

## CITY COUNCIL MONTHLY MEETING CALENDAR

Oct-16						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1 Fernhill Wetlands Birds and Brew <i>LOC Conference</i>
2	3 Planning Comm 7pm	4 CCI 5:30pm	5 Municipal Court	6 Governor's Reg Solutions Team 10am - Comm Aud	7 Council Watershed Tour	8 Oktoberfest PAC Arts Walk Tour Postponed
<i>Sound System Upgrade Project - Community Auditorium</i>						
9	10 CITY COUNCIL 5:30 PM - URA WORK SESSION (Storefront) 6:00 PM - JOINT WORK SESSION W/CCI (ATM) 7:00 PM - REGULAR COUNCIL MEETING 8:00 PM - WORK SESSION (TLT) COMMUNITY AUDITORIUM	11 Red Cross Blood Drive 1pm - 6pm - Comm Aud  Library 6:30pm State Rep Forum 6:30 pm - Cornelius	12 CFC 5:15pm	13 PAC 5pm	14 FGS&CC 1st Friday	15  Public Safety Open House 10am-2pm Fire St
16 Chamber Luncheon  FGS&CC Bd Mtg 6:30pm Planning Comm 7pm	17	18 Fernhill Wetlands 5:30pm	19 P&R 7am CFC Moved to Oct 12th CAO 5pm CWAC 5:30pm	20 FG Fire Fill The Boot 4pm Food Film 7:30pm	21 FG Fire Fill The Boot 4m	22 Prescription Drug Turn In - Police Mayor's Dinner Auction 6pm - FGSCC
23	24 CITY COUNCIL 7:00 PM - REGULAR COUNCIL MEETING COMMUNITY AUDITORIUM	25 HLB 7:15pm	26 Municipal Court  PSAC 7:30am	27 Village Without Walls Ribbon Cut WEA Breakfast Sustainability 6pm	28 4:00 PM High Sch Parade 5:00 pm - Nyuzen Welcome	29
30 Nyuzen Welcome Dinner 5pm	31				<i>Nyuzen Student Delegation Visit Oct 28 - Nov 1</i>	
<i>Nyuzen Student Delegation Departs Nov 1st</i>						
Nov-16						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 CCI 5:30pm <i>Nyuzen Student Delegation Departs</i>	2 Municipal Court	3 Plastic Bag Ban Forum for Retailers 1pm - Comm Aud	4 EDC Noon	5 FGS&CC 1st Friday Verboort Dinner 10am
6 Planning Comm 7pm	7 GENERAL ELECTION DAY	8 Red Cross Blood Drive 1pm - 6pm - Comm Aud Library 6:30pm	9	10 PAC 5pm	11 CITY OFFICES CLOSED HOLIDAY	
13	14 CITY COUNCIL 7:00 PM - REGULAR COUNCIL MEETING COMMUNITY AUDITORIUM	15 Fernhill Wetlands 5:30pm	16 P&R 7am CFC 5:15pm CAO 5pm CWAC 5:30pm	17 Food Film 7:30pm Sustainability 6pm	18	19
<i>National League of Cities Conference - Pittsburgh, PA</i>						
<i>LED Lighting Project - Community Auditorium</i>						
20 Chamber Luncheon  FGS&CC Bd Mtg 6:30pm Planning Comm 7pm	21	22 HLB 7:15pm	23 PSAC 7:30am	24 CITY OFFICES CLOSED HOLIDAY		25 CITY OFFICES CLOSED HOLIDAY
<i>LED Lighting Project - Community Auditorium</i>						
27 <i>Council Swearing-In Ceremony (TBA)</i> CITY COUNCIL 7:00 PM - REGULAR COUNCIL MEETING COMMUNITY AUDITORIUM	28	29	30 Municipal Court	31	Holiday Tree Lighting 6pm	
Dec-16						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 EDC Noon	2 FGS&CC 1st Friday Habitat for Humanity 3pm City Club Artisan Market
4 Planning Comm 7pm	5	6 CCI 5:30pm	7 Municipal Court  ODF Riparian Rule Open House & Public Hearing 4:30 pm - Comm Aud	8 PAC 5pm	9	10
11	12 CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	13 Red Cross Blood Drive 1pm - 6pm - Comm Aud  Library 6:30pm	14	15 Sustainability 6pm Food Film 7:30pm	16	17
18 Chamber Luncheon  FGS&CC Bd Mtg 6:30pm Planning Comm 7pm	19	20 Fernhill Wetlands 5:30pm	21 Municipal Court P&R 7am CFC 5:15pm CAO 5pm CWAC 5:30pm	22 Sustainability moved to 12/15	23	24
25	26 NO CITY COUNCIL MEETING	27	28	29	30	31
	CITY OFFICES CLOSED HOLIDAY	HLB 7:15pm	PSAC 7:30am			

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**CITY COUNCIL MEETING AGENDA**

**MONDAY, OCTOBER 10, 2016**

**5:30 PM – URA Work Session (Storefront Revitalization)  
6:00 PM – Joint Work Session Council & CCI (ATM)  
8:00 PM – Work Session (Transient Lodging Tax)  
7:00 PM – Regular Meeting**

**Community Auditorium  
1915 Main Street  
Forest Grove, OR 97116**

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**PETER B. TRUAX, MAYOR**

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

Ronald C. Thompson  
Elena Uhing  
Malynda H. Wenzl

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.

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**5:30**                      **URBAN RENEWAL AGENCY (URA) WORK SESSION:  
 (STOREFRONT REVITALIZATION PROGRAM)**  
*Refer to separate agenda*

(PowerPoint Presentation)  
 Jon Holan, Community  
 Development Director  
 Jesse VanderZanden, City Manager

**6:00**                      **JOINT WORK SESSION: COUNCIL AND COMMITTEE  
 FOR CITIZEN INVOLVEMENT (CCI) (Annual Town  
 Meeting (ATM) Topic, format and discussion):**  
 The City Council will convene in the Community Auditorium to conduct the above  
 joint 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).

- |  |                           |  |
|--|---------------------------|--|
| <p>Michael Kinkade, Fire Chief</p>   | <p><b><u>7:00</u></b></p> | <p>1. <b><u>REGULAR MEETING:</u></b> Roll Call and Pledge of Allegiance</p> <p>1. A. <b><u>PROCLAMATION:</u></b></p> <ul style="list-style-type: none"> <li>• <i>Fill The Boot for Muscular Dystrophy Association</i></li> </ul> <p>2. <b><u>CITIZEN COMMUNICATIONS:</u></b> Anyone wishing to speak to Council<br/> on an item <u>not on the agenda</u> may be heard at this time. <i>Please sign-in<br/> before the meeting on the Citizen Communications form posted in the foyer.</i><br/> In the interest of time, please limit comments to two minutes. Thank you.</p> <p>3. <b><u>CONSENT AGENDA:</u></b> See Page 3</p> <p>4. <b><u>ADDITIONS/DELETIONS:</u></b></p> <p>5. <b><u>PRESENTATIONS:</u></b> None</p> |
| <p>(PowerPoint Presentation)<br/> Jon Holan, Community Development<br/> Director<br/> Jesse VanderZanden, City Manager</p> | <p>7:15</p>               | <p>6. <b><u>RESOLUTION NO. 2016-58 AMENDING FOREST GROVE<br/> SUSTAINABILITY COMMISSION BYLAWS AND<br/> AMENDING RESOLUTION NO. 2013-69</u></b></p>  |
| <p>City Councilors</p>   | <p>7:25</p>               | <p>7. <b><u>CITY COUNCIL COMMUNICATIONS:</u></b></p>   |
| <p>Jesse VanderZanden, City Manager</p>  | <p>7:40</p>               | <p>8. <b><u>CITY MANAGER'S REPORT:</u></b></p>   |
| <p>Peter Truax, Mayor</p>  | <p>7:45</p>               | <p>9. <b><u>MAYOR'S REPORT:</u></b></p>  |
|  | <p><b><u>7:50</u></b></p> | <p>10. <b><u>ADJOURNMENT:</u></b></p>  |

(PowerPoint Presentation)  
 Jeff King, Economic Development  
 Manager  
 Jon Holan, Community Development  
 Director  
 Jesse VanderZanden, City Manager

**8:00**                      **WORK SESSION: TRANSIENT LODGING TAX**  
 The City Council will convene in the Community Auditorium 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).

- 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 remaining Consent Agenda item(s).
- A. Approve City Council Work Session (City Website Design Upgrade) Meeting Minutes of September 26, 2016.
  - B. Approve City Council Regular Meeting Minutes of September 26, 2016.
  - C. Accept Community Forestry Commission Meeting Minutes of May 18, 2016.
  - D. Accept Historic Landmarks Board Meeting Minutes of August 30, 2016.
  - E. Accept Library Commission Meeting Minutes of August 16, 2016.
  - F. Accept Planning Commission Meeting Minutes of September 19, 2016.
  - G. Accept Public Safety Advisory Commission Meeting Minutes of August 24, 2016.
  - H. Community Development Department Monthly Building Activity Informational Report for September 2016.

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**URBAN RENEWAL AGENCY WORK SESSION AGENDA**

**MONDAY, OCTOBER 10, 2016**

**5:30 PM – Urban Renewal Agency (URA) Work Session  
(Storefront Revitalization Program)**

**Community Auditorium  
1915 Main Street  
Forest Grove, OR 97116**

**PETER B. TRUAX, DIRECTOR BOARD CHAIR**

Thomas L. Johnston, Vice Chair  
Richard G. Kidd II  
Victoria J. Lowe

Ronald C. Thompson  
Elena Uhing  
Malynda H. Wenzl

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(PowerPoint Presentation)  
Dan Riordan, Senior Planner  
Jon Holan, Community Development  
Director  
Jeff King, Economic Development  
Manager  
Jesse VanderZanden, City Manager

**5:30**

**URBAN RENEWAL AGENCY (URA) WORK SESSION:**  
**(STOREFRONT REVITALIZATION PROGRAM)**

The Urban Renewal Agency will convene in the Community Auditorium 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 Urban Renewal Agency Board of Directors will take no formal action during the work session(s).

**6:00**

**ADJOURNMENT:**



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<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	_____
MEETING DATE:	_____
FINAL ACTION:	_____

**URBAN RENEWAL AGENCY STAFF REPORT**

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**TO:** *City Council*

**FROM:** *Jesse VanderZanden, City Manager*

**MEETING DATE:** *October 10, 2016*

**PROJECT TEAM:** *Jon Holan, Community Development Director; Jeff King, Economic Development Coordinator; Dan Riordan, Senior Planner*

**SUBJECT TITLE:** *Refinement of the Storefront Revitalization Program*

**ACTION REQUESTED:**  Ordinance  Order  Resolution  Motion  Informational

*X all that apply*

**BACKGROUND AND ISSUE STATEMENT:** At the last Agency Board meeting on September 26<sup>th</sup>, staff conducted a work session with Board members on a proposed storefront revitalization program. At that work session, staff presented various policy issues for discussion. Key points of consensus were:

- Limit to storefront improvements;
- Start small with potential to expand program to larger amounts and different areas for assistance in the future; and
- The program should be on an “as you go” basis.

The two areas where further discussion is needed are:

- The amount of the assistance; and
- Use of loans for higher amounts of funding assistance.

Based on the discussion at the September 26<sup>th</sup> work session, staff has developed a tiered approach as follows:

- Up to \$2,500 – grants – public to private ratio: 2 to 1;
- Over \$2,500 to \$7,500 – grants – public to private ratio: 1 to 1; and
- Over \$7,500 to \$10,000 – grants – public to private ratio: 1 to 2;

Staff's has a concern with offering loans. It increases the amount of information needed to be provided by the applicant, the amount of time required by staff to review the application and possibly the formation of a new review board to decide on the loan.

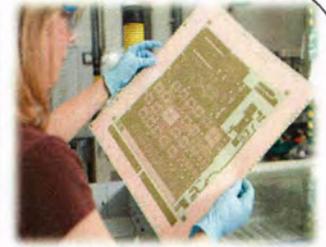
**Additional Information:** An applicant would need to provide additional information to demonstrate the ability to pay back the loan. Such information such as a pro forma and past loan performance are potential additional information beyond that needed for a grant.

**Additional Staff Time:** This is the biggest concern by staff. A grant program is a relatively straight-forward evaluation of meeting the criteria. A loan program would require staff to evaluate the ability of the applicant the ability of paying the loan back. Further, staff would be required to monitor loan payments every year to assure everyone is in compliance. Finally, if there is non-compliance, it would require staff a substantial amount of time for enforcement.

**New Review Board:** The Agency lacks the expertise to evaluate loans. It is staff's recommendation that a Loan Committee be formed to review loan applications. Ideally, it would be composed of persons in the banking and/or lending field with the expertise to evaluate loan requests. This would require finding potential candidates to serve on this committee and staff resources to support the committee.

**STAFF RECOMMENDATION:** Staff recommends the Agency Board discuss the amount and type of assistance and provide appropriate direction to staff.

**ATTACHMENT(s):** Power Point.



# Refinement on Proposed Storefront Revitalization Program

Urban Renewal Agency Board  
Work Session  
October 10, 2016

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## Previous Work Session on September 26<sup>th</sup>

- Consensus on following key points were:
  - Limit to storefront improvements;
  - Start small with potential to expand program to larger amounts and different areas for assistance in the future; and
  - The program should be on an “as you go” basis.
- Need for further discussion on:
  - The amount of the assistance; and
  - Use of loans for higher amounts of funding assistance.

## Revised Proposal

- Tiered Program as follows:
  - Up to \$2,500 – grants – public to private ratio: 2 to 1;
  - Over \$2,500 to \$7,500 – grants – public to private ratio: 1 to 1; and
  - Over \$7,500 to \$10,000 – grants – public to private ratio: 1 to 2;

## Concern with Loan Approach

- Loans would likely:
  - Increase the amount of information needed to be provided by the applicant;
  - Increase the amount of time required by staff to review the application; and
  - Require the formation of a new review board to decide on loan applications.



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<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	_____
MEETING DATE:	_____
FINAL ACTION:	_____

**CITY COUNCIL STAFF REPORT**

**JOINT WORK SESSION CCI:**

**TO:** *City Council*

**FROM:** *Jesse VanderZanden, City Manager*

**MEETING DATE:** *October 10, 2016*

**PROJECT TEAM:** *Jon Holan, Community Development Director*

**SUBJECT TITLE:** *Committee for Citizen Involvement (CCI) Worksession*

**ACTION REQUESTED:**  Ordinance  Order  Resolution  Motion  Informational

*X all that apply*

**ISSUE STATEMENT:** For the current fiscal year, City Council Objective 2.13 calls for scheduling a joint work session with Committee for Citizen Involvement regarding ATM format and topic. This is the identified as the next step in the topic area of City full service definition.

**BACKGROUND:** CCI is preparing a power point presentation to facilitate a discussion with the Council. The focus of the presentation is discussion of:

- Topic and meeting format for 2017 ATM; and
- Ways CCI can better meet City Council needs.

**FISCAL IMPACT:** No fiscal impact.

**STAFF RECOMMENDATION:** Staff recommends the City Council conduct the work session with CCI to agree on a topic and format for the next ATM and provide direction to the Committee on future efforts.

## 2016 ATM

### Major Topics:

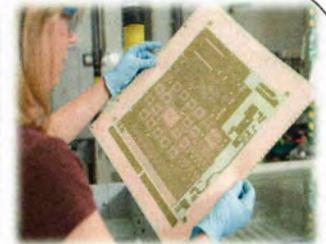
1. Housing Needs
  - a. More affordable/mixed housing
2. Transportation
  - a. More Grove Link
  - b. Max?
  - c. Direct express busses to major job centers?
  - d. Safer for walking community; crosswalks at key intersections, sidewalks
3. Development
  - a. Easier processes for new/small business (maybe just more public)
  - b. Increased home business support
  - c. Civic Center, Conference Center/Multipurpose space, Public square \*maybe for market, movies in the park style, public events
  - d. More commercial, industrial jobs (varied education levels)
  - e. More commerce and industry
  - f. More medical facilities (specialists, special education services)
  - g. Development of the North side of the City
4. Family Friendly parks/recreational facilities
  - a. Safer parks
  - b. YMCA or ?
  - c. Utilize the A.T. Smith House
5. Homeless
  - a. Facilities/housing
  - b. Assistance programs (addiction, financial, job counseling/assistance)
6. Pacific University
  - a. Better community relations
  - b. Elder Classes?
  - c. Apprenticeship programs (Agricultural, technical)
  - d. Public and private partnerships

### Balanced OR Bedroom

Balanced: 7

Bedroom: 0

1. Public Perception about the City
  - a. Communication to citizens
  - b. Accommodation to growing multicultural population
  - c. Promotion of tourism
  - d. Realistic goals
  - e. Public Relations and Better partnerships (with Pacific, School District, Residents)
  - f. "If we don't have a tax base, we can't do anything in the City"
  - g. Adequate parking for Pacific and the City
  - h. Inviting City entrances (buildings and signage)
  - i. Increased public events
  - j. Research based development planning
2. The likes:
  - a. Small town feel
  - b. Cheap utilities
  - c. Independence - Control of Parks, fire and utilities



# CCI Work Session with City Council Annual Town Hall Meeting

City Council Meeting  
October 10, 2016

# Work Session Objectives

1. Report on CCI's efforts/activities
2. Receive requests/feedback/guidance from Council members
3. Discuss topics and meeting format for 2017 ATM

## Some of CCI's responsibilities

- Encourage and facilitate citizen involvement in the land use process.
- Promote two-way communication between the citizens and policy makers
- Conduct Annual Town Hall Meeting

## Recent Accomplishments

- Close working relationship with Sustainability:
  - Hosted meeting on the food waste recycling program
  - Hosted community meeting on plastic shopping bag ban
  - Hosted community meeting on bike transportation plans

## Recent Accomplishments (continued)

- Other outreach activities:
  - Co-sponsored community meeting on Urban Renewal plans
  - Assisted Metro on collecting feedback on Chehalem Ridge Natural Area plans
  - Review of citizen participation aspect of Park and Rec master plan update
- Produced and hosted 2016 Annual Town Hall Meeting

# 2016 Annual Town Meeting

## “Back to the Future of Forest Grove”

- Meeting Format
  - Speakers
  - Breakout session
  - Feedback
    - Housing
    - Transportation
    - Development
    - Homelessness
- Takeaways
  - Attendee Diversity
  - Topic Relevance
  - Forum for Citizens

# Possible 2017 ATM Topics

- How can the City better communicate with its Citizens
- What it means to be “full service”
  1. What makes Forest Grove a full service city?
  2. Control of Full Services
  3. Essential Services
  4. Other Services
  5. Is it cost-effective to be a full service city?
- Other suggestions for the ATM topic/theme



## Considerations for ATM Structure and Process

- Structure ATM as sequential topic-specific sessions (one hour each) throughout the year to keep conversation going.
- Common complaint from the attendees was that “too much talking, and not enough listening” from the citizens. Citizens would like a chance to speak on other issues/concerns
- Consider engaging a professional meeting facilitator who can manage the open forum portion to keep it civil and on track to avoid conflict
- Implement gripe box - topic-specific boxes to satisfy citizen concerns that are not addressed at ATM and to voice other issues/concerns.



## Discussion: Feedback/Guidance from Council

- **What topic and what type of structure for the ATM?**
- **Are you getting what you want and need from CCI?**
- **What areas can we improve on and what are we doing right?**
- **Do you feel adequately connected to the citizens?**
- **Any suggestions or requests for CCI's future efforts?**

# Thank You

# PROCLAMATION

## FILL-THE-BOOT FOR MDA October 2016

**WHEREAS**, Forest Grove Fire and Rescue has been working with the Muscular Dystrophy Association (MDA) in their fight against neuromuscular disease; and

**WHEREAS**, "Fill-The-Boot" is an opportunity for Oregon firefighters to ask community members to drop donations into their fire boots to help local families served by MDA in the state. This year marks the 62<sup>nd</sup> anniversary of the partnership between firefighters and MDA in the fight against muscle wasting diseases; and

**WHEREAS**, through their daily service to the community, and their dedication to the Muscular Dystrophy Association, Forest Grove Fire Fighters contribute greatly to the wellbeing of all its residents; and

**WHEREAS**, firefighters locally and nationally are the largest contributors to MDA. In a joint effort, Forest Grove and Cornelius firefighters collected nearly \$15,000 in 2015 to help the fight against 43 different types of neuromuscular diseases.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FOREST GROVE DOES HEREBY PROCLAIM** the Month of October 2016, as

## FILL-THE-BOOT FOR MDA

In Forest Grove, Oregon, Washington County, and encourages all residents of Forest Grove to support the efforts of our local firefighters and the Muscular Dystrophy Association.



**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the City of Forest Grove, Oregon, to be affixed this 10<sup>th</sup> day of October, 2016.

*Peter B. Truax, Mayor of Forest Grove*

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*Minutes are unofficial until approved by Council.*

**1. ROLL CALL:**

Mayor Peter Truax called the Work Session to order at 6:19 p.m.

**ROLL CALL: COUNCIL PRESENT:** Thomas Johnston, Council President; Victoria Lowe; Ronald Thompson; Elena Uhing; Malynda Wenzl; and Mayor Peter Truax.

**COUNCIL ABSENT:** Richard Kidd, excused.

**STAFF PRESENT:** Jesse VanderZanden, City Manager; Paul Downey, Administrative Services Director; Bev Maughan, Executive Assistant to City Manager; and Anna Ruggles, City Recorder.

**2. WORK SESSION: CITY WEBSITE DESIGN UPGRADE**

Maughan, Downey and VanderZanden facilitated the work session, noting the purpose of the work session was to present some concept images of the City's new website design and seek feedback from Council. Maughan and Downey introduced aHa! Consulting, noting aHa! is from Lake Oswego and has developed many local government websites and was awarded the contract to design the City's new website and integration. Maughan and Downey reported the City's website was last updated in 2008 and there has been no major change in format since then, noting the current website software is outdated and is not mobile friendly, as the screen size does not adjust to accommodate smaller mobile devices. In addition, Maughan and Downey reported an advisory team made of various department staff was established to provide primary input regarding overall design and navigation, noting the design concept selected by the team focuses on current trends and technology by simplifying the front page and using a search engine to find information rather than links from drop-down menus. In conclusion of the above-noted staff report, Maughan, Downey and consultant provided a demonstration of the new City website design, including images of the home page, menu options and search engine, noting the focus is to improve the City's image and profile, provide a greater level of integrated simple-to-use online tools for self-service and a mobile-friendly, responsive website.

Council Discussion:

Mayor Truax opened the floor and roundtable discussion ensued pertaining to the demonstration of the new City website design. Maughan, Downey and VanderZanden responded to various concerns, inquiries and scenarios Council presented pertaining to the new website design in comparison to the current website, online tools and content

and overall expectations, such as submitting electronic forms, receiving online payments and maintaining a community calendar, noting utility online payments and job opportunities were the number one pages accessed from the current website and links to these pages will appear on the homepage; most forms will continue to be available as fillable forms on the new website with some forms submitted electronically; online payments can be processed through a third-party service; and city staff will continue to approve events posted on the city calendar similar to how the calendar is currently updated. In response to concerns pertaining to doing away with drop-down menus, Downey explained the user will still be able to click through links and find information but the intent is to have the search engine displayed on the homepage so the user can type the information they want and locate it faster. In addition, Downey advised the new City website is anticipated going live in November. VanderZanden commended Maughan for all her hard work in overseeing the new website design project. In conclusion of the above-noted Council discussion, VanderZanden concurred having staff schedule a live presentation of the new website at an upcoming televised Council meeting.

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

**3. ADJOURNMENT**

Mayor Truax adjourned the work session at 6:50 p.m.

Respectfully submitted,

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Anna D. Ruggles, CMC, City Recorder

**Minutes are unofficial until approved by Council.**

**1. CALLED TO ORDER AND ROLL CALL:**

Mayor Peter Truax called the regular City Council meeting to order at 7:01 p.m. and led the Pledge of Allegiance.

**ROLL CALL: COUNCIL PRESENT:** Thomas Johnston, Council President; Victoria Lowe; Ronald Thompson; Elena Uhing; Malynda Wenzl; and Mayor Peter Truax.

**COUNCIL ABSENT:** Richard Kidd, excused.

**STAFF PRESENT:** Jesse VanderZanden, City Manager; Paul Downey, Administrative Services Director; George Cress, Light and Power Director; Rob Foster, Public Works Director; J. F. Schutz, Police Chief; Lauren Quinsland, Community Outreach Specialist; James Reitz, Senior Planner; and Anna Ruggles, City Recorder.

**1. A. SPECIAL RECOGNITION:**

Joel Dulashanti, Legislative Facilitator, Department of Oregon, Commander Military Order of the Purple Heart, presented Mayor Truax with the City's "Purple Heart Trail" sign, noting the City joined other cities in the State of Oregon as "Purple Heart Cities" on August 10, 2015, by Mayoral Proclamation. Commander Dulashanti reported the Military Order of the Purple Heart Trail was established in 1992 as a symbolic and honorary system that gives tribute to the men and women who have been awarded the Purple Heart medal and the signs are placed in designate areas where legislation has passed as part of the Purple Heart Trail national road system.

**1. B. PROCLAMATION:**

West Tuality Habitat for Humanity

Mayor Truax publicly proclaimed October 3, 2016, as "Washington County Habitat Day". Scott Browder, Executive Director, received the proclamation on behalf of the West Tuality Habitat for Humanity.

**2. CITIZEN COMMUNICATIONS:** None.

**3. CONSENT AGENDA:**

Items under the Consent Agenda are considered routine and are adopted with a single motion, without separate discussion. Council members who wish to remove an item from the Consent Agenda may do so prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the remaining Consent Agenda item(s).

- A. Approve City Council Executive Session (Labor Negotiations) Meeting Minutes of September 12, 2016.
- B. Approve Joint Work Session with City Council, Planning Commission and Parks and Recreation Commission (Parks Master Plan and Recreation Center Study) Meeting Minutes of September 12, 2016.
- C. Approve City Council Regular Meeting Minutes of September 12, 2016.
- D. Accept Parks and Recreation Commission Meeting Minutes of August 17, 2016.
- E. Accept Planning Commission Meeting Minutes of August 15, 2016.
- F. Accept Resignation on Economic Development Commission (EDC) (Don Jones, Bank of the West, Financial Institution, Term Expiring December 31, 2016).
- G. Accept Resignation on Public Safety Advisory Commission (PSAC) (Nathan Seable, At-Large, Term Expiring December 31, 2017).
- H. Accept Resignation on Sustainability Commission (Edgar Sanchez-Fausto, Forest Grove High School, Student Advisory, Term Expiring December 31, 2016). *Item removed; refer below.*
- I. **RESOLUTION NO. 2016-53 MAKING APPOINTMENT TO ECONOMIC DEVELOPMENT COMMISSION (EDC) (APPOINTING THOMAS RAABE, PRIMARY, AND DAN WAHLIN, ALTERNATE, PREMIER COMMUNITY BANK, FINANCIAL INSTITUTION, TERM EXPIRING DECEMBER 31, 2019).**

**MOTION:** Councilor Lowe moved, seconded by Councilor Wenzl, to approve the Consent Agenda as amended. **ABSENT:** Councilor Kidd. **MOTION CARRIED 6-0 by voice vote.**

3. H. **ACCEPT RESIGNATION ON SUSTAINABILITY COMMISSION (EDGAR SANCHEZ-FAUSTO, FOREST GROVE HIGH SCHOOL, STUDENT ADVISORY, TERM EXPIRING DECEMBER 31, 2016)**

Lowe removed the above-noted item from the Consent Agenda and asked Council to reject the above-noted resignation, noting Sanchez resigned because he graduated and is no longer a high school student, but the Sustainability Commission encouraged Sanchez to finish his term, which expires December 31, 2016, and Sanchez agreed. Lowe added a student who attends Forest Grove High School has been attending meetings, as she is interested in applying for the position. In response to various Council concerns, Mayor Truax affirmed he attended the Sustainability Commission meeting and due to confusion, Sanchez thought that he had to resign because he is no longer a high school student; however, when it was explained to Sanchez that he could finish out his term, Sanchez agreed. Mayor Truax added the student who has expressed interest in replacing Sanchez will undergo the formal appointment process.

Hearing no further discussion from the Council, Mayor Truax asked for a motion.

**MOTION:** Councilor Lowe moved, seconded by Councilor Uhing, to

reject/remove Consent Agenda Item 3. H. as noted above. ABSENT: Councilor Kidd. MOTION CARRIED 6-0 by voice vote.

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

5. **PRESENTATIONS:**

5. A. **Neighborhood Watch and Community Policing**

Quinsland and Police Chief Schutz presented a PowerPoint presentation overview of Neighborhood Watch program in Forest Grove, noting the objective of the presentation is to address Council Goal 1.5, specifically, Neighborhood Watch and its sustainability as one part of the Police Department's community policing initiative. Quinsland and Chief Schutz reported in 2003 Forest Grove had 43 Neighborhood Watch programs operational and in 2016, the Police Department identified 22 active groups, a decrease in participation among existing groups. Quinsland referenced a map showing the location of active Neighborhood Watch groups, noting Neighborhood Watch groups are consistently higher in elder communities or in those communities that already report very little crime. Quinsland and Chief Schutz reported the Police Department established "Nextdoor Community" in 2014, a private social network reaching 2,150 followers, as a great tool for police to effectively share information on local crime prevention and safety, public events and emergency notifications, noting trends toward social media based community crime prevention shows that citizens are increasingly more connected in general. In addition, the Police Department has 7,000 followers on Facebook. In conclusion of the above-noted presentation, Quinsland and Chief Schutz added that barriers are breaking down between police and citizens through education and service and ensuring concerns of the community are heard through transparency and accessibility.

6. **SECOND READING OF ORDINANCE NO. 2016-16 REPEALING ORDINANCE NO. 2005-17 AND DELETING FOREST GROVE CITY CODE SECTION 5.800 TO 5.860 AREAS OF SPECIAL FLOOD HAZARD IN ITS ENTIRETY AND AMENDING FOREST GROVE DEVELOPMENT CODE ARTICLES 2, 5, 8 AND 12 TO ADOPT NEW FLOOD DAMAGE PREVENTION REGULATIONS AND DEFINITIONS; FILE NO. 311-16-000133-PLNG**

The first reading of Ordinance No. 2016-16 by title occurred at the Council meeting of September 12, 2016.

**Staff Report:**

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

**Public Hearing Continued:**

Mayor Truax continued the Public Hearing from the meeting of September 12, 2016,

and explained hearing procedures.

**Written Testimony Received:**

No written testimony was received prior to the published deadline of September 26, 2016, 7:00 p.m.

**Proponents:**

No one testified and no written comments were received.

**Opponents:**

No one testified and no written comments were received.

**Others:**

No one testified and no written comments were received.

**Public Hearing Closed:**

Mayor Truax closed the Public Hearing.

**Council Discussion:**

In response to Mayor Truax's concern pertaining to affected property owners, Foster advised staff is working with affected property owners; however, it has been more difficult providing certified elevation documentation for properties on Willamina Avenue.

Hearing no further discussion from the Council, Mayor Truax asked for a roll call vote on the motion made at the meeting of September 12, 2016.

VanderZanden read Ordinance No. 2016-16 by title for second reading.

**ROLL CALL VOTE: AYES: Councilors Johnston, Lowe, Thompson, Uhing, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Kidd. MOTION CARRIED 6-0.**

**7. PUBLIC HEARING AND RESOLUTION NO. 2016-54 OF THE CITY OF FOREST GROVE, OREGON, AUTHORIZING THE ISSUANCE OF REFUNDING REVENUE BONDS TO REFINANCE PROJECTS FOR PACIFIC UNIVERSITY**

**Staff Report:**

Downey presented the above-proposed resolution authorizing the issuance of refunding revenue bonds to refinance projects for Pacific University. Downey reported Pacific University is requesting to refinance at a lower interest rate all or a portion of the City's Campus Improvement Revenue Bond, Series 2013A, issued in the original maximum principal amount of \$18,500,000. Downey noted the proceeds of the original Series 2013A Bond were used to finance capital improvements, including construction

of an approximately 200-bed student residence hall known as Cascade Hall as well as landscaping, traffic flow improvements and pedestrian paths located on or adjacent to the University's campus. As part of the process, the Council is required to hold a Public Hearing to allow public comment regarding the issuance of bonds and uses and purposes of the proceeds of bonds. In conclusion of the above-noted staff report, Downey advised no City funds are being allocated as all costs of issuing bonds, including the City's bond counsel, are the University's responsibility.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-54.

VanderZanden read Resolution No. 2016-54 by title.

**MOTION:** Councilor Wenzl moved, seconded by Councilor Lowe, to adopt Resolution No. 2016-54 of the City of Forest Grove, Oregon, Authorizing the Issuance of Refunding Revenue Bonds (in an Aggregate Principal Amount not to exceed \$18,500,000) to Refinance Projects for Pacific University.

**Public Hearing Opened:**

Mayor Truax opened the Public Hearing.

**Written Testimony Received:**

No written testimony was received prior to the published deadline of September 26, 2016, 7:00 p.m.

**Proponents:**

No one testified and no written comments were received.

**Opponents:**

No one testified and no written comments were received.

**Others:**

No one testified and no written comments were received.

**Public Hearing Closed:**

Mayor Truax closed the Public Hearing.

**Council Discussion:**

In response to Wenzl's concern pertaining to staff time, Downey advised the City is charging the University a small fee of \$1,500 to pay the City for staff time for the issuance process.

Mayor Truax added it is a good thing and the City makes some revenue.

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, Lowe, Thompson, Uhing, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Kidd. MOTION CARRIED 6-0.

8. **RESOLUTION NO. 2016-55 AUTHORIZING THE EXPENDITURE OF ADDITIONAL FUNDS FROM WASHINGTON COUNTY IN THE STREET FUND FOR FISCAL YEAR 2016-17**

**Staff Report:**

Downey presented the above-proposed resolution authorizing the expenditure of additional MSTIP Opportunity Funds (\$318,000) received from Washington County for Highway 8 and Quince Street Intersection Project, noting the City needs to pay the Oregon Department of Transportation (ODOT) who manages MSTIP projects. In conclusion of the above-noted staff report, Downey advised staff is recommending Council approve the proposed resolution, noting the funds were not included when the current budget was prepared and the City needs to reimburse ODOT for incurred project expenses.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-55.

VanderZanden read Resolution No. 2016-55 by title.

**MOTION:** Council President Johnston moved, seconded by Councilor Thompson, to approve Resolution No. 2016-55 Authorizing the Expenditure of Additional Funds from Washington County in the Street Fund for Fiscal Year 2016-17.

**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, Lowe, Thompson, Uhing, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Kidd. MOTION CARRIED 6-0.

9. **RESOLUTION NO. 2016-56 AUTHORIZING THE EXPENDITURE OF ADDITIONAL FUNDS IN THE SEWER FUND AND WATER FUND BUDGETS FOR FISCAL YEAR 2016-17**

**Staff Report:**

Downey presented the above-proposed resolution authorizing the expenditure of additional funds (\$46,240) for the required debt payment to Clean Water Services in the Sewer Fund and required debt payment (\$60,236) in the Water Fund for water used by General Fund Departments. In conclusion of the above-noted staff report, Downey advised staff is recommending Council approve the proposed resolution, noting the expenditures were errors made during budget preparation and were recently discovered during budget review.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-56.

VanderZanden read Resolution No. 2016-56 by title.

**MOTION:** Councilor Uhing moved, seconded by Councilor Thompson, to approve Resolution No. 2016-56 Authorizing the Expenditure of Additional Funds in the Sewer Fund and Water Fund Budgets for Fiscal Year 2016-17.

**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, Lowe, Thompson, Uhing, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Kidd. MOTION CARRIED 6-0.

10. **RESOLUTION NO. 2016-57 AUTHORIZING CITY MANAGER TO PROVIDE NOTIFICATION TO BONNEVILLE POWER ADMINISTRATION (BPA) OF THE CITY OF FOREST GROVE'S INTENT TO SERVE A PORTION OF ABOVE-RATE PERIOD HIGH WATER MARK LOAD WITH NON-FEDERAL RESOURCES FOR PURCHASE PERIOD 2020-2024**

**Staff Report:**

Cress and Downey presented the above-proposed resolution authorizing the City Manager to provide notification to Bonneville Power Administration (BPA) of the City's intent to serve a portion of Above-Rate Period High Water Mark with non-federal resources for purchase period 2020-2024, noting the City must notified BPA by September 30, 2016, of its intent. Cress reported staff met with Council in Work Session on September 12, 2016, to discuss terms, noting the City adopted Resolution No. 2011-74 for purchase period 2010-2019 and staff is proposing to extend the current contract through 2020-2024. Cress added the proposed resolution is to allow

the City, if needed, to purchase Tier II Power for rate period 2020- 2024 (October 1, 2020 – September 30, 2024) in the amount of 1aMW per year to fulfill the City's obligation under Bonneville Power Administration contract. In conclusion of the above-noted staff report, Cress advised the City has the opportunity to purchase non-federal power along with other Northwest IGA Energy Supply (NIES) public utilities at or below BPA FY2020 Tier I rates, noting there is no fiscal impact by notifying BPA.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-57.

VanderZanden read Resolution No. 2016-57 by title.

**MOTION: Councilor Lowe moved, seconded by Councilor Wenzl, to adopt Resolution No. 2016-57 Authorizing City Manager to Provide Notification to Bonneville Power Administration (BPA) of the City of Forest Grove's Intent to Serve a Portion of Above-Rate Period High Water Mark Load with Non-Federal Resources for Purchase Period 2020-2024.**

**Council Discussion:**

In response to Lowe's concern pertaining to public utility districts (PUD), Cress explained the BPA's Rate Period High Water Mark does not affect PUD, i.e., Grant County.

In response to Council President Johnston's concern pertaining to exceeding 1aMW due to build out, Cress advised the service obligation does not preclude the City from purchasing additional non-federal power.

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, Lowe, Thompson, Uhing, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Kidd. MOTION CARRIED 6-0.**

**11. CITY COUNCIL COMMUNICATIONS:**

Council President Johnston reported on Parks and Recreation Commission (P&R)-related meeting, noting P&R approved unanimously the Parks, Recreation and Open Space Master Plan, which will be forwarded for consideration to the Planning Commission and formal adoption to the City Council. In addition, Johnston reported on other legislative matters of interest and upcoming meetings he was planning to attend.

Kidd was absent.

Lowe reported on her participation with a gleaning project. In addition, Lowe reported on upcoming community-related events and upcoming meetings she was planning to attend.

Thompson provided information on the start-up of the Washington County Wood Stove Exchange Program, noting it is an incentive program set as a grant (full-cost replacement) of up to \$5,000 or tiered rebates depending on household income. In addition, Thompson reported on aging and elder-related matters of interest, upcoming community-related events and upcoming meetings he was planning to attend.

Uhing asked VanderZanden if the City had applied for the affordable housing grant, to which VanderZanden noted he would need to report back. In addition, Uhing reported on other community housing-related concerns, meetings she attended and upcoming meetings she was planning to attend.

Wenzl reported Committee for Citizen Involvement (CCI) is preparing for its joint work session with City Council on the Annual Town Meeting topic, noting CCI is looking at a more structured program with more citizen interaction. In addition, Wenzl reported on other matters of interest, upcoming community-related events and upcoming meetings she was planning to attend.

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

VanderZanden reported on upcoming meetings and events as noted in the Council calendar and City Manager's Report. In addition, VanderZanden referenced the City Manager's Report, which was emailed to Council in advance and outlined various upcoming Council-related meetings; upcoming Council-related agenda; updates on department-related activities and projects, including Administrative Services, Parks and Aquatics, Police, Library, Light and Power, Economic Development, Community Development, and Engineering and Public Works; and other upcoming citywide calendar events.

**13. MAYOR'S REPORT:**

Mayor Truax announced dates of various upcoming activities, events and meetings as noted in the Council Calendar. In addition, Mayor Truax reported on various local, regional, Metro, and Washington County-related matters of interest and meetings he attended, upcoming community-related events, and upcoming meetings he was planning to attend.

14. **ADJOURNMENT:**

Mayor Truax adjourned the regular meeting at 8:55 p.m.

Respectfully submitted,

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Anna D. Ruggles, CMC, City Recorder

30



APPROVED

COMMUNITY FORESTRY COMMISSION  
CITY AUDITORIUM  
MAIN STREET, FOREST GROVE, OR  
May 18, 2016

**Meeting called to order at 5:33:00. President Jen Warren in Chair.**

**Members Present** – Jen Warren, Dale Wiley, David Hunter, Mike Howell  
Bruce Countryman, Mark Nakajima,

**Members Absent** – Lance Schamberger

**Staff Present:** Dan Riordan

**Council Liaison:** Ron Thompson

**Meeting Minutes Approval:** April minutes were approved.

**Citizen Communication:** None

**Citizen New Member / Introduction:**

**OLD BUSINESS**

Minutes were read. David moved and Mark seconded approval of the minutes.

**URBAN FORESTRY MANAGEMENT PLAN**

There was discussion on the presentation of the Plan to City Council and the formal approval of the UFMP and inclusion into the Parks Master Plan. Thanks to Bruce for his work on the plan and Dan for his presentation to the City Council

**CFC CALENDAR** – September Planning meeting ideas discussed. Explanation of the mission statement as it relates to our planning calendar.

Possible Topics:

Street tree reviews on smaller lots.

Possible dialog with Planning Department on developing possible different standards.

Bare root tree planting as a possibility for street trees and other appropriate areas.

Metro Property concerns

## **NEW BUSINESS**

Registers Tree Evaluation on Oregon White Oak at 2217 B Street. Discussion helping the home owner understands the tree condition and the impact of the ivy on the tree.

## **MEMBER UPDATE**

Ron updated on the new post office open house and its community requirements.

Mike - Asked about election effects on the City.

David did a tree inspection at the City of Lebanon where they topped their downtown street trees and the effects and expected results of such action.

Mark says there is a possible hazard tree at Tom McCall Oregon White Oak, that lost some branches.

Bruce – Asked about the conference at the World Forestry Center. Inquired if anybody was interested in attending.

Dan said the school district would look after the trees planted at Central School.

Jen asked about the 15 foot tree stumps on Gales Creek Road and if anybody knew what was happening.

No other input for other members.

Next meeting will be June 15, 2016 at the Community Auditorium meeting room at 5:30 pm

## **MEETING ADJOURNMENT**

David moved and Mark seconded to adjourn the meeting. Unanimous affirmative vote adjourned the meeting. Meeting was adjourned at 6:39:00 pm.

Respectfully submitted,

Dale Wiley  
CFC Secretary

**APPROVED**

Forest Grove Historic Landmarks Board  
Community Auditorium, 1915 Main Street  
August 30, 2016 -- 7:15 P.M. Page 1 of 2

30

**Members Present:** Jennifer Brent, George Cushing, MJ Guidetti-Clapshaw, Holly Tsur, Larissa Whalen Garfias (01 vacancy)  
**Member Excused:** Kaylene Toews  
**Staff Present:** James Reitz  
**Council Liaison:** Richard Kidd  
**Citizens Present:** 03 (Tom Auran, Melody Haveluck, Tim Rippe)

1. **Call to Order:** Tsur opened the meeting at 7:17 p.m. It was noted that the August 23<sup>rd</sup> meeting lacked a quorum and so was rescheduled to tonight.

2. **Citizen Communication:** None.

3. **Action Items / Discussion:**

A. **Preservation Grant Request – Wilcox-Williams House at 2036 16<sup>th</sup> Avenue (Washington County Tax Lot 1S3 6BD-11200). Applicant: Tom Auran. File Number 311-16-000171-PLNG.** Tom Auran was present to discuss his gutter / fascia replacement project. He noted that the home originally had built-in gutters but they had been removed sometime in the past, prior to his purchase of the house. "K style" gutters were installed with exterior straps attaching them to the roof.

He proposed to have a contractor install fascia boards and wrap them with metal that would also cover the additional bracing required, as well as cover - but leave intact - the original crown moldings. Then new "K style" gutters would be installed, attached to the new fascia boards.

He said the garage gutters will be replaced as well, but the dormers on the house do not now have gutters and he saw no reason to change that, as water was draining off them onto the roof proper.

**Cushing/Guidetti-Clapshaw to award a \$1,000 grant. Motion carried unanimously.**

B. **Public Safety Open House (October 8):** Cushing said that he had not yet started working on this project, but that he would start to coordinate with the Fire Department. Whalen Garfias and Guidetti-Clapshaw offered to work together on a scavenger hunt type of handout to pass out at the event. Brent offered to make calls to potential partners and vendors.

Tim Rippe is a member of PSAC and invited the Board to participate in the August 2017 National Night Out.

4. **Old Business/New Business:**

- Approval of HLB Meeting Minutes. **The meeting minutes of July 26, 2016 were approved as submitted.**
- Council Liaison Report: Kidd discussed progress on the Jesse Quinn (a.k.a. Times Litho) project. Reitz reported that most staff approvals had been completed and ground breaking could be scheduled at any time.
- Staff Update: Reitz reported that he had completed the SHPO grant close-out paperwork. He noted that we came in under budget by about \$2,000 by putting production and distribution of the newsletter on hiatus while we worked on the Preservation Plan.
- Reitz further noted that once the Board officially accepts the Preservation Plan (which will be on the September agenda) it will be forwarded to the City Council for their endorsement. Kidd observed that the near-term Council agendas are already quite full, and that their action may not occur until after the election in November.

- Reitz requested that we begin review of Pacific University's Master Plan update, particularly those parts that discuss the campus's historic resources. He stated that this will be a discussion item on our next agenda.
- Newsletter: Tsur initiated a discussion about whether and how to move forward with newsletter production, given that the survey and focus group indicated support for doing so. She commented that the FHFG had offered to reserve some space in their newsletter for the Board's use, and she had already sent some information about the Board's recent activity. However, the newsletter is only distributed to about 140 recipients, which is less than half the size of our newsletter mailing list. Furthermore, Haveluck said that their newsletter is not free; it only comes with paid membership. Tsur requested that everyone consider this and other media possibilities, for discussion at a future meeting.
- Tsur volunteered to work on editing the preservation grant application. Reitz will forward a Word version to her to work with.
- It was observed that the Anderson Building remodel was continuing. Cushing and Reitz noted that the Main Street second floor windows had been rehabilitated but had not yet been painted. Reitz also commented that he had received two possible paint schemes for the building: one fairly sedate and one not. He didn't know which palette the owner had selected.
- Guidetti-Clapshaw offered to do the minutes for the September meeting as part of the Board's cross-training efforts.

**5. Adjournment:** The August 30, 2016 meeting adjourned at 8:52 p.m.

These minutes respectfully submitted by George Cushing, Secretary

3E

**APPROVED**

**FOREST GROVE LIBRARY COMMISSION  
MEETING DATE – 6:30PM TUES AUG 16, 2016  
FIRE DEPARTMENT CONFERENCE ROOM  
PAGE 1**

*Library Commission approved minutes as amended on Sep 20, 2016.*

**1. CALLED TO ORDER AND ROLL CALL:**

Pamela Bailey, Chair, called the meeting of the Library Commission to order at 6:30PM on Tuesday Aug 16, 2016.

**Members Present:** Pamela Bailey, Chair; Doug Martin; Elizabeth Beechwood; Jon Youngberg, Secretary; Kathleen Poulsen, Vice-Chair; Nickie Augustine; Mitchell Faris, Student;

**Members Absent:** None

**Staff:** Colleen Winters, Library Director

**Council Liaison:** Malynda Wenzl

**Others:** None

**2. ADDITIONS/DELETIONS: None.**

**3. APPROVE LIBRARY COMMISSION MEETING MINUTES OF (Jul 12, 2016):**

**MOTION:** Doug moved, seconded by Elizabeth, to approve the Jul 12, 2016 minutes as presented. **MOTION CARRIED** by all.

**4. CITIZEN COMMUNICATIONS: None.**

**5. INFORMATIONAL ITEMS:**

**5a. FOUNDATION REPORT: Colleen Winters shared comments about the activities of the Library Foundation of Forest Grove:**

- a) The annual "Friends & Family Night" fundraiser dinner at McMenamin's Grand Lodge has been scheduled for Tuesday Sept 13, 2016. 50% of proceeds will be donated for all outside dining after 5pm. Hoping for good weather and nice music.
- b) Continued planning for a rain garden or garden project outside back library entrance and along the south side of the library. Mike Moore in charge of vision for the project. The library entrances are to be made more welcoming. Meetings to be held. Focus on obstacles and funding. City departments involved will be invited. Might be more than one stage of all this work. Might be a memorial for Richard Ginsburg. Might be places to sit outside and read and/or use WiFi. How is all this to be maintained, or will maintenance somehow be minimized? Going for an

**FOREST GROVE LIBRARY COMMISSION  
MEETING DATE – 6:30PM TUES AUG 16, 2016  
FIRE DEPARTMENT CONFERENCE ROOM  
PAGE 2**

attractive enhancement to the south side of the library between the entrances.

c) Oct 12 at A Framer's Touch, charity chosen for Oct talk is the Library Foundation. Colleen will be giving talk.

d) See the Library Foundation of Forest Grove's web site ([www.fglf.org](http://www.fglf.org)).

**5b. FRIENDS REPORT:** Colleen Winters shared comments about the activities of the Friends of the Forest Grove Library:

a) The Friends board will next meet Wed Sept 7 at 5:30pm, (new time).

b1) The "Friends Cultural Series" will continue, and will continue to be paid for by the Friends, but they were not able to recruit new people to be in charge of scheduling and running the events, starting this Fall. So, Colleen and Jim J. have taken this on. Oct, Nov, and Dec 2016 events have been scheduled so far.

b2) Future events may also include: "community conversations", civic engagements, talks on local, regional, national issues. Possible TED-style talks. Maybe classes of some kind, like on cooking. Jon suggested asking for talks from Pacific University professors occasionally.

b3) First program will be Oct 4. Might serve cake to celebrate WCCLS 40<sup>th</sup> year anniversary. Program might start at 6:30PM instead of 7PM.

b4) Jim J. will present to us about the Friends Cultural Series plans at a future Library Commission meeting.

c) Next used book sale in the Rogers Room is scheduled for Oct 24-29, 2016, with set up for the sale to occur the previous week.

d) The Friends web site is at: [fglibraryfriends.org](http://fglibraryfriends.org).

**5c. COUNCIL LIAISON REPORT:** Malynda Wenzl shared comments about the recent activities of the Forest Grove City Council:

a) Some effort beginning on issue of Affordable Housing.

b) Rules and regulations for where marijuana indoor growing & wholesale activities are allowed. No outdoor growing to be allowed.

c) City Manager evaluation.

d) Three City Council positions are open for election this Fall. Each of the three current City Councilors are running for re-election.

**5d. LIBRARY DIRECTOR'S REPORT:** Colleen Winters reported these items:

a) 40<sup>th</sup> Anniversary of WCCLS will be celebrated this Fall. Materials will be available in the library. Mon Sep 12 City Council meeting will present a proclamation to Mike Smith at 7pm that evening. We should attend.

b) Cornelius's Library Director has issued a challenge to other libraries for a "Trivia Night" Thurs Aug 25<sup>th</sup> at Tabb's restaurant in Cornelius perhaps at 7pm. This will be a fundraiser for the Cornelius Library.

**FOREST GROVE LIBRARY COMMISSION  
MEETING DATE – 6:30PM TUES AUG 16, 2016  
FIRE DEPARTMENT CONFERENCE ROOM  
PAGE 3**

**c) Library Personnel updates:** (1) Two part-time Adult Service positions (to replace Linda Taylor) will be filled at the same time. (2) Recruitment for Kari M replacement as Library Volunteer Coordinator and also as a Library Associate is still open, with many applicants (3) Ariel and Shari are still on maternity leave. It is possible that Shari might not be coming back. (4) On-call Adult Services librarians Beth G, Bob K, Sergio, and Linda M are all doing well and have stepped up to fill the extra hours that they have been needed. (5) Recruitment continues for the Youth Service Librarian, now a full-time position. One person who was chosen has declined the position.

**c1)** Patrons are not aware, i.e. current staff are maintaining service levels and doing a good job, despite these staffing problems. Good news: the summer reading program is over. But three recruitments have not yet been started. Colleen mentioned that one library staff member has been on vacation each month during the summer. Treats, or anything like that for library staff, or even just a thank-you from us would be nice.

**d) Student library cards.** WCCLS is studying this possibility. Students would get fine-less cards thru their schools. Or perhaps it could be that children's items checked out would be fine-less. WCCLS fine structure discussed in general, including children/student fines. This topic is still under discussion.

**e) Non-holdable items in library collections.** WCCLS-wide patrons can hold and check out most items from all WCCLS libraries. Issue is that some items (new, popular, expensive, etc.) can be seen in the WCCLS catalog of items, but are noted as "non-holdable" by the local library that owns those items. The item can be checked out at the local library only, despite discouragement of this "non-holdable" practice by WCCLS. This topic is contentious, and still under discussion. Brings up issues of big vs. little libraries, and their budgets.

**e1)** Colleen mentioned that most, if not all WCCLS libraries, have some non-holdable items in their collections and so are not following current WCCLS rules that discourage non-holdable items. Malynda said it was nice to have both our local "Lucky Day" non-holdable new items, and also be able to check out most items from all WCCLS libraries via the WCCLS catalog, so some compromise on this issue would be best. Kathleen said that it is nice to have new fresh items in our local library and to keep them non-holdable for a few months. Elizabeth said that having a small percentage of a library's collection non-holdable is a good idea.

**e2)** Colleen mentioned that to take some pressure off this issue, WCCLS will try to set aside money for purchase of more copies of best-sellers and higher-demand items, that have many back orders thru WCCLS catalog.

**6. DISCUSSION OF ITEMS:**

**a) Library Commission vacancy.** Jane Burch-Pesses resigned from the Library Commission since our last meeting in July. We should think about possible replacements who might want to be on the commission.

**FOREST GROVE LIBRARY COMMISSION  
MEETING DATE – 6:30PM TUES AUG 16, 2016  
FIRE DEPARTMENT CONFERENCE ROOM  
PAGE 4**

**b) Gathering of Groups event.** Pamela mentioned that the Oct 6 date is not going to work for this event, and so a new date will be needed. Someone might be chosen for recognition at the event. A question or topic might be chosen for informal discussion. The two weeks at the end of Oct are needed for Used Book Sale in the Rogers Room and will complicate the choice of date.

**c) Proposed survey on preferred Additional Library Open Hours.** Doug suggested that we needed to keep working on this. Plan is for Doug and Jon to work together, taking Jane's draft of the survey to start with, then reviewing and using all our comments on the survey from our several previous Library Commission meetings, and come up with a better draft survey before our Sept 2016 Library Commission meeting. The draft will be turned over to Colleen and her library staff to adjust and send to the City for inclusion in a future utility bill. Members of the Library Commission will be able to review (Doug's and Jon's) draft and make comments for Colleen to see and use.

**7. ANNOUNCEMENT OF NEXT MEETING:**

The next Library Commission meeting will be held on Tues September 20th, 2016 at 6:30PM in the Rogers Room of the Forest Grove City Library.

**8. ADJOURNMENT:**

Hearing no further business, Chair Bailey adjourned the meeting at 8PM.

Minutes respectfully submitted by:  
Jon Youngberg, Library Commission Secretary

APPROVED

1. CALL TO ORDER:

Chairman Beck called the meeting to order at 7:01 p.m.

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

**Absent:** Carolyn Hymes (excused), Dale Smith (excused)

**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 PUBLIC HEARING:

**A. Conditional use permit for a special education center to provide vocational and life skills classes for young adults ages 18-21 at 2050 Douglas Street (Washington County tax lot 1S306BA00100).**

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

Because the electronics in the public auditorium were not working, Mr. Reitz held up pictures of the site, and had the Commissioners refer to the same pictures in their packets. He said picture # 1 shows the building that sits on the corner of Douglas Street and 21<sup>st</sup> Avenue. He pointed out that there are accessibility ramps on three of the four corners of the intersection, but there is no ramp on the curb where this building is located. Reitz explained that pedestrian accessibility has become a priority to the City, and ramps are being picked up where possible, so one of the conditions of approval is that a curb ramp must be installed.

Mr. Reitz showed picture # 2 and explained that there is a drive approach in front of the building with no useful purpose (there are no bay doors). He said staff proposes the drive approach be removed and made smooth for pedestrians who may be walking, especially at night, and may not see the dip in the sidewalk. Reitz pointed out the utility pole to the left in the picture, and stated that it would be best to keep a distance from the pole and from the corner for clearance when planting street trees. He said there is 60 linear feet of frontage, and leaving a distance from the pole and corner, two street trees would fit.

Mr. Reitz showed picture # 3 (the rear of the building) and pointed out the two dumpsters. He explained that the second dumpster creeps down and blocks the pedestrian way. Reitz explained that any new project in the City is required to enclose dumpsters.

Mr. Reitz showed the last picture of the 21<sup>st</sup> Avenue frontage showing the fire hydrant that is not marked as a red zone. He explained that it is possible to have the loading/unloading zone on the 21<sup>st</sup> Avenue side, which would take up only one on-street parking space. On Douglas Street the loading zone would take up two on-street parking spaces, but handicapped students would have easier access to the front door of the building.

**PLANNING COMMISSION MEETING MINUTES  
FOREST GROVE COMMUNITY AUDITORIUM**

September 19, 2016–7:00 P.M.

**PAGE 2 of 6**

Mr. Reitz explained that these students are 18-21 year olds who are not in high school any more, and this program has been in existence for a number of years at Tuality Medical Complex. He said there will be about 25 students who will walk to this facility or arrive by bus, and four staff people for a total of approximately 30 people present at one given time. Reitz stated there are four parking spaces at the rear of the building, but two more spaces could be made. He said school hours are 8am to 3pm, so the noise from the live band in the La Sierra restaurant should not conflict with school hours.

In response to a question from Chairman Beck, Mr. Reitz stated that because the students will not be driving, the parking requirements do not exceed the available parking.

Commissioners Ruder and Nakajima agreed that 21<sup>st</sup> Avenue is used for parking by Pacific University students, and is full of cars for one or two blocks.

Mr. Reitz said Pacific University has bought and demolished a house on Cedar Street, and their intent is to put in parking.

Commissioner Nakajima stated that area is totally packed. She said it would be good to look at the rear of the building to see if parking could be reconfigured for more parking.

Commissioner Lawler said the main parking lot is never full, and asked if parking spaces there could be designated for staff parking.

Chairman Beck explained that the Planning Commission has no control over that. He said we can only talk to the applicant about it. Beck suggested that 21<sup>st</sup> Avenue could be marked 2-hour parking, so staff and students do not park there all day. He pointed out that the sidewalk goes to the end of the building, and then ends. He asked if the sidewalk could be extended.

Mr. Reitz explained that this is a tenant improvement, and we need to keep in mind portionality.

Chairman Beck stated that the ramp on Cedar Street is essential, but he would rather spend the school's money paving the sidewalk on 21<sup>st</sup> Avenue than leveling the drive approach in front of the building.

**Brad Bafaro, Special Education Director for the School District, 2726 18<sup>th</sup> Avenue, Forest Grove, OR.** Mr. Bafaro stated that the operation was at the Tuality Medical Complex, but now has to find a new space. He said the property owner has agreed to remove one tree at the rear of the building to make an additional three spaces for staff parking, so staff does not have to park on the street. He explained that these transitional young adults do not drive. Bafaro said some of the students take TriMet, but most of them are dropped off in the morning around 9 a.m. and are picked up in the afternoon around 3:30 p.m. He said the school could live with a loading zone on 21<sup>st</sup> Avenue, but the further the students are dropped off from the front door, the more difficult it is for the handicapped. Bafaro said the school wants the drive approach leveled.

Chairman Beck stated that if the tree is a large and mature, he would rather leave the tree – it breaks up a long blank wall.

**PLANNING COMMISSION MEETING MINUTES  
FOREST GROVE COMMUNITY AUDITORIUM**

September 19, 2016-7:00 P.M.

**PAGE 3 of 6**

Commissioner Lawler agreed that if it is a healthy tree, it should not be taken down.

Commissioner Ruder stated that there are three trees at the rear of the building, and the third tree is not that great looking.

In response to a question from Commissioner Lawler, Mr. Bafaro stated that the number of students reflects a five year average for the program.

In response to a question from Chairman Beck, Mr. Bafaro stated that the facility could handle 30-50 students. He said staff parking is less important to the school than where the students are dropped off.

Mr. Bafaro stated that the school would prefer that the students be dropped off on Douglas Street in front of the building instead of the students being dropped off on 21<sup>st</sup> Avenue and having to go around the building to get to the front door. In response to a question from the Commission, Mr. Bafaro explained that the owner of the building currently being used by the school plans to get rid of that building, which necessitates their move.

**Raean Johnston, Director of the Forest Grove Senior Center, 2323 15<sup>th</sup> Avenue, Forest Grove, OR.** Ms. Johnston said she is concerned about parking. She stated that with Pacific University in full session, 21<sup>st</sup> Avenue is chock full of parked cars for two blocks. She explained that GroveLink needs to park their buses, and GroveLink uses the Senior Center's office space and uses the Center's water to wash the buses. Johnston explained that Senior Center staff tries to park as far away as possible to free up parking spaces near the Center for the older folks. She explained that when the special needs bus and the casino bus come, they double-park on the street while loading and unloading. Bafaro said Mondays are their worst day. She suggested the school load and unload on 21<sup>st</sup> Avenue.

In response to a question from the Commission, Mr. Bafaro said they currently have one student in a wheelchair.

Ms. Johnston stated her concern about seniors walking in the street to get to the Senior Center. She stated her concern about Pacific University students parking on the street, and wanted to ask if more parking could be made available. She was concerned that the school's loading zone would take up two much needed parking spaces.

Chairman Beck asked about a time restriction on parking.

Ms. Johnston said it only works if it is enforced, so it would work better if the loading zone was a loading zone all the time.

Commissioner Lawler asked if there was any way to condition the paving around the fire hydrant so it could be used for loading/unloading.

Commissioner Ruder stated that the loading zone on Douglas St. makes sense because the kids are unloaded near the front door, but it does not make sense on 21<sup>st</sup> Avenue.

**PLANNING COMMISSION MEETING MINUTES  
FOREST GROVE COMMUNITY AUDITORIUM**

September 19, 2016–7:00 P.M.      **PAGE 4 of 6**

Ms. Johnston encouraged the City to go after the Pacific University students parking on Cedar St. and 21<sup>st</sup> Avenue.

Chairman Beck commented that it is human nature to park as close to the door as possible, so if designated parking spots are too far away they will not use them. He said there is nothing to do except post 2-hour parking and enforce it. This is the only way to get Pacific University students to park away from 21<sup>st</sup> Avenue.

**REBUTTAL:** The applicant said he saw no need for rebuttal.

Chairman Beck closed the public hearing at 7:53 p.m.

**COMMISSION DISCUSSION:**

Commissioner Lawler was concerned that the loading zone on Douglas Street wipes out two on-street parking spaces, and preferred the loading zone to be on 21<sup>st</sup> Avenue which wipes out only one on street parking space. He stated that until there are some major infrastructure improvements, the problem will not change.

Chairman Beck suggested that the Commission follow the staff report about the bus loading zone posted for morning and afternoon use only, encourage the City to post time restrictions for parking in this area, and ask the applicant to work with the owner to get three off-street parking spaces at the rear of the building.

Commissioner Ruder said it could be done if they would reline the rear parking area.

Chairman Beck said he was willing to leave it up to staff about whether or not the tree should be removed – it is an ugly building and he would prefer to keep the tree.

Mr. Reitz explained that he was scheduled to look at street trees tomorrow, and would add this one to the list. He stated that there is 60 linear feet of frontage, and allowing for the power pole and vision clearance, two street trees would fit.

Chairman Beck stated his concern that there needs to be room to unload kids, so only one tree should be planted.

Commissioner Nakajima said the fire hydrant looks great, but the curbs need to be painted red. She said there was a car parked in front of the fire hydrant that day.

In response to a question from Commissioner Ruder, Mr. Holan explained that timed parking should be addressed to the Traffic Control Review Committee (TCRB) through the City's Engineering Department.

Chairman Beck said parking should be timed along both sides of Douglas Street, and on one side of 21<sup>st</sup> Avenue.

Commissioner Nakajima restated that enforcement is the key.

**PLANNING COMMISSION MEETING MINUTES  
FOREST GROVE COMMUNITY AUDITORIUM**

September 19, 2016–7:00 P.M.      **PAGE 5 of 6**

Mr. Reitz said he saw the parking officer writing tickets on University Avenue, and her comment was a \$15.00 parking ticket is not enough. He stated that the City is “booting” autos now for parking violations. Reitz commented that clientele with big front windows can keep an eye on the loading zone and call in violators.

Commissioner Nakajima said she thought it should be a loading zone all day from 8 a.m. to 4 p.m.

Commissioner Ruder commented that the 2-hour parking limit on Douglas St. and 21<sup>st</sup> Avenue would make up for the two lost spaces for the loading zone.

Chairman Beck volunteered to “bulldog” the 2-hour parking with the TCRB.

Chairman Beck summarized the Commission’s amendments to the staff recommendation by stating the owner needs to supply three additional on-site parking spaces behind the building, there should be only one street tree planted, and the fire hydrant curb needs to be painted red.

Commissioner Nakajima made a motion to approve the conditional use permit for a special education center to provide vocational and life skills classes for young adults ages 18-21 at 2050 Douglas Street (Washington County tax lot 1S306BA00100) with amendments to staff’s recommendation as noted. Commissioner Lawler seconded. Motion passed 5-0.

**2.3 ACTION ITEMS:** None.

**2.4 WORK SESSION ITEMS:** None.

**3.0 BUSINESS MEETING:**

**3.1 APPROVAL OF MINUTES:** The minutes of the August 15, 2016 meeting were approved with one correction on Page # 5 of the spelling of Mr. Gutierrez’s name.

**3.2 REPORTS FROM COMMISSIONERS/SUBCOMMITTEES:** None.

**3.3 DIRECTOR’S REPORT:**

Mr. Holan said looking forward the next Commission meeting will be held on October 3<sup>rd</sup> and will be regarding the Parks & Recreation Master Plan. He said on October 17<sup>th</sup> the Commission will review at least one proposed grow site at the Matsushita building and perhaps another one near Saki One. He said on November 7<sup>th</sup> staff is targeting a work session on the Westside Planning Project about infrastructure and financing.

In response to a question from Chairman Beck, Mr. Holan reported on projects that had already been approved by the Commission. He said the Tokola project is waiting for an evaluation by BOLI regarding prevailing wage, but it is expected shortly. Holan said they will more than likely break ground this month or next. He said the Hawthorne Street apartments have submitted a grading permit application and an application for infrastructure. Holan said there has been no movement on the Gales Creek Terrace PRD.

**3.4 ANNOUNCEMENT OF NEXT MEETING:** Next meeting will be held on October 3, 2016 at

**PLANNING COMMISSION MEETING MINUTES  
FOREST GROVE COMMUNITY AUDITORIUM**

September 19, 2016–7:00 P.M.

**PAGE 6 of 6**

7 p.m.

**3.5** **ADJOURNMENT:** The meeting was adjourned at 8:16 p.m.

Respectfully submitted by:  
Marcia Phillips  
Planning Commission Coordinator

255

APPROVED

PUBLIC SAFETY COMMISSION  
Forest Grove Fire Department  
1919 Ash St.  
August 24th, 2016

**Minutes approved by Public Safety Advisory Commission on 9/28/2016**

**1. ROLL CALL**

Meeting called to order by Drue Garrison at 7:30 am.

**Members Present:** Tim Rippe, Mason Brown, Robert Mills, Glenn VanBlarcom, Anne Niven, Drue Garrison, and Thomas Epler.

**Members Absent:** Nathan Seable

**Liaisons Non-Voting Representatives Present:** Guy Storms, Ron Thompson, Robert Farris, Kevin Noreen (left at 7:51am) and Nick Chan.

**Others Present:**

Michael Kinkade, Janie Schutz, Stephanie Haugen and Kara Oliver.

**2. INTRODUCTIONS**

Self-Introductions were made.

**3. CITIZEN COMMUNICATIONS**

None at this time

**4. APPROVAL OF MINUTES**

**MOTION:** Anne Niven moved, seconded by Tom Epler to approve minutes from July 27th, 2016. **MOTION CARRIED 7-0 by voice vote.**

**5. ADDITIONS/DELETIONS**

None

**6. STAFF REPORTS**

**Police Department-** There are currently six officers in training, three in the Academy and three in field training. It will take approximately five months to get through all phases of training.

The Department is currently working with Pacific University regarding police response on campus. Chief Shutz referred to a brochure that will be distributed at Pacific University's new student orientation.

**Fire Department –** The Department is currently in the height of fire season. There was a fire fatality this month at the Rose Grove mobile home park and a stop work order was issued for the first time in eight years. The owner of the

restaurant had multiple chances to meet fire code, but was unable to do so.

The restaurant is still currently closed at this time.

Interviews for a new Division Chief are currently in the works. There are approximately twenty two applicants and the top three will be interviewed.

The Standard of Cover for the Fire Authority was adopted unanimously by the City Council. The next step is the intergovernmental agreement.

The Fall Fire Academy is currently full with thirty three combat volunteers and eighteen interns.

A committee has been formed to work on the replacement of the ladder truck. There will be a recommendation from the committee by October.

**City Council** –. The last City Council meeting was on August 8<sup>th</sup>. There was an hour log work session regarding affordable housing. Dan Rioridan presented a PowerPoint presentation and Community Development has the presentation on file.

There is a lot of discussion regarding tiny houses in Washington County. The concept of tiny houses typically does not meet land or permit standards, so there may be a need for recommendations in the future.

Friends of the Library have their family night fundraiser on September 13<sup>th</sup>.

The Post Office chose NAPA as their new location and it will take another year before they relocate. The Times-Litho location will begin construction soon.

The old Haggen location is going commercial and it will be called Stonewood Center and it will have 42,000 sq. ft. of commercial space with the permits being completed this week.

## 7. **OLD BUSINESS**

**Strategic Plan-** Chief Kinkade will do a formal presentation in October and the format for the plan can be discussed in that meeting. The planning can be accomplished with 30-45 minutes per meeting from October to May.

**National Night Out Update-** There will be an official report at the next PSAC meeting.

**Graffiti Task Force Review-** In the past there was an issue of attendance. There was a round table discussion regarding whether this task force should continue and whether it should be part of PSAC's strategic plan. It was agreed upon that this would be part of the strategic plan discussion and that an inventory would be conducted of the remaining supplies (paint, brushes, etc.). A report will be conducted at the next PSAC meeting.

**Classroom Kits-** Neil Armstrong has about 80% of their classrooms stocked. Currently the school district is working on getting kits in all schools and

classrooms, but there is a funding issue. The next step in the process consists of getting the numbers and costs, and then fundraising can begin. Communication between private and public schools regarding lockdowns was discussed. In lockdown situations, 9-1-1 dispatch contacts the other schools to alert them of the current situation.

8. **ANNOUNCEMENT OF NEXT MEETING** – September 28th, 2016 at Forest Grove Fire Department.
9. **ADJOURN**  
The meeting was adjourned at 8:35 am.  
Recorded & submitted by Kara Oliver, Administrative Assistant

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34

# Monthly Building Activity Report

September-16

2016-2017

Category	Period: September-15		Period: September-16	
	# of Permits	Value	# of Permits	Value
Man. Home Setup			2	\$ -
Sing-Family New	19	\$ 4,694,995.01	3	\$ 1,033,017.00
SFR Addition & Alt/Repair	5	\$ 93,587.79	4	\$ 92,748.00
Mult. Fam. New/At			1	\$ 200,000.00
Group Care Facility				
Commercial New	2	\$ 859,920.80		
Commerical Addition				
Commercial Alt/Repair	6	\$ 900,100.00	7	\$ 432,490.00
Industrial New				
Industrial Addition				
Industrial Alt/Repair				
Gov/Pub/Inst (new/add)				
Signs			1	\$ 1,500.00
Grading	3			
Demolitions	4		2	
<b>Total</b>	<b>39</b>	<b>\$6,548,604</b>	<b>20</b>	<b>\$1,759,755</b>

### Fiscal Year-to-Date

2015-2016		2016-2017	
Permits	Value	Permits	Value
88	\$13,386,702	78	\$9,669,131

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<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	6
MEETING DATE:	
FINAL ACTION:	

**CITY COUNCIL STAFF REPORT**

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**TO:** *City Council*

**FROM:** *Jesse VanderZanden, City Manager*

**MEETING DATE:** *October 10, 2016*

**PROJECT TEAM:** *Jon Holan, Community Development Director*

**SUBJECT TITLE:** *Proposed Revision to Sustainability Commission Bylaws*

<b>ACTION REQUESTED:</b>	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Order	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Motion	<input type="checkbox"/> Informational
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*X all that apply*

**ISSUE STATEMENT:** Clean Water Services (CWS) staff has requested to be removed as a voting member of the Sustainability Commission. They have indicated a willingness to continue in a non-voting ex-officio capacity. As a result, the Sustainability Commission is recommending a proposed revision to the Commission Bylaws. As amended by the Commission, the proposed resolution would amend Section II of the Sustainability Commission Bylaws as follows:

- Remove Clean Water Services as a voting member of the Commission;
- Allow sustainability related public agencies to participate as an ex-officio non-voting member; and
- Add a new member category for a person representing agricultural interests.

**BACKGROUND:** The Sustainability Commission is composed of 13 members from ten different categories. Not all categories are required to be represented and more than one person can represent the same category. One category for membership is a representative from Clean Water Services (CWS). The proposed bylaw amendment was the result of CWS staff requesting removal from the Commission as a voting member. They were concerned with potential conflicts as a County agency voting on City-related issues.

When considered by the Commission, an additional change was accepted by the Commission to add a new category for representative of agricultural interests. The Commission has been quite active in food supply sustainability related measures and supports the addition of the new category. Due to its nature, it is likely that such a representative would reside outside the City.

Staff recommends the Council consider amending the ex-officio provision. The provision, as proposed, would be opened ended to allow any public agency to participate as an ex-officio member. Only one other City commission bylaws, PSAC, have identified ex-officio membership, which are specifically identified (Fire Chief, Police Chief, etc.). Leaving it open ended would

create a potentially unwieldy administrative problem with a large membership (13 Commission members plus, an undefined number of ex-officio members as well as any interested parties). CWS did indicate they may be interested to continue participating as a non-voting ex-officio. When written, the proposed provision was intended to allow that opportunity for CWS to continue, if they so choose, on that basis. Thus, staff would recommend that the Council either deleting the provision or amending it to specifically allow CWS to participate in such a manner since they were the only agency originally identified as a member of the Commission. Such an amendment would be as follows:

A member of a governmental agency involved with sustainability-related activities such as Clean Water Services may be appointed as a non-voting ex-officio member.

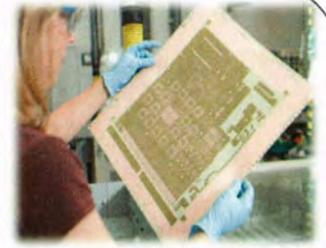
Please keep in mind that any revision would not prevent a public agency representative to attend and speak to the Commission on any matter.

**FISCAL IMPACT:** None

**STAFF RECOMMENDATION:** Staff recommends the City Council approve the attached resolution amending the Sustainability Commission Bylaws as it may be revised.

**ATTACHMENT(s):**

Resolution amending the Forest Grove Sustainability Commission Bylaws and amending Resolution No. 2013-69



# Sustainability Commission By-Laws Amendment

City Council Meeting  
October 10, 2016

*A place where families and businesses thrive.*

# Proposal

- Amend Section II of the Sustainability Commission By-Laws (membership) as follows:
  - Remove Clean Water Services (CWS) as a voting member of the Commission;
  - Allow sustainability related public agencies to participate as an ex-officio non-voting member; and
  - Add a new member category for a person representing agricultural interests.
- Staff recommends either removing or clarifying the ex-officio membership to be limited to CWS.
- Recommend approving the amendment as may be modified by the City Council

## Rationale

- Clean Water Services staff requested removal as a voting member due to potential conflicts.
- CWS did indicate a possible willingness to continue as a non-voting ex-officio member.
- Agriculture Representative recommended by the Commission since food related issues are part of maintaining a sustainable Forest Grove and Commission has been involved with food related matters.
- Recommend approving the amendment with clarification or elimination of ex-officio membership and as may be further modified by the City Council

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**RESOLUTION NO. 2016-58**



**RESOLUTION AMENDING THE FOREST GROVE  
SUSTAINABILITY COMMISSION BYLAWS  
AND AMENDING RESOLUTION NO. 2013-69**

**WHEREAS**, Resolution No. 2013-69 has provided for the Sustainability Commission and Bylaws; and

**WHEREAS**, Section II, Membership, allows for a member on the Sustainability Commission to serve as a voting representative for Clean Water Services (CWS); and

**WHEREAS**, due to potential conflict, CWS requested to be removed as a voting representative of the Sustainability Commission; and

**WHEREAS**, the Sustainability Commission considered at its meeting on September 22, 2016, a proposed amendment to its Bylaws to remove CWS as a voting representative and allow CWS, or other sustainability-related governmental agencies, be appointed as ex-officio non-voting representative; and

**WHEREAS**, the Sustainability Commission at its meeting on September 22, 2016, also initiated a proposal (voted 8-0) to amend its Bylaws, Section II, Membership, to add a new voting membership category for Agricultural representative; and

**WHEREAS**, the Sustainability Commission has reviewed and approved the proposed amendments (voted 8-0) in accordance with its Bylaws and is recommending City Council approval.

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

**Section 1.** The City Council hereby approves amending Resolution No. 2013-69, Sustainability Commission Bylaws, attached as Exhibit A: Section II, Membership, remove Clean Water Services as voting representative; allow other sustainability-related governmental agencies be appointed as ex-officio non-voting representative; and add a voting membership category for Agricultural representative.

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

**PRESENTED AND PASSED** this 10<sup>th</sup> day of October, 2016.

\_\_\_\_\_  
Anna Ruggles, City Recorder

**APPROVED** by the Mayor this 10<sup>th</sup> day of October, 2016.

\_\_\_\_\_  
Peter B. Truax, Mayor

## EXHIBIT A

### CITY OF FOREST GROVE SUSTAINABILITY COMMISSION BYLAWS

Amend Section II, Membership, of the Sustainability Commission Bylaws as follows:

II. **MEMBERSHIP.** The Forest Grove Sustainability Commission consists of thirteen (13) members appointed by the City Council. Members represent a diverse range of interests and experiences related to sustainability and are selected from, but are not limited to, the groups listed below. As long as the Commission is broad-based, not every group need be represented, and individual members may represent more than one group.

- (1) Pacific University
- (2) Non-profit public service organizations (e.g. Adelante Mujeres, faith-based organization, CAO)
- ~~(3) Clean Water Services~~
- ~~(4)~~ 3) Forest Grove School District
- ~~(5)~~ 4) Students of Pacific University and Forest Grove High School
- ~~(6)~~ 5) Persons with a demonstrated interest in sustainable business practices, building and design, energy conservation or alternative energy sources
- ~~(7)~~ 6) Educators
- ~~(8)~~ 7) Persons with a diversity of ethnic and cultural affiliations
- ~~(9)~~ 8) Persons with diverse economic backgrounds and interests
- ~~(10)~~ 9) Members of community or neighborhood groups
- (10) Person representing agricultural interests

Sustainability-related governmental agencies, such as Clean Water Services, may be appointed as ex-officio non-voting representative.



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<u>CITY RECORDER USE ONLY:</u>	
AGENDA ITEM #:	_____
MEETING DATE:	_____
FINAL ACTION:	_____

**CITY COUNCIL STAFF REPORT**

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**TO:** City Council

**FROM:** Jesse VanderZanden, City Manager

**MEETING DATE:** Work Session: October 10, 2016

**PROJECT TEAM:** Jeff King, Economic Development Manager; Jon Holan, Community Development Director; Paul Downey, Administrative Services Director

**SUBJECT TITLE:** Enhancing Tourism and Collaboration with the Chamber of Commerce through consideration of a Transient Lodging Tax

**ACTION REQUESTED:**

<input type="checkbox"/>	<b>Ordinance</b>	<input type="checkbox"/>	<b>Order</b>	<input type="checkbox"/>	<b>Resolution</b>	<input type="checkbox"/>	<b>Motion</b>	<input checked="" type="checkbox"/>	<b>Informational</b>
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*X all that apply*

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**BACKGROUND:**

This Work Session addresses City Council Objective 3.24 to enhance tourism by establishing a public-private working group and by collaborating with the Forest Grove/Cornelius Chamber of Commerce.

In July, 2016, the City of Beaverton passed a 4% transient lodging tax (TLT) ordinance on lodging properties inside its city limits. The tax was imposed to fund tourism-related activities, namely a performing arts center. Passage of the 4% TLT was made possible by Washington County amending their TLT ordinance to allow local municipalities to keep 100% of a locally levied TLT above the existing County and State TLT.

Washington County currently has a 9% TLT of which 2.5% is remitted to cities with hotel accommodations, 2.5% retained by Washington County, 1% to the Washington County Fair, .66% for multi-use facility debt service, and 2.33% for county-wide tourism development and promotion. The State of Oregon passed a 1.8% statewide lodging tax in 2016, bringing the total for lodging properties in Washington County to 10.8%.

Beaverton's ordinance brings the TLT to 14.8% for lodging properties within Beaverton's city limits. This compares to 10.8% for all other Washington County lodging properties and 15.3% for downtown Portland lodging properties. Beaverton's ordinance goes into effect in October. There is no cap on the amount of local TLT that can be levied by a local government.

**REVENUE ANALYSIS:**

Per state regulation, 70% of TLT revenues must be used to fund tourism promotion or tourism-related facilities; or, to finance or refinance the debt of tourism-related facilities and pay

reasonable administrative costs incurred in financing or refinancing the debt. The other 30%, but not more than 30%, can be used to fund city services.

There has been debate about what constitutes an eligible tourism expense. In a 2008 Oregon Attorney General Opinion (attached), Chief Counsel concluded "Obvious examples, because they furnish places that are desired, needed, or suited to those tourist activities, would be convention and conference centers, improved recreational areas, museums, and performing arts centers." The report also cites visitor centers, museums and recreational areas as potential examples. Also, an activity has generally been interpreted as a "tourism" activity when done by people who travel more than 50 miles from their community of residence or stay overnight.

Forest Grove currently receives approximately \$100,000 in TLT revenues per year. These revenues are received after the statutory 70% has been taken out for tourism; therefore, they are eligible for city services and deposited in the general fund. For each 1% in additional TLT, Forest Grove would accrue approximately \$40,000 per year in additional revenue. For example, if Forest Grove levied a 4% TLT above the 10.8% already charged by the County and State, it would accrue an additional \$160,000 per year. 70% of these additional revenues would have to be dedicated to tourism purposes.

**CURRENT STATUS:**

The Washington County Visitors Association passed a resolution in July encouraging local municipalities to engage the hotel industry in discussions prior to seeking increases of the TLT (attached). The Oregon Restaurant and Lodging Association opposed Beaverton's effort and expressed concern about the lack of lodging property involvement (attached). Additionally, the ORLA has reserved the right to take legal action to see if a performing arts center meets the definition of a tourism-related facility. Beaverton outreached to numerous stakeholders prior to adoption of the ordinance (attached).

**STAFF RECOMMENDATION:**

Staff recommends the City Council conduct a Work Session to receive an issue update and provide feedback to help staff ascertain, what, if any, next steps should be taken.

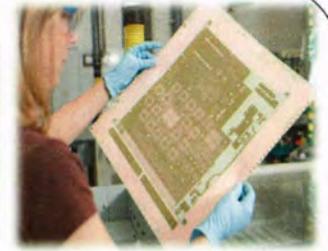
Some options for thought and consideration:

- 1) Form an ad-hoc Working Group composed of representatives from local businesses, tourism industry, hotels, ORLA, Chamber of Commerce, City Club, and other members as necessary to assure a comprehensive and collaborative consideration of the issue. It is expected the Group will consist of approximately 9-13 members. Jeff King, Economic Development Manager, would serve as the Groups facilitator and overall project lead.
- 2) The ad-hoc Working Group would be responsible for:
  - a. Becoming educated on the TLT and the eligible uses of it.
  - b. Consider the purpose and potential uses of additional TLT revenues, not to exceed 4% above the existing County TLT. Such considerations could range from tourism programs to eligible capital projects.
  - c. The Ad-Hoc Working Group will present their findings to the Economic Development Commission for consideration within 6 months of their appointment and first meeting.

**ATTACHMENTS:**

- Attachment A: Washington County Visitors Association Resolution
- Attachment B: Oregon Restaurant and Lodging Association Letter
- Attachment C: City of Beaverton Outreach information
- Attachment D: DOJ Attorney General Opinion re: TLT funding eligibility

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# TRANSIENT LODGING TAX

**City Council Work Session**

**October 10, 2016**

**Jeff King**

**Economic Development Manager**

*A place where families and businesses thrive.*

## TLT – What is the TLT?

- State law defines the Transient Lodging Tax as taxes “imposed on any consideration rendered for sale, service or furnishing of transient lodging. Local governments are required to spend 70% of net revenue for specified tourism related purposes. Not more than 30% can be used for city or county services.
- Rate: Washington County imposes a 9% TLT on lodging. In addition the state of Oregon passed a 1.8% TLT bringing the total for Washington County to 10.8%. This compares to a 15.8% rate in Portland.

## TLT – How can it be used-Tourism

- Defined under ORS 320.300 and 320.350
  - Tourism Promotion
    - Advertising or publicizing information
    - Strategic planning or research
    - Operating tourism promotion agencies
    - Marketing special events and festivals
  - Tourism-Related Facility
  - Finance or Refinance the debt of tourism-related facilities

## TLT-What's Changed?

- In July 2016, Washington County amended their TLT ordinance to allow local municipalities to establish and keep 100% of an additional local TLT. At least 70% must be spent on tourist related purposes.
- The City of Beaverton passed a 4% TLT to fund a Beaverton Center of the Arts. Their total TLT in Beaverton is now 14.8%

# TLT –Should Forest Grove Consider a TLT?

## Questions to Answer

- What is the Need
- How Much could the Tax Generate
- Potential Uses of the Tax
  - Type of Projects/Programs
  - How would Funding Decisions be Made
- Setting a Rate
- Next Steps: Creating an Ad-Hoc Working Group

# TLT-Next Steps

## 9-13 member Ad-Hoc TLT Advisory Group

- 3 members from Forest Grove Hotels/Lodging
- 1 representing Forest Grove/Cornelius Chamber of Commerce
- 2 representing restaurants
- 2 representing wine/beverage
- 1 representing outdoor recreation
- 1 representing nature
- 1 representing other tourism business
- 1 representing arts/culture
- 1 representing Pacific University

Resolution encouraging local municipalities to include lodging establishments within their jurisdiction in any and all discussions relating to future increases in Transient Lodging Taxes prior to taking action.

**Whereas** the Washington County Visitors Association ("WCVA"), a non-profit 501(c)6 acts as the destination marketing organization ("DMO") providing advertising, promotional, sales and development services directly related to increasing travel and tourism to Washington County and it's cities and towns;

**Whereas** the WCVA is funded through a grant agreement with Washington County for tourism services with revenues derived by a dedicated transient lodging tax ("TLT") generated by people staying in paid accommodations;

**Whereas** Washington County has a 9% TLT of which 2.5% is remitted to cities with hotel accommodations, 2.5% retained by Washington County, 1% to Washington County Fair, 0.66% for multi-use facility debt service and 2.33% for county wide tourism development and promotion;

**Whereas** the state of Oregon has an additional TLT levy of 1.8% bringing the total tax paid on lodging in Washington County to 10.8%;

**Whereas** Oregon HB 4146 requires 70% of TLT funds to be used for the promotion of travel and tourism;

**Whereas** ORS 320.300 defines tourism as economic activity resulting from tourists and a tourist as a person who, for business, pleasure, recreation or participation in events related to the arts, heritage or culture travels from the community in which that person is a resident to a different community that is separate, distinct from and unrelated to the person's community of resident, and that trip requires the person to travel more than 50 miles from the community of residence; or includes an overnight stay;

**Whereas** the state regulates local government (post 2003) imposed TLT increases to permitted uses, which requires 70% of net revenue to be used for "tourism promotion" or tourism related facilities or finance/refinance debt of tourism related facilities, and no more than 30% may be used to fund city or county services;

**Whereas** lodging taxes are a local option and rate is set by each city or county;

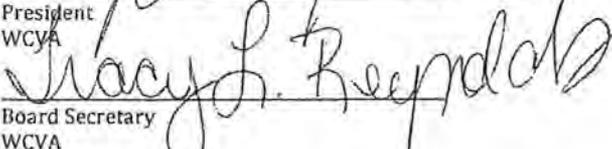
**Whereas** cities within Washington County are currently contemplating new additional individual city TLT increases;

**Whereas** the WCVA respects the financial challenges and limited funding options available to cities for infrastructure, development, maintenance and community affairs associated with growth and economic development; and

**Now therefore be it resolved** that on July 21, 2016 the WCVA Board of Directors encourages local taxing authorities to engage hotel industry in discussions prior to seeking increases of TLT in order to create cooperative symbiotic programs or projects that are within the state regulation definition of use and to heed caution on the impacts of tax increases on hotels and their visiting customers.

  
Board Chair  
WCVA

  
President  
WCVA

  
Board Secretary  
WCVA



June 9, 2016

Mayor Denny Doyle and Members of the Beaverton City Council  
The Beaverton Building, City Council Chambers  
12725 SW Millikan Way  
Beaverton, OR 97005

Dear Mayor Doyle and Members of the Beaverton City Council:

We wish to enter the following letter into the record for the Beaverton City Council as the city continues to consider a new 4 percent lodging tax on lodging properties located inside the city limits in addition to the lodging taxes already paid to county and state government institutions.

We are concerned about the timeframe that has been proposed to increase the lodging tax so substantially inside the city limits. In reviewing your June 2 letter to Beaverton hoteliers, it appears a meeting was held on June 1 to review the facts relating to the proposed Transient Lodging Tax. It also appears very few were able to attend the meeting before the City Council opened and closed the public hearing process on June 7. Even though no hoteliers were able to attend the public hearing, it now appears the new tax is heading to first reading scheduled for this coming week on June 14 with a goal of implementing the new tax as of October 1.

Lodging operators are financial partners of local governments – when they perform well local governments have more revenue to provide programs and services to residents. Increasing the tax rate can result in lower occupancy levels and sometimes, negative impacts to their independent marketing efforts.

Due to recent events in the 2016 legislative session, lodging properties within the Beaverton city limits will be paying 1.8 percent in statewide lodging tax as of July 1 in addition to the 9 percent county lodging tax. If the Beaverton City Council passes a new 4 percent city lodging tax, lodging properties inside Beaverton will be paying 14.8 percent in tax to government entities as of your October 1 implementation date. Your proposal represents a 37 percent increase in tax on Beaverton lodging properties who directly compete with lodging properties adjacent to Beaverton who are not subject to your new tax.

To put this proposal into perspective, our members who operate hotels in downtown Portland currently pay a total tax of 14.5 percent. The marketplace and demand for hotel capacity in downtown Portland is substantially different from Beaverton marketplace demands.

In downtown Portland, the City of Portland collects 6 percent, Multnomah County collects 5.5 percent, and an additional 2 percent is collected through a Portland Tourism Improvement District for a grand total of 13.5 percent before incorporating the current 1 percent statewide lodging tax. On July 1, downtown Portland hotels will be paying 15.3 percent in total tax when the statewide lodging tax increases by .8 percent to 1.8 percent.

Your June 2 letter references a claim that Beaverton hoteliers will still be paying a tax rate 1.5 percent lower than downtown Portland which is incorrect. If Beaverton City Council moves forward with this tax, the rate would be only half a percent lower than downtown Portland. We are growing concerned for the viability of Beaverton hotel stays when they compare so closely to taxes collected in Oregon's most popular urban locale while also being significantly higher than taxes collected in neighboring cities like Tigard and Hillsboro.

Our concerns extend beyond the inaccuracy of the tax comparisons stated in the letter and the timeframe for which the city has tried to engage lodging properties. New transient lodging taxes as defined by state law must follow strict guidelines as to their use. 70 percent of a new 4 percent Beaverton transient lodging tax would be subject to expenses tied to tourism promotion and tourism related facilities as defined by state law.

As stated in your letter, it appears the full 4 percent would be directed to the proposed Beaverton Center for the Arts. It remains unclear to us whether the proposed facility would qualify as a tourism related facility as defined by state law. The city's legal opinion may be that the proposed Beaverton Center for the Arts qualifies as a tourism related facility because it represents improved real property with a useful life of 10 or more years and has a substantial purpose of supporting tourism and accommodating tourist activities.

If this is the case, we hope to obtain proof of the ability of the facility to substantially attract tourists who originate from over 50 miles away or require an overnight stay. This definition of a tourist in ORS 320.300 is absolutely critical to sustaining the nexus between lodging properties who collect taxes and the benefits that come with tourists who need overnight stay accommodations.

We are disappointed no effort was made to reach out to us at the Oregon Restaurant & Lodging Association. Our position as an advocate for restaurant and lodging properties across the state provides us the ability to convene groups of interested stakeholders to share their positions with local elected leaders. With appropriate timing and communication, lodging properties can be mobilized to attend meetings such as the one on June 1.

Due to the concerns we have stated above including the lack of support from lodging properties in Beaverton, the Oregon Restaurant & Lodging Association is officially opposed to the Beaverton TLT tax proposal and we reserve the right to seek legal action in protecting the rights of our industry when they are asked to fund facilities which do not pass the legal definition of a tourism related facility.

Sincerely,



Jason Brandt  
President & CEO  
Oregon Restaurant & Lodging Association

## Beaverton TLT – Public Discussion Info

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### City Council Meetings

1. Work Session – December 8, 2015
2. Work Session – April 19, 2016
3. Public Hearing – June 7, 2016

### Print Media Coverage

1. Beaverton Valley Times - December 9, 2015
2. Oregonian and Beaverton Leader - December 11, 2015
3. Beaverton Valley Times – April 20, 2016
4. Portland Tribune – May 12, 2016

### Stakeholder Outreach

1. Washington County Visitors Association Board of Directors
2. Washington County Visitors Association hoteliers meeting
3. Westside Economic Alliance Board of Directors
4. Beaverton Area Chamber of Commerce
5. Beaverton area hoteliers
6. Washington County city managers
7. Washington County Board of County Commissioners
8. Beaverton Committee for Community Involvement
9. Beaverton Arts Commission
10. Beaverton Arts Foundation



**DEPARTMENT OF JUSTICE**  
GENERAL COUNSEL DIVISION

November 14, 2008

Todd Davidson, Chief Executive Officer  
Oregon Tourism Commission  
670 Hawthorne Avenue SE, Suite 240  
Salem, OR 97301

Re: Opinion Request OP-2008-3

Dear Mr. Davidson:

In 2003, the legislature enacted ORS 320.300 to 320.990, which govern the collection and use of state and local transient lodging taxes. Or Laws 2003, ch 818. Transient lodging taxes are taxes "imposed on any consideration rendered for the sale, service or furnishing of transient lodging." ORS 320.305(1). ORS 320.350 restricts how local governments may spend revenue from lodging taxes imposed or increased on or after July 2, 2003. Specifically, ORS 320.350(5) and (6) require local governments to use at least 70 percent of the net revenue generated from any new or increased lodging taxes for specified tourism-related purposes (for simplicity this opinion will refer to the net revenue generated from new and increased taxes as "new lodging tax revenue.") One of those tourism-related purposes is funding "tourism-related facilities." ORS 320.350(5)(a). You ask whether certain local expenditures qualify as funding "tourism-related facilities." Your question, a short answer, and a supporting discussion follow.

**QUESTION PRESENTED**

Can local infrastructure, such as county roads or city sewers, qualify as "tourism-related facilities" under ORS 320.350(5)(a) such that local governments may fund them, without restriction, with new lodging tax revenue? If so, under what circumstances?

**SHORT ANSWER**

Based on the text, context, and legislative history of ORS 320.300(9) and ORS 320.350(5) and (6), the legislature most likely intended local roads, sewers, sewer plants, and transportation facilities to qualify as "tourism-related facilities" only if they draw tourists themselves, directly serve a specific tourist attraction (such as an access road), or are part of the infrastructure of a specific tourist attraction (such as a restroom and the on-site sewer line.) The legislature most likely did not intend "tourism-related facilities" to encompass roads and other infrastructure simply because they are used, even heavily, by tourists as well as locals.

## DISCUSSION

### 1. Method for Interpreting Statutes

To answer your question, we must interpret the relevant statutes with the goal of determining the legislature's intent. *PGE v. Bureau of Labor and Industries*, 317 Or 606, 610, 859 P2d 1143 (1993); ORS 174.020. We begin by examining the statute's text and considering statutory and judicially created rules of construction that bear directly on how to read the text, such as to give words of common usage their "plain, natural and ordinary meaning." *Id.* at 611; ORS 174.010. We do not examine the text in isolation but in context, including other provisions of the same statute. *Id.* at 610; *SAIF Corporation v. Walker*, 330 Or 102, 108, 996 P2d 979 (2000). If the text and context suggest only one possible meaning, our inquiry ends there. *PGE*, 317 Or at 610-11. If more than one meaning is possible, we examine legislative history to determine which meaning the legislature intended. *Id.* at 611-12.

### 2. ORS 320.350

#### a. Text of the Provision

ORS 320.350 provides, in relevant part, that:

(1) A unit of local government that did not impose a local transient lodging tax on July 1, 2003, may not impose a local transient lodging tax on or after July 2, 2003, unless the imposition of the local transient lodging tax was approved on or before July 1, 2003.

(2) A unit of local government that imposed a local transient lodging tax on July 1, 2003, may not increase the rate of the local transient lodging tax on or after July 2, 2003, to a rate that is greater than the rate in effect on July 1, 2003, unless the increase was approved on or before July 1, 2003.

\* \* \*

(5) Subsections (1) and (2) of this section do not apply to a new or increased local transient lodging tax if all of the net revenue from the new or increased tax, following reductions attributed to collection reimbursement charges, is used consistently with subsection (6) of this section to:

(a) Fund tourism promotion or tourism-related facilities;

(b) Fund city or county services; or

(c) Finance or refinance the debt of tourism-related facilities and pay reasonable administrative costs incurred in financing or refinancing that debt \* \* \*.

\* \* \*

(6) At least 70 percent of net revenue from a new or increased local transient lodging tax shall be used for the purposes described in subsection (5)(a) or (c) of this section. No more than 30 percent of net revenue from a new or increased local transient lodging tax may be used for the purpose described in subsection (5)(b) of this section.

Accordingly, local governments must spend at least 70 percent of new lodging tax revenue on the identified tourism-related purposes, including funding tourism-related facilities, and no more than 30 percent to fund “city or county services.” You ask whether local infrastructure, such as county roads or city sewers, can qualify as “tourism-related facilities” under ORS 350.320(5)(a) and be funded without limitation by new lodging tax revenue or whether those facilities are more properly categorized as county and city services subject to the 30 percent funding limitation.

**b. City or County Services**

We first discuss the meaning of “city or county services.” “Services” is the plural of “service,” which, used as a noun, has a variety of meanings. Potentially relevant meanings include “the duties, work, or business performed or discharged by a government official,” “action or use that furthers some end or purpose: conduct or performance that assists or benefits someone or something; deeds useful or instrumental toward some object,” “useful labor that does not produce a tangible commodity – usually used in plural <railroads, telephone companies, and physicians perform *services* although they produce no goods>” and “the provision, organization, or apparatus for conducting a public utility or meeting a general demand.” WEBSTER’S THIRD NEW INTERNATIONAL DICTIONARY (WEBSTER’S) at 2075 (unabridged 2002).

It is not apparent from the text and context which of those meanings the legislature intended. For instance, it may be that the legislature intended city or county services to mean the provision of labor (police, fire, etc.), but not facilities funding or it may have meant the term to encompass all services provided. In such a circumstance, we consult legislative history to discern the legislature’s intended meaning.

ORS 320.350(5)(b) was enacted in 2003 as part of HB 2267. Or Laws 2003, ch 818, § 10. Originally, HB 2267 required all new local lodging tax revenue to be spent on tourism. HB 2267, § 11 (Introduced) (2003). Before 2003, local governments had not been restricted in their use of local lodging tax revenue and they opposed the new restriction. *See former* ORS 305.824 (governing local lodging taxes before 2003). Lodging and tourism groups and local government associations eventually compromised and the bill was amended to allow local governments to use up to 30 percent of new local lodging tax revenue for city and county services. The legislative history demonstrates that the legislature intended to allow local governments to use that 30 percent for *any* expenditure they chose:

LARRY CAMPBELL: Recognize that, in this Bill, 30 percent of increased local taxes can be used any way the community wants to. They are not limited to public service or anything else.

Testimony of Larry Campbell, Oregon Lodging Association (HB 2267), July 23, 2003, tape 223, side B at 117.

REPRESENTATIVE VERGER: This bill perhaps strikes [a] balance of being able to protect 70 percent of that money at the same time [allowing] cities \* \* \* to do whatever they want to do with the 30 percent.

Testimony of Representative Verger, House Revenue Committee (HB 2267), August 12, 2003, tape 241, side A at 73.

REPRESENTATIVE SCOTT: [HB 2267] require[s] 70 percent of the new local tax revenue to be used for tourism purposes [and] up to 30 percent to be used for the needs of the local jurisdiction at their choice.

Testimony of Representative Scott, House Floor Debate (HB 2267), August 19, 2003, tape 176, side A at 065.

SENATOR METZGER: [HB 2267] creates a formula requiring 70 percent of new local room tax revenue to be used for tourism purposes and up to 30 percent to be used for the needs of the local jurisdiction as they see fit.

Testimony of Senator Metzger, Senate Floor Debate (HB 2267), August 22, 2003, Tape 281, side B at 311.

That history demonstrates that the legislature intended ORS 320.350(6) to allow local governments to use up to 30 percent of new lodging tax revenue in any way they saw fit, but to require that they spend at least 70 percent on tourism. Therefore, local governments may use up to 30 percent of new lodging tax revenue to fund local infrastructure, including roads and sewers. If the road or sewer does not qualify as a "tourism-related facility" the local government can spend no more. But, if a road or sewer qualifies as a "tourism-related facility", the 30 percent limitation is inapplicable and the local government may expend up to 100 percent of new lodging tax revenue to fund the facility. We next consider whether city or county infrastructure such as roads and sewers can qualify as "tourism-related facilities."

**c. Definition of Tourism-Related Facility**

ORS 320.300(9) provides that "tourism-related facility":

(a) Means a conference center, convention center or visitor information center;  
and

(b) Means other improved real property that has a useful life of 10 or more years and has a substantial purpose of supporting tourism or accommodating tourist activities.

“Conference center,” “convention center” and “visitor information center” are defined by ORS 320.300(2), (3) and (13), respectively. Facilities that fit within those categorical statutory definitions are “tourist-related facilit[ies]” for purposes of ORS 320.350(5)(a). But those definitions are very restrictive and apply to very few facilities in Oregon. For example, among other requirements, a convention center must have a room-block relationship with the local lodging industry and generate a majority of its business income from tourists. ORS 320.300(3). A conference center must meet the current membership criteria of the International Association of Conference Centers. ORS 320.300(2).

Other tourism-related facilities also can qualify as “tourism-related facilities” if they meet certain criteria set out in ORS 320.300(9)(b). Specifically, the facility must be: “other improved real property”, “ha[ving] a useful life of 10 or more years”; and “a substantial purpose of supporting tourism or accommodating tourist activities.” We examine each of those criteria in turn.

### (1) Other Improved Real Property

The first criterion is that the facility be “other improved real property.” “Other” obviously means “other than” conference centers, convention centers and visitor information centers that fit within the categorical statutory definitions.

Turning to “improved real property,” there is no common definition of that phrase. Parsing the words, the relevant definition of “improve” is “to increase the value of (land or property) by bringing under cultivation, reclaiming for agriculture or stock raising, erecting buildings or other structures, laying out streets, or installing utilities (as sewers).” WEBSTER’S at 1138. “Real” in this context means “[1] c: of or relating to things (as lands, tenements) that are fixed, permanent, or immovable; *specifically*: of or relating to real estate <*real property*>.” *Id.* at 1890. The fitting definition of “property” is: “2 a: something that is or may be owned or possessed: WEALTH, GOODS *specifically*: a piece of real estate[.]” *Id.* at 1818. Putting those definitions together, “improved real property” means real estate or land enhanced in value by a building or other structure, cultivation, reclamation for agriculture or ranching, or by streets and utilities, such as sewers. Therefore, land enhanced by streets or sewers or other utilities is “improved real property.”

We note “improved real property” connotes a thing – improved land – rather than a project. If the improved real property qualifies as a “tourism-related facility” the local government may “fund” it without limitation pursuant to ORS 320.350(5)(a) and (6). “Fund,” which is used as a verb in the statute, means “to furnish money for.” THE AMERICAN HERITAGE DICTIONARY at 342 (3d ed 1994) (we consulted a commonly-used dictionary other than WEBSTER’S, because it provides no definition that is applicable in this context). Applying that definition, to “fund” a tourism-related facility is to furnish money for a tourism-related facility.

Thus if the improved real property qualifies as a tourism-related facility, the local government may use funds in any way it sees fit on the facility, including to expand or maintain it.

**(2) Useful Life of 10 or More Years**

Roads and sewers and other city or county infrastructure, in the normal instance, have a useful life of 10 or more years, but that would be a factual matter to be determined on a facility by facility basis.

**(3) Substantial Purpose of Supporting Tourism or Accommodating Tourist Activities**

The last criterion – that the property has “a substantial purpose of supporting tourism or accommodating tourist activities” – is the linchpin of the definition, being the one that makes the property “tourism-related.” Each of the terms in this criterion requires careful consideration, beginning with “substantial purpose.”

The pertinent definition of “purpose” is “something that one sets before himself as an object to be attained: an end or aim to be kept in view in any plan, measure, exertion, or operation: DESIGN.” WEBSTER’S at 1847. Therefore a “substantial purpose” means a substantial objective to be attained by the facility.

“Substantial” is used in the statute as an adjective to describe “purpose.” The adjective “substantial” has a range of meanings, three of which are pertinent. The first is “consisting of, relating to, sharing the nature of, or constituting *substance*: \* \* \* MATERIAL.” *Id.* at 2280. “Substance” means “essential nature: ESSENCE \* \* \* a fundamental part, quality or aspect: essential quality or import: the characteristic and essential part.” *Id.* at 2279. The second relevant definition of “substantial” is “being of moment: IMPORTANT, ESSENTIAL.” *Id.* at 2280. “Important,” in turn, means “marked by or possessing weight or consequence.” *Id.* at 1135. The third relevant definition of substantial is “being that specified to a large degree or in the main” as in “a *substantial* victory or a *substantial* lie.” *Id.* at 2280. The relevant definition of “large” is “of considerable magnitude: BIG.” *Id.* at 1272. And “main” means “outstanding, conspicuous or first in any respect: GREAT, PREEMINENT: principal.” *Id.* at 1362.

In short, “substantial purpose” may mean: (1) a fundamental, characteristic or essential part of the purpose; (2) a weighty, consequential purpose; (3) a purpose of considerable magnitude; or even, (4) the first purpose. A slight, unimportant or inconsequential purpose would not be “substantial” under any of those definitions; the purpose must be important and consequential. Under the last definition, the purpose must even be the “main” – meaning first or preeminent – purpose.

Context suggests that the legislature may not have meant “substantial” in the sense of the main or first purpose. ORS 320.300(13), a related statute defining “visitor information center,” states that it is “a building, or a portion of a building, *the main purpose of which* is to distribute or disseminate information to tourists.” (Emphasis added). We generally presume that when the legislature uses different language in related provisions it intends different meanings. *PGE*, 317

Or at 611 (use of term in one section and not in another section of the same statute indicates a purposeful omission); *State v. Guzek*, 322 Or 245, 265, 906 P2d 272 (1995) (when the legislature uses different terms in related statutes, we presume that the legislature intended different meanings.) Applying the presumption, the legislature's use of "the main purpose" in ORS 320.300(13) and "a substantial purpose" in ORS 320.300(9)(b) presumptively demonstrates that the legislature did not intend "a substantial purpose" to mean "the main purpose" as in the first or principal purpose.

Accordingly, "a substantial purpose" likely means an important, weighty, consequential purpose, but not necessarily the first or chief purpose. "Important, weighty and consequential" have both qualitative and quantitative aspects. Even in the latter sense, those terms do not lend themselves to precise quantification. Thus, it is not obvious how to determine whether a "purpose" is "important, weighty, or consequential." For that reason, it is appropriate to consult legislative history for clarification. But first we consider the meanings of "supporting tourism" and "accommodating tourist activities."

Beginning with "supporting tourism," "supporting" means "to uphold by aid[ing] \* \* \* [or] actively promot[ing] the interests or cause of [.]" WEBSTER'S at 2297. "Tourism" means "economic activity resulting from tourists." ORS 320.300(6). Therefore, "supporting tourism" means aiding or actively promoting economic activity resulting from tourists.

Facilities might aid or actively promote tourist spending in the community in a number of ways. First, facilities like convention centers, conference centers, and performing arts centers could hold conventions, conferences and other events that draw tourists – and their tourist dollars – into the community. Second, tourists could be drawn into the community by the nature of the facility itself, such as an improved recreational area or a museum. Third, a facility like a visitor's center could disseminate information to tourists that would induce them to spend their money at various places in the community. All of those facilities likely aid or actively promote tourist spending in the community.

Roads and sewers are not like those facilities; they do not "draw" in tourists or induce them to spend their money in the community. On the other hand, most roads and sewers may *indirectly* aid or promote tourist spending by providing adequate infrastructure to tourists who are drawn to the community for other reasons. The text and context do not clarify how attenuated the legislature intended the "aid" or "support" of tourist spending to be and, later in this opinion, we will look to legislative history for clarification, but first we examine the meaning of "accommodating tourist activity."

The relevant definition of "accommodate" is to "furnish with something desired, needed, or suited." WEBSTER'S at 12. "Tourist" is defined by ORS 320.300(10) to mean:

a person who, for business, pleasure, recreation or participation in events related to the arts, heritage or culture, travels from the community in which that person is a resident to a different community that is separate, distinct from and unrelated to the person's community of residence, and that trip:

- (a) Requires the person to travel more than 50 miles from the community of residence; or
- (b) Includes an overnight stay.

“Activity” means “an occupation, pursuit, or recreation in which a person is active – often used in plural <business *activities*> <social *activities*>.” WEBSTER’S at 22. Putting the definitions of “tourist” and “activities” together, “tourist activities” are business activities, pleasure and recreation activities, and attending arts, heritage and cultural events when done by people who travel more than 50 miles from their community of residence or stay overnight in a community that is distinct from their community of residence to do so. We doubt that the legislature meant “tourist activities” to include activities of daily living, such as using local infrastructure like the roads, water, and wastewater systems, because the definition of “tourist” is limited to visitors who come to a community “for” certain activities. That limitation strongly suggests that “accommodating tourist activities” means accommodating the listed activities.

Putting it all together, an improved real property has a substantial purpose of “accommodating tourist activities” if it furnishes something desired, needed or suited for tourists to engage in business, pleasure or recreational activities or to attend arts, heritage or cultural events. Obvious examples, because they furnish places that are desired, needed or suited to those tourists activities, would be convention and conference centers, improved recreational areas, museums, and performing arts centers.

Once again, local infrastructure is unlike those facilities because it does not directly accommodate tourist activities. But, again, infrastructure may indirectly accommodate tourist activities by furnishing something necessary, desired or suited for tourists to use the places that *do* accommodate tourist activities. For example, an access road to a recreational facility makes it possible for tourists to use the facility. It is not clear, however, whether the legislature intended facilities that provide indirect accommodation to be included.

Based on our examination of text and context, we conclude that roads and sewers fit within the definition of improved real property, but questions remain about whether they have a substantial purpose of supporting tourism or accommodating tourist activities. We next examine the legislative history for clarification.

**d. Legislative History Concerning “Substantial Purpose of Supporting Tourism or Accommodating Tourist Activities”**

ORS 320.300(9) (defining “tourism-related facility”), ORS 320.350(5) (specifying the purposes on which new local lodging tax revenue could be spent) and ORS 320.350(6) (specifying the percentages that must be used for tourism and may be used for non-tourism purposes) were enacted in 2003 as part of HB 2267. Or Laws 2003, ch 818, §§ 1, 2 and 8. The primary purpose of HB 2267 was to establish a state lodging tax dedicated to increasing Oregon tourism marketing efforts. Again, the legislature originally intended all new local lodging tax revenue to be used to promote tourism. Although the state tax had wide and enthusiastic legislative support, the new restriction on how local governments could spend their local tax

dollars was highly contentious and the subject of numerous proposed amendments, which were discussed and debated at length. Those discussions resulted in two significant compromises. The first – allowing local governments to spend 30 percent on any purpose they saw fit – we discussed earlier. The second compromise was changing the definition of “tourism-related facility” to make it more inclusive. We now address that change.

The legislature, over the course of seven months, considered 19 different proposed amendments to HB 2267. Many of them proposed alternative definitions of “tourism-related facility.” The first definition relevant to our analysis was the one proposed in the -9 amendments, which was:

[A] conference center, convention center, visitor information center or other improved real property that has a useful life of 10 or more years and *the primary purpose* of supporting tourism or accommodating tourist activities.

HB 2267, § 1(9) (-9) (2003) (emphasis added). The House Revenue Committee discussed that new definition in a work session on June 25, 2003. Much of that discussion focused on the fact that the definition appeared to require conference centers, convention centers and visitor information centers that met statutory definitions to also meet the 10-year useful life and primary purpose criteria. In the course of discussing that problem, Representative Barnhart raised concerns about the “primary purpose” language:

I have to say I have a big concern about the use of that word “primary” and let me just give you an illustration of that. The Convention Center in Portland is not “primarily” used for tourism. It’s – most of the people who use it come from the neighborhood – certainly within 50 miles – on any given event, it doesn’t matter what event it is, most of the people come from the neighborhood within 50 miles.

In Eugene, the Hult Center is another good example, obviously a tourist-related facility, but most of the people coming to events there come from within 50 miles even though the Bach Festival, for example, has people from 35 states that are going to be attending starting the end of this week. \* \* \* I really need to understand how the use of that word “primary” would not limit the use of these funds for facilities like those that certainly have a tourist-related function – a very important one – but are not “primarily” tourism-related facilities.

Testimony of Representative Barnhart, House Revenue Committee (HB 2267), June 25, 2003, tape 190, side A 411- 446. Representative Barnhart interpreted the “primary purpose” criteria to eliminate facilities that drew most of their patrons from the local community, even if they also had a very important tourism-related function. That interpretation of “primary purpose” is consistent with its plain meaning as the relevant plain meaning of “primary” is “first in rank or importance: CHIEF, PRINCIPAL.” WEBSTER’S at 1800.

No further discussion of the meaning or implications of the “primary purpose” requirement took place in that work session. But when the committee held its next work session on July 23, 2003, it considered amendments that changed the definition of tourism-related

facility to: (1) clarify that conference centers, convention centers and visitor information centers that met statutory definitions did not have to meet additional criteria; (2) for other facilities, substitute a "substantial purpose" requirement for the "primary purpose" requirement; and, (3) expressly exclude "roads, other transportation facilities, [and] sewers or sewer plants" from the definition. HB 2267, section (1) (9) (a) - (c) (-14 and -15 amendments) (2003).<sup>17</sup>

The committee discussed the latter two changes at length. Because that discussion was so lengthy, we summarize the most pertinent points, beginning with the exclusion of "roads, other transportation facilities, [and] sewers or sewer plants" from the definition. At the beginning of the work session, Chair Shetterly told the committee that he intended to remove "other transportation facilities" from the exclusion. Testimony of Chair Shetterly, House Revenue Committee (HB 2267), July 23, 2003, tape 223, side A at 380-400. But four committee members, Representatives Haas, Barnhart, Hobson and Verger, refused to vote for the amendment even with that change, because it continued to exclude roads, sewers and sewer plants. Testimony of various legislators, House Revenue Committee (HB 2267), July 23, 2003, tape 224, side B at 010-070.

None of the legislators explained what roads, sewers, or sewer plants should be included; their objection to the exclusions was more general. Both Representatives Hobson and Verger expressed opposition to the exclusion because it "was moving in the wrong direction," the "wrong direction" in this context being imposing greater restrictions on local governments. *Id.* Representative Barnhart opposed the exclusion because he was concerned about how a city would be able to raise a local tax and spend 70 percent of it on tourism if the restrictions on the definition of tourism-related facilities were so substantial. *Id.* Representative Haas merely stated that the exclusion was a source of consternation among his colleagues, who otherwise supported the bill. *Id.*

Two non-legislator witnesses discussed roads and sewers more specifically. The first, Ken Strobeck, representing the League of Oregon Cities, testified that he was concerned about the exclusion because coastal communities' sewer systems and roads were heavily impacted by tourists. He testified that those communities had to build their sewer facilities to accommodate tourists, not local residents. He gave the example of Cannon Beach, stating that it had a population of 1500 to 2000, but over 1000 motel rooms. He also testified that he thought the exclusion would prevent funding public restrooms. Testimony of Ken Strobeck, League of Oregon Cities, House Revenue Committee (HB 2267), July 23, 2003, tape 223, side A at 059-314.

On the other hand, Mr. Strobeck appeared to recognize a distinction between "tourism-related facilities" and funding local infrastructure such as sewers. He testified that new restrictions on how local governments could spend the revenue were not necessary, because local governments already were "spen[ding] [50 percent of the revenue from existing taxes] on tourism promotion, tourism facilities, with the other half \* \* \* on sewers, police, etc..., which are affected by tourist traffic." Testimony of Ken Strobeck, League of Oregon Cities, House Revenue Committee (HB 2267), July 23, 2003, tape 223, side A at 278. In other words, while he appeared to want local communities to have the flexibility to spend more money on local

infrastructure, such as sewers and roads, his testimony also appears to acknowledge that such spending is not funding a tourist-related facility.

The second non-legislator witness, Doug Riggs, representing the Central Oregon Cities Organization, testified that the exclusion was problematic because a city like Redmond might want at some future point to expand roads or sewers around the Deschutes County Fairgrounds, a facility that drew a lot of tourists, specifically to address the needs of the tourist industry. Testimony of Doug Riggs, Central Oregon Cities Organization, House Revenue Committee (HB 2267), July 23, 2003, tape 223, side A at 318-371.

At the end of the work session, the committee decided not to vote on any proposed amendments that day, but to attempt to work out a compromise. Testimony of various legislators, House Revenue Committee (HB 2267), July 23, 2003, tape 224, side A at 371-497. The resulting compromise was the removal of the express exclusion of “roads, other transportation facilities, [and] sewers or sewer plants” from the definition of “tourism-related facility.” The definition otherwise remained the same. HB 2267, § (1) (9) (a) – (c), (-19) (2003).

After that change, when discussing the specific types of facilities that they intended “tourism-related facilities” to include, legislators mentioned the types of roads and sewers as follows. In the work session on August 12, 2003, Representative Barnhart stated that: “I am especially pleased that we left out the piece on sewers and such. I can imagine putting in a restroom in a park might very well be a substantial promotion of tourism and, of course, that involves sewer lines among other things.” Testimony of Representative Barnhart, House Revenue Committee (HB 2267), August 12, 2003, tape 241, side A at 031-113. Second, in the House Floor Debate, Chair Shetterly stated that “improvements and access to natural resources and recreational facilities” could very well fall under the definition of “tourism-related facility.” Statement of Chair Shetterly, House Floor Debate (HB 2267), August 19, 2003, tape 177, side A at 211. Representative Farr agreed. Statements of Chair Shetterly and Representative Farr, House Floor Debate (HB 2267), August 19, 2003, tape 177, side A at 237.

In sum, the history shows that the legislature did not intend to categorically exclude roads, sewers, sewer plants, and other transportation facilities from the definition of “tourism-related facilities.” If a specific road or sewer, etc., meets the criteria in ORS 320.300(9)(b), including having a substantial purpose of supporting tourism or accommodating tourist activities, it would qualify as a “tourism-related facility.” But legislators cited only three very limited types of roads and sewers that might qualify: roads that provide access to natural and recreational facilities, other improvements to recreational facilities, which could include sewers, and a restroom in a park. Those types of roads and sewers either are part of tourist attractions or directly serve them. In that sense, those facilities might “draw” tourists to the extent that the attraction itself draws tourists. No legislator stated any intent to include roads and sewers merely because they are used heavily by tourists. Consequently, the history suggests that the legislature may have intended local infrastructure such as roads and sewers to be “tourism-related facilities” only to the extent that they either are part of or directly serve tourist attractions.

For further clarification, we turn to the legislature’s discussion about the meaning of “substantial purpose.” First, Chair Shetterly explained that the change from a “primary purpose”

test to a "substantial purpose" test was a compromise that benefited local governments by giving them more flexibility. Testimony of Chair Shetterly, House Revenue Committee (HB 2267), July 23, 2003, tape 224, side A at 010-497. In other words, "substantial purpose" was a lesser standard than "primary purpose." Accordingly, the legislative history on that point is consistent with the context, which also suggests that "substantial" was not intended to mean the primary or chief purpose of the facility.

But no legislator provided a definition of "substantial purpose" and there appeared to be considerable confusion amongst the legislators about what facilities would meet that test. Rather than clarifying the meaning of "substantial purpose," Chair Shetterly attempted to demonstrate the legislature's intent by describing on the record the kinds of facilities that were meant to be included. Other legislators appeared to agree with his assessment, although Representative Barnhart appeared to intend the definition to be interpreted as broadly as possible. The following are excerpts of legislators' statements from the time that the "substantial purpose" language was introduced to statements made during the House floor debates. We begin with committee discussions following the introduction of the "substantial purpose" language on July 23, 2003:

CHAIR SHETTERLY: I will say on the record that I think the Hult center, *because it accommodates the Bach Festival, and when it is not accommodating the Bach Festival, there is the Eugene Opera and there are concerts that are advertised and I know I have traveled several times to events at the Hult Center.* I think that there is no doubt in my mind that the Hult Center and other *regional facilities that bring people in are going to qualify under the substantial purpose test.* Keller Auditorium. I don't know how many times a year I am up at the Keller Auditorium in Portland and I live more than 50 miles from Portland, and *I'll bet that you've got a substantial number of people who are in there every time there is a show that live more than 50 miles away. I think those are the facilities that in fact do come under the substantial purpose test \* \* \** which is, again, exactly why it has been such a difficult test for the lodging association and the proponents of the Bill to move towards. *\* \* \** And I think Brownsville, the Brownsville Museum, or some of those kinds of things, if those are even owned or funded by municipalities I think those would qualify. *Again, I have traveled to the Brownsville Museum on several occasions to see them [sic]. They have a sign by the freeway that draws people in off the freeway and I am sure that that would qualify under any reasonable standard of "substantial purpose."* So I think there is more flexibility than what you are granting in your testimony with that move toward the "substantial purpose" test.

\* \* \*

\* \* \* [A] convention center that we do have in Salem now, that *we have gatherings of statewide organizations on a regular basis \* \* \* would qualify as a substantial purpose[.]*

REPRESENTATIVE SCOTT: \* \* \*. We talk about, Doug you have spoken to the Redmond facility and everyone is talking about how *folks come to these* and

where they get the money to operate these. And now we are talking about the tourism industry that collects a tax and should that bear the burden of the facility. *I think we need to look at really how many people affect those facilities, wherever they may be.*

\* \* \*

REPRESENTATIVE FARR: You know, we have had Mr. Chair, you placed on the record during this discussion that you feel that “substantial” includes the Hult Center and “substantial” includes the Deschutes facility and the Astoria facility and I think that placing that on record goes a long way to the interpretation of the intent of the amendments and the intent of the language of this bill.

\* \* \*

REPRESENTATIVE WILLIAMS: \* \* \*. My own concern that the “substantial” language modifying the word tourism in that sentence still creates in my mind some question as to whether some of the facilities that have been discussed today would, in fact, be protected.

Testimony of various witnesses, House Revenue Committee (HB 2267), July 23, 2003, tape 223, side A, 380-400, tape 223, side B 300-436; tape 224, side A, 010-497, and tape 224, side B, 010-070 (emphasis added).

The following are excerpts from the committee work session on August 12, 2003 following the removal of language expressly excluding “roads, other transportation facilities, [and] sewers or sewer plants”:

CHAIR SHETTERLY: There was concern still about the language of “substantial purpose” and what kind of facilities [would meet that test.]

\* \* \*

I just want to confirm my inclination for the record that these are the kinds of things that we would be looking around [at] statewide: performing arts centers, we talked about the Hult Center, I think your convention center in Salem that might not qualify as a convention center within the specific language of the statute, *but that nevertheless was designed to facilitate statewide conferences and conventions*, I think would be one that would fall under that substantial purpose test. I can see recreational facilities, improved recreational facilities, performing arts centers, cultural facilities, *those kinds of things would be my intent as long as you have folks coming in from out of the area and can establish that there is a substantial number of those, whatever that is. That is going to be a locally-driven test, but I think there is flexibility on all sides.*

\* \* \*

REPRESENTATIVE BARNHART: \* \* \* I was in Pennsylvania a few weeks ago for a family reunion and one of the things that we did while we were there was to visit some sights in the little town that the Barnhart family came from. Among the things that we saw were historical houses; there is a genealogy library set up as part of the county library there and, of course, parks, historical railroad stations, and a variety of other things. It seems to me that within the right context all of those might be considered to be tourist, might be facilities that support tourism or accommodate tourist activities. After all, while we were there, we spent money in the local restaurants and in lodging and so forth in Pennsylvania. *So, I think and I hope that this is considered to be a very broad definition. I am especially pleased that we left out the piece on sewers and such; I can imagine putting in a restroom in a park, might very well be a substantial promotion of tourism and, of course, that involves sewer lines among other things.* I think, otherwise, the Chair has mentioned most of the areas, most of the issues that I am interested in. *It is hard for us to know all of the things that bring tourists to town and I hope that anyone interpreting this language will interpret it very, very broadly.*

REPRESENTATIVE FARR: \* \* \* I just want to make sure that the understanding [is] that, for instance, fairgrounds are included in tourism facilities.

CHAIR SHETTERLY: Well, I guess my thinking would be that they are not excluded. Again, I think it is going to be a facility-by-facility test and, *depending on the nature of the crowd that comes, I think they very well could be.*

Testimony of various legislators, House Revenue Committee, August 12, 2003, tape 241, side A, 031-113 (emphasis added).

Following that discussion, the committee unanimously voted to send the bill to the floor with a do pass recommendation. These statements followed in the House floor debate:

CHAIR SHETTERLY: As you know, if you followed this Bill, one of the most contentious issues was the element of the rumination on the use of new tourism tax dollars by local communities.

\* \* \*

Examples of a tourism-related facility that local communities can fund out of their 70 percent share that is restricted under this bill would include such things as the Hult Center in Eugene. *That draws and has the substantial purpose of attracting tourists to the Eugene community.* Keller Auditorium in Portland. I know my wife and I travel up there as often as we can. We are tourists under the definition of this Bill. And even here in Salem, the planned convention and conference center that's *going to be drawing conferences from around the state; statewide conferences and meetings. Those are the kinds of facilities at the*

*local level that would fall under this tourism facility. County fairgrounds could very well fall under this definition as well as cultural and historical facilities that draw people from elsewhere in the state. And also, improvements and access to natural resources and recreational facilities. There is flexibility in this for local communities and, at the same time, there is a guarantee that to the extent that flexibility is used, it is going to be used for facilities that draw tourists and that have as their substantial purpose that tourism promotion[.]*

REPRESENTATIVE BARNHART: One of the key issues in this was the repeated working and reworking of what it was that cities and counties could spend any new transient room taxes that they might raise on and whether, not going into the specific details of what we ended up with in the bill, except to say that, as we worked through this, we came to realize that the *cities and counties needed to have a very broad definition of what is was that they were going to be allowed to spend the 70 percent of their new or expanded tax that had to be spent on tourism promotion or tourism-related facilities. The “substantial purpose”* which is referred to in the bill having to do with tourism-related facilities turned out to be a very important phrase for us as we worked on this bill, because it *deals, of course, with not only facilities that are designed to primarily draw tourists, but facilities which are useful to the local community to do local things, but also, as a part of their operation and nature, will have a substantial purpose of supporting tourism and accommodating tourist activities.*

\* \* \*

[While in Pennsylvania] we visited \* \* \* a couple of local museums and the library. And, as the committee dealt with this issue of “substantial purpose” I would submit, and I believe the other committee members would agree that those facilities, small facilities that they were, *because they do in fact draw tourists from far away*, that they have, along with other reasonable purposes, they have a “substantial purpose” of supporting tourism or accommodating tourist activities.

Testimony of Chair Shetterly, House Floor Debate, August 19, 2003, tape 177, side A at 211 (emphasis added); Testimony of Representative Barnhart, House Floor Debate (HB 2267), August 19, 2003, tape 176, side B at 09 (emphasis added).

That history demonstrates that the types of facilities that legislators intended to include were things like **performing arts centers**, convention centers and other facilities that, by their nature and operation draw “substantial numbers” (a locally-driven and flexible test) of tourists to the community.<sup>2/</sup> Roads and sewers, while they do serve tourists, do not, by their nature and operation, draw tourists.

But the legislative history also is clear that legislators did not want to exclude roads and sewers from the definition; the only possible conclusion to be drawn from that fact is that they believed that at least some types of roads and sewers would qualify. Legislators mentioned three that might: “improvements and access to natural and recreational facilities” and “a restroom in a park.” Those facilities might be said to draw tourists as they are part of the infrastructure of a

tourist attraction or directly serve a specific tourist attraction. No legislator expressed an intent to include local infrastructure that does not have that direct nexus to a tourist attraction simply because it is used heavily by tourists. The legislature likely intended local governments to use their 30 percent unrestricted funds to pay for those facilities.

### CONCLUSION

We conclude, based on the text, context and history of ORS 320.300(9) and ORS 320.350(5) and (6) that the legislature most likely intended local roads, sewers, sewer plants, and transportation facilities to qualify as “tourism-related facilities” only if they drew tourists in themselves, directly serve a specific tourist attraction (such as an access road), or are part of the infrastructure of a specific tourist attraction (such as a restroom and the on-site sewer line). The legislature most likely did not intend “tourism-related facilities” to encompass roads and other infrastructure simply because they are used, even heavily, by tourists as well as locals.

Sincerely,

Donald C. Arnold  
Chief Counsel  
General Counsel Division

DCA:JTM:AEA:mcg/645803

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<sup>1/</sup> At the beginning of the work session, Chair Shetterly mentioned a July 1, 2003 memo that he had circulated to the committee that “addressed changing ‘primary’ to ‘substantial.’” Testimony of Chair Shetterly, House Revenue Committee (HB 2267), July 23, 2003, tape 223, side A 006-022. That memo is not included in the legislative history materials and the Office of Legislative Counsel does not have a copy of that memo in its file, so we do not know what discussion, if any, it contained about the reason for the change from “primary purpose” to “substantial purpose.” The only memo from Chair Shetterly to the committee members concerning that change is dated July 23, 2003 and it merely tells committee members about the change without explaining the reason for it. Minutes, House Revenue Committee (HB 2267), July 23, 2003, Exhibit 4.

<sup>2/</sup> There was no discussion of visitor information centers which aid tourism spending by disseminating information, likely because those facilities are unique and fit within the categorical statutory definition.



*A place where families and businesses thrive*

## CITY MANAGER'S REPORT TO COUNCIL

October 7, 2016

### Dates to Remember:

- Oct 15:** Public Safety Open House, 10 am to 2 pm, Fire Station
- Oct 21:** Public Watershed Tour, 9 am to 1 pm, Engineering Office
- Oct 22:** Prescription Drug Turn In, 10 am to 2 pm, Police Station
- Oct 22:** Mayor's Dinner & Auction, 6 pm, FGS&CC
- Oct 24-29:** Used Book Sale, library open hours, Library Rogers Room
- Oct 23:** Leaf Pickup Program begins
- Oct 28-Nov 1:** Nyuzen Student Delegation Visit

### ADMINISTRATIVE SERVICES:

- Tokola Project: On October 3, 2016, the Oregon Bureau of Labor and Industries (BOLI) issued a determination letter that the Tokola Project is not subject to prevailing wages based on the amount of public assistance that can be provided. The letter was the last major hurdle for Tokola to clear. City staff and Tokola staff are going through the final details that need to be completed so construction can commence.
- Moody's Bond Rating Affirmation: On September 29, 2016, Moody's Investor Services issued an Issuer Comment reaffirming the City's General Obligation Bond Rating at Aa3. Moody's Credit Overview on the ratings affirmation was "the credit position for Forest Grove is strong, and its Aa3 rating matches the median rating of Aa3 for cities nationwide. The notable credit factors include a very healthy financial position and a sizable pension burden with an exceptionally low debt liability. It also incorporates a sound socioeconomic profile with a solid tax base."
- Police Generator: The Police generator is not repairable at a reasonable cost and is way past its useful life. The generator is the original generator that was installed when the building was built in 1978. City staff looked at renting a generator but the long-term costs were too high. City staff is currently pricing two options: 1) replacing just the Police generator with a portable above-ground generator; and 2) replacing the aging generator at the Fire Station, which is 22 years old, with a large enough generator that can serve the Fire and Police buildings.
- Auditorium: The upgrade for the sound and video system is substantially complete with only a few minor changes left to implement. The LED light replacement project is scheduled to occur November 15 through November 23.
- Levy Renewal: Finance staff is continuing the process to update the five-year General Fund financial projection as a beginning point for the levy renewal process. Staff will probably recommend to Council that the levy renewal be submitted to voters at the November 2017 election.
- Accounting System: The software vendor has provided the initial conversion of the chart of accounts for staff to review. This is the first step in the conversion process to the new financial and H/R system. Staff is beginning to work on forms (checks, notices, etc.). Staff has re-evaluated the time line for implementation based on the total work load of staff and now plans to convert to the new financial system starting in April 2017 with Human Resources to follow in October 2017.
- Pacific University Bonds: The refinancing process for Pacific University 2013 bonds is expected to be completed by October 19, 2016.
- IBEW Negotiations: Negotiations with IBEW continue to progress.
- Benefits Open Enrollment: Open enrollment for health and dental insurance is underway. If you want health coverage, be sure to go online and complete your sign-up. HR staff is available if need assistance to complete the process.

**COMMUNITY DEVELOPMENT:**

- Staff has received the following land use applications:
  - Land use application for a 192 unit apartment complex on Haggen's site. This will require review by the Planning Commission but no hearing date has been scheduled.
  - The building and land use application for the NAPA relocation to the old O'Reilly's Auto Parts store on Yew Street and Pacific Avenue. The existing NAPA store is anticipated to be the relocation of the Post Office.
  - Land use application for an existing concrete operation expansion to a new site located at the intersection of Fern Hill Road and Taylor Way.
  - Oregon Beverage Recycling Cooperative has submitted building and land use applications to operate a recycling facility at the old Block Buster building on Pacific Avenue.
  - Silverstone Development has been conducting site preparation work and has now submitted building permits for the first home at the site south of David Hill extension and west of Highway 47.
- Westside Planning Project – Staff has reviewed the proposed financing plan and sent changes back to the consultant. Once the final financing plan is received, it will be posted on the City's website. The companion infrastructure analysis has already been posted on the City's website. If the final financing plan is received in a timely manner (on the City website at least two weeks before the Planning Commission work session), then a work session will be scheduled with the Planning Commission on November 7. Notices to property owners and interested parties will be sent out inviting them to the work session as well as notice on the City's website. Staff has also scheduled two work sessions with the City Council on the Westside Planning Project. At this time, they are scheduled for October 24 and November 14. Based on this schedule, staff is targeting the adoption process in February and March, 2017. This will include adoption of the plan and any needed Development Code and Transportation System Plan amendments. Other amendments may be needed to establish the financing program.
- Affordable Housing – Invitations will be sent within the next week to participants on the Community (CAC) and Technical (TAC) advisory committees. Target date for the first meeting (which will be a joint CAC and TAC meeting) is November 16.
- Marijuana: Two conditional use applications for indoor marijuana grow sites will be considered by the Planning Commission at their October 17 meeting. One application is the conversion of the Matsushita industrial building on Heather Street. The other would be on Ninth Avenue, just west of Sake One.
- Historic Landmarks Board: Adopted their strategic plan at their September 27 meeting. It will be forwarded to the City Council for approval in the near future.

**ECONOMIC DEVELOPMENT:**

- Working with Chaucer Freeze Dried on new expansion. Investment estimate of \$8M, 9 + new jobs. Completed Enterprise Zone Application. Project work to begin in October.
- Coordinated meeting and tour with Governor's Regional Solution Center team.
- Preparing Information for City Council consideration of a local Transient Lodging Tax to support tourism.
- Kicked off Downtown Storefront Design Program. Held workshop, met with 11 retailers to discuss storefront improvement strategies, possible improvements.
- Submitted a grant to upgrade wayfinder kiosks and bicycle signage.
- Providing professional assistance on market research and marketing to two small downtown businesses.
- Updated Dining brochures and began distributing.
- Awarded contract to Liz Malliris to update economic development brochure.
- Met with developer for Stonewood Center at former "Haggen" site with Community Development staff. Discussed land use issues and commercial leads.
- Working with property owner of former Izgara Grill space on Main Street to find a replacement restaurant.

- Working with a broker for a new food processing manufacturer. Considering an existing facility on 24<sup>th</sup> Ave. Working with broker
- Old Trapper project underway. Completed Enterprise Zone Application. Renovation plans for existing 57,000sf have been submitted. Phase II is planned for 60,000sf new construction. Total project could create 10-50 new jobs.
- Working with two new food carts looking to set up at 19<sup>th</sup> Ave and Elm parking lot. One is Vietnamese and the other is crepes.

#### **ENGINEERING:**

- OR8/Quince Intersection Improvements: Contractors are preparing for construction; improvements are anticipated to start in fall.
- David Hill Road Extension: The County portion of this project is currently under construction. Contractor installing City utilities (water, sewer, power).
- County MSTIP (Major Street Transportation Improvement Program): Martin Road Widening and preliminary designs for Highway 47 intersections at Martin Road and Fern Hill Road. This work is scheduled for FY 2018.
- Forest Glenn Park: Erosion is threatening an asphalt pathway and sanitary sewer main in the park. A geotechnical consultant has been contracted to provide an evaluation and possible remedies. Engineering staff will facilitate implementation of these recommendations.
- 2016 Street Overlay Project: The asphalt overlay project is completed. Full overlays were completed on Circle Crest Drive, Fir Road and Main Street. Inlays were completed on the southbound lane of B Street and on two separate sections of Pacific Avenue.
- ADA Public Right-of-Way Transition Plan: Staff has completed their review of the two proposals. Notice of Intent to Award was issued to Disability Access Consultants.
- 2016 Timber Harvest: The timber harvest is underway. There is a public watershed tour scheduled on Friday, October 21, 2016. The Deep Creek Road decommissioned area has been seeded with grass.
- Water System Resiliency Plan RFP: The Water System Resiliency Plan RFP advertised on September 23, 2016. Proposals are due on October 14, 2016.
- JWC Water Treatment Plant Expansion: Construction contractor selected. Project team is preparing for construction, anticipated to start early next year. Draft Facilities Plan was issued for review.
- Firwood Lane Storm Improvement Project: Contractor has been selected. Project anticipated to be completed by end of October.
- New Flood Ordinance and Flood Maps: Staff is assisting citizens and FEMA with changes to the maps.

#### **PARKS AND RECREATION:**

- The Old Town Loop Trail project is well underway. The contractor has been very aggressive with his schedule and paving is expected to be completed by October 7. The new section of trail will be just under 4,000 feet long and connect to the B Street trail. The city's partnership with Metro and CWS has been significant to construct this newest addition to the City's trail system. Once the project is complete, it will establish a 1.5 mile loop in the natural area near Gales Creek. A brief dedication event will be forthcoming once the project is complete.
- The local youth soccer season is in full swing with over 800 participants this fall using both Lincoln and Thatcher Parks during the week and on weekends.
- The Recreation Commission and Planning Commission have endorsed the 2016 Parks, Recreation and Open Space Master Plan. The plan will be on the October 24 Council agenda for consideration and adoption.

**POLICE:**

- The police department has launched a new effort which will involve every officer visiting each school to complete a 13-point safety checklist. This will allow many of our newer officers to become familiar with school layout while also preparing for critical incidents.
- The police department is participating in an active shooter drill in conjunction with Tuality Forest Grove Hospital. A table top exercise will take place this week with an actual drill exercise to occur within the next month.
- Captain Herb will be serving on a mental health panel at the Hillsboro Grange this Saturday along with other professionals in the field. The agency was asked due to the response to mental health related calls as featured in the weekly police log.
- Coffee with a Cop was highly attended this date and allowed for great connections and conversations with our public and new recruits. Officers will attend Coffee with a Cop with students on the campus of Pacific University next week.
- Preparations are being made for the 2017 Police Citizen's Academy.

**LIBRARY:**

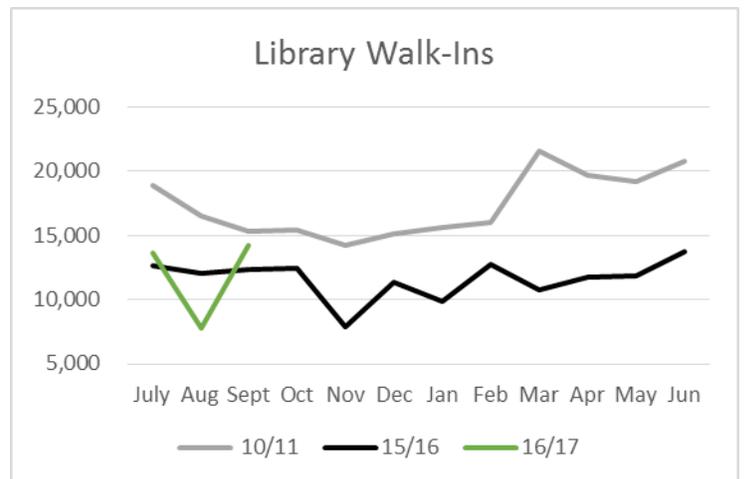
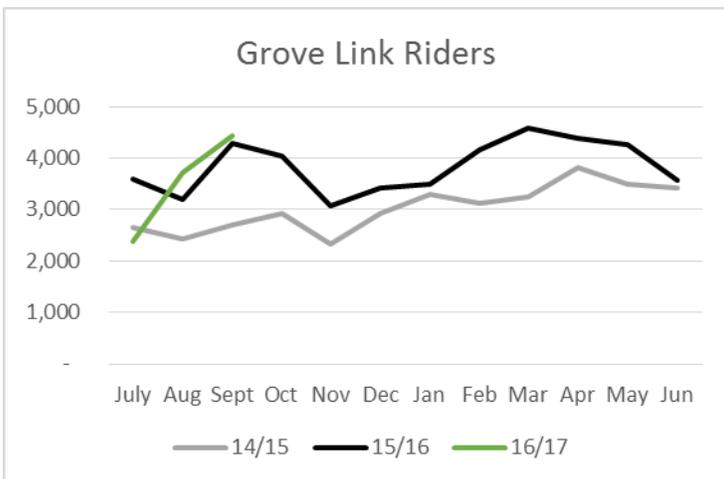
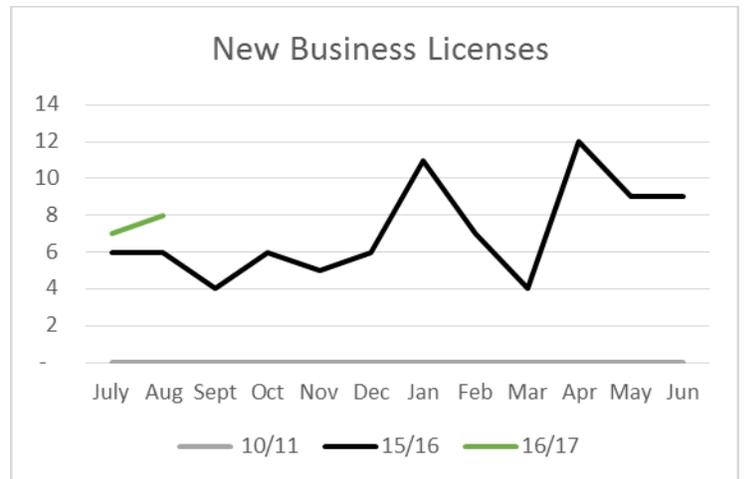
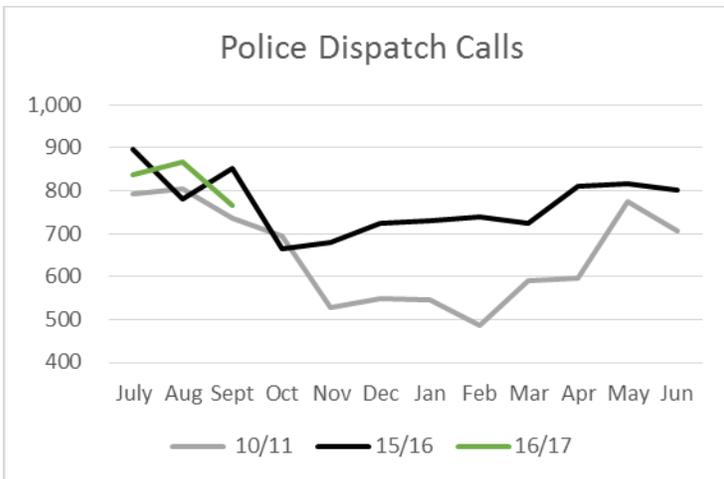
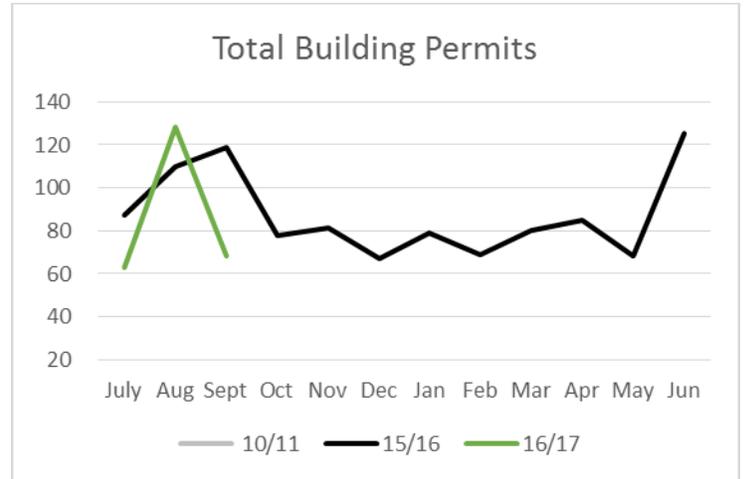
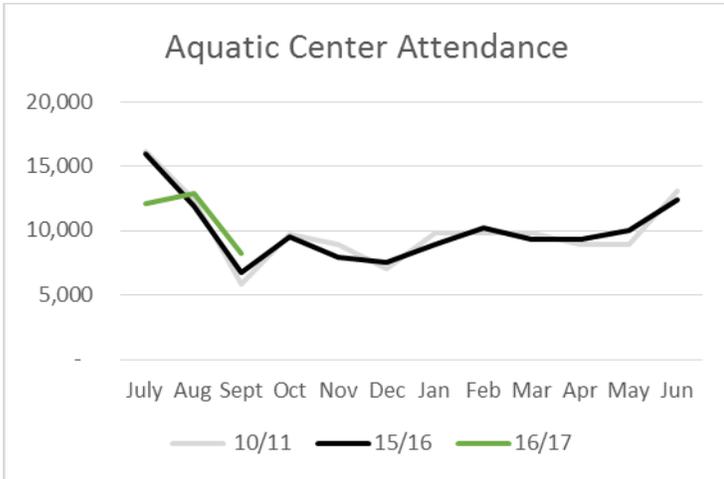
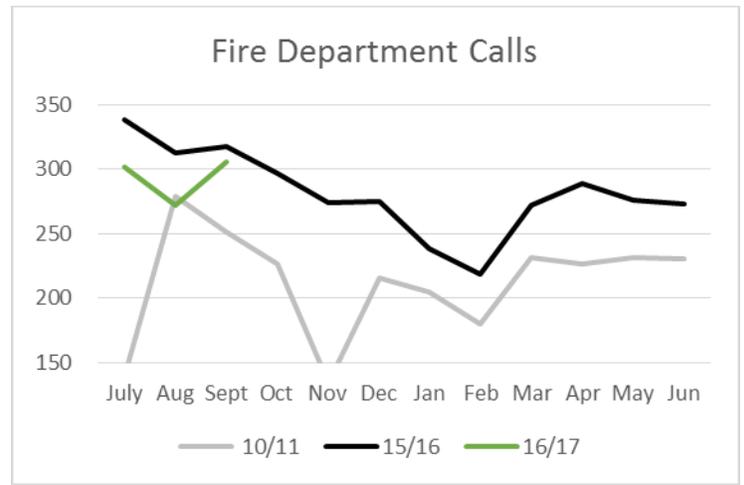
- October 4 was the kick off program to the cultural series where we had 41 adults in attendance. At the program, WCCLS's 40<sup>th</sup> birthday was also celebrated with the Friends of the Library serving cake. The next cultural program is on November 1 and will be about the Cascadia fault and other natural disasters.
- Whodunit? What was the weapon? Where did the murder take place? Teens can find out in our life-sized version of Clue on October 15. But this isn't your regular game of clue, it is the haunted version! Instead of the Ballroom, there is the creepy basement, instead of the Billiards Room there is a graveyard!
- The library welcomes two new team members. Bob Kingston is our new adult services librarian. Over the summer, Bob has been filling in gaps on the desk as an on-call reference librarian. He will continue to work at PCC, as well. Jade Hope is our new library associate/volunteer coordinator. Jade has worked at libraries in California and more recently from Beaverton and Cedar Mill.
- The Public Arts Commission's Art Walk Tour originally scheduled for Saturday, October 8, has been cancelled and will be rescheduled in the summer of 2017.

**LIGHT & POWER:**

- Current work orders in process are 19<sup>th</sup> St service pole relocation, Parker Concrete street lighting, David Hill Rd faulted cable replacement, HWY 8/Quince, Old Trapper service pole relocation, Old Trapper overhead primary and pole relocate, Habitat for Humanity temp service, staking for pole replacement & reconductor between roundabouts on HWY 47, pole and switch replacement at Thatcher substation, installation of a new transformer at Forest Grove Storage, installation of a new 3 phase transformer and service for HVAC upgrades at McMenamins.
- Work has begun installing power to the Pacific Crossings Phase 4 Subdivision.
- Crews have completed the pole re-location work on Beal Road.
- Crews are working with BPA on a pole replacement at Pacific Avenue and Oak Street.
- All prep work has been completed for the Pacific University Jefferson Hall upgrades. Final upgrades will occur based on Pacific's schedule.

# FOREST GROVE OREGON

## Activity Report September 2016



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