

**FOREST GROVE CITY COUNCIL REGULAR MEETING
NOVEMBER 26, 2007 – 7:00 P.M.
COMMUNITY AUDITORIUM
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*Minutes are unofficial until approved by Council.
Council approved minutes as presented December 10, 2007.*

1. ROLL CALL:

Mayor Richard Kidd called the regular City Council meeting to order at 7:10 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL PRESENT:** Thomas Johnston, Victoria Lowe, Camille Miller, Ronald Thompson, Peter Truax, Elena Uhing, and Mayor Kidd. **STAFF PRESENT:** Michael Sykes, City Manager; Pam Beery, City Attorney; Paul Downey, Administrative Services Director; Susan Cole, Assistant Finance Director; Jon Holan, Community Development Director; Derek Robbins, Civil Engineer; and Anna Ruggles, City Recorder.

2. CITIZEN COMMUNICATIONS: None.

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

- A. Approve City Council Work Session (Council Meetings for 2008) Meeting Minutes of November 13, 2007.
- B. Approve City Council Executive Session (Exempt Records) Meeting Minutes of November 13, 2007.
- C. Approve City Council Regular Meeting Minutes of November 13, 2007.
- D. Accept Planning Commission Meetings Minutes of September 4 and September 17, 2007.
- E. Fire Department Monthly Statistics Report for October 2007.
- F. Library Department Circulation Statistics Report for November 2007.
- G. Endorse Liquor License Application (Change in Application) for Montgomery's, 2004 Main Street (Applicant: Sally Montgomery).

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

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4. **ADDITIONS/DELETIONS:**

Sykes added Agenda Item 4. A. Periodic Review - Plan Evaluation.

4. A. **PERIODIC REVIEW - PLAN EVALUATION**

Holan reported the Plan Evaluation is the first step in the Periodic Review process, noting staff is asking for a motion from Council to support staff's finding to proceed with the Periodic Review based on the Evaluation analysis presented to the Council and Planning Commission at its joint Public Hearing held on November 19, 2007. Holan noted the Planning Commission adopted its motion at the hearing of November 19, 2007. Holan advised the reason for the request is to demonstrate to the Department of Land Conservation and Development that a Public Hearing was held and the City has taken initial action, noting Council will be asked to consider taking final action in April, 2008.

Before proceeding with Council discussion, Mayor Kidd asked for a motion supporting staff's finding to proceed with the Periodic Review - Plan Evaluation.

MOTION: Councilor Truax moved, seconded by Councilor Johnston, to support staff's finding to proceed with the Periodic Review based on the Evaluation analysis presented at the Public Hearing held on November 19, 2007.

Council Discussion:

Truax advised he suggested at the joint Public Hearing held on November 19, 2007, that Council consider making its motion at a regular Council meeting instead of at the joint hearing.

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

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

5. **PUBLIC HEARING AND RESOLUTION NO. 2007-64 FIXING WATER SYSTEM DEVELOPMENT CHARGES FOR THE CITY OF FOREST GROVE AND**

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REPEALING RESOLUTION NO. 2006-38, SECTION II

Robbins, Cole, and Downey, presented the above-proposed resolution proposing to increase the Water System Development Charges (SDC) to \$4,000 (3/4" or smaller) based on capital improvement project costs and timing. Robbins, Cole, and Downey reported after reviewing the Water SDC methodology study and the 59 identified capital improvement projects over the next 20 years, staff prioritized the projects with particular focus on projects that would be occurring within the next three or four years. Cole advised that staff is recommending scaling back or delaying capital improvement projects and instead implementing a project phased approach to increasing Water SDC over a period of time with the next project phased increase occurring in 2010.

Robbins introduced the Financial Consulting Solutions Group (FSC Group) consultant who the City contracted to analyze the City's current Water SDC against the City's capital improvement project needs over the next 20 years. FSC Group presented a PowerPoint presentation outlining an Executive Summary of the Water SDC methodology used to determine the Water SDC based on the 20-year capital improvement projects, noting the study determined that an increase of 100 percent (100%) would be required to meet all the 20-year capital improvement projects that were identified in the study. FSC Group reported the methodology study is proposing a Water SDC of \$6,262 (3/4" or smaller) based on the 59 capital improvement projects that are identified in the study.

Before proceeding with the Public Hearing and Council discussion, Mayor Kidd asked for a motion to adopt Resolution No. 2007-64.

Beery read Resolution No. 2007-64 by title.

MOTION: Councilor Uhing moved, seconded by Councilor Lowe, to adopt Resolution No. 2007-64 Fixing Water System Development Charges for the City of Forest Grove and Repealing Resolution No. 2006-38, Section II.

Public Hearing Opened:

Mayor Kidd opened the Public Hearing.

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Proponents:

No one wished to testify and no written comments were received.

Opponents:

No one wished to testify and no written comments were received.

Public Hearing Closed:

Mayor Kidd closed the Public Hearing.

Council Discussion:

Mayor Kidd opened the floor and roundtable discussion ensued pertaining to issuing Water SDC credits, assessing Water SDC based on geographic areas or districts, future development activity, prioritizing future capital improvement projects, assessing Water SDC based on other cities Water SDC, and adopting the FCS Group methodology study used to calculate the Water SDC in order to implement a project phased approach cost increase over a period of time.

In the conclusion of the above discussion, Council collectively agreed supporting staff's recommendation to increase Water SDC to \$4,000 (3/4" or smaller) and implementing a Water SDC project phased approach cost increase over a period of time.

Upon consulting with Beery and staff, Council asked staff to amend Resolution No. 2007-64 to add language to adopt the FCS Group methodology study; review assessing a special district Water SDC for properties over the hilltop water supply; and prioritize/identify capital improvement projects based on the proposed fee.

Robbins advised that staff would amend Resolution No. 2007-64 as requested by Council and bring back for Council consideration at the next Council meeting of December 10, 2007.

6. **SECOND READING OF ORDINANCE NO. 2007-19 TO ADOPT PROVISIONS TO ALLOW FOR RAINWATER HARVESTING IN PLUMBING IMPROVEMENTS, AMENDING FOREST GROVE CODE BY ADDING SECTION 8.700 RELATING TO RAINWATER HARVESTING SYSTEMS**

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The first reading of Ordinance No. 2007-19 by title and motion to adopt occurred at the meeting of November 13, 2007.

Staff Report:

Holan had nothing further to report.

Council Discussion:

Hearing no discussion from the Council, Mayor Kidd asked for a roll call vote on the motion made at the meeting of November 13, 2007.

Beery read Ordinance No. 2007-19 by title for second reading.

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

7. SECOND READING OF ORDINANCE NO. 2007-20 RENAMING ELM LOOP TO ELM DRIVE AND GREEN COURT (CHANTEL HAMLET DEVELOPMENT)

The first reading of Ordinance No. 2007-20 by title and motion to adopt occurred at the meeting of November 13, 2007.

Staff Report:

Holan had nothing further to report.

Council Discussion:

Hearing no discussion from the Council, Mayor Kidd asked for a roll call vote on the motion made at the meeting of November 13, 2007.

Beery read Ordinance No. 2007-20 by title for second reading.

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

8. SECOND READING OF ORDINANCE NO. 2007-15 ADOPTING TEXT AMENDMENTS TO THE COMPREHENSIVE PLAN, MUNICIPAL CODE, AND ZONE AND LAND DIVISION ORDINANCES TO COMPLY WITH METRO'S NATURE IN NEIGHBORHOOD FUNCTIONAL PLAN REQUIREMENTS (OTHERWISE REFERRED TO AS GOAL 5). FILE NO. CPA-06-03, FILE NO.

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ZA-06-03; AND FILE NO. LDO-06-02

The first reading of Ordinance No. 2007-15 by title and motion to adopt occurred at the meeting of November 13, 2007.

Staff Report:

Holan reported at the last Council meeting of November 13, 2007, Council requested that the proposed amendments allow for certain residential subdivisions to be reviewed by the Planning Commission and asked staff to provide the number of parcels located within a Natural Resource Area (NRA). Holan presented a map showing the NRA, a spreadsheet listing the Goal 5 property analysis, and a list of subdivisions since 2004. Holan presented a revised Exhibit A to Ordinance No. 2007-15 adding language to the proposed amendment requiring referral to the Planning Commission. Holan advised that the amendments recommend that subdivisions of more than 20 lots with 20 percent (20%) NRA coverage or subdivisions between four and 20 lots with a NRA coverage of 30 percent (30%) or greater be reviewed by the Planning Commission, noting this proposed threshold captures 11 parcels identified in staff's analysis.

Council Discussion:

Mayor Kidd opened the floor and roundtable discussion ensued pertaining to properties located within a NRA and the size and percentage of the projects warranting Planning Commission review.

In conclusion of the above discussion, Council collectively agreed they needed additional review time before considering adopting the revised Exhibit A and agreed postponing the second reading of Ordinance No. 2007-15 until the next Council meeting of December 10, 2007.

Johnston indicated he had concerns with the roadway widths outlined on Page 8 of Exhibit A, noting he would pose his concerns at the next Council meeting of December 10, 2007.

9. **QUARTERLY FINANCIAL REPORT FOR PERIOD ENDING SEPTEMBER 30, 2007**
Downey presented the quarterly financial report ending September 30, 2007. Downey reported most revenues and expenditures are being received and/or spent as expected, noting the audit for Fiscal Year 2006-07 has not been

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finalized so the Fund Balance Available for Appropriation revenue line item in each fund could change as a result of audit adjustments. Downey noted the new accounting software provides detailed summary reports by department showing line item revenues and expenditures. In addition, Downey responded to inquiries pertaining to Workers' Compensation, fuel/oil expenditures, vehicle purchases, and personnel uniforms.

10. CITY MANAGER'S REPORT:

Sykes reported on upcoming events as noted in the Council calendar and reported on other various upcoming local meetings and events. Sykes advised Council that the Public Safety Advisory Commission (PSAC) would like to host a joint work session with Council on January 23, 2007. In response, Council welcomed the invitation; however, Council asked Sykes to try to schedule a later time than 7:30 am.

Requesting to Amend Intergovernmental Agreement Between Forest Grove School District and City of Forest Grove to Collect and Remit Construction Excise Tax:

Sykes reported the Forest Grove School District is requesting to amend the current Intergovernmental Agreement (IGA) between the District and City to collect and remit a Construction Excise Tax (CET), noting the District would like to add a clause to the IGA so the City will not issue a building permit if the CET is not paid at the time the permit is issued and a clause holding the City harmless against any legal actions.

Council Discussion:

Mayor Kidd opened the floor and roundtable discussion ensued pertaining to School District's request and if the City had authority to deny a building permit for failure to pay the CET. In response to Council inquiries, Beery advised that the City does not have Code authority to deny a building permit for failure to pay the CET and the City would still need to defend itself against any legal actions. In conclusion of the above discussion, Council collectively agreed to deny the District's request at this time and asked Beery to review the current IGA to ensure the City is comply with State law.

11. COUNCIL COMMUNICATIONS:

Johnston reported he plans to attend the upcoming Public Safety Advisory Commission meeting. Johnston suggested holding a joint meeting with

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Washington County and City Planning Commissioners and Washington County and City elected officials to discuss matters relating to western Washington County. In response to Johnston's inquiry pertaining to status of installing a crosswalk at Pacific Avenue at the location of the new Charter School, Sykes advised he has referred the matter to staff and the Traffic Review Board for consideration.

Lowe reported on various upcoming meetings she was planning to attend.

Miller reported on a Community Development Block Grant sidewalk project.

Thompson reported on the Community Forestry Commission meeting, noting the Commission is asking Washington County to comply with the vegetation specifications cited in the Sunset Drive contract.

Truax provided a status report on the Library Department survey and reported the Library plans to resume hours of operation after the Library's hiring process is completed.

Uhing reported on the Economic Development Commission meeting, noting the Commission reviewed a draft copy of its bylaws and mission.

Mayor Kidd reported on various Metro and Washington County meetings and tours he attended and upcoming meetings and events he was planning to attend. Mayor Kidd suggested the City sponsor a "Community-wide Shred Day" in effort to help stop identity theft and help citizens and business owners dispose of documents. In conclusion, Mayor Kidd recognized State Representative Chuck Riley who was present in the audience and spoke on various legislative matters.

12. **ADJOURNMENT:**

Mayor Kidd adjourned the meeting at 9:25 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder