOPTING THE 2015 RESTATEMENT OF THE CITY OF FOREST GROVE DEFINED CONTRIBUTION PLAN AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE RESTATED PLAN

Staff Report:

VanderZanden added the above-proposed resolution to the Council agenda. Downey presented the above-proposed resolution requesting to adopt the 2015 Restatement of the City's Defined Contribution Plan, noting federal law requires the City's Plan be restated to bring it into compliance with new laws. Downey noted the Plan makes one discretionary change to the definition of "part-time" to allow police employees, excluding officers, who work 20 hours or more to participate in the Plan. In conclusion of the above-noted staff report, Downey advised staff is recommending Council adopt the proposed resolution, noting the City's Plan must be restated by April 30, 2016, and there is no fiscal impact as all eligible employees' retirement benefits are already budgeted.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-30.

VanderZanden read Resolution No. 2016-30 by title.

MOTION: Council President Johnston moved, seconded by Councilor Kidd, to adopt Resolution No. 2016-30 Adopting the 2015 Restatement of the City of Forest Grove Defined Contribution Plan and Authorizing the City Manager to Execute the Restated 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 Truax. NOES: None. MOTION CARRIED 7-0.

9. REPORT TO COUNCIL ON FOOD COMPOST PROPOSAL

Downey introduced Dean Kempfer, Waste Management, and reported the purpose of the update was to respond to Council concerns heard at the Council meeting of April 11, 2016, noting Council has not taken formal action except to amend the proposed resolution to take effect July 1 instead of June 1, 2016. Downey noted the proposed resolution is to combine food and yard debris in the same container, which would increase collection rates \$1.50 per month. Downey presented a PowerPoint presentation highlighting photographs of the food compost containers, comparison of times and driving distances between transfer facilities, and carbon footprint reduction for Forest Grove, noting the net decrease in greenhouse gas emissions expected to result from the addition of food waste to residential compost program is approximately 211 metric tons of carbon dioxide equivalent. Downey noted this is a reduction in emissions of about 44 passenger vehicles driven for a year or 19.3 homes' energy use for one year. In addition, Downey reported on the carbon footprint for Portland's program, noting residential garbage decreased from 97,200 tons to 58,300 tons the first year and residential composting increased from 30,600 tons to 85,400 tons the first year.

10. DEPARTMENT WORK PLANS FOR 2016:

Legislative and Executive

VanderZanden presented a PowerPoint presentation highlighting the City's Organizational Chart, Vision Statement, Council's recently adopted Goals and Objectives for Fiscal Year 2016-17, noting each department has a detailed Work Plan and Council will hear from each Department over the next three meetings with

presentations consisting of the Department's top 3-5 accomplishments, top 3-5 objectives and how they connect to the recently adopted Council Goals and Objectives for Fiscal Year 2016-17.

Library Department:

Winters presented a PowerPoint presentation outlining the Library Department's Work Plan for 2016-17 as noted in her staff report. Winters's report focused on library usage statistics; top four accomplishments for 2015; top five priorities for 2016-17; implementing strategic plan; replacing self-checkout machines; Library Foundation's west end project; new policy and procedures being developed; and maintain the quality of the staff and working environment.

Light and Power Department:

Cress presented a PowerPoint presentation outlining the Light and Power Department's (L&P) Work Plan for 2016-17 as noted in the staff report. Cress's report focused on six top accomplishments for 2015; five top priorities for 2016-17; and LED replacement project.

Economic Development:

King presented a PowerPoint presentation outlining the Economic Development's Work Plan for 2016-17 as noted in the staff report. King's report focused on six top accomplishments for 2015 and six top priorities for 2016-17.

11. CITY COUNCIL COMMUNICATIONS:

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

Kidd reported on Public Arts Commission and Sister Cities Committee-related activities. In addition, Kidd reported on other matters of interest and upcoming meetings he was planning to attend.

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

Thompson reported on upcoming meetings he was planning to attend.

Uhing reported on upcoming meetings she was planning to attend.

Wenzl reported on upcoming meetings she was planning to attend.

12. CITY MANAGER'S REPORT:

VanderZanden reported on upcoming meetings and events as noted in the Council

calendar and City Manager's Report. VanderZanden reported Forest Grove is hosting the Washington County City Manager's meeting on April 27, 2016; diaper-changing stations have been ordered for the Library, a long-standing issue; and Police Department has hired a new Code Enforcement Officer who began duties on April 18, 2016. In addition, VanderZanden referenced the City Manager's Report, which was emailed to Council in advance and outlined various upcoming Council-related meetings; upcoming Council-related agenda; updates on department-related activities and projects, including Administrative Services, Parks and Aquatics, Police, Library, Light and Power, Economic Development, Community Development, and Engineering and Public Works; and other upcoming citywide calendar events.

13. MAYOR'S REPORT:

Mayor Truax announced dates of various upcoming activities, events and meetings as noted in the Council Calendar. Mayor Truax reported submitting a letter, on behalf of the City, objecting to Metro's "Solid Waste Roadmap", noting a copy of the letter was distributed in each councilor's mailbox as reference. In addition, Mayor Truax reported on various local, regional, Metro, and Washington County-related matters of interest and meetings he attended, upcoming community-related events, and upcoming meetings he was planning to attend.

14. ADJOURNMENT:

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

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder