

CITY COUNCIL MONTHLY MEETING CALENDAR

October-14						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			Municipal Court Rural Fire 8pm	1 2	3	4
5	6 Planning Comm 7pm	7 Notary Public Seminar 1pm-4pm - Comm Aud	8 MPAC 5pm	9 EDC Noon PAC 5pm	10 S&CC 1st Friday JWC - 12:30 pm	11 Birds & Brew 8am-2pm
12	13 CITY COUNCIL 5:30 PM - WORK SESSION (L&P Rates) 6:30 PM - EXECUTIVE SESSION (Prop) 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	14 Red Cross Blood Drive 1pm - 6pm - Comm Aud CCI 5:30pm Library 6:30pm	15 Municipal Court P&R 7am CFC 5:15pm CWAC 5:30pm ICS Training - 6pm Fire Leader Candidate Forum UCC 6pm-8pm	16	17	18
19	20 Chamber Luncheon - Noon FGS&CC Bd Mtg 6:30pm Planning Comm 7pm	21 CCI / GroveLink Summit 6pm - Comm Aud Fernhill Wetlands 5pm	22 PSAC MPAC 5pm	23 NewsTimes Candidate Forum 5pm - Taylor Hall Sustainability 6pm	24 ODF 8am Mayors' Luncheon	25
26	27 CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	28 HLB 7:15pm	29	30 Welcome Nyuzen Students 5pm - Comm Aud	31	Nyuzen Student Delegation Visit - TBA

November-14						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2 Time Chg Nyuzen Students Welcome Dinner 4pm-Comm Aud	3 Nyuzen Students Depart 7am Planning Comm 7pm	4 General Election	5 Municipal Court Rural Fire 7pm CCRT Open House 6pm - Comm Aud	6 EDC Noon	7 S&CC 1st Friday	8 Community Shred Event 9am CFC Pruning WS 9am - Talisman
9	10 CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	11 CITY OFFICES CLOSED HOLIDAY	12	13 PAC 5pm	14 Mayors' Luncheon	15
16	17 Chamber Luncheon - Noon FGS&CC Bd Mtg 6:30pm Planning Comm 7pm	18 Fernhill Wetlands 5pm	19 Municipal Court P&R 7am CFC 5:15pm CWAC 5:30pm	20 Dairy Creek Food 7:30pm	21	22 Community Leaf Drop-Off 10am - 22nd/Yew
23	24 CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	25 HLB 7:15pm	26 PSAC MPAC 5pm	27 CITY OFFICES CLOSED HOLIDAY		29
Mayor Returns	30			Sustainability TBA		

December-14						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
	1 Planning Comm 7pm	2	3 Municipal Court Rural Fire 7pm	4 EDC Noon	5 S&CC 1st Friday	6 Community Leaf Drop-Off 10am - 22nd/Yew Light Parade 5pm - Downtown
7	8 CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	9 Red Cross Blood Drive 1pm - 6pm - Comm Aud	10	11 PAC 5pm	12	13
14	15 Chamber Luncheon - Noon FGS&CC Bd Mtg 6:30pm Planning Comm 7pm	16 Fernhill Wetlands 5pm	17 Municipal Court P&R 7am CFC 5:15pm CWAC 5:30pm	18 Kidd out - Dec 18-26	19	20 Community Leaf Drop-Off 10am - 22nd/Yew
21	22 CITY COUNCIL NO MEETING SCHEDULED	23 HLB 7:15pm	24 PSAC MPAC 5pm	25 CITY OFFICES CLOSED - HOLIDAY	26 Kidd returns	27
28	29	30	31	Sustainability TBA		

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FOREST GROVE CITY COUNCIL

Monday, October 13, 2014

Meeting Agenda

5:30 PM – Work Session (Light and Power Rate Study)

6:30 PM – Executive Session (Real Property)

7:00 PM – Regular Meeting

Community Auditorium

1915 Main Street

Forest Grove, OR 97116

Forest Grove City Council Meetings are televised live by Tualatin Valley Community Television (TVCTV) Government Access Programming, Ch 30. To obtain the programming schedule, please contact TVCTV at 503.629.8534 or visit <http://www.tvctv.org/government-programming/government-meetings/forest-grove>.

PETER B. TRUAX, MAYOR

Thomas L. Johnston, Council President
Richard G. Kidd III
Victoria J. Lowe

Camille Miller
Ronald C. Thompson
Elena Uhing

All meetings of the City Council are open to the public and all persons are permitted to attend any meeting except as otherwise provided by ORS 192. The public may address the Council as follows:

➔ Public Hearings – Public hearings are held on each matter required by state law or City policy. Anyone wishing to testify should sign in for any Public Hearing prior to the meeting. The presiding officer will review the complete hearing instructions prior to testimony. The presiding officer will call the individual or group by the name given on the sign in form. When addressing the Council, please use the witness table (center front of the room). Each person should speak clearly into the microphone and must state his or her name and give an address for the record. All testimony is electronically recorded. In the interest of time, Public Hearing testimony is limited to three minutes unless the presiding officer grants an extension. Written or oral testimony is heard prior to any Council action.

➔ Citizen Communications – Anyone wishing to address the Council on an issue not on the agenda should sign in for Citizen Communications prior to the meeting. The presiding officer will call the individual or group by the name given on the sign in form. When addressing the Council, please use the witness table (center front of the room). Each person should speak clearly into the microphone and must state his or her name and give an address for the record. All testimony is electronically recorded. In the interest of time, Citizen Communications is limited to two minutes unless the presiding officer grants an extension.

The public may not address items on the agenda unless the item is a public hearing. Routinely, members of the public speak during Citizen Communications and Public Hearings. If you have questions about the agenda or have an issue that you would like to address to the Council, please contact the City Recorder at 503-992-3235 or e-mail aruggles@forestgrove-or.gov.

City Council meetings are handicap accessible. Assistive Listening Devices (ALD) or qualified sign language interpreters are available for persons with impaired hearing or speech. For any special accommodations, please contact the City Recorder at 503-992-3235, at least 48 hours prior to the meeting.

George Cress, Light and Power Director
 Paul Downey, Administrative Services Director
 Michael Sykes, City Manager

5:30

WORK SESSION: LIGHT AND POWER RATE DESIGN AND COST OF SERVICE STUDY PRELIMINARY PRESENTATION

The City Council will convene in the Community Auditorium Room to conduct the above work session(s). The public is invited to attend and observe the work session(s); however, no public comment will be taken. The Council will take no formal action during the work session(s).

Paul Downey, Administrative Services Director

6:30

EXECUTIVE SESSIONS ARE CLOSED TO THE PUBLIC.

Representatives of the news media and designated staff may attend Executive Sessions. Representatives of the news media are specifically directed not to report on any of the deliberations during the Executive Session, except to state the general subject of the session as previously announced. No Executive Session may be held for the purpose of taking final action or making any final decision.

The City Council will convene in the Community Auditorium – Conference Room to hold the following executive session(s):

In accordance with ORS 192.660(2)(e) to deliberate with persons designated by the governing body to negotiate real property transactions.

7:00

1. **REGULAR MEETING:** Roll Call and Pledge of Allegiance

1. A. **SWEARING-IN CEREMONY:**

- *Bradley D. Schuetz, Police Reserve Officer*
- *Whitney E. Black, Police Officer*

1. B. **PROCLAMATION:**

- *Red Ribbon Week*

2. **CITIZEN COMMUNICATIONS:** Anyone wishing to speak to Council on an item not on the agenda may be heard at this time. *Please sign-in before the meeting on the Citizen Communications form posted in the foyer.* In the interest of time, please limit comments to two minutes. Thank you.

3. **CONSENT AGENDA:** See Page 4

4. **ADDITIONS/DELETIONS:**

5. **PRESENTATIONS:**

Michael Kinkade, Fire Chief
 Michael Sykes, City Manager
 Rob Foster, Public Works Director
 Michael Sykes, City Manager

7:15

5. A. • *Scoggins Creek Fire Update*

7:30

5. B. • *2014 Watershed Timber Harvest Update*

Paul Downey, Administrative
Services Director
Michael Sykes, City Manager

7:45

6. CONTINUE PUBLIC HEARING FROM COUNCIL MEETING OF SEPTEMBER 22, 2014: SECOND READING OF ORDINANCE NO. 2014-10 GRANTING A FRANCHISE TO ASTOUND BROADBAND, LLC, A WASHINGTON LIMITED LIABILITY COMPANY, TO CONDUCT A GENERAL TELECOMMUNICATIONS BUSINESS AND GRANTING A RIGHT TO USE PUBLIC RIGHTS OF WAYS WITHIN THE CITY OF FOREST GROVE

Rob Foster, Public Works
Director
Michael Sykes, City Manager

7:55

7. RESOLUTION NO. 2014-74 AUTHORIZING THE MAYOR AND CITY MANAGER TO ENDORSE AMENDMENT NO. 1 TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FOREST GROVE AND THE OREGON DEPARTMENT OF TRANSPORTATION FOR THE COUNCIL CREEK REGIONAL TRAIL MASTER PLAN PROJECT

Michael Sykes, City Manager

8:00

8. CITY MANAGER'S REPORT:

8:15

9. COUNCIL COMMUNICATIONS:

8:30

10. ADJOURNMENT

-
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 September 8, 2014.
 - B. Approve City Council Regular Meeting Minutes of September 22, 2014.
 - C. Accept Historic Landmarks Board Meeting Minutes of August 26, 2014.
 - D. Accept Parks and Recreation Commission Meeting Minutes of July 16, 2014.
 - E. Accept Planning Commission Meeting Minutes of August 4, August 18 and September 15, 2014.
 - F. Accept Public Arts Commission Meeting Minutes of August 14, 2014.
 - G. Community Development Department Monthly Building Activity Informational Report for September 2014.
 - H. Fire Chief Report for August 23 – September 21, 2014.
 - I. **RESOLUTION NO. 2014-75 MAKING APPOINTMENT TO ECONOMIC DEVELOPMENT COMMISSION (Appointing Justin Norman, Woodfold-Marco Manufacturing (Wood/Ag Products), Term Expiring December 31, 2015).**
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October 13, 2014

**LIGHT & POWER RATE DESIGN AND COST OF SERVICE STUDY
PRELIMINARY PRESENTATION**

PROJECT TEAM: George Cress, Light & Power Director
Paul Downey, Administrative Services Director
Matt Brown, Senior Management Analyst
Michael Sykes, City Manager

ISSUE STATEMENT: The City has been conducting a cost of service study and a rate design study for the Light & Power Department. Staff has been working with Financial Consulting Solution Group (FCS Group) to prepare the study. Staff and the consultant are here to present preliminary results of the study and ask for direction from the Council on how to proceed with study.

DISCUSSION: The City has calculated rate changes internally and had not performed a formal cost of service for at least the last sixteen years. Typically, rate increases were done to simply pass the costs of rate increases from Bonneville Power Administration through to the retail customers. With the continuing increases in power costs, the increases in other operating and capital costs, and the capital requirements of replacing three substation transformers and rebuilding two substations, the City saw the need to do a cost of service study and a rate study. In 2013, the City engaged the services of FCS Group to perform a cost of service analysis on the City's electric utility to ensure that rates are recovering adequate revenue in an equitable manner. The study looked at FY 2014-15 (the current budget year) through FY 2017-18.

This analysis evaluated the total cost of providing electric service which resulted in a calculation of the revenue requirements for Light & Power. The revenue requirement is the amount of revenue that the Light & Power Department needs to generate to fund all financial obligations including maintaining sufficient reserves. After the revenue requirements are calculated and the City determines how it wants to implement rate changes, the costs of service study will be finalized and final rates will be designed. The cost of service study distributes the revenue requirements among the classes of customers based on the allocation of costs on equitable basis.

The focus of tonight's work session is the presentation of the revenue requirements. The costs of service and the rate design will be discussed at a future work session.

FCS Group will present the preliminary findings of the revenue requirements study. They will discuss the overall rate setting process, the factors used to determine the revenue requirements, and the rate increases needed to meet the revenue requirements, as well as the potential timing of those rate increases. One of the cost factors is capital outlay over the next four years. Attached to this report is more detail on the capital purchases to be made.

The study will present the recommended rate increase option and show the increase to a residential customer using 1,200 kWh of electricity per month.

Light & Power Capital Improvement Listing

	<u>2014-15</u>	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>
LP.002 Substation Upgrades	2,063,500	1,399,500	177,000	140,000
Thatcher Substation				
Forest Grove Sub Bank 1				
Forest Grove Sub Bank 2				
LP.001 Major Tools & Equip	50,000	20,000	20,000	20,000
Substation Instruments				
Directional Drill Guidance System				
Directional drill rods				
Non-directional short distance drill				
Vehicle Computers				
Metering Test Equipment				
Sustation & Field ground sets (cable)				
LP.004 Property Improvements	183,000	10,000	10,000	10,000
HVAC system Replacement				
General Maintenance/Upgrades				
LP.009 Specialized Equipment	145,000	0	0	49,000
Nomad Forklift				
Small Directional Boring Machine				
Combo Cargo Trailer				
Quad with Snow Blade				
3Phase Metering Size Analyzer				
Von Model XF25-1563 V.2				
Flir i50 Thermal Image Camera w/ laser				
LP.022 Districution System Upgrades	125,000	50,000	50,000	50,000
SCADA System Phase 3				
24th Ave Recloser Project				
Purchase/Install Remote Meters				
Regular System Upgrades/Maintenance				
LP.008 Vehicle Purchase Program	175,000	200,000	130,000	375,000
Ford Ranger				
Chevy 1-Ton Flatbed				
Backhoe, Loader, Tractor				
Ford Ranger				
Ford 1.5 Ton Flatbed				
Ford F450				
Ingersoll Compressor on Trailer				
Commuter Vehicle Replacement				
Butler 3-reel String Trailer				
Verneer Vacuum System Trailer				
Chevy Colorado Pickup				
International Bucket Chipper Truck				
Verneer 100XL Brush Chipper				
	2,741,500	1,687,379	398,984	699,906
	<u>2014-15</u>	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>

*2015-16 & beyond assume a 3% increase in costs

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City of Forest Grove

Electric COSA and Rate Design

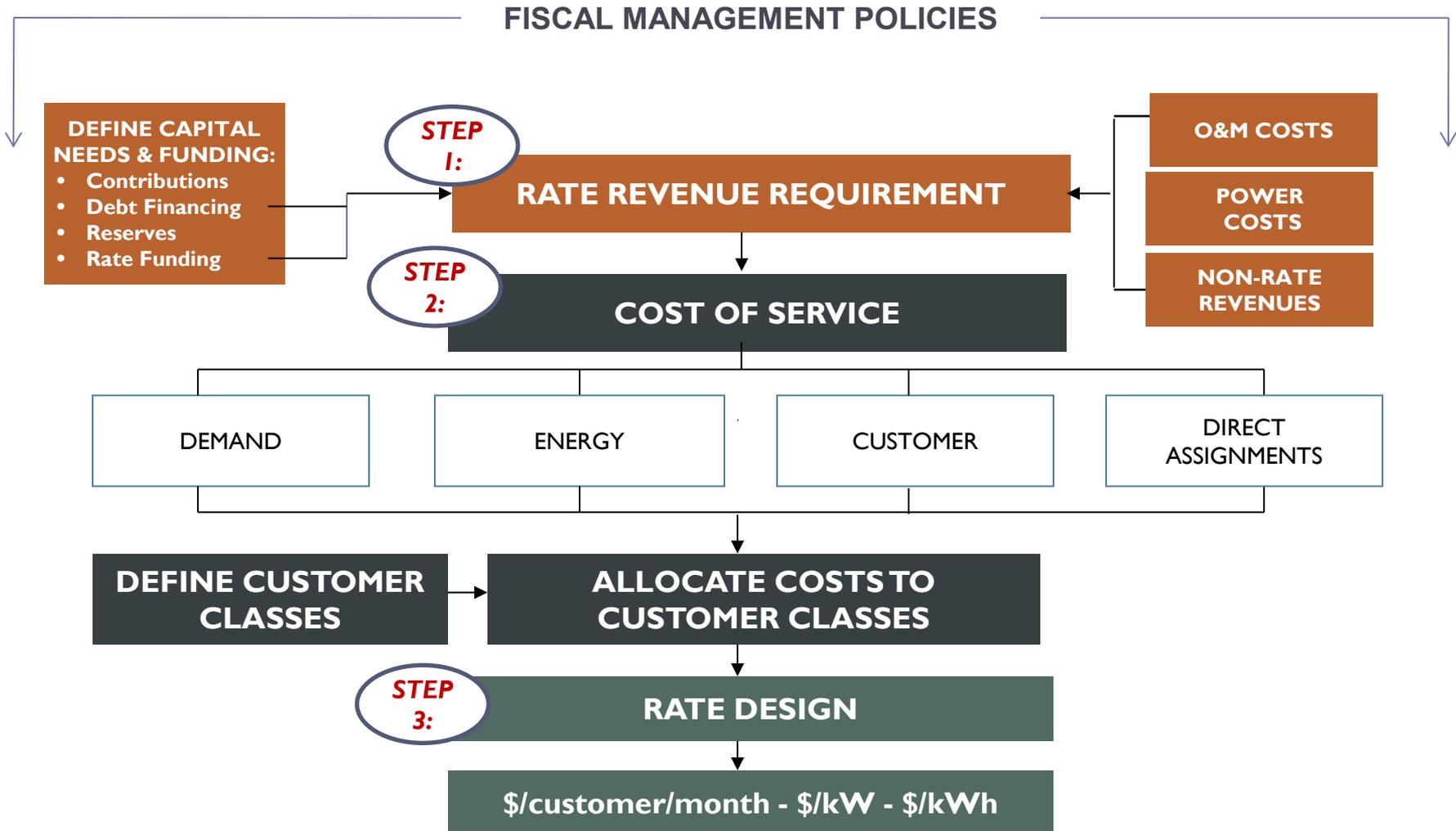
City Council Meeting

October 13, 2014

Agenda

- ▶ Overview of rate study process
- ▶ Discuss revenue requirement findings
- ▶ Next steps

Overview of the Rate Setting Process



Revenue Requirement Overview

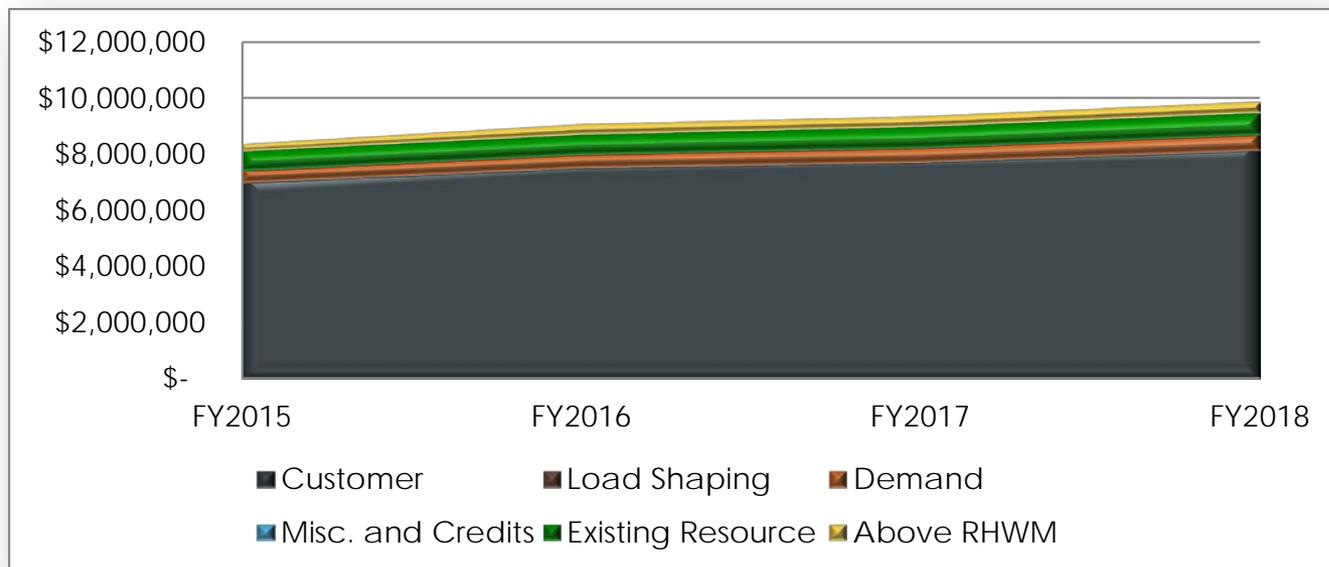
- ▶ Determine the amount of annual revenue necessary to fund all financial obligations
 - ▶ Operating costs
 - ▶ Capital costs
 - ▶ Financial policies and targets
- ▶ Evaluates existing revenue levels for sufficiency
- ▶ Develops multi-year rate implementation strategy

Key Factors

- ▶ Multi-year revenue requirement developed (FY 2014/15 – FY 2017/2018)
- ▶ Budget used as base
 - ▶ Annual escalators applied to future years
 - ▶ BPA costs independently calculated
- ▶ Incorporated capital improvement plan
- ▶ New debt service obligations included
- ▶ Fiscal Policies
 - ▶ Operating fund balance (90 days O&M + 10% power)
 - ▶ Capital fund balance 1% of plant in service
 - ▶ Debt service coverage target of 1.50

Key Factors: Power

- ▶ Estimated power costs for fiscal years (FY, July 1) 2015-2018
 - ▶ BPA sets rates every two years on a federal fiscal year (FFY, October 1)
 - ▶ Power cost increases: 8.7% FFY2016, 5.0% FFY2018
 - ▶ Transmission cost increase: 6.1% FFY2016, 5.0% FFY2018
- ▶ Power cost represent 57% of annual revenue requirement

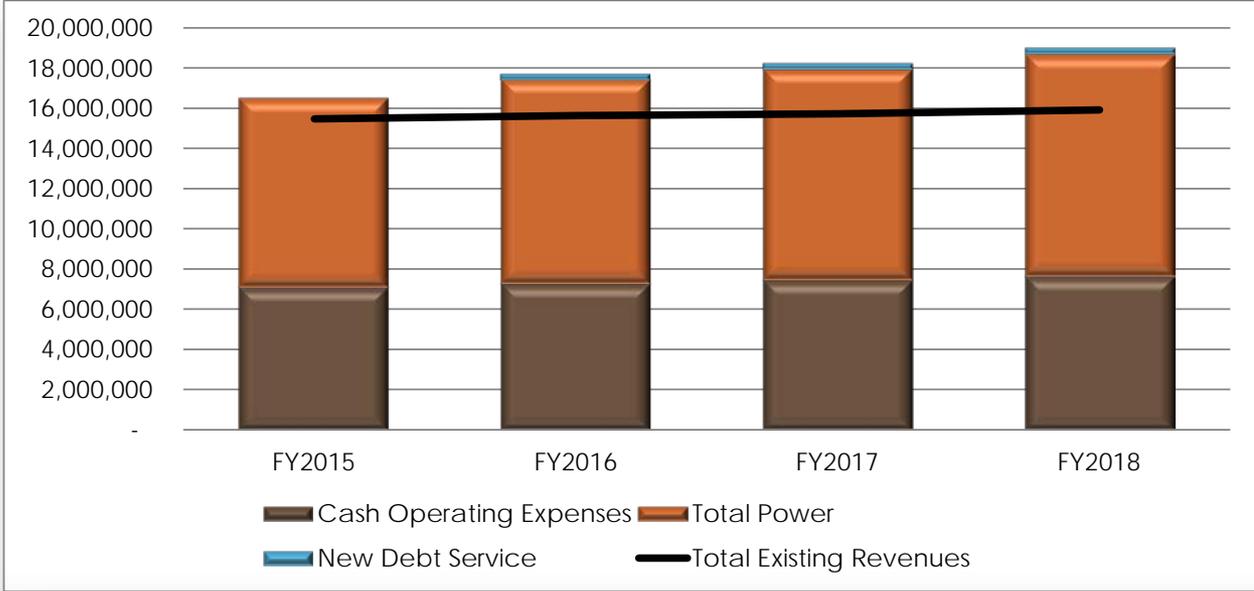


Capital Plan

Projects	FY2015	FY2016	FY2017	FY2018	Total
Major Tools and Equipment	\$ 50,000	\$ 20,563	\$ 21,141	\$ 21,736	\$ 113,440
Substation Upgrades	2,063,500	1,399,500	177,000	152,154	3,792,154
Property improvements & Office Building	183,000	10,281	10,571	10,868	214,720
L&P Vehicle Replacement Program	175,000	205,628	137,419	407,554	925,600
L&P Specialized Equipment	145,000	-	-	53,254	198,254
Distribution System Additions and Upgrades	125,000	51,407	52,853	54,341	283,601
Total	\$ 2,741,500	\$ 1,687,379	\$ 398,984	\$ 699,906	\$ 5,527,769

- ▶ Total capital costs of \$5.5 million through FY 2018
 - ▶ Costs inflated by ENR to year of construction
- ▶ Capital funding plan
 - ▶ Existing reserves
 - ▶ New debt issue - \$3.6 million in FY 2016
 - 20 years, 5% interest, 1.5% issuance costs

Revenue Requirements Summary (base case)



Revenue Requirement	FY2015	FY2016	FY2017	FY2018
Proposed Increases	15.00%	2.00%	2.00%	2.00%

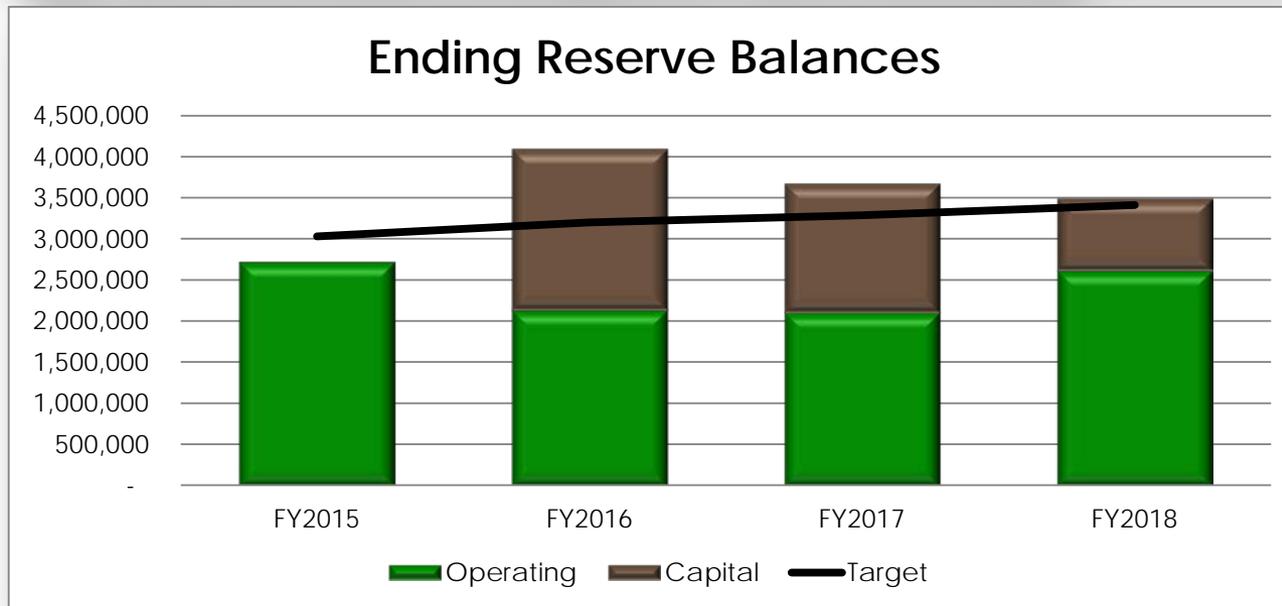
Notes: Assumes January FY2015 increase followed by October increases thereafter.

- ▶ Existing revenue falls short of meeting current and future needs
 - ▶ Existing operating costs not met
 - ▶ Includes BPA power cost increases
 - ▶ New debt issue of \$3.6 million to fund capital program (\$296K in annual debt service)

Revenue Requirements Summary (proposed)

Revenue Requirement	FY2015	FY2016	FY2017	FY2018
Proposed Increases	6.00%	6.00%	6.00%	6.00%
O&M Share	2.22%	2.25%	2.40%	2.33%
Power Share	2.93%	3.14%	3.38%	3.37%
Capital Share	0.85%	0.61%	0.22%	0.30%

Notes: Assumes January FY2015 increase followed by October increases thereafter.



- ▶ Proposed scenario minimizes rate impacts over time
 - ▶ Assumes the use of \$1.23 million of reserves between FY2015 and FY2017
 - ▶ Ending reserve target met by FY2018

Next Steps

- ▶ Direction
 - ▶ Base case?
 - ▶ Proposed scenario?
 - ▶ Other?
- ▶ Rate Design
 - ▶ Equal adjustments to fixed and variable rates?
 - ▶ Weighted higher fixed versus variable adjustments?
- ▶ Adopt rates effective January 1st?

Appendix

Revenue Requirement Summary

Revenue Requirement	FY2015	FY2016	FY2017	FY2018
Revenues				
Rate Revenues Under Existing Rates	\$ 14,964,164	\$ 15,131,560	\$ 15,220,647	\$ 15,410,260
Non-Rate Revenues	507,288	494,436	496,773	502,199
Total Revenues	\$ 15,471,451	\$ 15,625,996	\$ 15,717,419	\$ 15,912,459
Expenses				
Cash Operating Expenses	\$ 7,110,566	\$ 7,283,562	\$ 7,458,198	\$ 7,643,653
Total Power	9,406,509	10,172,277	10,508,931	11,046,401
New Debt Service	-	296,531	296,531	296,531
Total Expenses	\$ 16,517,075	\$ 17,752,370	\$ 18,263,660	\$ 18,986,586
% of Rate Revenue	6.99%	14.05%	16.73%	19.95%
Annual Rate Adjustment	6.00%	6.00%	6.00%	6.00%
Cumulative Annual Rate Adjustment	6.00%	12.36%	19.10%	26.25%
Rate Revenues After Rate Increase	\$ 15,413,089	\$ 16,761,229	\$ 17,871,505	\$ 19,179,791
Additional In-Lieu of Taxes from Rate Increase	\$ 22,446	\$ 81,483	\$ 132,543	\$ 188,477
Net Cash Flow After Rate Increase	\$ (619,145)	\$ (578,189)	\$ (27,926)	\$ 506,927
Coverage After Rate Increases	n/a	n/a	n/a	n/a
Sample Residential Monthly Bill (1,200 kWh)	\$ 83.06	\$ 88.05	\$ 93.33	\$ 98.93
Monthly Average Increase (\$)	\$ 4.70	\$ 4.98	\$ 5.28	\$ 5.60

Funds Summary

Fund Balance	FY2015	FY2016	FY2017	FY2018
OPERATING FUND				
Beginning Balance	\$ 6,080,395	\$ 2,715,136	\$ 2,136,947	\$ 2,109,021
plus: Net Cash Flow after Rate Increase	(619,145)	(578,189)	(27,926)	506,927
less: Transfer of Surplus to Capital Fund	(2,746,114)	-	-	-
Ending Balance	\$ 2,715,136	\$ 2,136,947	\$ 2,109,021	\$ 2,615,948
<i>O&M Target Balance</i>	\$ 1,168,860	\$ 1,197,298	\$ 1,226,005	\$ 1,256,491
<i>Power Target Balance</i>	1,546,276	1,672,155	1,727,496	1,815,847
<i>Combined Operating Fund Target</i>	\$ 2,715,136	\$ 2,869,453	\$ 2,953,501	\$ 3,072,338
<i>Days</i>	139	107	103	125
CAPITAL				
Beginning Balance	\$ -	\$ 4,614	\$ 1,957,260	\$ 1,568,865
plus: Transfers from Operating Fund	2,746,114	-	-	-
plus: Net Debt Proceeds Available for Projects	-	3,640,000	-	-
Total Funding Sources	\$ 2,746,114	\$ 3,644,639	\$ 1,967,849	\$ 1,577,352
less: Capital Expenditures	(2,741,500)	(1,687,379)	(398,984)	(699,906)
Ending Working Capital Balance	\$ 4,614	\$ 1,957,260	\$ 1,568,865	\$ 877,446
<i>Minimum Target Balance</i>	\$ 313,355	\$ 330,228	\$ 334,218	\$ 341,217
COMBINED BEGINNING FUND BALANCE	\$ 6,080,395	\$ 2,719,750	\$ 4,094,207	\$ 3,677,886
COMBINED ENDING FUND BALANCE	\$ 2,719,750	\$ 4,094,207	\$ 3,677,886	\$ 3,493,394
<i>Combined Days</i>	140	206	180	167
<i>Total Combined Ending Fund Balance Target</i>	\$ 3,028,490	\$ 3,199,681	\$ 3,287,719	\$ 3,413,555

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PROCLAMATION

Red Ribbon Week *October 23 - 31, 2014*

WHEREAS, The City Council of the City of Forest Grove value the health and safety of all our citizens; and

WHEREAS, substance abuse is particularly damaging to one of our most valuable resources, our children, and a contributing factor in the three leading causes of death for teenagers - accidents, homicides, and suicides; and

WHEREAS, it is the goal of *Red Ribbon Week* and the City Council of the City of Forest Grove to involve families, schools, businesses, churches, law enforcement agencies and service organizations in all aspects of this campaign and establish an atmosphere that supports awareness, education and on-going initiatives to prevent illegal drug use, and

WHEREAS, this year's *Red Ribbon Week* theme "*Love Yourself ~ Be Drug Free*" promotes family and individual responsibilities for living healthy, drug-free lifestyles, without illegal drugs or the illegal use of legal drugs.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FOREST GROVE DOES HEREBY PROCLAIM OCTOBER 23 - 31, 2014, as

Red Ribbon Week

In Forest Grove, and encourage our citizens to participate in drug prevention education activities, making a visible statement that we are strongly committed to a drug-free community, state and nation.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Forest Grove, Oregon, to be affixed this 13th day of October, 2014.

Peter B. Truax, Mayor of Forest Grove

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**FOREST GROVE CITY COUNCIL REGULAR MEETING
SEPTEMBER 8, 2014 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 1**

Minutes are unofficial until approved by Council.

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; Camille Miller; Ronald Thompson; Elena, Uhing; and Mayor Peter Truax. **STAFF PRESENT:** Michael Sykes, City Manager; David Doughman, City Attorney; Paul Downey, Administrative Services Director; Jon Holan, Community Development Director; Janie Schutz, Police Chief; Dave Nemeyer, Fire Marshal/Division Chief; Richard Blackmun, Engineering Division Project Manager (in the audience); and Anna Ruggles, City Recorder.

1. A. POLICE OFFICER SWEARING-IN CEREMONY:

Ruggles administered the Oath of Office to Eduardo Sanchez-Quiroz who was sworn-in as Police Officer. Police Chief Schutz read the biography and introduced, welcomed and presented Officer Sanchez-Quiroz with his official Police badge.

2. CITIZEN COMMUNICATIONS:

Jeff Alderman, B Street, Forest Grove, addressed Council pertaining to metal awnings, noting he would like the City to change its code enforcement complaint procedures so citizens are not singled out, to which Mayor Truax referred the matter to City Manager Sykes.

Dale Feik, Lavina Drive, Forest Grove, addressed Council pertaining to toxic air emissions. In addition, Feik invited Council to attend a 9-11 remembrance ceremony.

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 11, 2014.

**FOREST GROVE CITY COUNCIL REGULAR MEETING
SEPTEMBER 8, 2014 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 2**

- B. Approve City Council Work Session (WCCCA IGA) Meeting Minutes of August 11, 2014.
- C. Approve City Council Regular Meeting Minutes of August 11, 2014.
- D. Accept Historic Landmarks Board Meeting Minutes of July 10 and July 22, 2014.
- E. Accept Library Commission Meeting Minutes of July 29, 2014.
- F. Accept Public Arts Commission Meeting Minutes of July 10, 2014.
- G. Community Development Department Monthly Building Activity Informational Report for July 2014.
- H. Fire Chief Report for July 12 through August 22, 2014.
- I. Library Circulation Statistics Report for August 2014.
- J. **RESOLUTION NO. 2014-68 MAKING APPOINTMENT TO SUSTAINABILITY ADVISORY COMMISSION (Edgar Sanchez-Fausto, Forest Grove High School Student Advisor, and Hailey Jongeward, Pacific University Student Advisor, Terms Expiring December 31, 2014).**

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

4. ADDITIONS/DELETIONS:

Sykes added Agenda Item 4. A. (Refer below).

4. A. RESOLUTION NO. 2014-69 AUTHORIZING CITY MANAGER TO COMPLETE PURCHASE OF PROPERTY FROM FRIENDS OF HISTORIC FOREST GROVE

Staff Report:

Downey presented the above-proposed resolution for Council consideration, noting the proposed resolution is requesting to authorize the City Manager to complete the purchase of approximately 3.20 acres of property identified as Tax Lot No. 1S307AB00800 from the Friends of Historic Forest Grove (FHFG). Downey reported staff has negotiated to purchase the property from FHFG for City park needs, including providing access and parking for the A. T. Smith House, noting the City has agreed to allow FHFG to have representation on future development discussion

**FOREST GROVE CITY COUNCIL REGULAR MEETING
SEPTEMBER 8, 2014 – 7:00 P.M.
COMMUNITY AUDITORIUM
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of the site. In conclusion of the above-noted staff report, Downey advised the property purchase was included in the CIP budget and funds are available in the Parks Acquisition and Development Fund to purchase the property, noting the purchase price is not to exceed \$240,000.

Before proceeding with Council discussion, Mayor Truax asked for a motion to approve Resolution No. 2014-69.

Sykes read Resolution No. 2014-69 by title.

MOTION: Councilor Kidd moved, seconded by Councilor Lowe, to approve Resolution No. 2014-69 Authorizing the City Manager to Complete Purchase of Property from Friends of Historic Forest Grove.

Council Discussion:

In response to Council President Johnston's concern pertaining to General Fund impact, Downey advised no General Fund money would be used for the property purchase, noting the property was detailed in the CIP project list and budgeted as noted above.

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

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

5. **PRESENTATIONS:** None.
6. **CONTINUE PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 2014-08 AMENDING FOREST GROVE CODE CHAPTER 5, PUBLIC PROTECTION OFFENSES, BY ADDING NEW CODE SECTION 5.655, TITLED "OPEN BURNING", AND ADDING NEW CODE SECTION 5.660, TITLED "VIOLATIONS AND PENALTIES"**

The first reading of Ordinance No. 2014-08 by title occurred at the Council meeting of August 11, 2014.

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Staff Report:

Nemeyer 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 August 11, 2014, and explained hearing procedures.

Written Testimony Received:

John Hayes, 15th Avenue, Forest Grove, submitted revised written testimony, dated August 25, 2014, requesting to allow hardship burn permits for large properties.

Jon Holan, Community Development Director, submitted an e-mail on behalf of the Sustainability Commission, dated September 2, 2014, which was referenced under Brian Schimmel's testimony noted below.

Proponents:

No one testified and no written comments were received.

Opponents:

Ray Venghaus, A Street, Forest Grove, testified in opposition at the meeting of August 11, 2014, urging Council to consider immunity for all of western Washington County and allowing an opportunity for residents to burn this fall season.

Brad Amundson, Firwood Lane, Forest Grove, testified in opposition, noting his property was among those annexed into the City recently. Amundson spoke on his views regarding backyard burning and urged Council to rethink the severity upon those who were recently annexed and who have larger properties.

Harry Holsapple, Firwood Land, Forest Grove, testified in opposition, noting his property was among those annexed into the City recently. Holsapple spoke about the large amounts of yard debris that his property accumulates, noting he has no way to get rid of large amounts of waste and already has a large pile ready to burn this fall season.

Lucinda Hites-Clabaugh, Firwood Lane, Forest Grove, testified in opposition, noting her property was among those annexed into the City recently. Hites-Clabaugh spoke about the large amounts of yard debris

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that her property accumulates, noting if the City is not providing city services, i.e., leaf pick-up service on Firwood Lane, residents in this area need open burning and stressed it is not environmental appropriate resorting to using garbage bags to dispose of yard debris.

Mary Flagg, Willamina Avenue, Forest Grove, testified in opposition, noting her property was among those annexed into the City recently. Flagg spoke on her views regarding backyard burning and urged Council to allow one burn in the fall and spring. Flagg also recited a poem she wrote in 1970, titled "Now About That Burning Ban".

Brian Schimmel, 33rd Avenue, Forest Grove, testified on behalf of the Sustainability Commission, noting the Sustainability Commission passed a motion at their meeting held on August 28, 2014, recommending to Council to enact a total ban on backyard burning with hardship permit exceptions. Schimmel noted the Sustainability Commission's reasons were health-related; leaf pick-up program; and allowing large properties having unique circumstances to apply for a hardship permit.

Elizabeth Mathiesen, 17th Avenue, testified in opposition, noting a complete burn ban would be a huge problem for her as well as a hardship. Mathiesen spoke about the large amounts of yard debris that her 1/3-acre property accumulates, noting if she leaves debris sitting, it attracts rodents.

David Cobbley, Hoodview Drive, Forest Grove, testified in opposition at the meeting of August 11, 2014, urging Council to allow hardship permits and perhaps set a minimal administrative processing fee. Cobble stressed it is not a fire safety issue, noting the City does not need to enact local restrictions when DEQ already restricts burn days.

Kenneth Stamps, Camino Drive, Forest Grove, testified in opposition, noting it is impossible to put large amounts of debris that his 1/4-acre property accumulates into recycle bins, noting he appreciates the opportunity to burn in the fall to get rid of his accumulated yard waste.

Dale Feik, Lavina Drive, Forest Grove, testified in opposition at the meeting of August 11, 2014, noting outdoor burning does affect public health. Feik testified as a Sustainability Commission member, noting the Sustainability Commission supports allowing burning this fall season and allowing hardship exceptions.

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Bob Van Dyk, Main Street, Forest Grove, testified in support of a complete burn ban and allowing hardship exceptions.

Tom Beck, Hawthorne Street, Forest Grove, testified in support of phasing in a burn ban and allowing a hardship permit based on size of property.

Sue Nemchick, Catching Court, Forest Grove, testified in support of enacting a total burn ban, noting outdoor burning poses health threats, safety hazards and other nuisances. Nemchick suggested finding better ways of getting rid of yard debris instead of burning.

John White, 17th Avenue, Forest Grove, testified in support of a total burn ban and applauded Council for taking a stance. White suggested finding the ability to compost as an alternative method.

No one else testified and no written comments were received.

Others:

No one else testified and no written comments were received.

Public Hearing Closed:

Mayor Truax closed the Public Hearing

Council Discussion:

In response to Council inquiries pertaining to the DEQ boundary, Nemeyer displayed a map showing the DEQ burn ban boundary, noting Hillsboro is considering enacting a burn ban.

Sykes noted it makes sense for the City to consider extending the implementation date of the ordinance, i.e., effective in January, noting DEQ would have air quality restrictions during the fall burn season.

Uhing concurred with extending the implementation date of the ordinance, pointing out the importance of allowing a fall burn season for recently annexed properties. In addition, Uhing advised she would like more Council discussion or a work session to discuss the application criteria for allowing hardship permits.

Council President Johnston concurred extending the implementation date

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of the ordinance, noting he does not believe the City could provide the public education needed within 30 days. Johnston noted whatever the Council decides to do; it is not going to make everyone happy.

In response to Lowe's concerns pertaining to the City's leaf pick-up program, Foster explained the program is funded through storm water management (Firwood Lane lacks gutters and storm drainage) and the program was designed for street trees only, not yard trees and yard debris.

Lowe suggested a motion to TABLE the proposed ordinance, noting she is not supportive of a 30-day implementation date. Lowe indicated by tabling the ordinance, it would allow Council to readdress issues, i.e., annexed properties and hardship permit process. In addition, Lowe noted for over 10 years, she has been trying to implement a drop-site on city-owned property, stressing this is something the City needs to consider seriously.

MOTION TO TABLE: Councilor Lowe moved, seconded by Councilor Miller, to TABLE Ordinance No. 2014-08 Amending Forest Grove Code Chapter 5, Public Protection Offenses, by Adding New Code Section 5.655, Titled "Open Burning", and Adding New Code Section 5.660, Titled "Violations And Penalties".

Council Discussion:

Hearing no discussion from the Council on the motion to TABLE, Mayor Truax asked for a roll call vote on the above-noted motion to TABLE.

ROLL CALL VOTE MOTION TO TABLE: AYES: Councilors Lowe, Miller and Uhing. NOES: Councilors Johnston, Kidd, Thompson and Mayor Truax. MOTION FAILED 3-4.

MOTION TO AMEND: Councilor Kidd moved, seconded by Council President Johnston, to AMEND Ordinance No. 2014-08, Section 2, Setting an Effective Date of January 12, 2015, and Directing the City Manager to prepare an Administrative Process for Establishing a Hardship Permit before March 1, 2015.

Council Discussion:

Hearing no discussion from Council on the motion to AMEND, Mayor

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Truax asked for a roll call vote on the above-noted motion to AMEND.

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

Council Discussion:

Thompson noted he is willing to compromise by allowing leaf pick-up services to undeveloped streets within the City and allowing burning to occur in garden sites to rid of large piles of debris, excluding garbage and leaves.

Mayor Truax advised he is looking to allow the 2014 fall burn season and allowing hardship exceptions for spring burn season, noting it is a process and moving forward with a total burn ban is doing something for this planet.

Sykes read Ordinance No. 2014-08 by title for second reading as amended.

Hearing no further discussion from the Council, Mayor Truax asked for a roll call vote on the motion made at the meeting of August 11, 2014, and as amended.

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

7. PUBLIC HEARING TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S DENIAL OF GALES CREEK TERRACE PLANNED DEVELOPMENT (FILE NO. PRD-14-00181). APPLICANT: CITY REDEVELOPMENT, LLC (MORGAN WILL AND TRIPTI KENZER)

Staff Report:

Holan presented the above-noted staff report, noting the purpose is to considering an appeal of the Planning Commission's denial of an application for a Planned Development (PD), known as Gales Creek Terrace (File No. PRD-14-00181). Holan reported the Planning Commission denied the application at its meeting held August 4, 2014, noting the issue before Council is whether to approve, approve with conditions, or deny the application. Holan referenced an e-mail

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distributed to Council at the meeting, dated September 8, 2014, submitted from Gordon Root, Stafford Land Company, 485 South State Street, Lake Oswego, OR 97034, Manager for Gales Creek Development, LLC, which read: "Pursuant to ORS 227.178(5), Creek Development, LLC hereby grants a 90-day extension of time for a decision on the proposed Gales Creek Terrace Development in Forest Grove, Oregon." In conclusion of the above-noted report, Holan advised a final decision by the City is required by September 19, 2014, noting staff and City Attorney are recommending Council extend the time for a decision to a certain date to allow time to review the Appellant's Summary List of Appeal Issues.

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained hearing procedures, noting if Council approves a motion to extend the time for a decision to a certain date, no Public Hearing will occur this evening.

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

Uhing disclosed the organization where she is employed conducts work with the applicant and the proposed development is near her residence, to which City Attorney Doughman advised Uhing that she has no potential conflict and was free to continue.

Challenges from Parties:

None declared.

Written Testimony Received:

Gordon Root, Stafford Land Company, 485 South State Street, Lake Oswego, OR 97034, Manager for Gales Creek Development, LLC, submitted an e-mail, dated September 8, 2014, as noted above in the staff report.

Bob Van Dyk, Main Street, submitted written testimony at the meeting requesting the record reflect his support of the Planning Commission's denial of the planned development.

No other written testimony was received prior to the published deadline of September 8, 2014, 7:00 p.m.

Council Discussion:

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In response to Kidd's concern pertaining to the ORS cited in the above-noted e-mail, City Attorney Doughman advised the ORS was correct in the appellants/applicant's e-mail.

In response to Miller's concern pertaining to rescinding the application to the Planning Commission, Holan explained the appeal process pursuant to the Development Code, noting Council's decision would be based on the conditions of appeal and would be the City's final decision.

MOTION TO TABLE: Councilor Miller moved, seconded by Councilor Thompson, to TABLE no later than December 8, 2014, the Public Hearing to Consider an Appeal of the Planning Commission's Denial of Gales Creek Terrace Planned Development (File No. Prd-14-00181). Applicant: City Redevelopment, LLC (Morgan Will and Tripti Kenzer).

Council Discussion:

Hearing no discussion from the Council on the motion to TABLE, Mayor Truax asked for a roll call vote on the above-noted motion to TABLE.

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

8. DESIGNATION OF VOTING DELEGATE AT 2014 LEAGUE OF OREGON CITIES CONFERENCE ANNUAL BUSINESS MEETING HELD SATURDAY, SEPTEMBER 27, 2014

Staff Report:

Sykes reported the League of Oregon Cities is requesting that Council appoint its Voting Delegate and Alternate for the upcoming League of Oregon Cities Annual Business Meeting.

Council Discussion:

After brief discussion, the Council collectively concurred to appoint Mayor Truax as Voting Delegate and Council President Johnston as Alternate.

9. CITY MANAGER'S REPORT:

Sykes reported on upcoming events as noted in the Council calendar and

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reported on other various upcoming local meetings and community-wide events as noted in the City Manager's Report. Sykes introduced Richard Blackmun who was recently hired as the new Engineering Division Project Manager. In addition, Sykes distributed a copy of his written report, which outlined various meetings he attended and provided updates on various City department-related activities, projects, and upcoming city-wide events.

10. COUNCIL COMMUNICATIONS:

Council President Johnston reported on Forest Grove Rural Fire Protection District and Washington County Public Safety Coordinating Committee-related activities. Johnston invited everyone to attend the Fire Department's 9-11 Memorial Ceremony, 9:30 am, Community Flag Pole. In addition, Johnston reported on other matters of interest and upcoming meetings he was planning to attend.

Kidd reported on Historic Landmarks Board (HLB)-related activities. In addition, Kidd reported on other matters of interest and upcoming meetings he was planning to attend.

Lowe reported the Aquatic Center would reopen September 15, 2014. Lowe invited everyone to attend Fernhill Wetlands Birds and Brew Festival, October 11, 2014. In addition, Lowe reported on other matters of interest and upcoming meetings she was planning to attend.

Miller reported on Public Arts Commission (PAC)-related activities. In addition, Miller reported on matters of community interest, upcoming community-related events and upcoming meetings she was planning to attend.

Thompson reported on Ride Connection and Forest Grove Senior and Community Center-related activities. In addition, Thompson reported on other matters of interest and upcoming meetings he was planning to attend.

Uhing reported on Economic Development Commission-related activities. In addition, Uhing 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 reminded

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Council the League of Oregon Cities' City Hall Day would be held Thursday, September 11, 2014, 6pm, Community Auditorium, noting Forest Grove is hosting the event. Mayor Truax invited everyone to attend the Library's Friends and Family Night, September 30, 2014. Mayor Truax announced the Mayor's Ball is scheduled for Saturday evening, October 25, 2014. Mayor Truax gave an overview of his conversations with Senator Betsy Johnson, District 16, and whom the Oregon Mayors Association recently made an Honorary Member, regarding Highway 47/Fernhill/Maple intersections, noting fire crews responded to a serious motor vehicle incident/accident recently near Hwy 47/Maple Road intersection. In addition, Mayor Truax reported on other various local, regional, Metro, and Washington County meetings he attended and community-related events he was planning to attend.

11. ADJOURNMENT:

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

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder

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Minutes are unofficial until approved by Council.

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:** Thomas Johnston, Council President; Richard Kidd; Victoria Lowe; Camille Miller; Ronald Thompson; Elena, Uhing; and Mayor Peter Truax. **STAFF PRESENT:** Michael Sykes, City Manager; Paul Elsner, City Attorney; Paul Downey, Administrative Services Director; Rob Foster, Public Works Director; Michael Kinkade, Fire Chief; Colleen Winters, Library Director; Jeff King, Economic Development Program Manager; Kevin Ellingsburg, Police Captain (in the audience); Richard Blackmun, Engineering Division Program Manager (in the audience); and Anna Ruggles, City Recorder.

1. A. EMPLOYEE RECOGNITION:

Mayor Truax and Winters presented a Certificate of Appreciation to Vicky Cook, Library Associate, in special recognition of 25 years of service with the Forest Grove City Library.

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 Interview) Meeting Minutes of September 8, 2014.
- B. Approve City Council Executive Session (Real Property) Meeting Minutes of September 8, 2014.
- C. Accept Library Commission Meeting Minutes of August 19, 2014.
- D. Accept Resignation on Committee for Citizen Involvement (Michael Perrault, Term Expiring December 31, 2015).
- E. Community Development Department Monthly Building Activity Informational Report for August 2014.

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F. Library Department Monthly Circulation Statistics Report for September 2014.

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

4. **ADDITIONS/DELETIONS:** None.

5. **PRESENTATIONS:**

Quarterly Financial Report for Period Ending June 30, 2014

Downey presented a PowerPoint presentation outlining the quarterly financial report ending June 30, 2014, noting this is the fourth quarter of the City's fiscal year ending June 30, 2014. Downey explained the first part of the report is a graphical representation of the quarterly status of the City's major operating departments and funds; the second part of the report contains comments on other funds where material events have or are projected to occur; and the third part of the report is the line item detail, noting the actual revenues received or expenditures disbursed through the end of the quarter are compared to the quarterly budget allotment and expressed in the detail report as both a dollar variance and percent variance. In conclusion of the above-noted presentation, 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 General Fund beginning Fund Balance was higher than originally budgeted by about \$333,678, meaning that Fiscal Year 2013-14 ended with higher revenues and lower expenditures than expected.

6. **PUBLIC HEARING AND FIRST AND SECOND READING OF ORDINANCE NO. 2014-09 ESTABLISHING A TAX ON THE SALE OF MARIJUANA AND MARIJUANA-INFUSED PRODUCTS IN THE CITY OF FOREST GROVE AND ADDING NEW CODE SECTIONS 2.10.000 THROUGH 2.10.075**

Staff Report:

Downey presented the above-proposed ordinance (Attachment A) for first and second reading requesting to amend City Code by adding new Code Sections 2.10.000 through 2.10.075, titled Marijuana Tax (Exhibit A),

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noting the proposed ordinance, prepared by City Attorney and proposed by Mayor Truax, would impose a 10 percent (10%) gross tax on the sale of marijuana and marijuana-infused products and impose a five percent (5%) gross tax on the sale of marijuana and marijuana-infused products under the provisions of the Oregon Medical Marijuana Program. Downey reported if Ballot Measure (BM) 91 is passed by the voters this November election, BM 91 would legalize recreational use of marijuana (adults 21 or older) based on regulations and taxation to be determined by the State Oregon Liquor Control Commission. Downey noted BM 91, Section 42, contains language giving the State exclusive right to tax marijuana and no county or city can impose any fee or tax in connection with the purchase, sales, production, processing, transportation and delivery of marijuana items. Downey advised because the proposed ordinance is imposing a tax; Council cannot declare an emergency ordinance; however, Council may enact an ordinance by first and second reading pursuant to City Charter, Section 16(b) at a single meeting by unanimous approval by at least five Council members. Downey explained if Council adopts the proposed ordinance, the ordinance would take effective in 30 days, which would make the ordinance effective prior to the November election. In conclusion of the above-noted staff report, Downey reported several cities are currently considering or have enacted similar ordinances, noting the fiscal impact is difficult to determine as it is unknown how many retail outlets and how much revenue would be generated by the sale of marijuana.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2014-09 for first and second reading.

City Attorney Elsner read Ordinance No. 2014-09 by title for first and second reading.

MOTION: Councilor Uhing moved, seconded by Councilor Miller, to adopt Ordinance No. 2014-09 Establishing a Tax on the Sale of Marijuana and Marijuana-Infused Products in the City of Forest Grove and Adding New Code Sections 2.10.000 through 2.10.075.

Public Hearing:

Mayor Truax opened the Public Hearing and explained hearing procedures.

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Written Testimony Received:

Kyle Markley, Candidate for State Representative, District 30, and Caitlin Mitchel-Markley, State Senate District 15, submitted an e-mail dated September 21, 2014, which was date stamped into the record (refer to testimony below).

No other written testimony was submitted prior the deadline date of September 22, 2014.

Proponents:

No one testified and no written comments were received.

Opponents:

John Cornett, Forest Grove, testified in opposition of the City taxing medical marijuana, noting the City imposing a tax for medical-related use is an undue financial hardship.

Robert Pasley, Forest Grove, testified in opposition of the City taxing medical marijuana, noting the City imposing a tax for medical-related use is an undue financial hardship.

Judy Ecker-Cornett, Forest Grove, testified in opposition of the City taxing medical marijuana, noting the City imposing a tax for medical-related use is an undue financial hardship. In response to Uhing's inquiry pertaining to basic costs for medical marijuana patients, Ecker-Cornett explained the medical card issued under the Oregon Medical Marijuana Program is about \$200 annually and monthly costs for product/supplies depends hugely on the level of medical need.

Greg Shipp, Forest Grove, testified in opposition of the City taxing medical marijuana, noting the City imposing a tax for medical-related use is an undue financial hardship.

Kyle Markley Candidate for State Representative, District 30, read his written testimony in opposition of the City adopting a marijuana sales tax ordinance ahead of the Oregon voters on Measure 91, stating the City's proposed ordinance is clearly inconsistent with Measure 91, Section 42, and consequently, would be affirmatively repealed by Measure 91, Section 58.

Chris Matthews, Beaverton, testified in opposition of the City adopting a

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marijuana sales tax ordinance ahead of the Oregon voters on Measure 91, noting the City has not even adopted zoning and the ordinance is going against the will of the people on Measure 91.

Michele Easley, Forest Grove, testified in opposition of the City taxing medical marijuana, noting the City imposing a tax for medical-related use is an undue financial hardship.

No one else 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:

Uhing pointed out the proposed ordinance is not a tax to keep marijuana dispensaries out of the city. In addition, Uhing stressed she could not support taxing medical marijuana, noting taxing medical marijuana would be like taxing chemotherapy. In response to Uhing's concerns pertaining to Measure 91, City Attorney Elsner advised Measure 91, Section 59, gives the City authority to adopt reasonable time, place and manner regulations, meaning the City could impose a cost or fee relating to its regulations.

Lowe pointed out she has concerns on several levels, noting she could not support imposing an anticipatory tax with no prior needs assessment and administrative costs and/or prior to voter approval. Lowe also stressed that she could not support taxing medical marijuana, noting taxing medical marijuana would be like taxing an Rx.

Thompson voiced concern if the City does not consider imposing a tax, noting the City needs a way to administer the program appropriately.

Mayor Truax advised the proposed ordinance is on the docket at his request, noting after considering the testimony heard this evening, he would like to entertain an amendment from Council to reduce or eliminate the tax provision on medical marijuana. Mayor Truax stressed other prescription drugs, i.e., Oxycodone, are not taxed, noting taxing medical marijuana would be wrong on his part.

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MOTION TO AMEND: Council President Johnston moved, seconded by Councilor Uhing, to amend Ordinance No. 2014-09 by striking out 2.10.010 B. 1. ~~Five Percent (5%) of the gross sale amount paid to the seller of marijuana and marijuana-infused products by a person who is a registry identification cardholder.~~

Council Discussion:

Kidd recommended retaining the above-noted section as a placeholder and instead changing five percent to zero percent so Council could have the ability to amend this section, if necessary; however, Kidd's motion died due to lack of a second.

Thompson advised, though he supports Mayor Truax's comments, he is concerned the City needs a way to fund City enforcement, especially if the State does not enforce regulations.

Council President Johnston voiced concern about unfunded mandates and spoke about his meeting with the State of Colorado, noting he would like to see tax monies going towards the need of law enforcement.

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

ROLL CALL VOTE MOTION TO AMEND: AYES: Councilors Johnston, Lowe, Miller, Uhing, and Mayor Truax. NOES: Councilors Kidd and Thompson. MOTION CARRIED 5-2.

Council Discussion:

Hearing no further discussion from the Council, Mayor Truax asked for a roll call vote on the above-noted motion to adopt Ordinance No. 2014-09 as amended.

City Attorney Elsner read Ordinance No. 2014-09 by title for first and second reading as amended.

ROLL CALL VOTE: AYES: Councilors Johnston, Kidd, Lowe, Miller, Uhing, and Mayor Truax. NOES: Councilor Thomson. MOTION CARRIED 6-1.

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7. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2014-10 GRANTING A FRANCHISE TO ASTOUND BROADBAND, LLC, A WASHINGTON LIMITED LIABILITY COMPANY, TO CONDUCT A GENERAL TELECOMMUNICATIONS BUSINESS AND GRANTING A RIGHT TO USE PUBLIC RIGHTS OF WAYS WITHIN THE CITY OF FOREST GROVE

Staff Report:

Downey presented the above-proposed ordinance (Attachment A) for first reading, noting Astound Broadband, LLC, has applied to the City for a franchise agreement (Exhibit A) to provide telecommunications services within the City. Downey reported Astound plans initially to provide fiber service to cell phone towers located in Forest Grove for which they have contracts with cell phone service providers and eventually provide services to major customers (city, school, other government entities and large industries), noting if the franchise agreement is approved, Astound will negotiate a pole rental agreement with the Light and Power Department. In conclusion of the above-noted staff report, Downey advised the privilege tax is proposed to be five percent (5%) on all telecommunications services and the term of the franchise agreement is proposed to be five (5) years with an automatic one-time renewal unless the City notifies Astound at least ninety (90) days prior to the expiration of the franchise agreement if the City intends to terminate or renegotiate the franchise agreement.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2014-10.

City Attorney Elsner read Ordinance No. 2014-10 by title for first reading.

MOTION: Councilor Kidd moved, seconded by Councilor Thompson, to adopt Ordinance No. 2014-10 Granting a Franchise to Astound Broadband, LLC, a Washington Limited Liability Company, to Conduct a General Telecommunications Business and Granting a Right to use Public Rights of Ways within the City of Forest Grove. The second reading of Ordinance No. 2014-10 by title and final vote will occur at the meeting of October 13, 2014.

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained hearing procedures.

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Written Testimony Received:

No written testimony was received prior to the published deadline of September 22, 2014, 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:

Fred Miller, Astound Broadband, LLC, representative, gave some highlights about Astound Broadband and current and future types of telecommunication services Astound plans to provide to the community.

No one else testified and no written comments were received.

Council Discussion:

In response to Uhing's concerns pertaining to franchise fees, Downey explained Astound is relatively new to Oregon, noting the City will collect a five percent (5%) franchise fee, which is the same as other franchise agreements the City has with other providers. Downey also explained Section 6 of the agreement allows Astound to provide telecommunications or other services to the City, in lieu of all or a portion of the franchise fee, noting any offset of the franchise fee would require separate negotiation by both parties.

In response to Lowe's concerns pertaining to pole use and installations, Cress explained the City's requirements pertaining to pole use agreements and load capacity, noting there soon could come a time when the City reaches capacity on its poles.

In response to Kidd's concerns pertaining to Section 6 of the franchise agreement, Downey explained Astound is interested in providing services to the City, in lieu of all or a portion of the franchise fee, noting the language in the franchise agreement is standard and gives both parties the flexibility to negotiate such provisions in the future. In response to Kidd's inquiry pertaining to MACC, Downey advised the franchise agreement does not grant Astound the authority to provide cable services, noting Astound would need to negotiate a separate franchise

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with MACC.

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

Public Hearing Recessed:

Mayor Truax recessed the Public Hearing until the next Council meeting of Monday, October 13, 2014.

8. RESOLUTION NO. 2014-70 AMENDING THE CITY OF FOREST GROVE PUBLIC ARTS COMMISSION (PAC) BYLAWS; AMENDING RESOLUTION NO. 2009-27

Staff Report:

Gamble and Winters presented the above-proposed resolution for Council consideration, noting the proposed resolution is requesting to amend the Public Arts Commission's (PAC) Bylaws. Gamble reported the proposal was initiated by PAC, who voted at two consecutive meetings as required by the PAC's Bylaws, to amend its Bylaws to appoint members who have interest in public arts instead of making appointments by organizational affiliations. In conclusion of the above-noted staff report, Gamble and Winters summarized other minor language amendments to the PAC's Bylaws as outlined in the staff report and Exhibit A.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-70.

City Attorney Elsner read Resolution No. 2014-70 by title.

MOTION: Councilor Lowe moved, seconded by Councilor Miller, to adopt Resolution No. 2014-70 Amending the Forest Grove Public Arts Commission (PAC) Bylaws and Amending Resolution No. 2009-27.

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 Johnston, Kidd, Lowe, Miller,

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Thompson, Uhing, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

9. RESOLUTION NO. 2014-71 MAKING APPOINTMENTS TO THE CITY OF FOREST GROVE PUBLIC ARTS COMMISSION (PAC)

Staff Report:

Gamble and Winters presented the above-proposed resolution for Council consideration, noting the proposed resolution is requesting to appoint Emily Lux, who Council interviewed on August 11, 2014, to the Public Arts Commission (PAC), term expiring December 31, 2016. In conclusion of the above-noted staff report, Gamble and Winters advised the vacancy position on PAC was brought about by the recently-amended PAC's Bylaws.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopted Resolution No. 2014-71.

City Attorney Elsner read Resolution No. 2014-71 by title.

MOTION: Councilor Lowe moved, seconded by Councilor Kidd, to adopt Resolution No. 2014-71 Making Appointment to the Forest Grove Public Arts Commission (Appointing Emily Lux, Term Expiring December 31, 2016).

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 Johnston, Kidd, Lowe, Miller, Thompson, Uhing, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

10. RESOLUTION NO. 2014-72 AUTHORIZING THE CITY MANAGER TO ENDORSE THE AMENDMENTS TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FOREST GROVE AND WASHINGTON COUNTY CONSOLIDATED COMMUNICATIONS AGENCY (WCCCA), AMENDMENT NO. 2

Staff Report:

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Fire Chief Kinkade presented the above-proposed resolution for Council consideration, noting the proposed resolution is requesting to authorize the City Manager to endorse Amendment No. 2 of the Intergovernmental Agreement (IGA) (Exhibit A) between the City of Forest Grove and Washington County Consolidated Communications Agency (WCCCA). Kinkade advised the IGA has been in place for about 15 years, noting the existing IGA authorizes WCCCA to provide a public safety emergency communications system, inclusive 9-1-1 to 19 participating agencies. Kinkade reported he and Council President Johnston participated in a multi-agency workgroup who reviewed and recommended a user fee cost allocation model that better aligns costs for WCCCA services for each participating agency, noting based on the new formula for calculating the shared cost allocations across all WCCCA users, the City could potentially have an increase in law enforcement fees and a decrease in fire fees based on the percentage of shared costs. In conclusion of the above-noted staff report, Kinkade summarized other minor language amendments to the proposed IGA as outlined in the staff report and Exhibit A.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-72.

City Attorney Elsner read Resolution No. 2014-72 by title.

MOTION: Councilor Kidd moved, seconded by Councilor Lowe, to adopt Resolution No. 2014-72 Authorizing the City Manager to Endorse Amendment No. 2 to the Intergovernmental Agreement between the City of Forest Grove and Washington County Consolidated Communications Agency.

Council Discussion:

In response to Uhing's inquiry pertaining to equipment replacement, Kinkade advised the proposed IGA does not cover equipment, noting staff will schedule a work session with Council at a later date to discuss replacement equipment.

Council President Johnston commented that he is also involved at the State level and with the League of Oregon Cities, concurring that a Council work session is needed to discuss equipment replacement.

Sykes commended Council President Johnston and Kinkade for their

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diligence and extra efforts to include the City's finance personnel in the workgroup discussions.

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

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

11. RESOLUTION NO. 2014-73 APPROVING THE SUBMISSION OF APPLICATIONS FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING FOR 2015-2016 PROGRAM YEAR

Staff Report:

King and Foster presented the above-proposed resolution authorizing staff to submit applications for Community Development Block Grant (CDBG) funding for 2015-16 Program Period, noting staff has identified Firwood Lane Area Sanitary Sewer Project as a priority for 2015-16 funding cycle. King reported there are 27 homes in the Firwood Lane/26th Street area that lack City sanitary sewer, noting it is estimated that it would cost each property owner \$10,000 or more depending on property size to connect to City sanitary sewer. King reported the total CDBG grant amount to be submitted is \$240,000 and the entire project cost is \$555,000, including \$20,000 from Washington County for road paving overlay as part of the island annexation. King advised if the grant is funded, staff is proposing to allocate \$5,000 from CDBG grant funds for plumbing and decommissioning costs to each property owner who connects to sanitary sewer and allow property owners who connect to finance the SDC fee of \$5,000 over 10 years as allowed by State law. In conclusion of the above-noted staff report, King advised there is no general fund budgetary impact to the City, noting matching funds for the project will come from Sewer System Development Charges, in-kind work from City personnel, and property owners who decommission septic systems and connect to City sanitary sewer.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-73.

City Attorney Elsner read Resolution No. 2014-73 by title.

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MOTION: Councilor Miller moved, seconded by Councilor Thompson, to adopt Resolution No. 2014-73 Approving the Submission of Applications for Community Development Block Grant (CDBG) Funding for 2015-2016 Program Period (Forest Grove Firwood Lane Area Sanitary Sewer Project).

Council Discussion:

In response to Council President Johnston's inquiry pertaining to the proposed project, Foster advised the project is similar to what the City did for Sunset Drive sanitary sewer project, noting property owners who agree to connect to sanitary sewer would receive a \$5,000 incentive to decommission their septic systems and have the option to finance the sewer SDC. In response to Council President Johnston's inquiry pertaining to interest rates, Downey advised the interest rate is currently around 4.25%. Sykes added the properties would also have a window of opportunity to participate, noting the intent is to improve infrastructure in an area that qualifies for assistance.

In response to Uhing's concern pertaining to other annexed properties, Foster explained the project area is classified as low-to-low-moderate income, qualifying for CDBG funding within this area only, noting other annexed properties, not within this area, would most likely need to pay the full amount.

Mayor Truax pointed out that before island properties were annexed into the City, they were receiving City services without paying for these services; regardless, if a septic system fails, the property must connect to City sanitary sewer (pursuant to code requirements).

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

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

12. CITY MANAGER'S REPORT:

Sykes 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's Report. Sykes commended Fire Chief Kinkade for his leadership and fire and rescue crews for their work

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and services, noting 19 crews responded to the Scoggins Creek Fire near Hagg Lake, which is still actively being contained. Sykes distributed a copy of his written report, which outlined various meetings he attended and provided updates on various City department-related activities, projects, and upcoming city-wide events. In conclusion of his report, Sykes distributed a note to Council, reading into the record: *"I want to remind the Council that I own residential property near the former Times Litho property. The property is one of 75 properties located within 300 feet of the Times Litho property. Given that my property was both in different zone and designation, was fully developed and was only one of relatively large number of properties in proximity to the Times Litho property, I did not believe that I had a potential or actual conflict of interest if I was involved in actions the City took relative to the property. However, based on discussion with our City Attorney, I believe it is a good idea to ask for a formal opinion from the State Ethics Commission as to whether my situation presents either a potential or actual conflict of interest for me. It is my understanding that if the Ethics Commission believes I have a potential conflict of interest, I could continue to participate in efforts to develop this site with the consent of the City Council. However, until the Ethics Commission issues a formal opinion on the matter, I believe it is in the best interest of the City to have the Council assign another staff person, or persons, to address issues related to this site."* In response to City Manager Sykes's request as mentioned above, Mayor Truax made a recommendation to Council to consider assigning Paul Downey, Administrative Services Director; no objections from Council were heard on the above-noted recommendation.

13. COUNCIL COMMUNICATIONS:

Council President Johnston reported representing the Mayor at the Annual Corn Roast Event, noting it was a very successful community event. Johnston announced the Police Department's Prescription Drug Turn-In Event is Saturday, September 27, 2014, and Fire Department's Public Safety Open House is Saturday, October 4, 2014. Johnston reported he plans to attend the Annual League of Oregon Cities Conference in Eugene, September 25-28, 2014. In addition, Johnston reported on other matters of interest and upcoming meetings he was planning to attend.

Kidd reported on Historic Landmarks Board (HLB)-related activities, noting HLB is working on design guidelines, grant applications, and is actively recruiting members. Kidd distributed a copy of HLB's newsletter titled *"Forest Grove at a Crossroads: Historic Preservation, Urban Growth, or Both?"*, noting the article was written by Holly Tsur, HLB Vice-Chair.

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Kidd reported he plans to attend the Annual League of Oregon Cities Conference in Eugene, September 25-28, 2014. In addition, Kidd reported on other matters of interest and upcoming meetings he was planning to attend.

Lowe invited everyone to attend Fernhill Wetlands Birds and Brew Festival, October 11, 2014. Lowe reported she plans to attend the Annual League of Oregon Cities Conference in Eugene, September 25-28, 2014. In addition, Lowe reported on other matters of interest and upcoming meetings she was planning to attend.

Miller reported on Public Arts Commission (PAC)-related activities, noting the Meet The Artist Dinner was a huge success, raising approximately \$1,000 for the Community Sundial Project. In addition, Miller reported on matters of community interest and upcoming meetings she was planning to attend.

Thompson reported on Community Forestry Commission (CFC)-related activities, noting CFC is reviewing the Urban Forestry Plan and is working on special plans in celebration of the City's 25th year as a Tree City USA, along with Arbor Day activities occurring in 2015. Thompson reported the Forest Grove Senior and Community Center has submitted a copy of its adopted budget to the City Manager. Thompson reported he plans to attend the Annual League of Oregon Cities Conference in Eugene, September 25-28, 2014. 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 is working on its strategic work plans. Uhing reported she is not planning to attend this year's Annual League of Oregon Cities Conference. Uhing distributed copies of reports titled "Washington County / Portland Metro Area Economic Indicators" and publication articles from Travel Oregon.

Mayor Truax announced dates of various upcoming activities and meetings as noted in the Council Calendar. Mayor Truax announced the City Club, due to lack of volunteerism, is no longer obligating its services to the Holiday Light Parade, noting the City needs to collaborate with the Chamber and businesses to ensure this event continues in the community. Mayor Truax read a news article in remembrance of David Easton who recently passed away, noting Easton was a longtime resident

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of Forest Grove and co-owner of Ace Hardware. In addition, Mayor Truax reported on other various local, regional, Metro, and Washington County meetings he attended and community-related events he was planning to attend.

14. ADJOURNMENT:

Mayor Truax adjourned the meeting at 10:05 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder

APPROVED

30

Members Present: Jennifer Brent, Neil Poulsen, Kaylene Toews, Larry Wade (one vacancy)
Members Excused: George Cushing, Holly Tsur
Staff Present: James Reitz
Council Liaison: Richard Kidd was excused
Citizens Present: -0-

1. **Call to Order:** Poulsen opened the meeting at 7:18 p.m. **The meeting minutes of July 10 and July 22, 2014, were approved as submitted.**

2. **Citizen Communication:** None.

3. **Action Items / Discussion:**

A. Design Guidelines and Standards – Discussion continued on the proposed content of the op ed piece Poulsen was preparing.

Poulsen reported that he had met with Planning Commission Chair Tom Beck to describe the Board's progress on the documents and to request additional feedback. He will forward Beck's comments to Cushing for inclusion in the list of public comments to be discussed by the Board after the public comment period closes.

Toews commented that everyone's tasks were being completed on schedule: the key messages have been defined; composition of the letter to the residents is in progress, as is the web copy. All should be ready to be uploaded onto the website next month in advance of the public comment period.

B. Summer Newsletter – Tsur had emailed everyone earlier in the week her update on the issue and the interview she had conducted with Astoria's historic preservation planner. Poulsen added that he had forwarded photos to Tsur for inclusion in the article. Due to the length of the interview and the number of photos, it is likely that this issue will need to be expanded to six pages.

C. Recruitment – Reitz had included in his monthly memo the suggestion that the Board actively recruit new members, due to the two and potentially three vacancies coming up at year's end. The Board discussed how they might go about this and whom they might approach. Wade suggested that Board members define their roles and responsibilities, both so they can describe for potential recruits just what the Board does, but also to help define the skill set desired in applicants. He recommended a "rifle versus shotgun" approach i.e. approach people that have the desired attributes rather than putting out the word to everyone and hoping for the best. Discussion was then tabled to next month when the other members will be present.

4. **Old Business / New Business**

- Council Liaison Update: No report, as Kidd was excused.
- Staff Update: Reitz updated the Board on recent Community Development Department activity.

5. **Adjournment:** The August 26, 2014 meeting adjourned at 8:28 p.m.

These minutes respectfully submitted by James Reitz, Senior Planner

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PARKS AND RECREATION COMMISSION REGULAR MEETING
WEDNESDAY, JULY 16, 2014
COMMUNITY AUDITORIUM-CONFERENCE ROOM
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APPROVED

1) **ROLL CALL:**

- a) **Commissioners** – Ralph Brown, Mike Olson, Howard Sullivan, Susan Taylor, Jeremiah Toews, Paul Waterstreet and Todd Winter.
Absent – Quinn Johnson and Glenn VanBlarcom
- b) **Staff** – Tom Gamble, Steve Huffman and Cindy Donovan
- c) **Student Advisor** – Jonathan Faris

2) **CITIZEN COMMUNICATIONS:**

3) **APPROVAL OF MINUTES:** The minutes of the June 18, 2014 meeting were approved.

4) **ADDITION/DELETIONS:** None

5) **PRESENTATION:**

- a) **Adventures Without Limits (AWL)**
 - i) Todd Gilstrap, the program director at AWL gave us a brief history of the program.
 - (1) They broke off from CPAB in 1995, focusing on trips for children of all abilities.
 - (2) Later they added programs for adults.
 - (3) They currently work with non-profits, cities and parks departments to offer custom trips in addition to their open enrollment programs.
 - (4) Their trips include clothing, equipment and transportation along with knowledgeable guides and year round programs.
 - (5) They currently have a staff of 30 to 40 with a ton of volunteers.
 - (6) “Empower people with the outdoors” is AWL’s motto.

6) **OLD BUSINESS:**

- a) **Playgrounds**
 - a) Bard Park Playground
 - i) Construction is finished with just a couple of cosmetic things left to be done.
 - b) Talisman Park Playground
 - i) The play structure pieces have been sorted and it looks like there are a few missing pieces.
 - ii) The major post locations have been marked and the holes need to be augured.

**PARKS AND RECREATION COMMISSION REGULAR MEETING
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COMMUNITY AUDITORIUM-CONFERENCE ROOM
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- iii) The site should be ready to go this week.
- iv) First installation will be the swings. Four to six people are needed for a few hours one night. Everyone should check dates they are available.

b) Volunteer Recognition

- a) There will an article in the newspaper talking about the program and how to nominate people.
- b) Nominations will be due by August 15, so they can be reviewed right after the completion of the August meeting.

c) Tobacco Policy Update

- i) The policy went into effect on July 9.
- ii) Informing the public through signage and small business size cards.
- iii) Certain problem areas will be targeted to start implementing the policy, with the goal being to “educate not infuriate” people.

7) NEW BUSINESS:

a) Master Plan RFP

- i) The process to adopt a new Master Plan will take about a year with a cost of approximately \$200,000. The State will provide \$100,000 to this study.
- ii) Staff will select a consulting firm after presentations in front of a panel made up of Tom and outside Park Directors. There will be a mandatory pre-proposal meeting.
- iii) The process will include meetings with residents, business partners, local park areas directors and possibly a phone survey.
- iv) A committee will be formed to gather all the information and develop the new Master Plan. A planning commissioner will be on the committee and the full plan goes through the Planning Committee before it goes to the City Council.
- v) We need to be sure to get the information out to residents. Three community meeting may take place to allow for community input:
 - (a) Fact finding.
 - (b) “Here’s what we heard you say”.
 - (c) Moving towards adoption – recommendations.
- vi) Some of the items to be considered include:
 - (a) Determining service areas for Parks.
 - (b) Thatcher Dog Park current location – will the fire department sub-station be built here?

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- (c) Recreation Center – how do you pay for it and what do people want?
- (d) Putting the Stites Master Plan into the City’s Master Plan.
- (e) Including the Forestry Commissions document into our plan.

8) COMMISSIONER’S REPORTS:

a) Paul:

- a) Congratulations to Jonathan for being accepted at Duke.

b) Jonathan:

- a) When he started as the student advisor he didn’t know how it worked and he has learned a lot.

9) STAFF REPORTS:

a) Steve:

- a) We are fully staffed with summer help. As always, if you see anything that needs attention, let him know.

b) Tom:

- a) One half time park person is now a full time person.

10) ANNOUNCEMENT OF NEXT MEETING: The next meeting will be Wednesday, August 20, 2014 at 7:00 a.m.

11) ADJOURNMENT: The meeting was adjourned at 8:22 a.m.

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APPROVED

3E

1. **CALL TO ORDER:**

Chairman Beck called the meeting to order at 7:02 p.m.

Planning Commission Present: Tom Beck, Carolyn Hymes, Sebastian B. Lawler, Lisa Nakajima, Dale Smith, Phil Ruder and Hugo Rojas.

Staff Present: Jon Holan, Community Development Director; Chris Crean, City Attorney; James Reitz, Senior Planner; Rob Foster, Director of Engineer & Public Works; Marcia Phillips, Assistant Recorder.

2. **PUBLIC MEETING:**

2.1 **PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS:** None.

2.2 **PUBLIC HEARING:**

A. PRD-14-00181 Gales Creek Terrace -A Planned Residential Development consisting of 191 single-family detached residential lots, and several open space and recreational tracts. (1548 19th Avenue, 1844 "C" Street, and 1336 Pacific Avenue (Washington County Tax Lots 1S4 1-400 & 500; and 1S41AA-7200).

Chairman Beck opened the public hearing, read the hearing procedures, and asked the Commissioners for disclosure of any conflicts of interest, ex-parte contacts, bias, or abstentions. There were none. Beck called for the staff report.

Mr. Holan explained that this site is zoned Residential Multi-Family High Density (RMH) for multi-family residential units. He said the question is what is the appropriate design type for this area. Holan said this is also a sensitive area due to the creek, and is close to downtown. He said on February 3, 2014, the Planning Commission held a work session with the applicant where the Commission made the suggestion to have a multi-family and single-family mix for more diversified housing types.

Mr. Reitz summarized the staff report, and pointed out the list of fourteen concerns (Page 3) staff has regarding this application. He explained that it appears the project could only be developed if the City agrees to a series of concessions to development Code standards and specifications.

Mr. Foster explained that the Forest Grove Transportation System Plan identifies 19th Avenue as the access to this property. He said the developer had a traffic analysis done which states the intersections around the site will not fail. Foster said there is a verbal agreement that the applicant would make improvements to "D" St. and half street improvements to 18th Avenue. He stated that the City would commit to develop 19th Ave. using TDT money from this project.

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Mr. Holan emphasized that staff wants to hear from the Planning Commissioners on concerns and which direction it wants to go with this application. Holan stated that staff is ready and willing to work with the applicant.

APPLICANT:

Gordon Root, 485 South State St., Lake Oswego, OR 97034. Mr. Root stated that the applicant has had several pre-application meetings with staff. He said it appears there are two main issues. Root said the first issue is transportation. He explained that the applicant is willing to donate the house at “C” St. and 19th Avenue and to make street improvements as agreed upon by staff and the applicant.

Mr. Root said the second issue is the type of housing proposed. He explained that the Forest Grove Comprehensive Plan designates this area as high-density, and it is zoned Residential Multi-Family High Density (RMH). Root stated that housing has evolved in the last 34 years, and perhaps Forest Grove’s code has not caught up with this. He said as a result of Metro’s density requirements the applicant has had to come up with a housing type than fits this area – a housing type now being built in Casey Meadows. Root stated that there have been three neighborhood meetings, and the neighbors have stated their preference for single-family not multi-family.

Lee Leighton, Westlake Consultants, 15115 SW Sequoia Pkwy, Portland, OR 97224. Mr. Leighton stated that this is a constrained site. He explained that the applicant put a high priority on houses facing the street for the safety factor – a more visible/aware neighborhood. Leighton stated that the Forest Grove Development Code allows single-family attached houses in this zone, and the applicant is proposing to build them detached.

Mr. Leighton showed the site plan map and described the topography its constraints and the proposed design. He explained that the sewer line needs to be extended through City property from “B” St. and along Gales Creek to service the site. Leighton further explained that running the sewer line further north of Gales Creek was not feasible, because they could not get the depth needed to service all of the properties to the west. Mr. Leighton explained that the north/south streets are pretty steep due to topography, and he said the applicant has demonstrated that this road network will service this area. He stated that there will be a water quality facility for each phase, and per Clean Water Services the developer will have to do a great deal of wetland improvement along Gales Creek. Leighton explained that there is 1.98 acres of open space, and he stated that the trail along Gales Creek will help the City with the continuous loop trail around Forest Grove.

Mr. Leighton explained that the reason there is no north/south street on the long block is due to the steepness. He said after trying several scenarios they could not

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make a road work, so a pedestrian connection with stairs is proposed between 18th and 19th Avenues. In response to a question from Commissioner Ruder, Leighton explained that people coming down the pedestrian walkway could then take one of three paths to the east or west to get to the creek.

Mr. Will explained that with the block length of 600-feet, the mid-block pedestrian walkway allows owners to cut through to the next block without having to go clear around the block.

Chairman Beck made the comment that another reason for not having long blocks is so people do not have to drive so far.

Morgan Will, Gales Creek Terrace LLC, 485 S. State St., Lake Oswego, OR, 97034. Mr. Will said he had six points to make. He said that each neighborhood meeting was a little bit different, and they received a lot of feedback from neighbors, service providers, and staff. He explained that they used this feedback to prepare the application, and is hoping to hear input from the Planning Commission. Will showed a section from the Development Code, Type III Process Quasi-Judicial, and stated that the applicant is trying to meet code with the hope that the Planning Commission will suggest things that are within the bounds of the code. Will said there are five criteria of the code that need to be met to gain the Commission's approval, but the staff report is not clear on these.

Chairman Beck said the question before the Commission on these criteria is how flexible should the Commission be away from the code without throwing out the code.

Mr. Will responded that the short answer is whatever the applicant asks for has to meet purpose and standards of the code.

Chairman Beck explained that the long established question for a Planning Commission is should we approve your application. He said staff has given fourteen reasons why the Commission perhaps should not approve the application, and the applicant should be addressing those fourteen concerns.

Mr. Will stated that single-family attached are allowed outright in this zone per the code. He explained that the applicant is asking the Commission to allow them to build these houses as detached units. Will explained that in the proposal there are only fifteen lots less than 2,000 sq. ft.

Commissioner Nakajima asked for a visual of what the "skinny" houses would look like. Mr. Will showed examples of "skinny" detached houses being built in Casey Meadows.

Mr. Leighton explained that these styles of houses work because there is not a

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blank wall staring out at the street but rather doors and windows. He explained that this is a 24-hour environment where neighbors get to know one another.

In response to a question from Chairman Beck, Mr. Will stated that the natural areas are along Gales Creek at the south end of the development, but only part of which is within the development.

Mr. Root discussed the driveways and stated that people who buy these types of homes do not drive large pick-up trucks, but rather the shorter/smaller vehicles which fit nicely in the 18-foot driveways proposed.

Mr. Will said the applicant is asking the Commission to consider narrower rights-of-way in Phases 1&2, but not narrower streets. He explained that the difference would be in the width of the planter strip and sidewalk, and mentioned excessive cut/fill as the reason.

Chairman Beck made the comment that the reason the applicant is asking for this is because the site is not big enough to do what is wanted. Beck said that mentioning that the code allows attached and “oh by the way” the applicant wants to detach them is not a small difference.

Mr. Leighton referred to Handout # 1, which contained several graphics showing a top view of the proposed lots and the location of driveways, street trees, water meters, right-of-way cross sections, etc. for reference.

In response to a question from Commissioner Hymes, Mr. Will stated that in one location there will be no planter strip on one side of the street to allow a wider planter strip on the other side. He explained that the applicant is asking for narrower rights-of-ways and 18-foot setbacks for the driveways in Phases 1& 2 due to lot dimensional depths. Will showed a cross section graphic of the proposed 50-foot right-of-way and an alternative the Commission might consider. He said in Phase 3 the applicant will address staff’s concerns about the 18-foot driveways and propose 20-foot drives and wider streets.

Mr. Root explained that the applicant decided to ask for 34-foot street width throughout the project, and then ask to alter the sidewalk and planter strip width. He stated that the applicant tried to put the bigger lots down by the creek.

In response to a question from Commissioner Nakajima, Mr. Will said the applicant’s preference is a 3-foot planter strip on either side of the street and trees on both sides of the street. He explained that the applicant is just asking for flexibility in some areas.

Mr. Root explained that the applicant is proposing 11-foot front yard setbacks due to intrusion of the foundation into the right-of-way, which is consistent with Casey

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Meadows West. Root went through the fourteen staff concerns as stated in the staff report, and explained how the applicant has addressed each.

Mr. Will stated that the only staff concern with 3-foot sideyard setbacks are comments from the Light & Power Dept. regarding placement of electric meters. He explained that the applicant has talked with staff at Light & Power about their code section, and the applicant feels homes can be built that will comply. Will said in Casey Meadows fences must be behind the side mounted electric meters, and this could be done here. Will said the applicant is asking for flexibility for the builder to submit plans for zero lot line homes.

Mr. Root stated that given a chance to purchase attached or detached homes, 80% choose detached. He said in Casey Meadows the attached homes are not selling – the detached sell better. Root referred to the 8 1/2 x 11” photo in Handout # 1, and discussed traffic flow. He said homes will face Pacific Ave. with public alleys in the rear for vehicular access. Root showed the location of Tract N and explained that it is just over 1-acre, which he felt was ignored in the staff report along with the other tracts: Tract B at entryway (rose garden), and Tract W in the northwest corner of Phase 3 (younger children’s play area). He stated that the applicant wants the Planning Commission to give input on what type of recreational amenities are wanted in Tract N, which overlooks the creek.

Commissioner Ruder made the comment that the staff report said Tract N was “behind and below” rather than being centrally located in the project.

Regarding Dee Court, Mr. Will stated that the City preferred a public street, not a private street, due to future maintenance issues. He said this is a very steep area, so there is no opportunity for a cul-de-sac. Will explained that nearby lots to the east adjacent to this project may decide to ask for alternative street widths when they develop and may in future stub to this temporary dead end street (Dee Court). Will stated that the two tracts in this area are for additional landscaping and Tract D has some additional parking spaces. In response to a comment from the Commission regarding maintenance of the tracts, Mr. Will said Tract C could be made part of back yards, but Tract D could not. He pointed out that across Pacific Avenue from Phase 3 is Tom McCall school with a playground and ball fields.

Mr. Root stated that the applicant has spent endless hours over the past year working on this application.

PROPONENTS: None.

OPPONENTS:

Kathy Corey, 1815 “D” St., Forest Grove, OR 97116. Ms. Corey said she has been to several City Council and Planning Commission meetings and feels that the

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neighborhood has not been heard. She again asked for a buffer zone between her home on “D” Street and the high density in this project. Corey said the neighbors do not want ¼ acre lots jammed up against 2,000 sq. ft. lots. She stated that the entrances and exits to this project will mean more traffic and safety is a concern. Corey commented that the entrance/exit on Pacific Avenue will help alleviate traffic using 18th and 19th Avenues, which will make it easier on the existing neighborhood. She said drainage and runoff is a concern with building on this slope, and she is concerned about crime rates with high density housing.

John White, 1715 15th Avenue, Forest Grove, OR 97116. Mr. White said there has been a lot of discussion about the use of attached and detached homes, but he said he does not think this will achieve a higher level of satisfaction with the neighbors. White said this is a prime piece of property on the edge of town along the creek. He said larger lots along the creek could be off-set by high density to the north of the property. He said this is a goal the applicant could think about. White said if the applicant is going to keep this long block, they need to break it up with some green space – not just small lawns. White said he wonders about successful access to the community garden to bring in soil amenities and to carry out produce with the trail system shown. He encouraged the applicant to think about permeable surfaces to help with runoff. White pointed out that hammerheads need 3-point turn arounds. He stated there are parking problems that have not been addressed.

Ron Thompson, 1728 “C” St., Forest Grove, OR 97116. Mr. Thompson said this property has the same access problems it had in 2005-2006. He said “B” Street has a very dangerous intersection, and “C” St. is almost a one-lane now. Thompson inquired if there is any provision for replacement of his hedge if the street is put in, and asked what the applicant is going to do with his big trees down by Tract B.

Chairman Beck explained that it would depend on whether or not the hedge is in the public right-of-way.

OTHER:

Lyndall Crawford, 1410 Pacific Ave., Forest Grove, OR 97116. Ms. Crawford stated that she lives on Pacific Avenue and asked if she will lose access to her property if they build the alley. She also asked when sewer would be available to her property.

Chairman Beck said it would be a public alley, so Ms. Crawford could use it.

John Schrag, 43518 SW Hyatt Rd., Forest Grove, OR 97116. Mr. Schrag said he was at the meeting to represent his parents who live on “D” Street. He said he is not speaking for or against this project. Schrag said a lot of people who live on “D” Street have been using what is probably city property for parking and landscaping

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– they need clarification. He said the larger question is what is the role of Planned Residential Developments, because there is a right way to develop property but it will take more creativity than has been presented here.

Commissioner Nakajima asked Mr. Schrag what he thinks it should look like.

Mr. Schrag stated there is no multi-unit development here. He asked if there is a way to blend single-family and multi-family.

Debbie Long, 1908 “D” St. Forest Grove, OR 97116. Ms. Long said her biggest concern is where we are going to put the kids in our schools, because the schools are overloaded now.

REBUTTAL:

Mr. Leighton said at previous meetings some graphics showing Ms. Corey’s buffer zone have been presented. He said the applicant has had a professional traffic study done which shows these streets and intersections will work. Leighton stated that the new water quality facilities must provide for drainage runoff for this site, and are sized appropriately. Regarding Mr. White’s statement about using a different mix of units, Mr. Leighton explained that this local market can find buyers for skinny detached houses but multi-family does not sell. He said there will be significant good views from the homes. Leighton said the applicant has had discussions with City staff regarding a traffic light at 19th Avenue and “B” Street, and there may need to be a temporary 2-way light for safety, but the applicant has shown the intersection will work without it. He said the cost of the intersection needs to be attached to the larger TSP. Regarding Ms. Crawford’s question about the alley, Mr. Leighton said the alley will provide access to her property, and once the sewer is extended Ms. Crawford will be able to connect depending on where her property is located. Regarding the question about where we will put the kids, Mr. Leighton said the school district makes that decision. Mr. Leighton stated that the applicant has a plan that meets density requirements and being a developer knows people like skinny detached homes. He said could it be prettier and better – undoubtedly.

Chairman Beck closed the public hearing and brought the meeting back to the Commission for discussion.

COMMISSION DISCUSSION:

Commissioner Lawler stated that this property is close to downtown and to Gales Creek – a prime piece of property. He said this is not a small development – 191 units. He pointed out that the City would have to concede to ten code and four staff concerns per the staff report. Lawler said another issue is that in past meetings with the applicant the Commission has expressed that, due to the RMH zone

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designation, a mixture of housing types would be the desirable fit for this property, and not just single-family detached. Lawler said for these reasons he was not in favor of this application.

Chairman Beck said this property is unique in many ways and very beautiful, but challenging in shape and topography. He said the applicant's presentation was very good and very detailed about why each one of the aspects has to happen, but every single one of them is because they have to have 191 single-family detached homes, and they just do not fit. Beck said in the work session in February, the Commission said this is a high density multi-family residential area, and the code says the area should have a preponderance of multi-family units to meet that requirement. He explained that in the City's past this was violated in the Hawthorne area, which is a very different part of the City with very different geographical aspects to it. He explained that was a 60-unit development where this is a 191-unit development. Beck said there are so many different things that have to be adjusted to make this application work that this application just did not work for him. He said he can see this area develop with mixed housing types with more positive results than this application. Beck said he appreciated the housing market and how hard the applicant has worked, but the overriding issue remains- is this the right development for this area. Beck said the applicant has tried hard to make it work, but it does not.

Commission Ruder stated that he had the same misgivings as have been stated. Ruder explained that he sees a fundamental problem because this is a beautiful property along the creek, and we have an idea in our minds that we want to preserve that natural beauty as much as possible, but he felt it was zoned more densely than it ought to be. He said staff has mentioned that a couple of large multi-family units could be built there, but here we are on the western edge of Forest Grove and the Metro area. Ruder said we are not on the MAX line – we are on a bus line/MAX line and commutes are very inconvenient. Ruder said he finds himself very sympathetic to the developers arguments that they could build the multi-family, but then they would be sitting on this housing that nobody comes out here to buy. Ruder stated that the City of Forest Grove is not there yet, and will not be there for awhile – quite awhile. He went on say that in effect we are saying this property should remain undeveloped until we get that pressure for density that would make it worthwhile to develop such a dense project. Ruder said he saw that happening in the distant future – not five or ten years from now. Ruder said he found the arguments that detached single-family will sell here compelling even though there are problems, and mixed-use high density would be nice but he sees no pressure for high-density multi-family. Ruder said he sees the Burlingham Seed property right in downtown, and though it is just a gravel lot, he could see somebody building density there – if not there where. He said when he walks past there, he thinks Forest Grove is just not ready for that kind of high density housing.

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Commissioner Hymes stated that detached sells. She said the Commission has talked about doing a combination of both detached multi-family and single-family with views, which would allow more open space. Hymes said she was having a problem with the sheer mass of the number of houses in this application, because it does not seem suitable for this particular property.

Commissioner Ruder said he could not think of anywhere else in Forest Grove there is such dense housing. He explained that he lives in this general area across Pacific Ave. at “C” St., and has the same issues with traffic as the people giving testimony. He said he did not buy the results of the traffic study. Ruder said in places where there are blocks and blocks of little houses – these are pretty seedy places really on the low end.

Chairman Beck said one assumption was made that is not necessarily accurate, that this land will have to sit here with this zone for years. He said this area has real potential to do something better. Beck stated that in the long run we have to do something better with this property. He said he quoted to the developer at past meetings that for him this type of development is not appropriate for this area, and if they wanted to they could come back with a mixture of housing types. He pointed out the details such as the long dead end “D” St. with all the issues stated by the Fire Dept. He explained that there is a lot of open space, but you have to get down there – it is not centrally located as we have required in other developments which were a good deal smaller, but it cannot be done in other places on the site or they cannot get the 191 units required. He stated that this is a big piece of property, and there should not be so many problems trying to cram so much in there. Beck stated that if the Commission goes ahead with this application – then the opportunity for something better is gone, and something better can be done over time.

Commissioner Nakajima said she goes back to minimum lot sizes and dimensions that are permitted within the RML and RMH zones. She said varied lot sizes and dimensions are allowed and encouraged within the density ranges for RML and RMH zones, however, construction of new single-family are restricted to lots smaller than 5,000 sq. ft. in order to maintain land for multi-family housing. She said that is the bottom line - this application does not fit this piece of property. Nakajima said we want to be flexible, but the creativity in this application is one type of housing and to me that is not creative.

Commissioner Smith made the comment that back in February the Commission gave direction that there needs to be higher density because it is closer to downtown. He said he thought we need a mixture of housing types in that area.

Commissioner Rojas said he was torn – on one side he is with the other Commissioners but, for instance, he said he came to Forest Grove to have a house with a back yard. He said he felt he was in the middle. Rojas said there are valid

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concerns. He said the question is what is Forest Grove offering to people who want to move here.

Commissioner Lawler made a motion to approve PRD-14-00181 Gales Creek Terrace Planned Residential Development with no changes. Commissioner Ruder seconded. The motion failed 1-6.

Commissioner Lawler made a motion to not approve PRD-14-00181 Gales Creek Terrace Planned Residential Development. Commissioner Nakajima seconded. Motion passed 6-1. The application was denied by the Planning Commission.

2.3 ACTION ITEMS: None.

2.4 WORK SESSION ITEMS: None.

3.0 BUSINESS MEETING:

3.1 APPROVAL OF MINUTES: Commissioner Rojas made a motion to approve the minutes from the July 21, 2014 meeting. Commissioner Lawler seconded. Motion passed 7-0.

3.2 REPORTS FROM COMMISSIONERS/SUBCOMMITTEES: None.

3.3 DIRECTOR'S REPORT:

Mr. Crean stated that there were a number of staff concerns with the application that did not meet code that caused the Commission to deny the application. He said staff will write findings and present them to the Commission for review. Crean said the Commission can only work on a majority quorum. Crean said the staff report presented to the Commission tonight does not contain all the testimony and information presented at this meeting, and he said he likes defensible decisions.

Mr. Reitz explained that staff has until September 19th to get an appeal up to City Council, so it will just fall within the 120 days.

Mr. Holan said staff will come back at the next meeting with the findings on Gales Creek Terrace PRD for the Commission's approval. He explained that staff was holding the next meeting open in case this application was continued, but since it was not, staff will present the zoning on the south Pacific area.

3.4 ANNOUNCEMENT OF NEXT MEETING: The next meeting will be held on August 18, 2014.

3.5 ADJOURNMENT: The meeting was adjourned at 10:10 p.m.

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Respectfully submitted by:
Marcia Phillips
Assistant Recorder

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1. **CALL TO ORDER:**

Chairman Beck called the meeting to order at 7:00 p.m.

Planning Commission Present: Tom Beck, Sebastian B. Lawler, Lisa Nakajima, Dale Smith, Phil Ruder and Hugo Rojas.

Absent: Carolyn Hymes

Staff Present: Jon Holan, Community Development Director; James Reitz, Senior Planner; David Doughman, City Attorney; Marcia Phillips, Assistant Recorder.

2. **PUBLIC MEETING:**

2.1 **PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS:** None.

2.2 **PUBLIC HEARING:** None scheduled.

2.3 **ACTION ITEMS:**

Review of written order on Planning Commission decision for Gales Creek Terrace Planned Residential Development (PRD-14-00181).

Mr. Holan explained that Mr. Reitz put together a decision on the Planning Commission's decision to deny the application for Gales Creek Terrace PRD and sent it to the City's Attorney, Chris Crean, who reviewed it. Holan said he believe it reflects the generalized comments expressed by the Planning Commissioners at the previous meeting, and tonight's meeting is for the Commissioners to review the order/findings.

Chairman Beck stated that the findings appear to break down into three parts: the first part, and the big reason, was the underlying zone (high density residential), the second part is various alterations the developer was requesting for the proposals he was making, and the third part was the street layout in particular the dead-end Dee Court. He said he believes the findings capture these main parts. Beck asked the commissioners if they had any comments.

COMMISSION DISCUSSION:

Commissioner Lawler said that there was an umbrella concept due to the special location of this development being along Gales Creek and being so close to downtown. He explained that was why he was hesitant to allow that many deviations.

Mr. Holan explained that the City's Attorney tried to take this in terms of the criteria.

Commissioner Lawler agreed with sticking to the facts, but said this could

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potentially be a fourth part.

Chairman Beck said it does come up in the findings on Page 6, but it is just not one of the three parts mentioned.

Mr. Holan introduced city attorney, David Doughman, who was standing in for Chris Crean. Mr. Doughman instructed the Commission that they needed to vote whether or not to approve Order 2014-04 rather than the findings, which are part of the order.

Commissioner Ruder made a motion to approve Order 2014-04 with no additions or deletions. Commissioner Lawler seconded.

Commissioner Rojas said he had questions. He said on the first page of the findings it says FDC Section 10.4.215 states that the “development standards of the base zone apply unless they are superseded by the standards of this section or the PD approval”, and he asked for an explanation.

Mr. Holan explained that one of the points in the findings, and what is underscored here, is the development standards as opposed to the purpose statement of the high density residential. With respect to the purpose statement for high density residential, he said you will see this in some of the findings as being part of the basis for the decision, because the development pattern did not fit with the purpose statement. He said based on these findings, is the argument that while you can waive the development standards, you cannot wave the purpose and intent statement.

Commissioner Rojas said he had one other question about the hammerhead. He said it was his understanding that this street would be extended in the future when neighboring properties develop, and asked if this was correct.

Mr. Reitz said there was that potential as per the applicant’s testimony. He explained that this would not negate the Fire Department’s concerns, because the street extension may not happen ever or for an indeterminate time. Reitz stated that during that duration the Fire Department still has to get their trucks in there.

Chairman Beck said this is an issue that comes up with PRDs, and it is not only the Fire Department that has concerns but also the Police Department. He said it is one of the challenges the Commission has in trying to approve PRDs, because we have a bunch of these on the other side of town who did dead-ends, and they are very hard to drive around for the Police Department. Beck gave an example of wanting to go from here to there which is 200-feet, but having to drive six blocks to get there. He said it is a challenge to know if and when to allow these, and part of our job is to determine whether or not that extension is likely to happen in the near future. Beck said that was his subjective opinion, and other Commissioners were

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welcome to disagree.

Commissioner Rojas said in general he voted to approve the PRD because even though there were some criteria/codes not being met, the intent is to bring another development here. He said he understands that the zone wants multi-family high density housing, but at the same time the solution is given to us that would allow people to move here which would be good for Forest Grove. He said it seems to him there is something between the bigger lots/houses and multi-family. Rojas said he understands there are criteria about the parks and such that are not being met, but there are others such as placement of the electric meters that can be dealt with as the houses are built. He said it is very subjective.

Chairman Beck said this is the problem with reviewing these PRDs, it is a matter of evaluation.

Role call was taken and the motion passed 6-0.

2.4 WORK SESSION ITEMS: None.

3.0 BUSINESS MEETING:

3.1 APPROVAL OF MINUTES: None.

3.2 REPORTS FROM COMMISSIONERS/SUBCOMMITTEES: None.

3.3 DIRECTOR'S REPORT:

In terms of future items, Mr. Holan said staff was hoping to have a replat of a small portion of Pacific Crossing, but that has not come in yet. He said staff is targeting the second meeting in September for two items: the application for the Silverstone PRD, and possibly the replat of Pacific Crossing- a minor change to improve the road situation over there.

Mr. Holan said staff is working on the rezoning of the South of Pacific Ave., but want to defer proceeding with it until after we see what happens with this particular decision - whether or not it gets appealed. If it does not get appealed, Holan said staff will probably include this property as part of the discussion of the rezone. He said this will probably not come before the Commission until the first meeting in October, so it looks like there will be no meeting around Labor Day, and there will be no meeting on August 18th.

Mr. Reitz updated the Commission by stating that Claudio Mata dropped off a signed agreement for parking on the Pacific University property, and the church is working on their landscaping plan. Reitz said the church may have some minor building code items to complete before they can move in.

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- 3.4** **ANNOUNCEMENT OF NEXT MEETING:** The next meeting is tentatively scheduled for September 16, 2014.
- 3.5** **ADJOURNMENT:** The meeting was adjourned at 7:15 pm.

Respectfully submitted by:
Marcia Phillips
Assistant Recorder

**PLANNING COMMISSION MEETING MINUTES
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1. CALL TO ORDER:

Chairman Beck called the meeting to order at 7:00 p.m.

Planning Commission Present: Tom Beck, Carolyn Hymes, Sebastian B. Lawler, Lisa Nakajima, Dale Smith, Phil Ruder and Hugo Rojas.

Staff Present: Jon Holan, Community Development Director; James Reitz, Senior Planner; Marcia Phillips, Assistant Recorder.

2. PUBLIC MEETING:

2.1 PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS: None.

2.2 ACTION ITEM:

Review of re-location of two unplatted and undeveloped streets in Pacific Crossing PRD.

Chairman Beck called for the staff report.

Mr. Reitz showed a map of the original street layout of Pacific Crossing and explained that Pacific Crossing was approved as a planned development in 2005 consisting of 305 lots, and was to be constructed in four phases. He said Phase 1 and Phase 4 were constructed and all the lots north of Goff Rd. have been built-out or are committed. He explained that the original developer lost the property during the recession. Reitz stated that Venture Properties is interested in picking up Pacific Crossing's original Phase 2, and proposes to split this phase into two phases: Phase 2A would have 46 lots, and Phase 2B would have 39 lots. He explained that the applicant examined the preliminary grading plan for all of Phase 2 and concluded that the approved street layout would result in excessive (and expensive) earthwork. Reitz said the applicant has teamed up with the original Pacific Crossing civil engineer and has developed an alternative that would result in much less earthwork, but this alternative would require shifting two proposed streets to the southeast of their originally-proposed locations. Reitz explained that while the proposed relocations would affect only a small number of lots and would not significantly modify the street network, the change is significant enough to warrant Planning Commission review. He stated that the agent representing the properties adjacent to the Heartwood/Strasburg Drive intersection has submitted an email in support of this application. Reitz said 15% street grade is allowable in the Development Code, and the Fire Marshal is comfortable with the street grade.

In response to the staff report, Chairman Beck said the proposal improves the street alignment and looks good.

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APPLICANT:

Mimi Doukas, Venture Properties, 4230 Galewood St., Lake Oswego, OR 97035. Ms. Doukas explained that the original developer planned a lot of cut and fill but, as the new developer, Venture Properties wanted to find a solution to this grading problem. She explained that by shifting Heartwood St. 100-feet south it will save 18-feet of cut, which is significant, and Terrawood St. is part of that equation. Doukas stated that moving Terrawood east gives better alignment of the street to the undeveloped property to the south. She explained that Venture Properties has tried for two weeks to contact the property owner to the south, who is in the process of selling and is in support of this proposal. Doukas stated that this proposal helps resolve some of his access issues.

Chairman Beck said he liked the proposal, and asked Ms. Doukas for the block length.

Ms. Doukas scaled it off and stated the block is 500-feet long.

Commissioner Ruder said the condition that the developer initiate the vacation of the existing Heartwood St. stub seems reasonable.

Ms. Doukas said Venture Properties is willing to try, but needs the property owners to be willing participants.

Commissioner Nakajima said it appears there will still be some retaining walls.

Ms. Doukas explained that this proposal reduces the number of retaining walls and “calms” the area.

Commissioner Ruder made a motion to approve the re-location of two unplatted and undeveloped streets in Pacific Crossing PRD. Commissioner Lawler seconded. Motion passed 7-0.

2.3 PUBLIC HEARING:

Public Hearing: Silverstone PRD-14-00141 - A Planned Residential Development consisting of 204 single-family detached residential lots, several open space / recreational tracts, and several water quality tracts (located at 2465 NW Highway 47).

Chairman Beck stated that it has come to the Planning Commission’s attention that the applicant wants to continue the public hearing to October 20th.

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APPLICANT:

Mimi Doukas, Venture Properties, 4230 Galewood St., Lake Oswego, OR 97035. Ms. Doukas explained that there are several issues in the staff report Venture Properties would like to work out with staff before the application is open to a public hearing. She stated that the connection of A Street changes the design of the project. Doukas said staff has concerns about the open space, and the applicant is not excited about all the improvements in the park and changes to the frontage road fence treatment. She explained that the applicant would like to come before the Planning Commission after working out some of these staff concerns.

Chairman Beck said there was one issue dealt with in a previous application, and that issue is the difference between a subdivision and a planned development. He stated that in a planned development, the Commission wants to see something that makes it more than a subdivision.

Chairman Beck continued the public hearing on Silverstone PRD-14-00141 to October 20, 2014.

2.4 WORK SESSION ITEMS: None.

3.0 BUSINESS MEETING:

3.1 APPROVAL OF MINUTES: Commissioner Nakajima made a motion to approve the minutes of the August 4th and August 18th meetings. Commissioner Ruder seconded. Motion passed 7-0.

3.2 REPORTS FROM COMMISSIONERS/SUBCOMMITTEES: None.

3.3 DIRECTOR'S REPORT:

Mr. Holan said the October 6th meeting will be about the Westside Planning Program, Comprehensive Plan (CP) design for the Purdin Rd. area, and zone changes as a result of CP revisions made by the Planning Commission and City Council.

In response to a request by the Commission for an update on Gales Creek Terrace, Mr. Holan said the Gales Creek Terrace PRD was on the last City Council agenda. He said staff had met with the developer and offered the opportunity to work through at least some of the staff concerns, so the City Council granted a 90-day extension so this could take place. Holan explained that the City Council could look at the revised application if there are minor changes, but if there are significant changes the City Council may remand it back to the Planning Commission in October. He explained that this may influence the October 20th

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meeting. Holan stated that staff will meet this week to decide what staff wants to focus on, then staff will meet with the applicant next week.

- 3.4 **ANNOUNCEMENT OF NEXT MEETING:** The meeting was adjourned at 7:45 pm.

- 3.5 **ADJOURNMENT:** Next meeting will be held on October 6, 2014.

Respectfully submitted by:
Marcia Phillips
Assistant Recorder

3F

PUBLIC ARTS COMMISSION

August 14, 2014

Rogers Room, Library

Page 1

Minutes approved by the PAC on September 11, 2014.

1) CALL TO ORDER: Kathleen Leatham called the meeting to order at 5:00PM.

PRESENT: Kathleen Leatham, Helvi Smith, Pat Truax, Dana Zurcher, Laura Frye, Linda Taylor and Kathy Broom. Excused: Dana Lommen. Staff Liaison: Colleen Winters and Camille Miller
Guests: Lorraine Heinauer and Jeanna VanDyke.

2) CITIZEN COMMUNICATION: None at this time.

3) APPROVAL OF PAC MEETING MINUTES Dana Z. moved and Helvi seconded a motion to approve the corrected minutes from July 10, 2014, the vote was favorable.

4) ADDITIONS/DELETIONS: Add

1. Purchase of a tile for the Community Sundial project.

5) BUSINESS:

a) Mini-Grant Request: - Jeanna Van Dyke presented a mini grant request from TITG for a summer children's production Into the Woods. Monies requested will pay for royalties and scripts. Pat moved that we approve this grant request with the \$500 coming from dedicated funds. Helvi seconded the motion. The vote was favorable.

The second mini grant presented by Lorraine Heinauer was rewritten to include a \$500 grant for tiles and supplies. These tiles will be provided at no cost to those wishing to participate in the Sundial project. Helvi moved to approve this grant with funds coming from our dedicated funds. Laura seconded the motion. The vote was favorable.

b) Expense Approvals:

1. Engraved Plate for Quilt: Laura moved and Dana Z. seconded a motion to approve \$15.00 to be used from discretionary funds. The vote was favorable. The quilt will be on display in the FG Library. There will be a reception for the girls who made the quilt on September 23, 2014.
2. Washington County Art Guide: Kathleen will look into our participation. The deadline may have passed.
3. Dana Z. moved and Laura seconded a motion to purchase a 6" number tile on the Community Sundial in the amount of \$150.00 to be taken from discretionary funds. The vote was favorable. Dana Z. will ask her sister to help create the PAC logo on the tile.

c) Updates:

1. **Meet the Artist Dinner.**-Posters and tickets are now available for the next Meet the Artist Dinner scheduled for Saturday, September 13th. The cost is \$45 per ticket, which will include the opportunity for each participant to create a tile for the Community Sundial. A total of 30 tickets are available.
2. **FG Library Foundation:** Kathy and Colleen report that the Mollie's Garden installation is on schedule for Labor Day weekend 2014. Kathy again brings us Kudos from Rod Fuiten for our participation with fund raising. Colleen let us know that a full schedule of maintenance, electricians and construction must take place in order for this project to be completed on time.
3. **First Wednesday Booth Update** – Many thanks to Linda and all of the many volunteers who helped to make the First Wednesday event successful. Linda reports that the cost was a total of \$315.00 for the season.
4. Linda and Brad Taylor hosted a dinner at their home on August 10th with Helvi Smith as the featured artist. A total of \$720 was added to discretionary funds and another \$5.20 in postcards going to Mollie's Garden.

d) Finances-The finances have been updated to reflect current balance.

- 6) **COMMISSIONERS COMMENTS:** Linda asked for volunteers to help distribute the flyers for the Spanish programs at the Library. Pat presented a possible project of a 'Charm Trail' for Forest Grove.
- 7) **STAFF COMMUNICATIONS:** Camille related information on a new PAC board member interview. One of the discussion points was more social media for PAC. Another possibility for PAC participation is for benches at the GroveLink stops.
- 8) **ADJOURNMENT:** The meeting adjourned at 5:55 pm. The next meeting will be September 11, 2014, in the Rogers Room at the Library.

Respectfully Submitted by Pat Truax

Monthly Building Activity Report
September-14
2014-2015

Category	Period: September-13		Period: September-14	
	# of Permits	Value	# of Permits	Value
Man. Home Setup				
Sing-Family New	4	\$ 1,182,982.07	17	\$ 3,697,132.84
SFR Addition & Alt/Repair	4	\$ 279,190.44	6	\$ 57,247.84
Mult. Fam. New/At				
Group Care Facility				
Commercial New	1	\$ 5,891,380.00		
Commerical Addition				
Commercial Alt/Repair	7	\$ 484,426.32	5	\$ 173,667.15
Industrial New				
Industrial Addition				
Industrial Alt/Repair				
Gov/Pub/Inst (new/add)				
Signs			1	\$ 4,000.00
Grading	2		1	
Demolitions	2			
Total	20	\$7,837,979	30	\$3,932,048

Fiscal Year-to-Date

2013-2014		2014-2015	
Permits	Value	Permits	Value
83	\$18,320,918	84	\$11,482,539

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<u>Report Group</u>	<u>Fee Code</u>	<u>Fee Description</u>	<u>Amount</u>
bldg	bldpmt	Building Permit Fee	3,943.15
bldg	bplrv	Building Plan Review Fee	2,545.31
bldg	demo	Demolition Fee	300.00
bldg	flplrv	F&L Safety Plan Review	639.00
bldg	mcplre	Mechanical Plan Review Equip	34.33
bldg	mcstsf	Mechanical State Surcharge Equ	29.65
bldg	mech	Mechanical Permit Fee/equip.	246.95
bldg	plmb	Plumbing Permit Fee	893.95
bldg	plplrv	Plumbing Plan Review	54.45
bldg	plstsr	Plumbing State Surcharge	107.30
bldg	stsur	State Surcharge	473.18
		Total for Group bldg	<u>9,267.27</u>
		Grand Total:	<u><u>9,267.27</u></u>

Cornelius

Permit Type	Description	Permits	Square Feet	Valuation	Fees Paid	Custom Field Valuation
xbotc	Cornelius Building Over the Counter	1	0.00	0.00	30.58	50.00
xcmad	Cornelius Commercial Addition	1	1,220.00	66,238.80	1,523.34	66,238.80
xcmalt	Cornelius Commercial Alteration	1	0.00	0.00	1,943.24	96,180.00
xdemo	Cornelius Demolition	3	0.00	0.00	300.00	0.00
xmecrn	Cornelius Mechanical Permit Residential New	1	0.00	0.00	188.11	0.00
xmrotc	Cornelius Mechanical Residential Over the Counte	4	0.00	0.00	122.82	0.00
xplmca	Cornelius Plumbing Commercial Add/Alt/Repair	1	0.00	0.00	298.39	0.00
xplmrrn	Cornelius Plumbing Permit Residential New	1	0.00	0.00	448.17	0.00
xpotc	Cornelius Plumbing Over the Counter	5	0.00	0.00	309.14	0.00
xsfm	Cornelius Single Family Dwelling New	1	2,585.00	254,924.20	3,032.19	254,924.20
xsfrep	Cornelius Single Family Repair	1	0.00	0.00	393.41	52,000.00
Grand Total		20	3,805.00	321,163.00	8,589.39	469,393.00



Fire Chief's Report

Reporting Period: August 23-September 21, 2014



3H

OCTOBER UPCOMING EVENTS

- **Fire Prevention Open House - October 4 - Mandatory Event**
- **Be Seen at Halloween! – October 31 safety lightstick handout**
- **See our department calendar for all scheduled events, located on our interdepartmental web site!**

Notable Calls and Events

- Forest Grove: On September 19 crews responded to a large wildland fire in Gaston off of Scoggins Valley Road. This fire was upgraded to a conflagration on September 20 and is still actively being contained.
- Forest Grove: On September 19 crews from Forest Grove, Cornelius, Gaston, ODF and Banks responded to rural grass fire on Plum Hill Drive and Thatcher Road, extinguishing the fire before it spread to nearby fields and structures. The fire was started by landowner that was mowing tall grass, ironically to reduce the possibility of a fire.
- Joint: Personnel from Forest Grove and Cornelius attended the Oregon Fire Firefighter Memorial on September 18, in Salem, Oregon. The names of five Oregon firefighter's, who lost their lives in the line-of-duty last year, were added to the memorial.



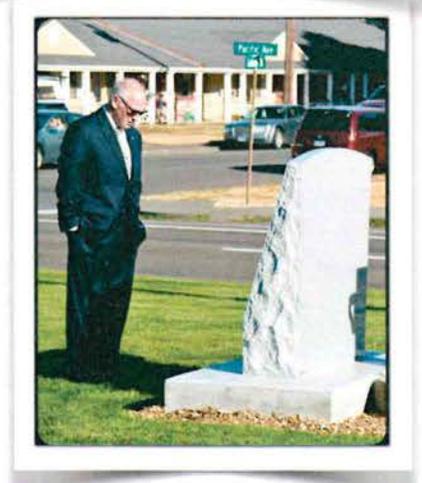


Fire Chief's Report

Reporting Period: August 23-September 21, 2014



- Forest Grove: Division Chief David Nemeyer received the Forest Grove News-Times Readers Choice Award for 2014 “Favorite Firefighter.”
- Joint: On September 16 crews that participated in the rescue of Washington County surveyor Dennis Keister were reunited with him and the Coast Guard crew that helped with this rescue. In July Mr. Keister had fallen approximately 30 feet into a ravine of the Tillamook Forest, requiring extensive rescue efforts.
- Joint: On September 14 we sent one of our Forest Grove heavy brush rigs and a Cornelius water tender on intra-county mutual aid to the 36 Pit Fire in Estacada. These units returned the next day. On September 16, when the Governor declared the fire a conflagration. we sent one of our Forest Grove Heavy Brush engines and a Cornelius Light Brush engine as part of a Washington County Task Force. These units returned on September 18.
- Forest Grove: On September 13 crews from Forest Grove and Gaston responded to a serious motor vehicle accident on SW Springhill Road. Three patients were taken to OHSU, one by Life Flight with serious injuries. Crews were able to complete a full extrication in 12 minutes in a very difficult situation.
- Joint: Division Chief David Nemeyer coordinated our September 11 Memorial at the “Big Flag,” with over 80 people attending.
- Joint: On September 8 over 50 members from both departments converged southeast Forest Grove for a smoke alarm campaign, coordinated by Firefighter Cassie Knierim. Over 180 homes were visited, 233 alarms tested, and 42 alarms were installed. The homes with no working smoke





Fire Chief's Report

Reporting Period: August 23-September 21, 2014



alarms: 13.3%.

- Forest Grove: On September 6 crews responded to a field fire started by a remote controlled aircraft that crashed into a field. This fire burned approximately an acre of grass.
- Forest Grove: On September 5 crews responded to a 7.5 acre field fire after it was accidentally ignited by a farmer's tractor.
- Joint: Both departments participated in traffic safety awareness campaigns in front of local schools to remind drivers that students were back. This event occurred over three days, September 3, 4 and 5.
- Joint: Both fire departments conducted their "Fill-The-Boot" campaign for the Muscular Dystrophy Association, an charitable fundraising event that has been held for over sixty years. The Cornelius event, spearheaded by Lt. Phil Duncan, occurred on September 5, 6 and 7, and raised over \$13,000. The Forest Grove event, coordinated by Firefighter Geoff McFarland, raised over \$6000 on August 22.
- Forest Grove: On August 25 and 26 crews assisted Gaston Fire with the search and recovery for the four people that drowned at Haag Lake.



Projects and Administration

Links to strategic goals are indicated by the SG# at the end of each update. See chart on page 1.

- Joint: The contract for the Cooperative Fire Services study is just about completed and is now being routed for signatures.
- Joint: We have been notified by the Oregon Office of Emergency Management that we have been awarded a \$40,000 grant to complete a continuity of operations plan (COOP) for both Cities.



Fire Chief's Report

Reporting Period: August 23-September 21, 2014



- Forest Grove: Division Chief David Nemeyer presented the proposed open burning ordinance to the Forest Grove City Council for its second reading. The Council voted to adopt a ban on fall burning that will begin in the fall of 2015.
- Cornelius: Division Chief Ian O'Connor presented a recommendation to the City Council of Cornelius for the purchase of a grant funded tender which would be identical to the new tender Forest Grove is about to receive. The purchase was approved and the contract has been signed, with an expected delivery date in 260 days.
- Joint: Division Chief Ian O'Connor and Captain Joe Smith completed the pre-delivery inspection for the new Forest Grove tender, which we expect delivery of any day. While completing this inspection, they also conducted a pre-build conference for the Cornelius tender, saving a couple of thousand dollars for this purchase.
- Forest Grove: The contract for the new Type III engine (identical to the Cornelius Type III) has been approved and we are in the process of placing the order. Delivery date is approximately 240 days from now.
- Forest Grove: Amity Fire Department has made a tentative offer of \$15,000 for Water Tender 4. We are evaluating their offer.
- Joint: Fire prevention staff is busy with planning and coordinating October open house activities and fire safety month in local schools.
- Cornelius: The pilot program for the shared intern with Gaston in continuing, with close monitoring by Captain Tad Buckingham. The initial reports are very positive.
- Joint: Firefighters assisted Gaston fire with their annual Pancake Breakfast during their Wapato Car Show.
- Joint: The fall recruit academy (joint with Forest Grove, Cornelius, Banks, and Washington County District #2) began during this time period. Forest Grove and Cornelius have nine new recruits in this academy.
- Joint: Successfully completed annual hose testing for Forest Grove, Cornelius, and Gaston.





Fire Chief's Report

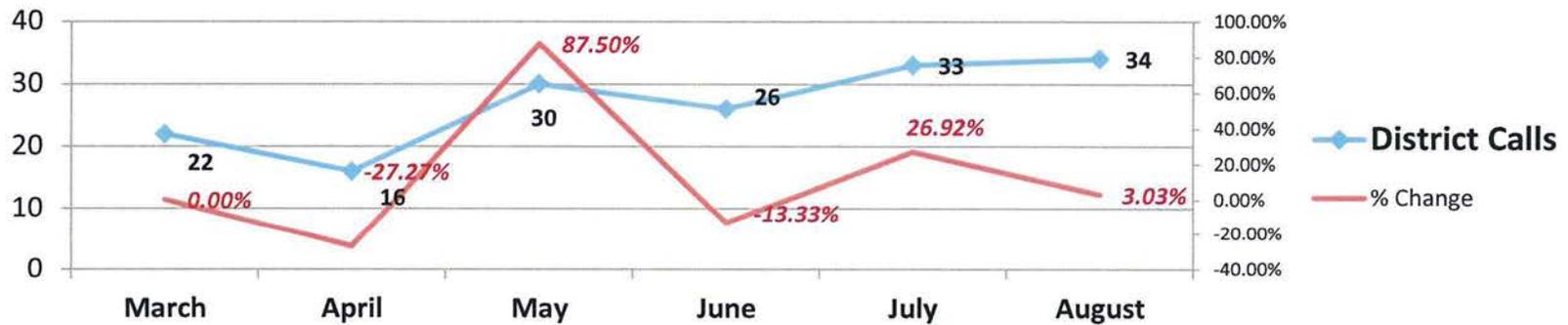
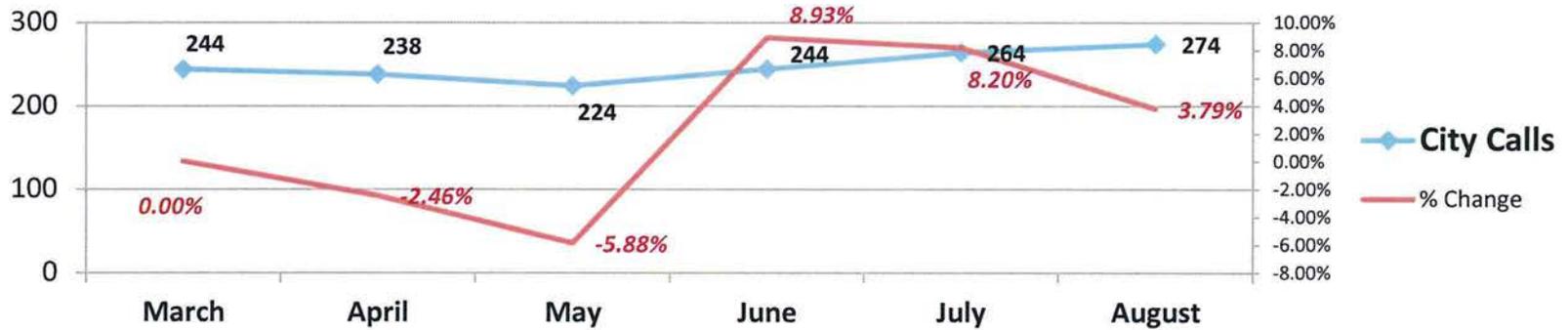
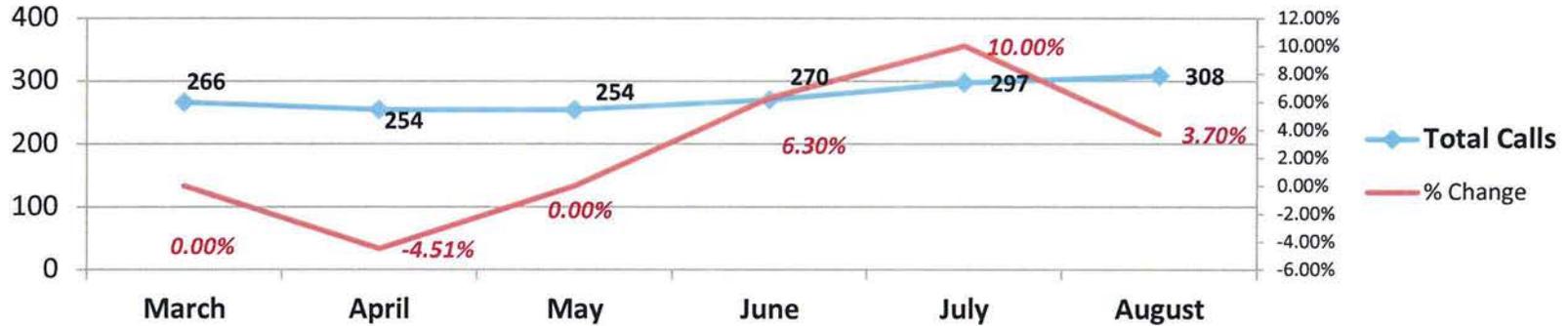
Reporting Period: August 23-September 21, 2014



- Forest Grove: A shift crews conducted a walk-in CPR training event at the September 10 Forest Grove Farmer's Market.
- Cornelius: Matt Johnston completed plans reviews for St. Alexander's amendments for moving a house and the new Panda Express next to Fred Meyers.
- Joint: Sharon Cox and Laura Christy completed annual department-wide update of all Line-of-Duty-Death packets for personnel.
- Cornelius: The grant funded air trailer (new Cascade 8) has been placed in service and is responding to calls. Minor improvements and equipment stocking is still occurring.
- Cornelius: Captain Marc Reckmann coordinated and hosted with FEMA a grant workshop at Cornelius Fire Station 8 – 25 people attended.
- Joint: Division Chief David Nemeyer and Matt Johnston are working closely with the Washington County Safe Kids coalition to increase water safety awareness after the tragedy at Haag Lake. These two individuals have been instrumental in maintaining the loaner life jacket kiosk for several years – there is a discussion about increasing the number of kiosks in the area.
- Forest Grove: The order of two new cardiac monitors and upgrade of existing units has been completed by Lieutenant Will Murphy. Delivery will not occur for a couple of months.
- Forest Grove: Fire department hosted a spontaneous luncheon for City employees with Maggie's Buns had a catering error.
- Forest Grove: Will Murphy, Chris Woodford, Jeff Bade and Cassie Knierim attended the OHSU cardiology conference.
- Joint: The TVID hydrant project has been delayed due to the number of large incidents we have had this reporting period.



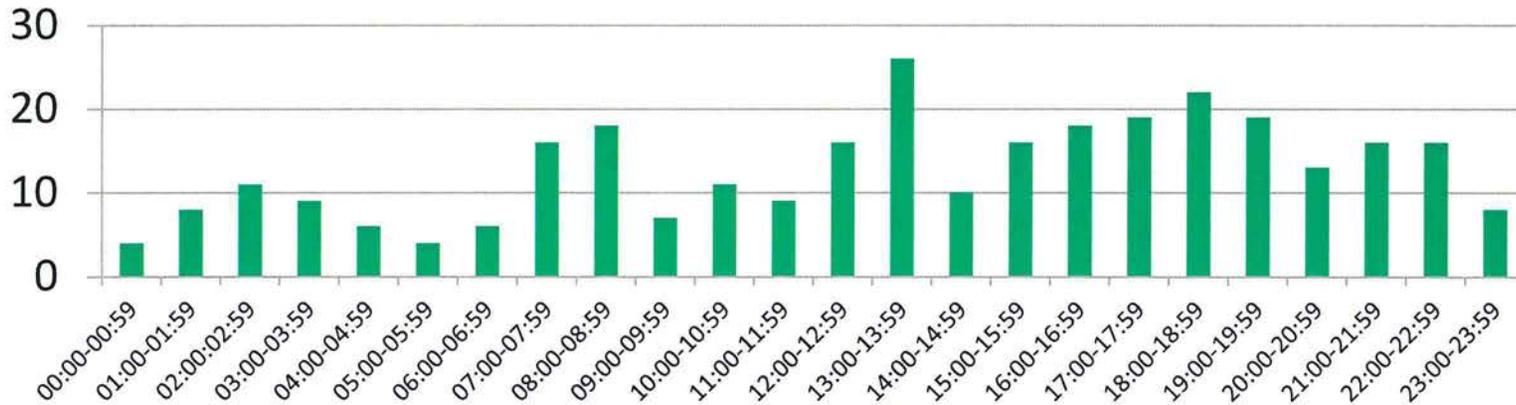
How many calls did we run?



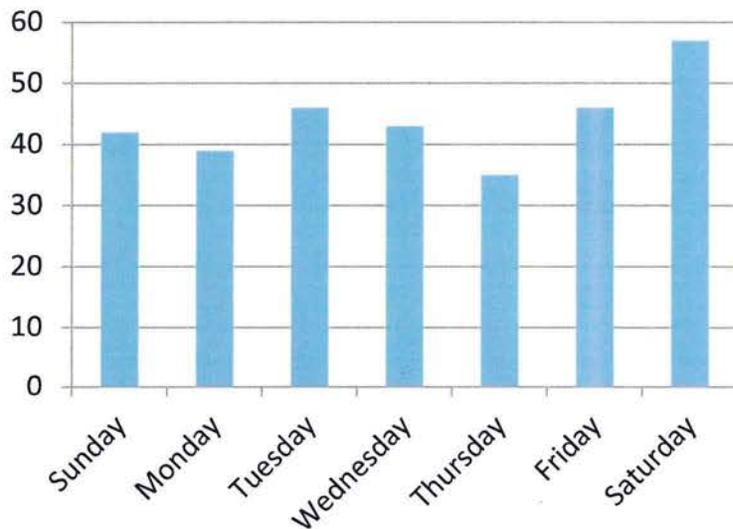


When do our calls occur?

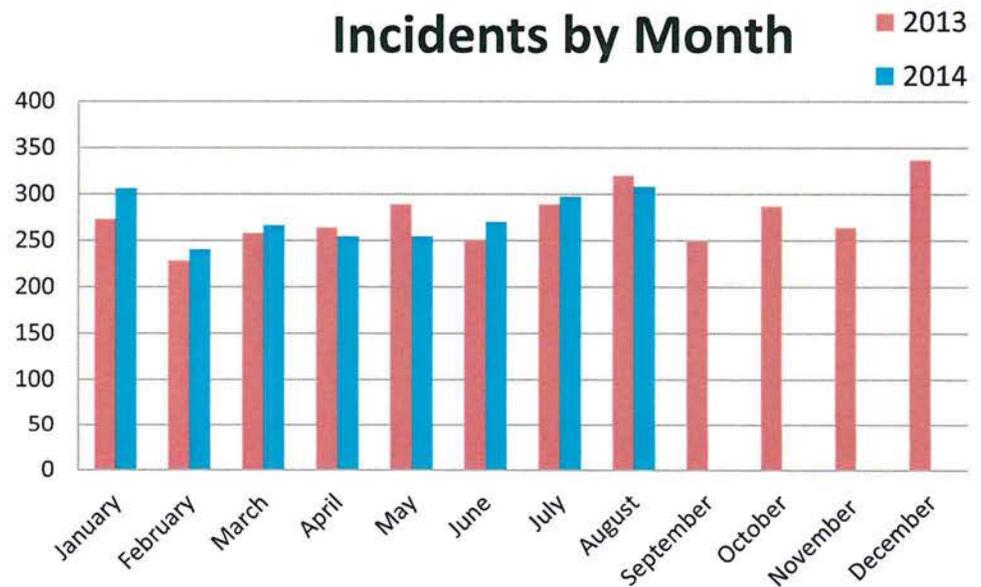
Incidents by Hour



Incidents by Day of Week

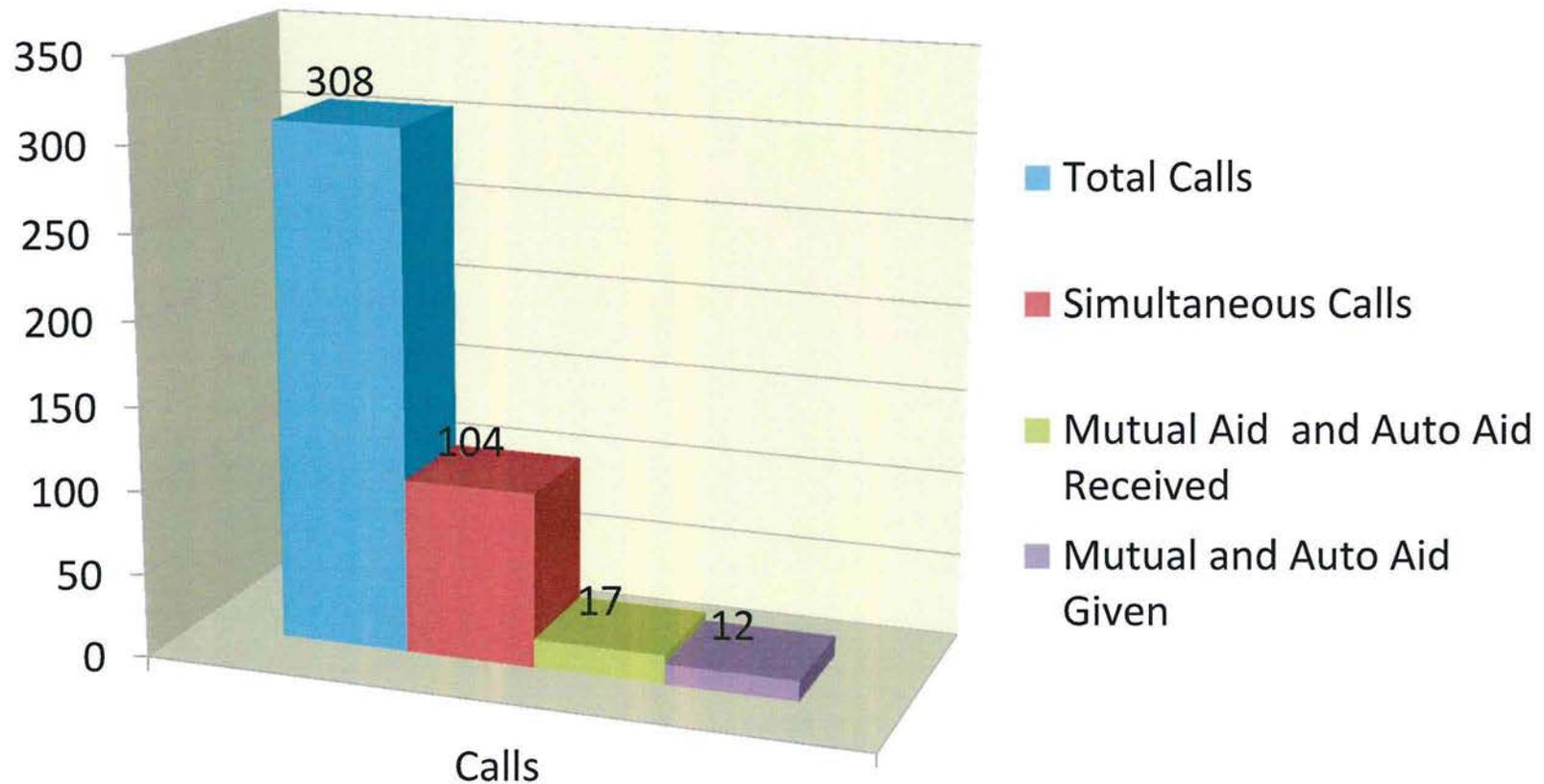


Incidents by Month





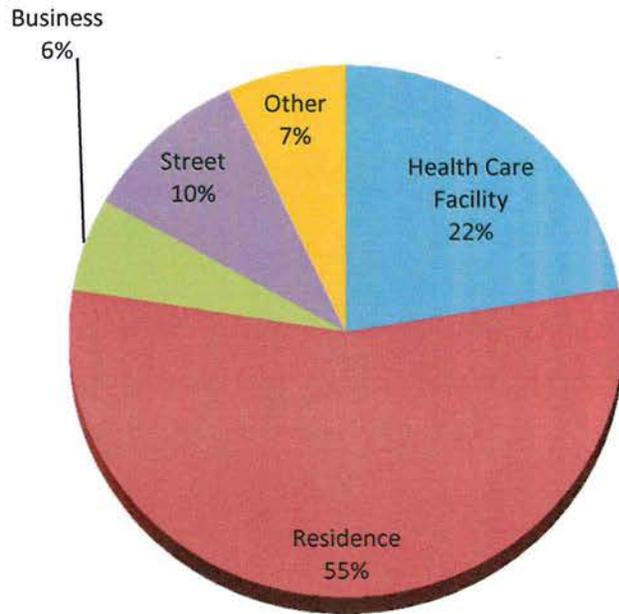
Simultaneous Calls and Mutual Aid



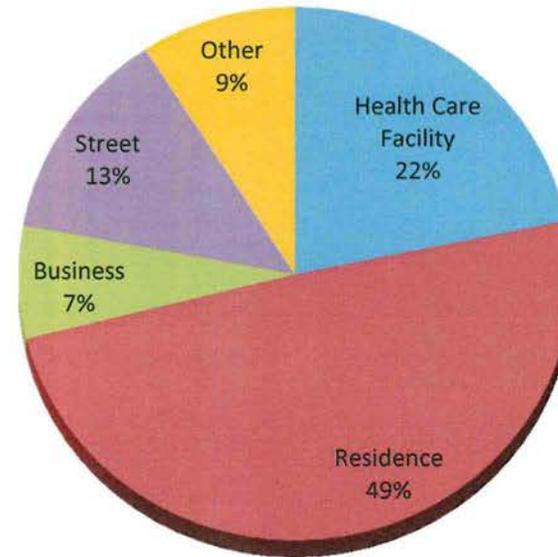


Where are we going?

2013

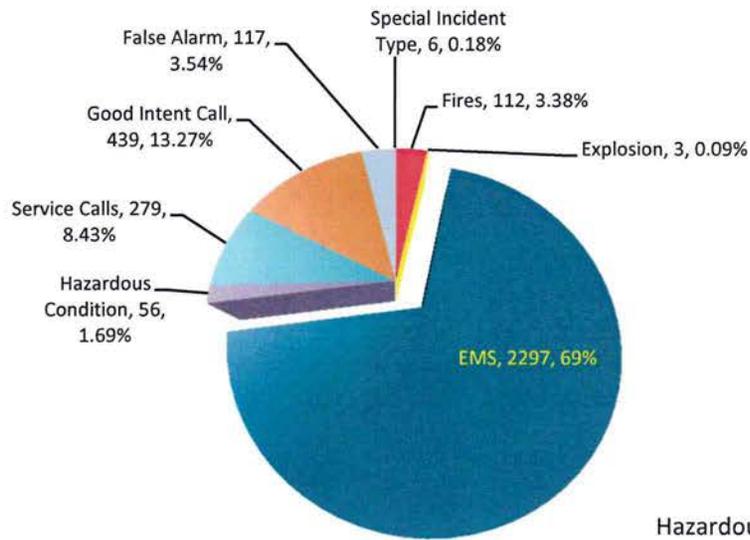


August 2014

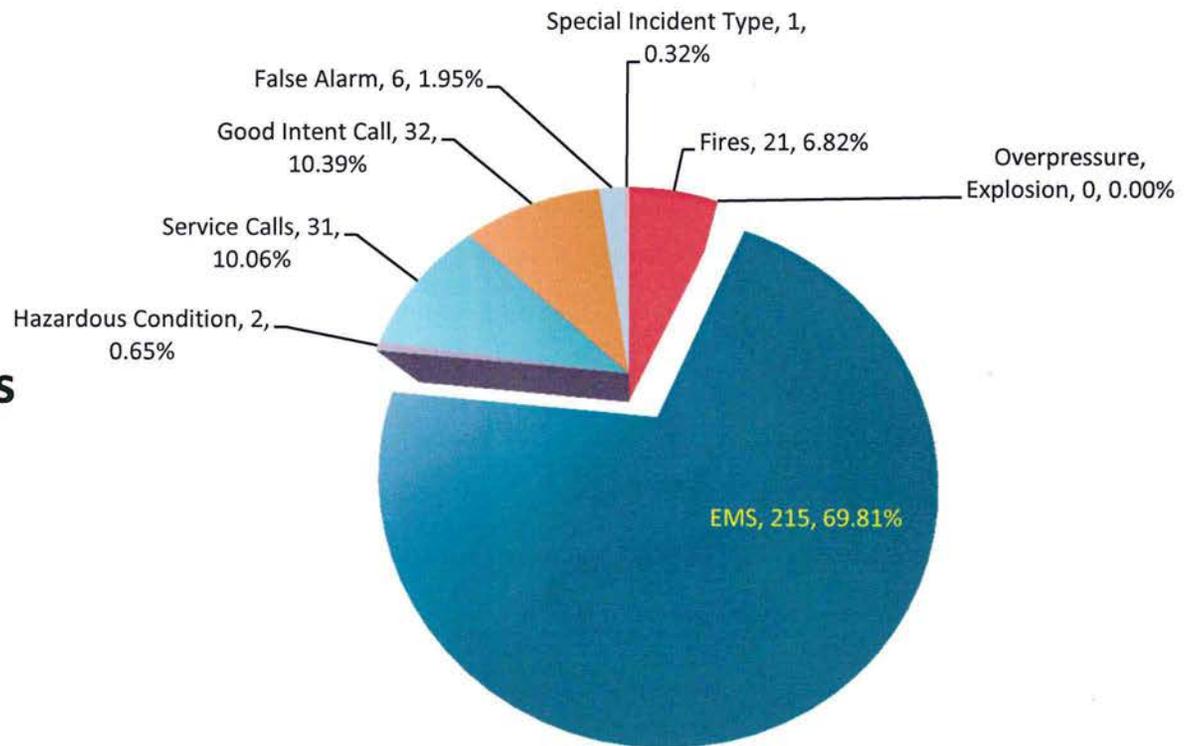




What type of calls did we get called for?



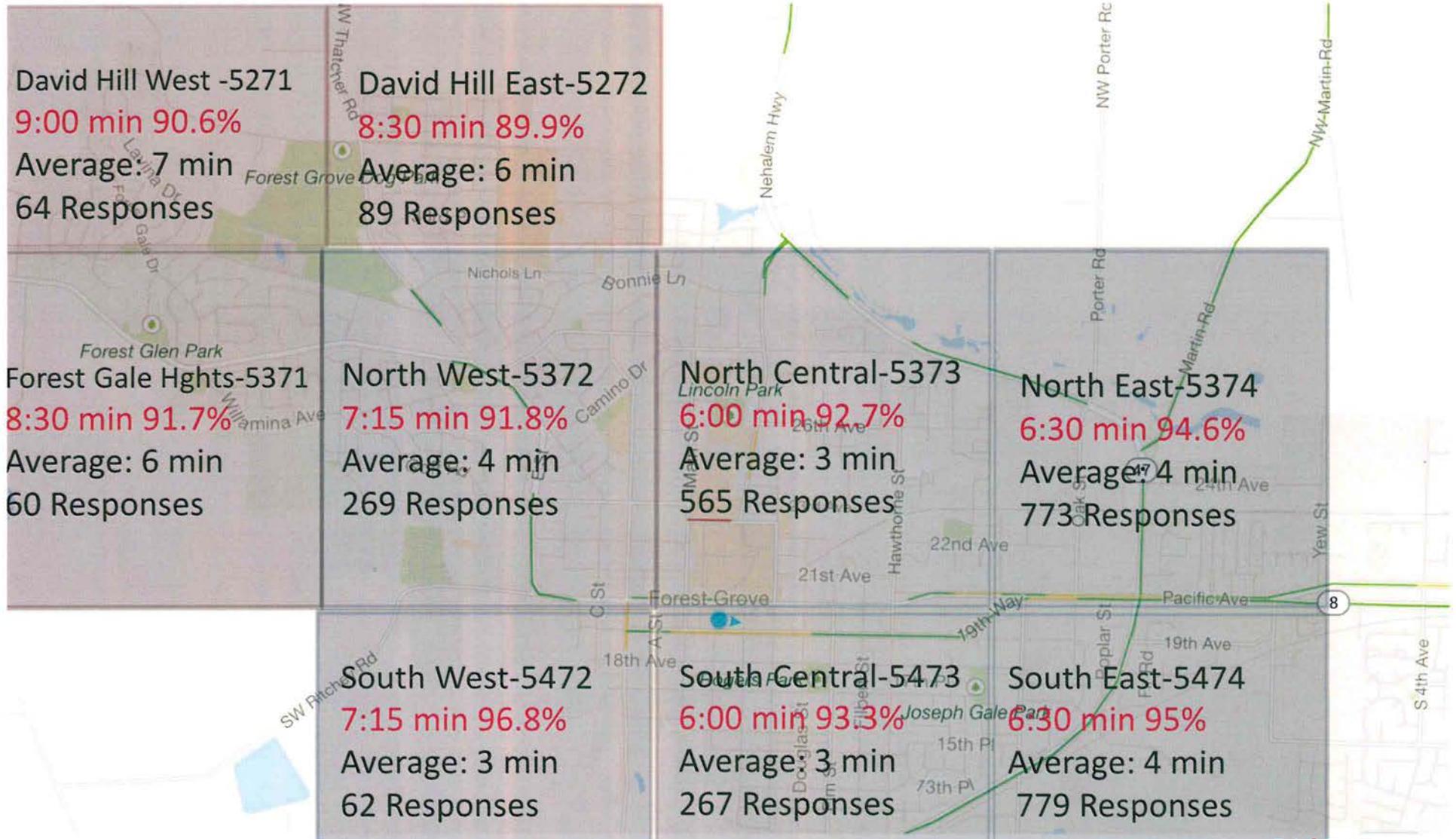
2013 Incident Types



August 2014 Incident Types



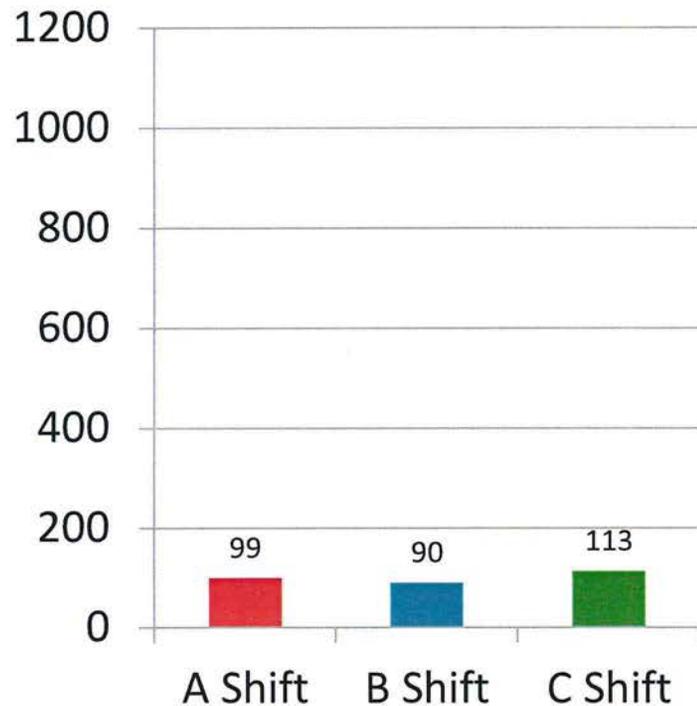
How long does it take us to get there?





Shift Performance Data

Incidents by Shift



Average Turnout Time



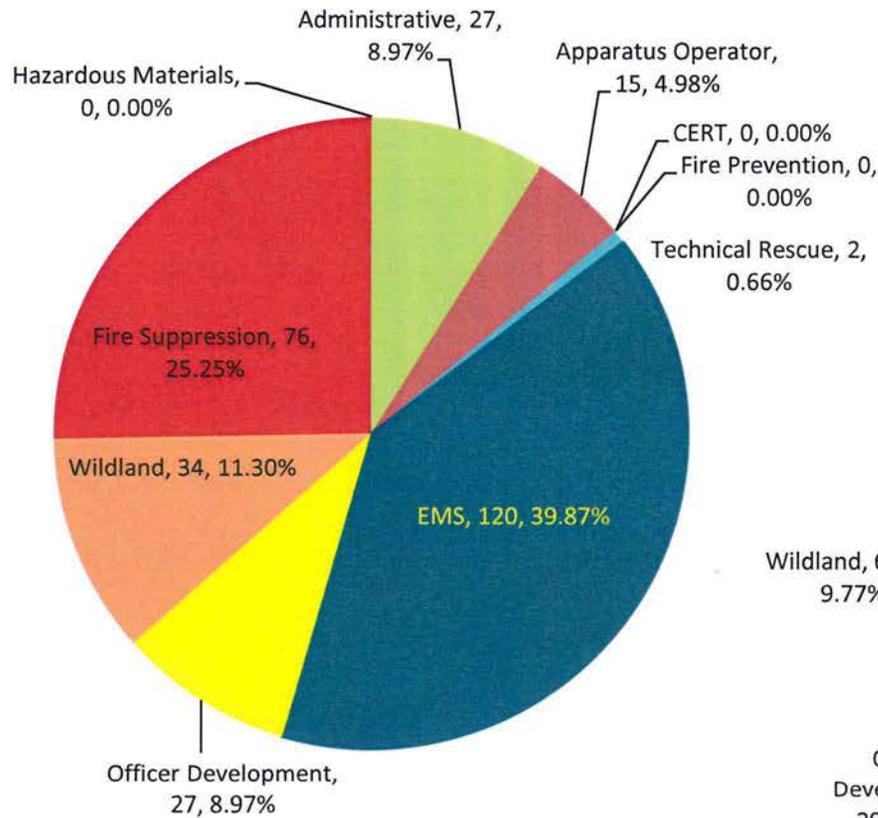
Average Response Time



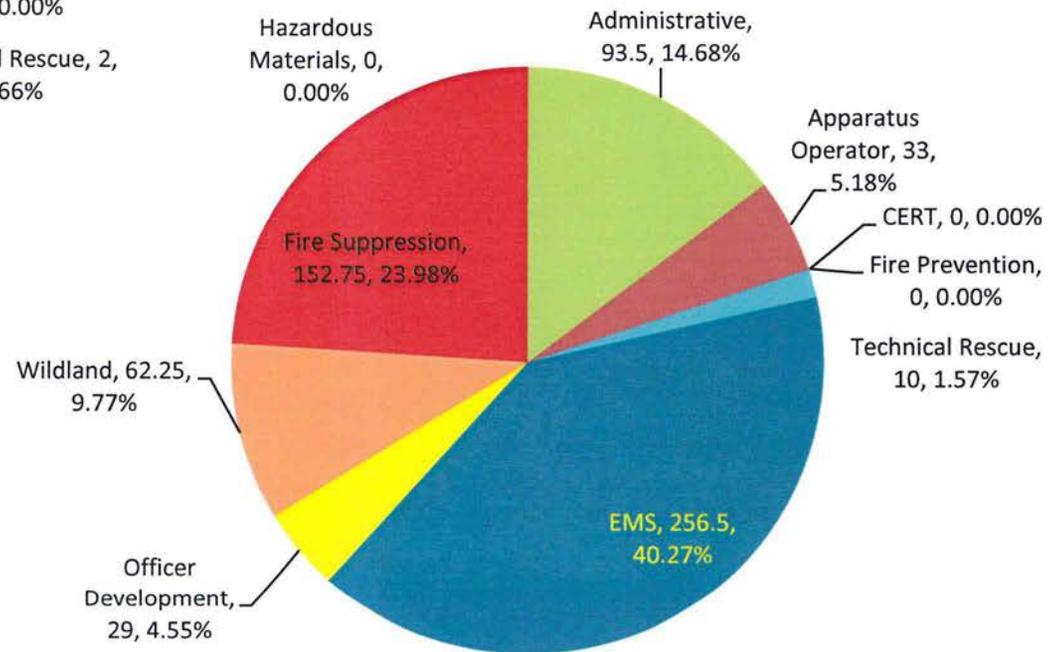


Joint Training Activities

Total Classes Provided 301

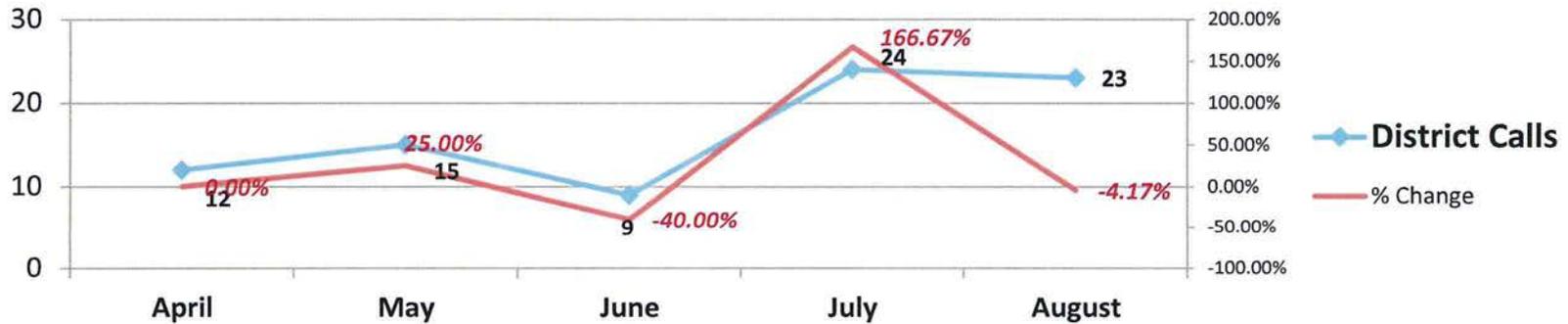
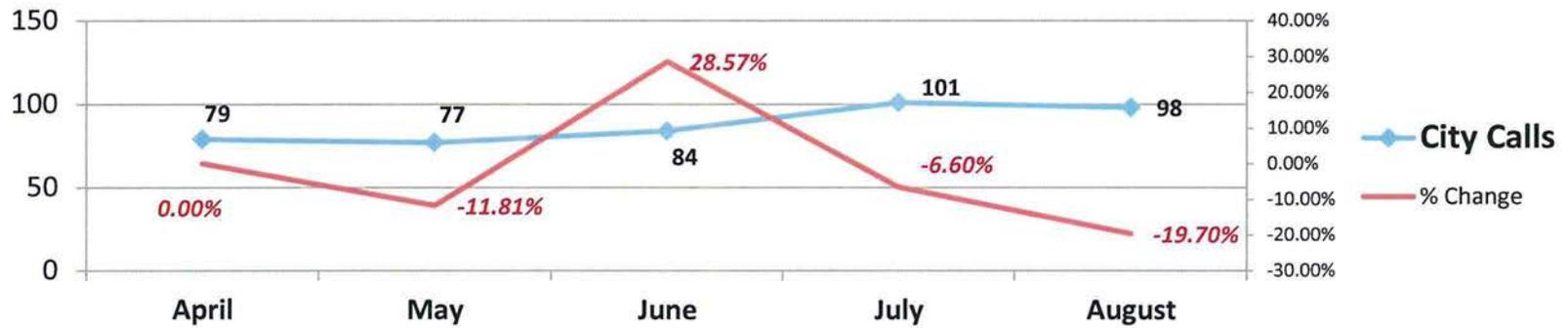
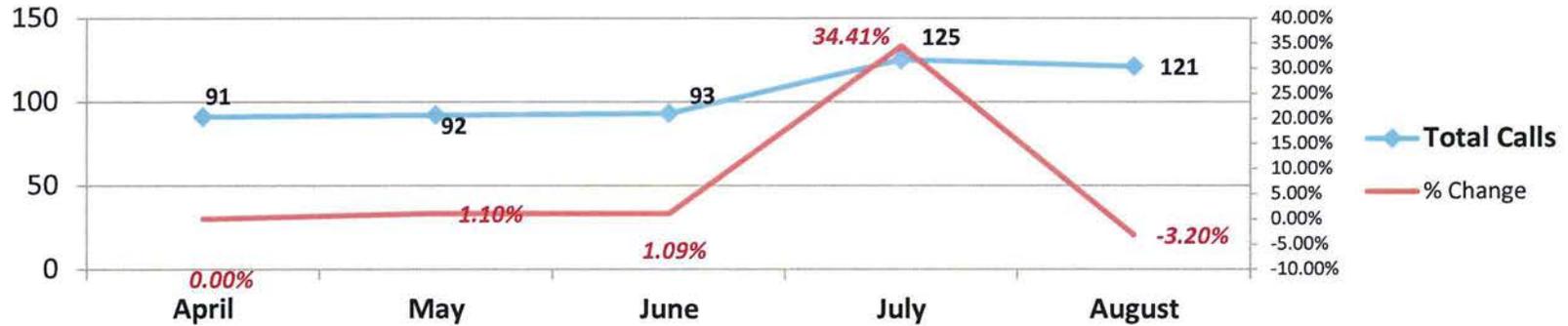


Total Hours Provided 637





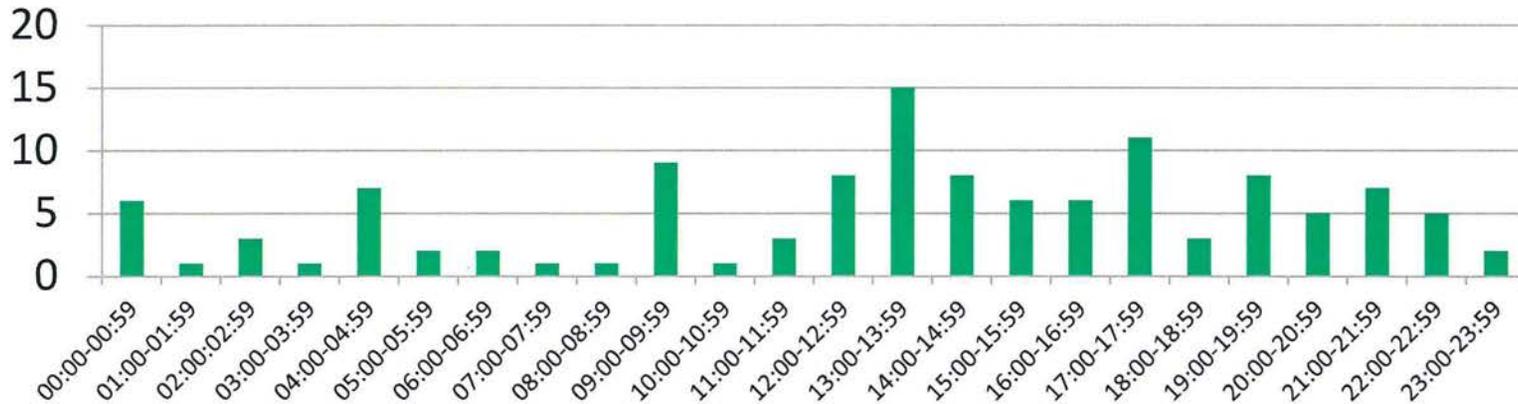
How many calls did we run?



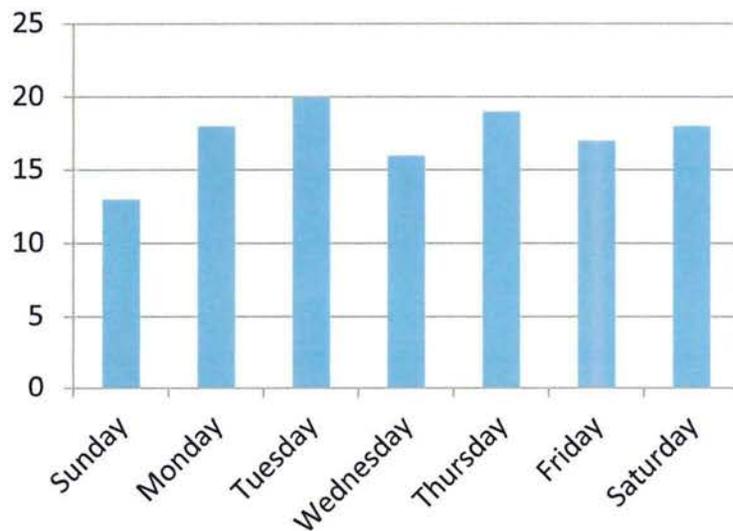


When do our calls occur?

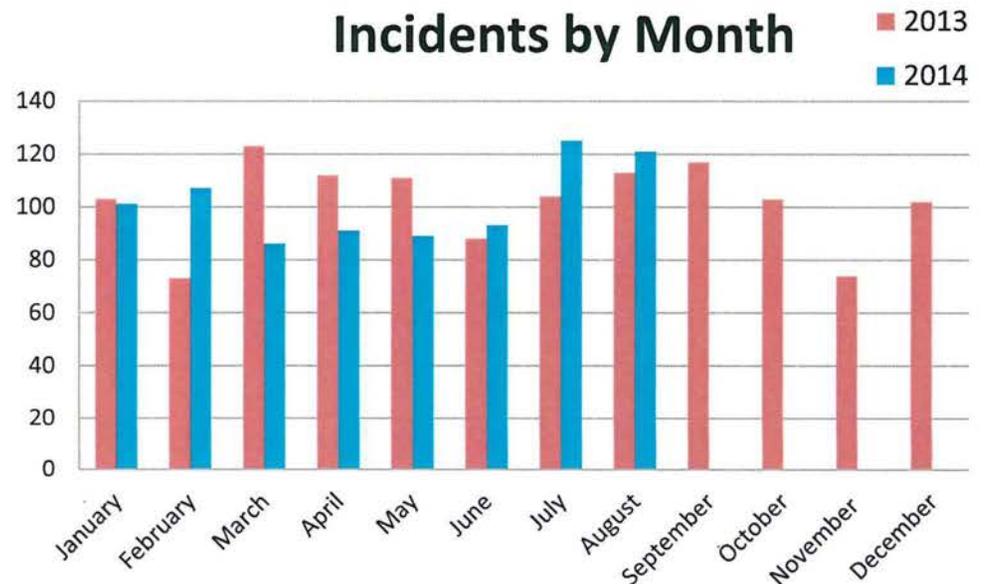
Incidents by Hour



Incidents by Day of Week

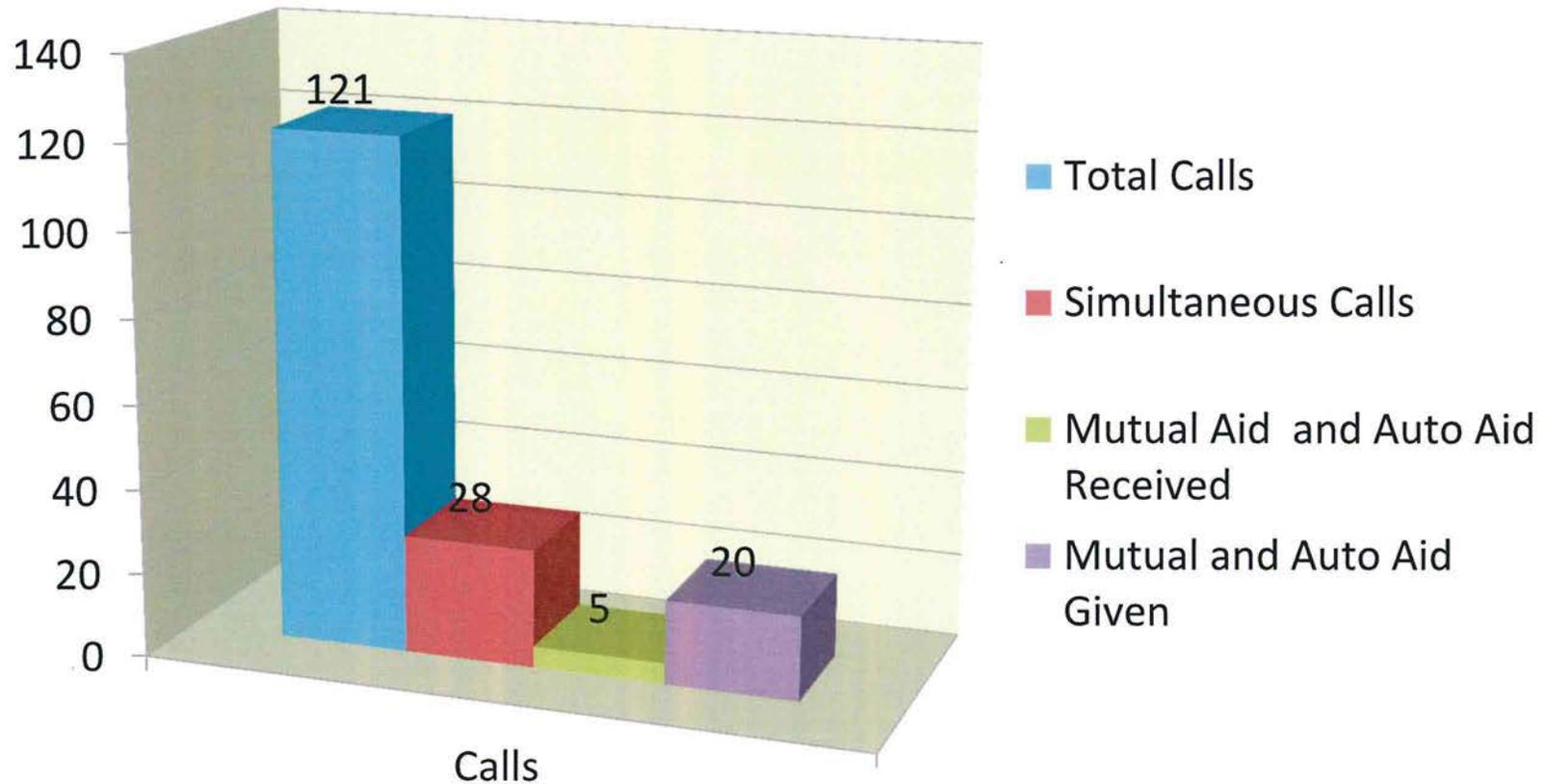


Incidents by Month





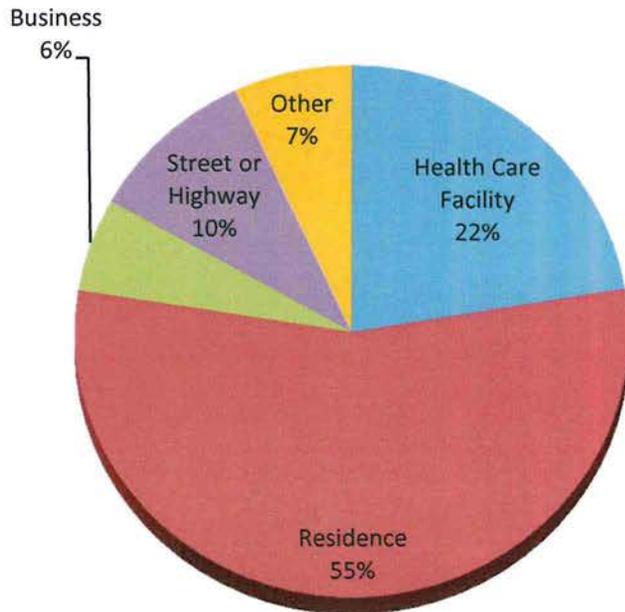
Simultaneous Calls and Mutual Aid



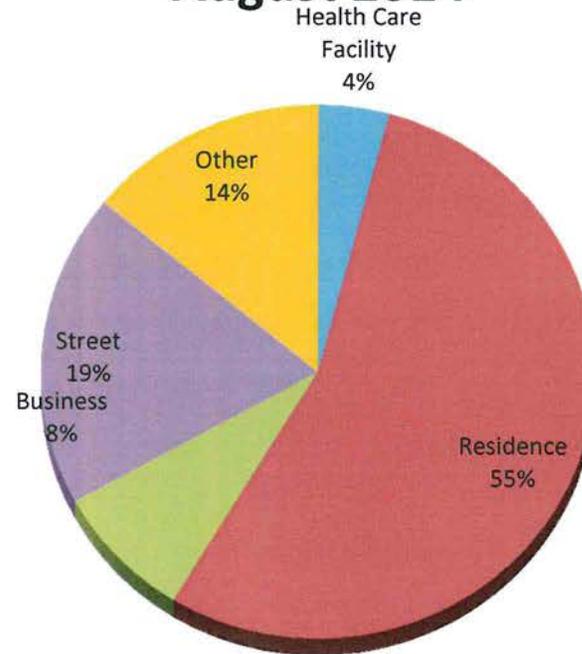


Where are we going?

2013

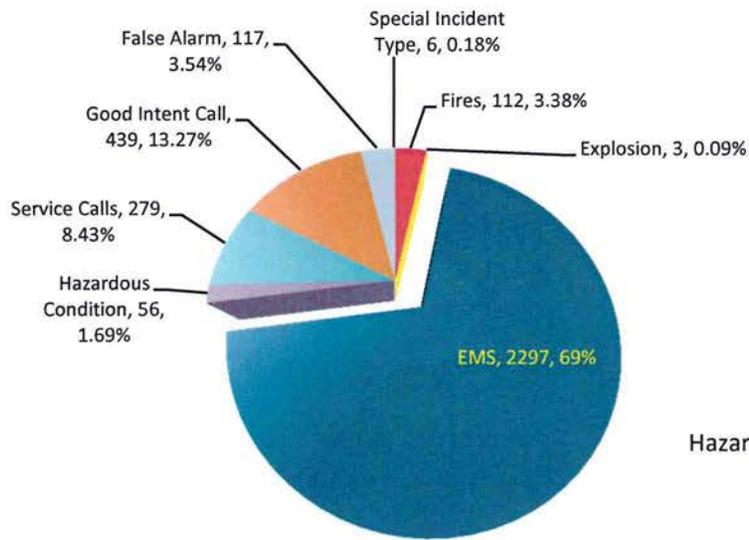


August 2014

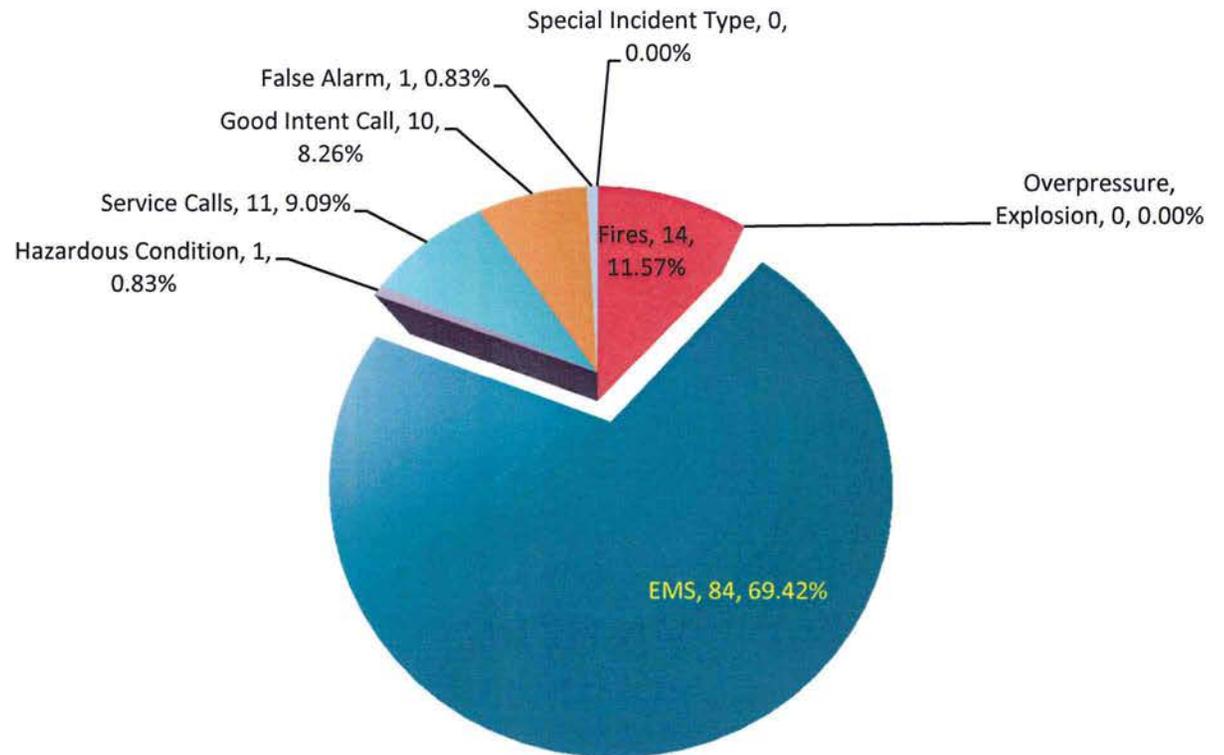




What type of calls did we get called for?



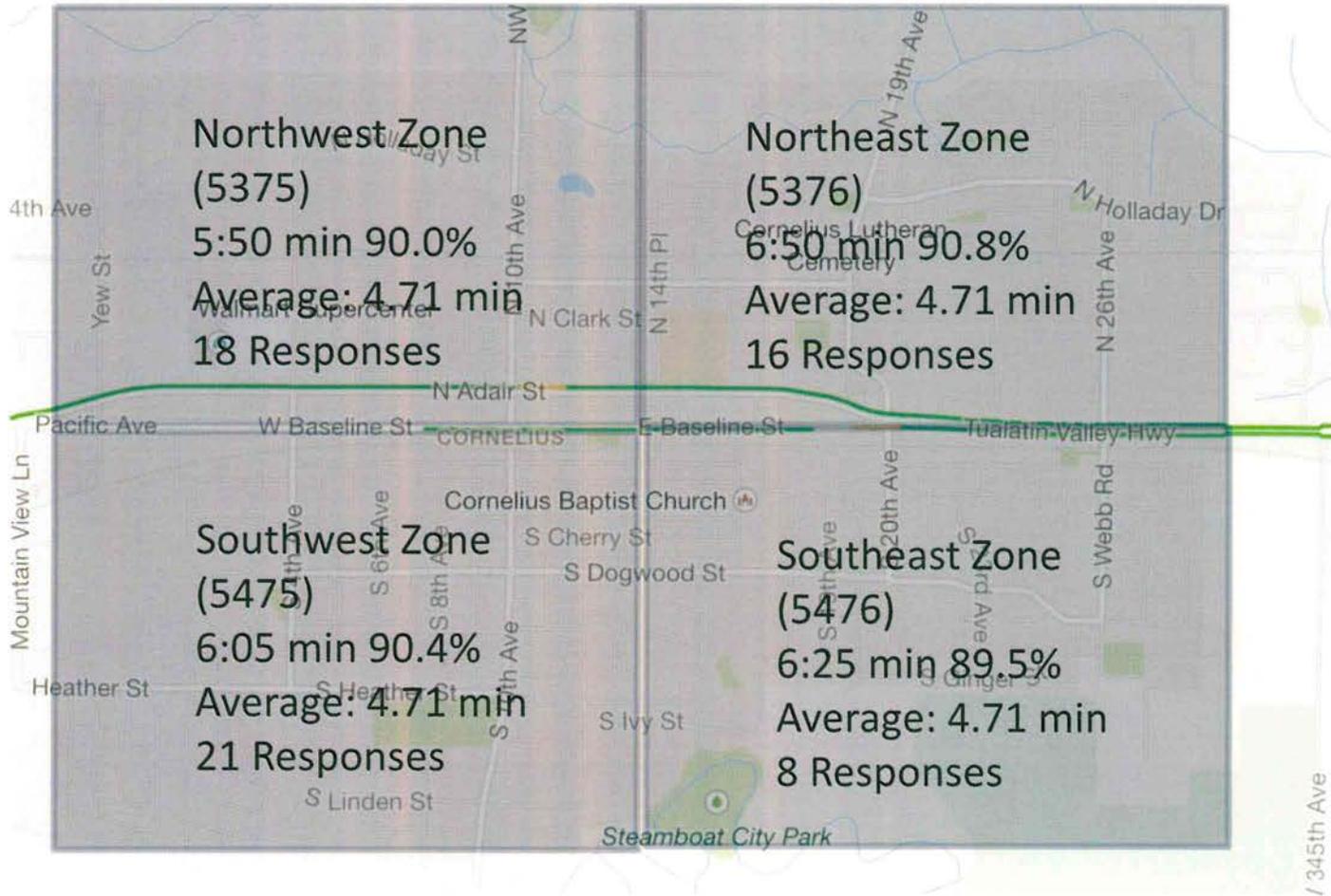
2013 Incident Types



August 2014 Incident Types



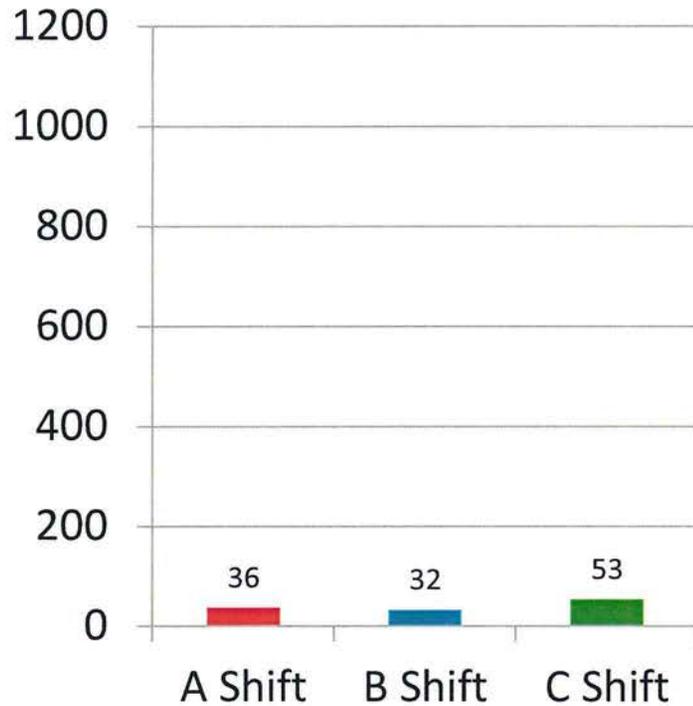
How long does it take us to get there?





Shift Performance Data

Incidents by Shift



Average Response Time



Forest Grove Fire & Rescue – Fire Prevention Division
August 2014 Monthly Report

Initial Inspections by occupancy – **23 in August**

	January	February	March	April	May	June	July	August				
Assembly	3	2	8	5	2	1	1	3				
Business	11	10	9	19	11	7	5	6				
Educational	6	1										
Factories	2	2	4	2	1	1	3	6				
High Hazard			1	1								
Institutional	3	1	2	1	1	1	3					
Mercantile		1	2	1	2	5	1	1				
Residential	4			11		4	7	3				
Storage	4	4	6	2	2	5	6	4				

Re Inspections by occupancy – **24 in August**

	January	February	March	April	May	June	July	August				
Assembly	5	2	4	6	5	3	4	2				
Business	5	1	18	10	9	7	14	6				
Educational		2										
Factories		1	3	4	2	3	1	1				
High Hazard												
Institutional	1	1	3	2	2	2	2	1				
Mercantile	1	2	2	1	4	3	1	1				
Residential	3	3	2	1				9				
Storage	1	1	7	8	4	5	6	4				

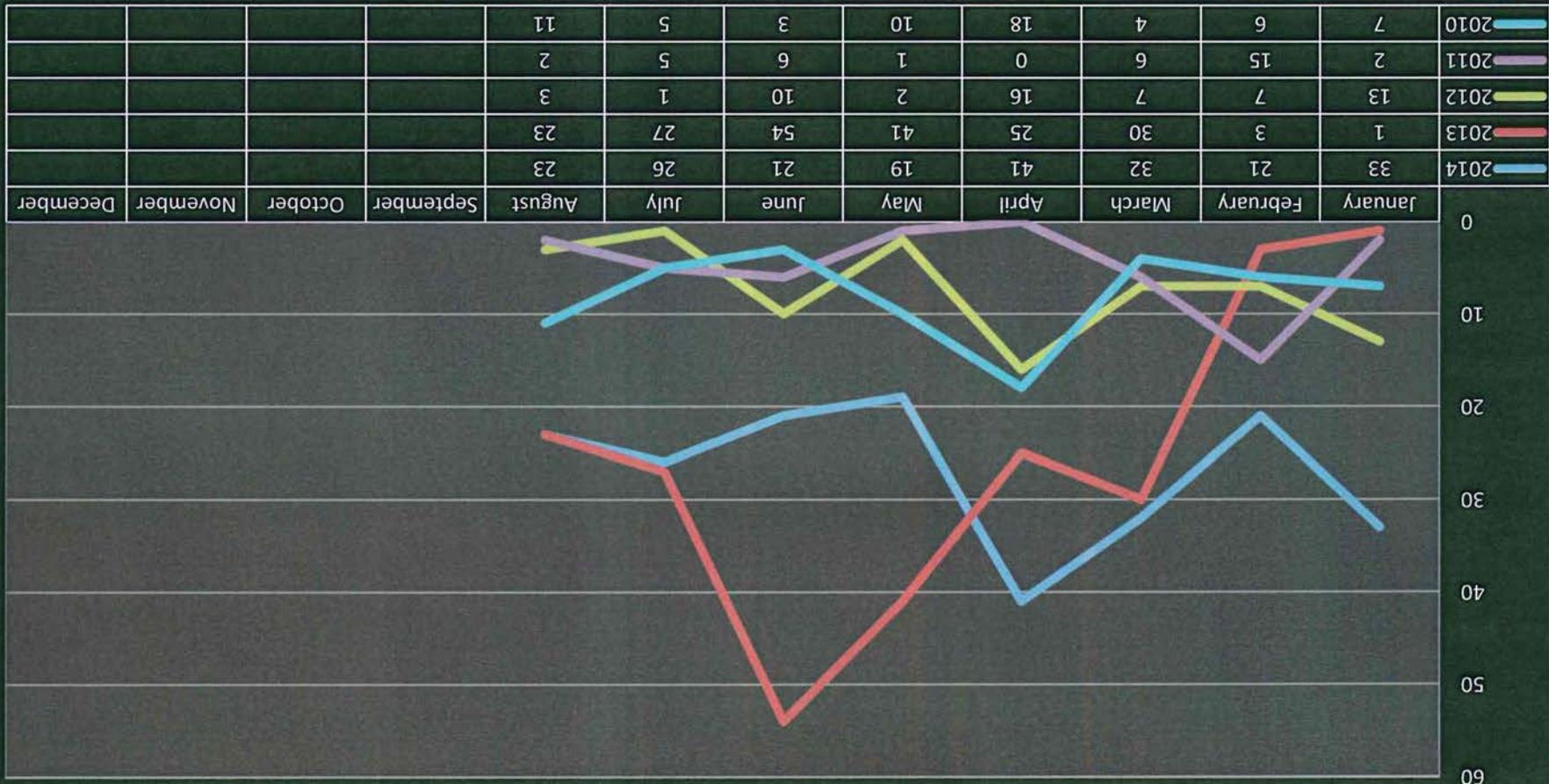
Hazards found/abated breakdown per occupancy

- Assembly 22 noted 2 abated
- Business 9 noted 7 abated
- Educational Not applicable
- Factory 29 noted 1 abated
- Institutional 0 noted 1 abated
- Mercantile 6 noted 5 abated
- Residential 7 noted 10 abated
- Storage 17 noted 10 abated

Other Statistics, Highlights, and Notes for August 2014

- Hazards Noted/Hazards Abated Total: 144/36
- Public Education Programs: 0
- Special Fire Investigations Conducted: 4
- Rural Access and Water Supply Inspections: 5
- Commercial Plans Reviewed: 0
- City Sub Division Plans Reviewed: 0
- Interventions of Youths misusing fire: 0
- Complaint Inspections: 1
- Media Releases/Interviews: 0/20

Five year comparison of initial inspections completed - FMO ONLY



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Memorandum

To: Mayor Truax and City Councilors

From: Anna D. Ruggles, CMC, City Recorder

Subject: Make Appointment to Economic Development Commission

Date: October 13, 2014

Staff received application from Woodfold-Marco Manufacturing expressing its desire to appoint Justin Norman to serve as their voting representative (Wood/Ag Products) on the Economic Development Commission.

No applicant interview is necessary since the representing business/entity is making this recommendation to Council.

STAFF RECOMMENDATION:

Staff recommends the City Council consider approving attached Resolution making the above-noted appointment to Economic Development Commission. If Council desires not to make this appointment, Council may reject placing this item on the Consent Agenda and/or discuss separately.

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RESOLUTION NO. 2014-75
RESOLUTION MAKING APPOINTMENT TO
ECONOMIC DEVELOPMENT COMMISSION
VOTING REPRESENTATIVE

WHEREAS, Resolution No. 2007-45 has provided for an Economic Development Commission; and

WHEREAS, Resolution Number 2006-10 provides that vacancies on City Advisory Boards, Committees, and Commissions brought about by resignation or removal shall be filled by appointment to fill the term of that seat by the City Council; and

WHEREAS, there currently exist a vacancy on the Economic Development Commission; and

WHEREAS, the City Council has received notification from a business/entity making recommendation to appoint a voting representative to serve on their behalf on the Economic Development Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

Section 1. That the following person is hereby appointed to the City of Forest Grove Economic Development Commission for the following term (new appointment noted in **BOLD**):

<u>Last Name:</u>	<u>First Name:</u>	<u>Position/Representative:</u>	<u>Term Expires:</u>
Justin	Norman	Woodfold-Marco Manufacturing (Wood/Ag Products)	December 31, 2015

Section 2. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 13th day of October, 2014.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 13th day of October, 2014.

Peter B. Truax, Mayor

**FOREST GROVE ECONOMIC DEVELOPMENT COMMISSION
VOTING REPRESENTATIVE INFORMATION SHEET**

ECONOMIC DEVELOPMENT COMMISSION (EDC):

Company NAME:	Woodfold Manufacturing	
	<i>Primary:</i>	<i>Alternate:</i>
Member:	Justin Norman	
Mailing Address:	1811 18th Ave / PO Box 346	
Phone (work):	503-357-7181	
Phone (home):	503-776-0835	
Fax:	503-357-7185	
E-Mail:	jnorman@woodfold.com (info@woodfold.com if for public consumption)	

It is the desire of the above agency to appoint/elect the above member(s) to represent the above agency as a voting representative to the Forest Grove Economic Development Commission.

Date: October 8, 2014 **Submitted by:** Mark Lewis
Title: President

Please submit the completed form to City Recorder's Office, 1924 Council Street, P. O. Box 326, Forest Grove, OR 97116, Phone: 503.992.3235, Fax: 503.992.3207, e-mail: aruggles@forestgrove-or.gov. You will be notified once the City Council formally makes your appointment request.

Date: October 13, 2014

WATERSHED MAINTENANCE AND HARVEST UPDATE

PROJECT TEAM: Mindy Laird-Garcia, Parks Department
Scott Ferguson & Barry Sims, Trout Mountain, Forester
Robert A. Foster, Public Works Director
Michael J. Sykes, City Manager

ISSUE STATEMENT:

This update is to provide City Council with the latest information on activity in the Watershed and to answer questions related to this year's timber harvest, our watershed maintenance projects, and our fire protection plan.

BACKGROUND:

As part of the Watershed Stewardship Management Plan, an annual tree harvest is completed. The emphasis of tree harvest on the watershed is to maintain and improve the long-term productivity and biological integrity of the entire forest ecosystem. The desired future forest will feature mixed species stands of older, larger trees, with sufficient harvesting and regeneration to assure adequate younger stands to balance the age of the forest. All timber harvests are subject to the over-riding stewardship goals and policies governing protection of water quality, aquatic habitat and wildlife habitat in the watershed. Harvest levels shall be based on forest health and other ecological goals, and shall not be revenue driven. A system of selection thinning, patch cutting and variable retention harvest shall be used to maintain forest health and structure.

The Forest Grove Watershed Stewardship Management Plan is a policy oriented, conceptual framework for managing the City's 4,225 acres of streams, riparian woods and upland forest. It also serves as a vehicle for the assessment of the Watershed's ecosystem condition and health, including information from new surveys of biological resources, including fisheries, wildlife, vegetation and rare plants. The Plan articulates a future vision for the Watershed, with specific management goals that will help realize this overarching vision. Continued projects are part of this Staff Report.

CURRENT PROJECTS:

2014 Timber Harvest

The timber harvest is currently 75% complete. The City is in contract to sell 1.5MBF of timber to local area mills. We currently have harvested 1.1MBF. The harvest is schedule to be complete by the end of October.

Maintenance Projects

- Potts Cross-Over Road
Larry Heesacker, of A-1 Logging, has been hired to remove and replace existing log puncheon culvert with three pipe culverts. Two of the culverts are 30" and 30-40 feet long. The other is 24" and 40 feet long. Replacement will include excavation work and slide protection rock.
- Deep Creek Road Culvert Clean Out
A-1 Logging will also work to unplug a culvert on Deep Creek Road. The uphill side of the plugged culvert needs to be cleaned out. Both maintenance projects are on schedule to be completed prior to the heavy rains.

Tree Donation Project

- Clean Water Services (CWS) Portal Trees
The City donated two large cedar trees from the Watershed for the new Fern Hill Wetlands project. The trees will instill the root ball and be approximately 40 feet long. One tree is 36" diameter the other is 40" diameter. The portal trees will be used at the entrance of the new Natural Treatment System.

Wildfire Protection/Management

The recent Scoggins Creek Fire brought attention to the importance of a good fire protection plan and good watershed maintenance. Our watershed is located within the Forest Grove Fire District however in additional the City has a cooperative agreement with Oregon Department of Forestry (ODF) for fire protection. Both were utilized in the Scoggins Creek Fire. The fire was quickly brought under control but not before it got within 1.0 mile from the City's watershed.

The lead agency for fire suppression for forested areas is ODF. The lead agency for structural fires is Forest Grove Fire & Rescue. The Watershed Management Plan Fire Management stresses 1) reducing the risk of a fire starting and 2) reducing the size and hazard of any fire by preparations which include upgrading and maintaining roads and trails, minimizing concentrations of slash, avoiding slash burning and preventing trespass. It's also important to follow the basic ODF rules on fire safety, especially when harvests coincide with late summer fire season.

FISCAL IMPACT:

The culvert work will cost approximately \$7,000. The fiscal impact on the portal trees has not been calculated as of yet.

STAFF RECOMMENDATION: No action required of City Council.

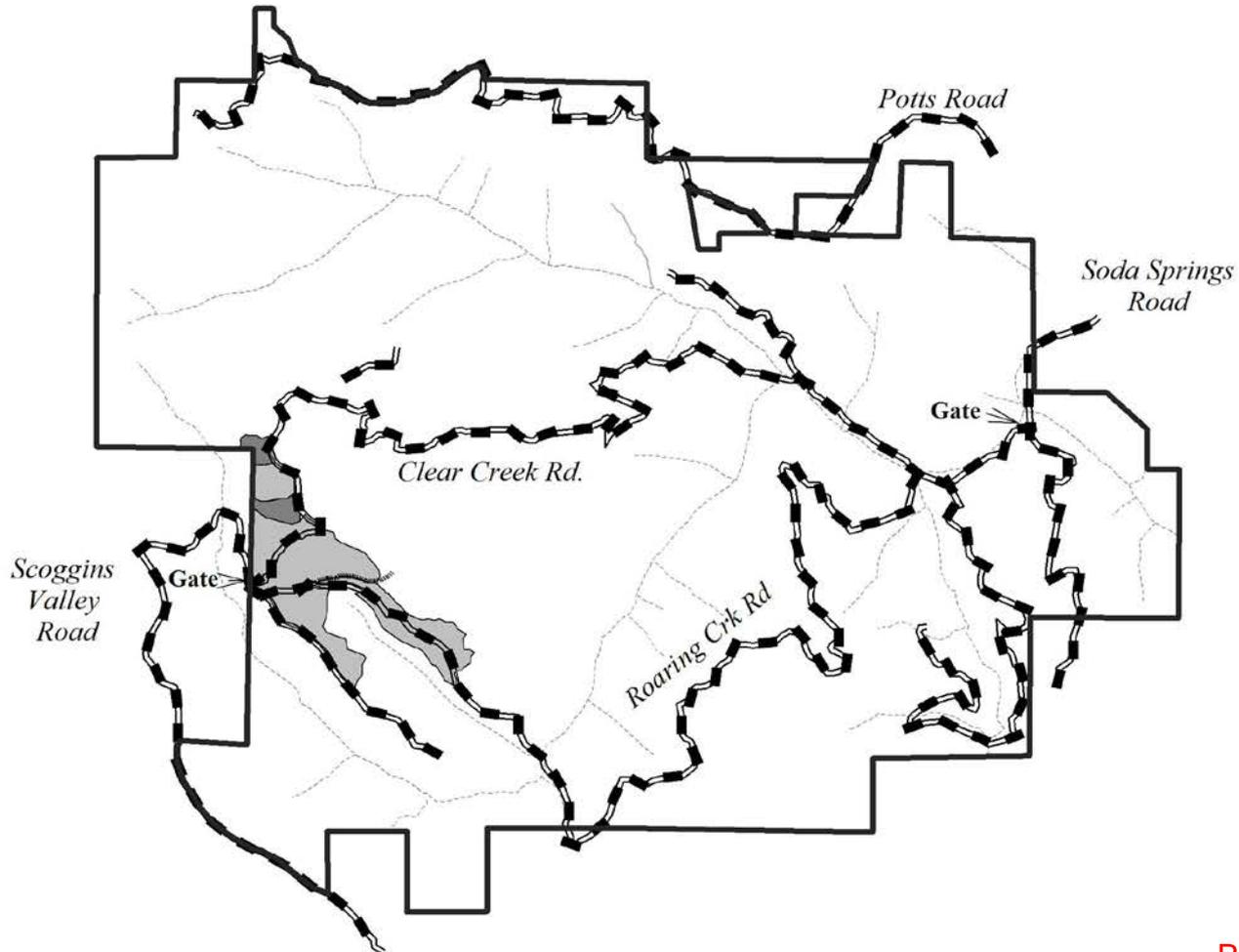
FOREST GROVE WATERSHED UPDATE 2014

-harvest

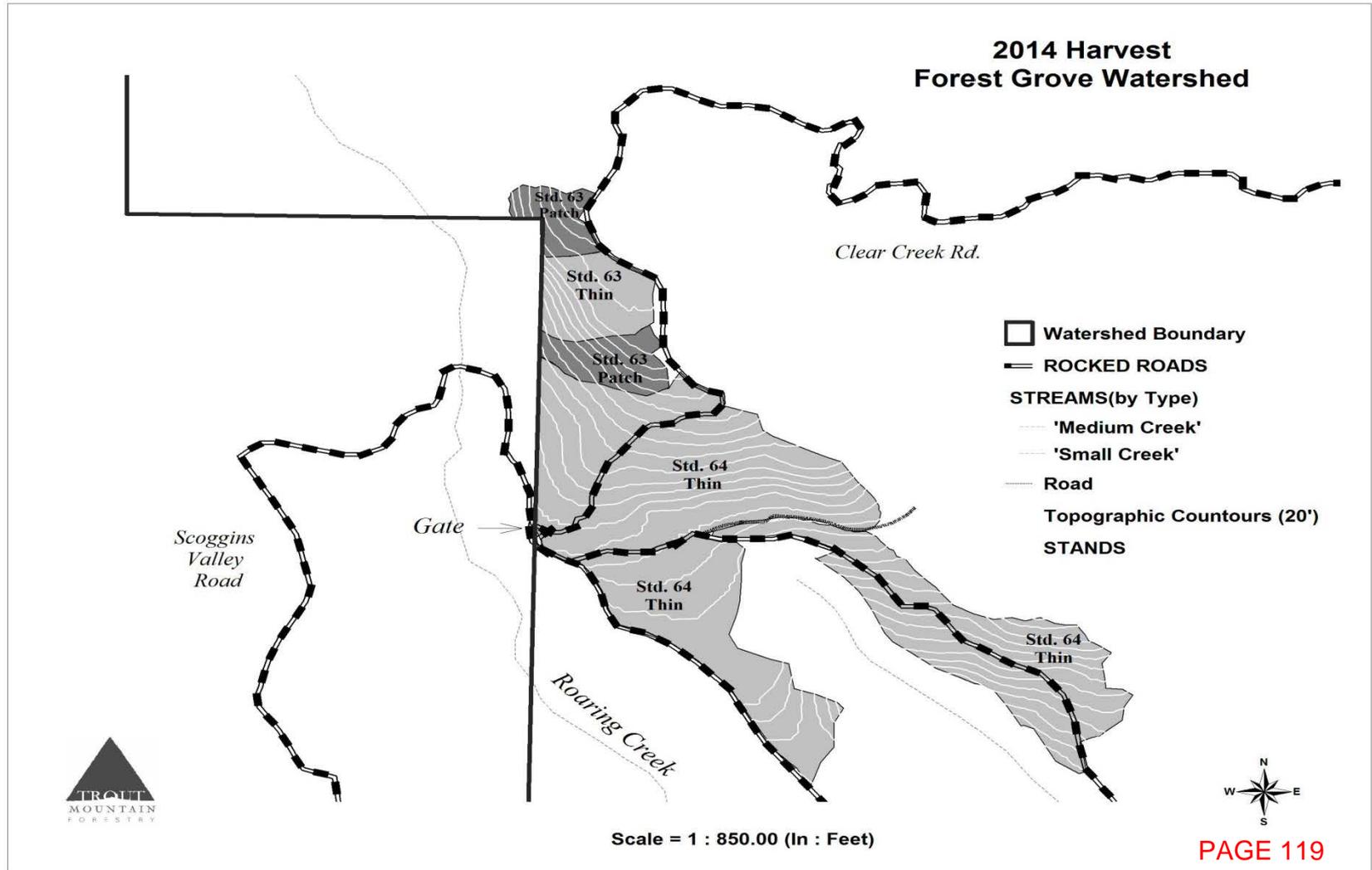
-road maintenance

-fire

HARVEST LOCATION



HARVEST LAYOUT



HARVEST 2014

- 9 acres of heavy thinning
- 10 acres of patch cuts
- 100 acres of thinning from below

PATCH CUT AREA



PATCH CUT AREA



HEAVY THINNING AREA



10/01/2014 14:50

HEAVY THINNING AREA



THINNING AREA - BELOW



10/01/2014 15:00

THINNING AREA - BELOW



HARVEST 2014

- Projected Harvest - 1500 MBF
- Currently Harvested - 1100 MBF
- Current Net Revenue \$381,906

(Note: not all harvested timber has been paid for by mill as of yet)

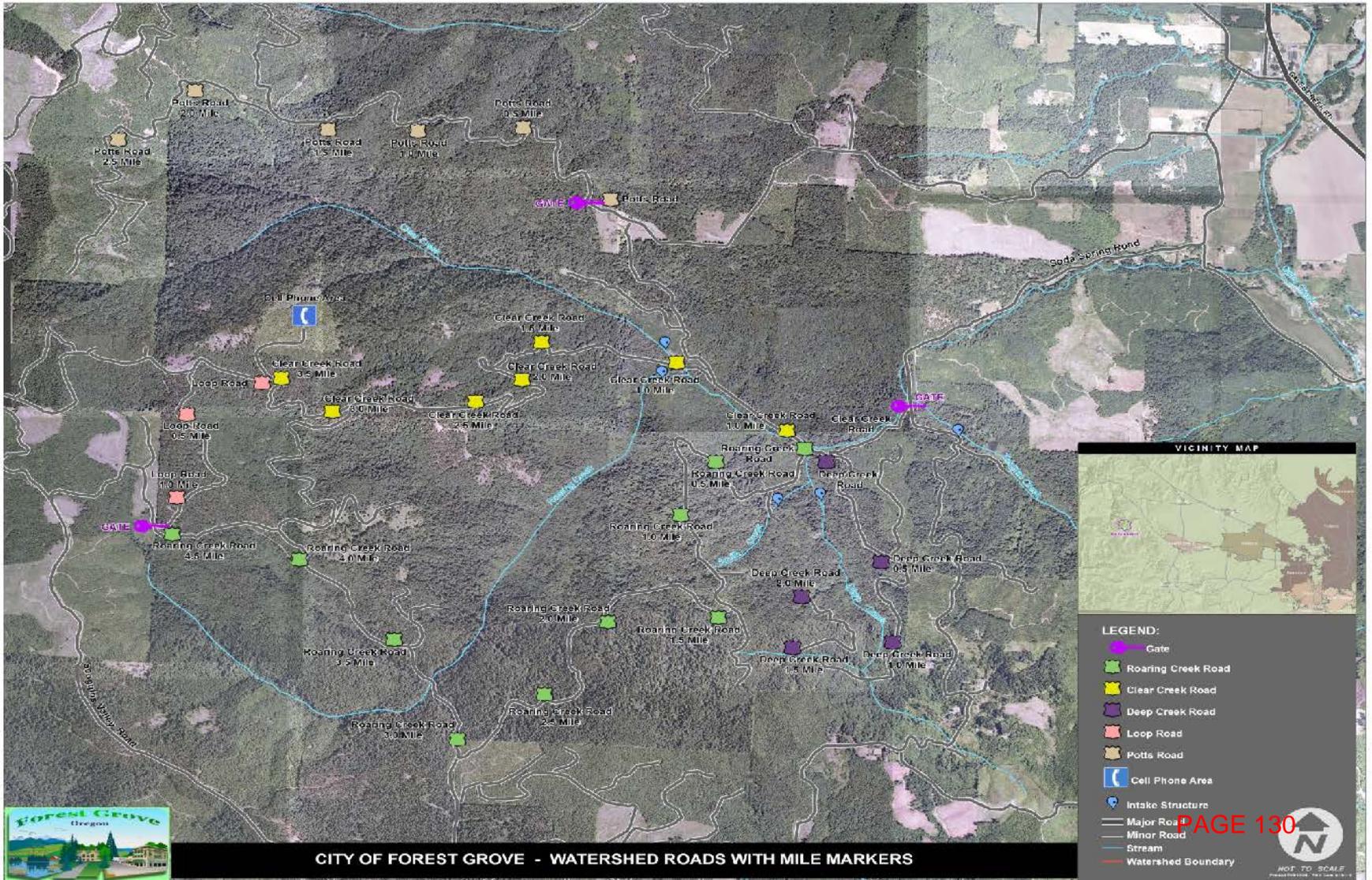
CEDAR LOGS

- The City donated two cedar logs to Clean Water Services.
- The cedar logs will be used as portals or gates at the new Fern Hill Wetlands treatment facility.

ROAD MAINTENANCE

- Clean Out Culverts on Deep Creek Road
Removal of debris to allow water to flow
- Repair Potts Cross-Over Road Culverts
Replace old log puncheon culverts with pipe culverts

WATERSHED ROADS



POTTS CROSS-OVER ROAD A1



POTTS CROSS-OVER ROAD A2



POTTS CROSS-OVER ROAD A3



SCOGGINS CREEK FIRE



SCOGGINS CREEK FIRE - PHOTOS





09/19/2014 19:09



09/20/2014 16:46



09/20/2014 16:56



09/20/2014 16:57





09/20/2014 17:08



09/20/2014 17:40



09/20/2014 17:40



09/20/2014 17:42



09/20/2014 17:34

WHAT CAN WE DO TO HELP PREVENT WILDFIRES IN OUR WATERSHED?

- Follow ODF's fire season prevention requirements, be aware of fire levels
- Thin stands on the edge of the watershed to make them more fire resistant
- Maintain road systems for good access
- Minimize fuel levels
- Do a fire risk assessment of the watershed

SCOGGINS CREEK FIRE 2014



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ORDINANCE NO. 2014-10

ORDINANCE GRANTING A FRANCHISE TO ASTOUND BROADBAND, LLC, A WASHINGTON LIMITED LIABILITY COMPANY, TO CONDUCT A GENERAL TELECOMMUNICATIONS BUSINESS AND GRANTING A RIGHT TO USE PUBLIC RIGHTS OF WAY WITHIN THE CITY

THE CITY OF FOREST GROVE ORDAINS AS FOLLOWS:

Section 1: The City of Forest Grove (City) grants to Astound Broadband, LLC a Washington limited liability company (Astound Broadband), its successors and assigns, the right and privilege to conduct a general telecommunications business with the City and to place, erect, lay, maintain and operate in, upon, under and over public rights of way within the City poles, wires, cables, fiber optics, conduit and other appliances and conductors (collectively, facilities) for the transmission of light, electricity, or other impulses for telecommunications purposes, including the provision of telecommunications, private line, and internet access services (collectively, telecommunications services). Such facilities may be strung upon poles and other fixtures above ground or may be laid underground in pipes and conduits or otherwise protected. Whenever possible for new development, underground facilities will use a common trench located by the Forest Grove Light & Power Department. This ordinance does not grant Astound Broadband authority to use its facilities to provide cable services or any other non-telecommunications services. This ordinance is subject to, and Astound Broadband agrees to comply with, applicable state, federal and City laws, rules, regulations, ordinances, resolutions or orders now in effect or adopted after this ordinance takes effect.

Section 2: Astound Broadband is granted authority to make all needed and necessary excavation in any public right of way. All excavation and construction work must comply with City ordinances, resolutions, rules and orders now in effect or that take effect during the term of this franchise. City will enter discussions with Astound Broadband to achieve acceptable solutions to issues identified by Astound Broadband regarding proposed changes to City ordinances, resolutions, rules or orders whenever such discussions are practicable. Astound Broadband does not waive its right to challenge the legality, validity or enforceability of any changes to City ordinances, resolutions, rules or orders adopted after this ordinance takes effect. This ordinance does not require Astound Broadband to comply with future ordinances, resolutions, rules or orders that apply only to Astound Broadband. Astound Broadband is not required to use any City-owned conduit or appurtenances for which the City imposes any fee, tax or other charges for its use.

Section 3: Whenever Astound Broadband disturbs any public right of way for the purpose of excavation or construction, it must restore as soon as practicable the public right of way to at least as good condition as existed prior to excavation or

construction, as directed by City. If Astound Broadband fails to restore the public right of way within a reasonable time after receipt of written notice from City or fails to do so as directed by City, then City will make such restoration and Astound Broadband must reimburse City for the costs of such restoration. Restoration to the condition that existed before excavation or construction does not require Astound Broadband to restore areas larger than the areas of excavation and construction.

Section 4: This ordinance does not limit the authority of the City to sewer, grade, pave, and repair, alter or improve any public right of way in or upon which Astound Broadband may place facilities. To the extent possible all such City work or improvements will be done in a manner that does not obstruct or prevent the free use of Astound Broadband facilities.

Section 5: Whenever it becomes necessary to temporarily rearrange, remove, lower or raise Astound Broadband facilities for the passage of buildings, machinery or other objects, Astound Broadband will temporarily rearrange, remove, lower or raise its facilities as required by City. The person moving any such buildings, machinery or other objects must pay the entire actual cost to Astound Broadband of changing, altering, moving, removing or replacing its facilities so as to permit such passage. The person must deposit in advance with Astound Broadband a sum equal to the cost as estimated by Astound Broadband and must pay all damages and claims of any kind, direct or consequential, caused directly or indirectly by the changing, altering, moving, removing or replacing of facilities, except damages or claims resulting from the sole negligence of Astound Broadband. Astound Broadband will be given not less than fifteen (15) days written notice by the person desiring to move a building or other object. This notice must state the route of movement of such building or other objects over and along the public rights of way and must be approved by the City. Such moving must be done as quickly as possible without unnecessary delay to limit expense and inconvenience to Astound Broadband.

Section 6: As consideration for the use of City's public rights-of-way, Astound Broadband shall remit to City an annual fee of five percent (5%) of its gross revenues earned, less bad debts, from the provision of telecommunications services within the City. The privilege tax shall be payable semi-annually on or before March 15 for the six month period ending December 31, and September 15 for the six-month period ending June 30, and the first and last payments must be for that fractional part of the calendar year during which this franchise is in effect. City shall have the right, upon 48 hours' notice and during normal business hours, to conduct or cause to be conducted an audit of gross revenues as defined herein for the purpose of ascertaining whether Astound Broadband's franchise fee payments have met the requirements of this franchise. Any difference of payment due either the City or Grantee following audit shall be payable within thirty (30) days after written notice to the affected party. Neither party is entitled to recover any under-or over-payment more than three years after the payment's due date. In lieu of all or a portion of the franchise fee payment required under this Section, Astound Broadband may provide telecommunications or other

services to the City. Any agreement for the provision of such services will be as mutually agreed by the parties in separate documentation and the offset value of any such services provided to the City will be determined based on the standard rates Astound Broadband charges to third-party customers for substantially equivalent services.

Section 7: The rights, privileges and franchise granted will continue and be in full force for a period of five (5) years from the date of enactment of this ordinance. The franchise will be automatically renewed for an additional five years unless the City notifies Grantee in writing at least 90 days prior to the termination date of the franchise of its intent to terminate the franchise or renegotiate provisions of the franchise. This ordinance does not grant a franchise unless it is accepted in writing by Astound Broadband within sixty (60) days after its enactment.

Section 8: This ordinance is effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading this 22nd day of September, 2014.

PASSED the second reading this 13th day of October, 2014.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 13th day of October, 2014.

Peter B. Truax, Mayor

TO THE CITY COUNCIL OF THE CITY OF FOREST GROVE, OREGON:

Astound Broadband, LLC hereby unconditionally accepts the right, privilege and franchise granted unto it, its successors and assigns, by that certain franchise passed by the City Council of the City of Forest Grove, Oregon, on the _____ day of _____, 2014, designated as Ordinance No. 2014-10 and entitled:

"ORDINANCE GRANTING A FRANCHISE TO ASTOUND BROADBAND, LLC,
A WASHINGTON LIMITED LIABILITY COMPANY,
TO CONDUCT A GENERAL
TELECOMMUNICATIONS BUSINESS AND GRANTING A RIGHT
TO USE PUBLIC RIGHTS OF WAY WITHIN THE CITY."

DATED this _____ day of _____, 2014.

ASTOUND BROADBAND, LLC

By: _____

Title: _____

Receipt of within and foregoing acceptance by Astound Broadband, LLC is hereby acknowledged on this 13th day of October, 2014.

CITY OF FOREST GROVE, OREGON

By: _____

Michael J. Sykes

Title: City Manager

Attested: _____

Anna D. Ruggles, CMC, City Recorder

Memorandum

TO: Mayor Truax and City Council

FROM: Rob Foster, Public Works Director
Michael Sykes, City Manager

DATE: October 13, 2014

SUBJECT: Intergovernmental Agreement Amendment No. 1:
ODOT/ Council Creek Regional Trail Master Plan

BACKGROUND: The City of Forest Grove (City) entered into an Intergovernmental Agreement (IGA) on November 7, 2012, with the Oregon Department of Transportation (State). The Agreement covers City's participation in the Management of the Council Creek Region Trail Master Plan Project.

It has now been determined by the State and City that the Agreement referenced above shall be amended to clarify a project end time of October 31, 2016. See Exhibit A, Amendment No. 1 to the Agreement.

A brief review of the actual project schedule will be presented at the meeting.

FISCAL IMPACT: None.

STAFF RECOMMENDATION: Staff is recommending the City Council approve the attached resolution authorizing the Mayor and City Manager to endorse the Amendment No. 1 to the IGA (Exhibit A) for the Council Creek Regional Trail Master Plan project.

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RESOLUTION NO. 2014-74

**RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER
TO ENDORSE AMENDMENT NO. 1 TO THE INTERGOVERNMENTAL
AGREEMENT BETWEEN CITY OF FOREST GROVE AND THE
OREGON DEPARTMENT OF TRANSPORTATION FOR THE
COUNCIL CREEK REGIONAL TRAIL MASTER PLAN PROJECT**

WHEREAS, the City of Forest Grove (City) entered into an Intergovernmental Agreement on November 7, 2012, pursuant to adoption of Resolution No. 2012-64, with the State of Oregon Department of Transportation (State); and

WHEREAS, the Agreement covers the City's participation in the Management of the Council Creek Region Trail Master Plan Project; and

WHEREAS, it has been determined by the State and City that the Intergovernmental Agreement be amended to extend the project end time to October 31, 2016, as stated in the attached Exhibit A (Amendment No. 1 to Contract No. 27521).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

Section 1. The City Council of the City of Forest Grove hereby approves the Amendment to the Intergovernmental Agreement as stated and subject to the conditions of this Agreement (attached as Exhibit A).

Section 2. The Mayor and City Manager are hereby authorized to endorse the Agreement (attached as Exhibit A) on behalf of the City of Forest Grove.

Section 3. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 13th day of October, 2014.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 13th day of October, 2014.

Peter B. Truax, Mayor

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AMENDMENT NUMBER 01
INTERGOVERNMENTAL AGREEMENT
Council Creek Trail: Banks – Hillsboro
City of Forest Grove

The **STATE OF OREGON**, acting by and through its Department of Transportation, hereinafter referred to as "State;" and the **City of Forest Grove**, acting by and through its elected officials, hereinafter referred to as "City," entered into an Agreement on *November 7th, 2012*. Said Agreement covers City's participation in the coordination of the efforts of the Council Creek Region Trail Committee to advance the Trail Master Plan Project.

It has now been determined by State and City that the Agreement referenced above shall be amended to extend time. Except as expressly amended below, all other terms and conditions of the Agreement are still in full force and effect.

Terms of Agreement, Paragraph 5, Page 2, which reads:

5. The term of this Agreement shall begin on the date all required signatures are obtained and the Federal Highway Administration (FHWA) approval has been given and shall terminate on completion of the Project and final payment, or two (2) calendar years following the date of the Notice to Proceed (NTP), issued by the State, whichever is sooner. This Agreement may be amended only upon mutual written consent of all Parties. No work shall begin on this Project until City receives written notice from State regarding federal approval for the use of Federal funds.

Shall be deleted in its entirety and replaced with the following:

5. The term of this Agreement shall begin on the date all required signatures are obtained and the Federal Highway Administration (FHWA) approval has been given and shall terminate on completion of the Project and final payment, **or by October 31, 2016**, whichever is sooner. This Agreement may be amended only upon mutual written consent of all Parties. No work shall begin on this Project until City receives written notice from State regarding federal approval for the use of Federal funds.

This Amendment may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Amendment so executed shall constitute an original.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

City/State
Agreement No. 27521-01

This Project is in the 2012-2015 Statewide Transportation Improvement Program, (Key #17272) that was adopted by the Oregon Transportation Commission on March 21, 2012 (or subsequently approved by amendment to the STIP).

CITY OF FOREST GROVE, by and through its elected officials

By _____
Mayor

Date _____

By _____
City Manager

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Agency Counsel

Date _____

STATE OF OREGON, by and through its Department of Transportation

By _____
Highway Division Administrator

Date _____

APPROVAL RECOMMENDED

By _____
Region Manager, Region 1

Date _____

City Contact:

Derek Robbins, Civil Engineer
1928 Council Street
Forest Grove, OR 97116
503-992-3292
djobbins@forestgrove-or.gov

State Contact:

Michele Thom, Local Agency Liaison
123 NW Flanders St
Portland, OR 97209
503-731-8279
Michele.r.thom@odot.state.or.us