

**FOREST GROVE CITY COUNCIL REGULAR MEETING  
MAY 27, 2008 – 7:00 P.M.  
COMMUNITY AUDITORIUM  
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*Minutes are unofficial until approved by Council.  
City Council approved minutes as presented June 9, 2008.*

1. **ROLL CALL:**  
Mayor Richard Kidd called the regular City Council meeting to order at 7:04 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL PRESENT:** Victoria Lowe, Thomas Johnston, Camille Miller, Ronald Thompson, and Mayor Richard Kidd. **COUNCIL ABSENT:** Elena Uhing and Peter Truax, excused. **STAFF PRESENT:** Michael Sykes, City Manager; Jack Hammond, City Attorney; Paul Downey, Administrative Services Director; Jeff Williams, Interim Police Chief; James Reitz, Planner; and Anna Ruggles, City Recorder.
- 1.A. **PROCLAMATION: NATIONAL HISTORIC PRESERVATION MONTH**  
Mayor Kidd publicly proclaimed the month of May, 2008, as National Historic Preservation Month. Jon Stagnitti, Historic Landmarks Board (HLB) Chair, accepted the proclamation on behalf of the HLB. Mayor Kidd expressed his appreciation to the HLB members who were present in the audience for the excellent community service they provide.
1. B. **ERIC G. STEWART AWARD PRESENTATION:**  
Mayor Kidd and Jon Stagnitti, HLB Chair, presented the *2008 Eric G. Stewart Award* to Mike and Brian McMenamans, who were unable to attend the meeting to receive the award. The McMenamans were recognized for their outstanding service and support in preserving Forest Grove's history. The McMenamans preserved the Grand Lodge and adapted the building to a new use without significantly altering the building's history.
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 (CEP Projects) Meeting Minutes of April 21, 2008.

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- B. Approve City Council Executive Session (Labor Negotiations) Meeting Minutes of May 12, 2008.
- C. Approve City Council Work Session (CEP Projects) Meeting Minutes of May 12, 2008.
- D. Approve City Council Regular and Work Session (Enterprise Zone Expansion) Meeting Minutes of May 12, 2008.
- E. Accept Committee for Citizen Involvement Meeting Minutes of March 11 and April 8, 2008.
- F. Fire Department Monthly Statistics Report for April 2008.
- G. Library Department Circulation Statistics Report for May 2008.
- H. Endorse Liquor License (Limited-On Premises) for Ballad Town Billiards, LLC, 2036 Pacific Avenue (Ownership Change).

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

**4. ADDITIONS/DELETIONS:**

Sykes reported the Executive Sessions, in accordance with ORS 192.660(2)(F) to consider information or records that are exempt by law from public inspection; ORS 40.225 relating to lawyer-client privilege; and ORS 192.660(2)(E) to deliberate with persons designated by the governing body to negotiate real property transactions, were cancelled from the agenda.

**5. PRESENTATIONS:** None.

**6. SECOND READING OF ORDINANCE NO. 2008-03 ADOPTING PROVISIONS TO ALLOW FOR GRAFFITI PREVENTION, PROHIBITION, AND REMOVAL, AMENDING FOREST GROVE CODE SECTION BY ADDING SECTIONS 5.150 THROUGH 5.180 RELATING TO GRAFFITI PREVENTION, PROHIBITION, AND REMOVAL**

The first reading of Ordinance No. 2008-03 by title and motion to adopt occurred at the meeting of May 12, 2008.

**Staff Report:**

Williams had nothing further to report on the above-proposed ordinance.

**Public Hearing Continued:**

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Mayor Kidd continued the Public Hearing from the meeting of May 12, 2008.

**Written Testimony:**

Kate Hoggins, Forest Grove, submitted a letter dated May 24, 2008, citing concerns that the proposed ordinance re-victimizes property owners. Hoggins suggested the City apply for a Community Enhancement Program Grant to establish a "Graffiti Victims Relief Fund".

**Proponents:**

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

**Opponents:**

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

**Others:**

Teri Koerner, Chamber of Commerce Director, testified on behalf of the Chamber of Commerce members, noting the Chamber supports the proposed ordinance and recognizes the ordinance encourages enforcement as a last resort. In addition, Koerner noted the Chamber wants to act as a partner with the City and is available to assist with graffiti cleanup as needed.

**Staff Response to Testimony:**

Williams thanked the Chamber for their support and thanked Hoggins for submitting testimony, noting the testimony received is the true spirit of what the Police Department is trying to accomplish.

**Council Discussion:**

Miller indicated the purpose of the ordinance is to give guidance in dealing with the graffiti problem, noting the ordinance is not intended to harass individuals but to assist victims and penalize those individuals who after numerous efforts are still refusing to deal with the graffiti.

Johnston indicated the ordinance is a community-friendly way to deal with the graffiti problem, noting it is important to support and to ensure that victims are not re-victimized. In addition, Johnston suggested publicizing a graffiti hotline number so the 911-dispatch center is not overburdened with graffiti complaint calls.

Thompson indicated his only concern is re-victimization, noting it is

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important that the community work with the Police Department to report graffiti crime as soon as it occurs.

Mayor Kidd concurred, noting the intent of the ordinance is to work with those individuals who are physically unable to do graffiti cleanup and to hold those individuals accountable who refuse to do anything about the graffiti.

Hearing no further discussion from the Council, Mayor Kidd asked for a roll call vote on the motion made at the meeting of May 12, 2008.

Hammond read Ordinance No. 2008-03 by title for second reading.

**ROLL CALL VOTE:** AYES: Councilors Lowe, Johnston, Miller, Thompson, and Mayor Kidd. NOES: None. ABSENT: Councilors Truax and Uhing.  
MOTION CARRIED 5-0.

7. **PUBLIC HEARING AND RESOLUTION NO. 2008-34 DESIGNATING  
COMMUNITY ENHANCEMENT PROGRAM (CEP) PROJECTS (EXHIBIT A) FOR  
FISCAL YEAR 2008-09**

**Staff Report:**

Downey presented the above-proposed resolution designating the 2008-09 Community Enhancement Program (CEP) projects and funding levels based on Council consensus at the work session held May 12, 2008. Downey noted the above-proposed resolution also sets the following percentage of available funds for the categories for Fiscal Year 2008-09 as follows:

Infrastructure	31.1%
Social and Education	31.5%
City Promotion and Tourism	21.7%
Beautification	15.7%

Downey reported the City received 29 applications for a total of \$194,530, and Council allocated \$90,107 of CEP funds. In addition, Downey confirmed Metro received a Public Hearing Notice as required.

Before proceeding with the Public Hearing and Council discussion, Mayor Kidd asked for a motion to adopt Resolution No. 2008-34.

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Hammond read Resolution No. 2008-34 by title.

**MOTION:** Councilor Lowe moved, seconded by Councilor Miller, to adopt Resolution No. 2008-34 Designating Community Enhancement Program (CEP) Projects (Exhibit A) for Fiscal Year 2008-09.

**Public Hearing Opened:**

Mayor Kidd opened the Public Hearing.

**Proponents:**

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

**Opponents:**

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

**Others:**

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

**Public Hearing Closed:**

Mayor Kidd closed the public hearing.

**Council Discussion:**

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

**ROLL CALL VOTE:** AYES: Councilors Lowe, Johnston, Miller, Thompson, and Mayor Kidd. NOES: None. ABSENT: Councilors Truax and Uhing.  
MOTION CARRIED 5-0.

8. **RESOLUTION NO. 2008-35 TRANSFERRING APPROPRIATIONS WITHIN GENERAL FUND FOR ENGINEERING DEPARTMENT EXPENDITURES FOR THE FISCAL YEAR 2007-08**

**Staff Report:**

Downey presented the above-proposed resolution requesting to transfer appropriations of \$130,000 from the General Fund Contingency to Engineering Department Professional Services for Fiscal Year 2007-08 so the budgeted appropriations were not exceeded. Downey reported that due to a large number of new subdivisions being constructed in Fiscal Year 2007-08

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and the need to provide timely construction inspection services, the Engineering Department hired an outside engineering firm to assist with the construction inspection services. In addition, Sykes noted the importance of the City providing a quick turnaround time for developers.

Before proceeding with Council discussion, Mayor Kidd asked for a motion to adopt Resolution No. 2008-35.

Hammond read Resolution No. 2008-35 by title.

**MOTION:** Councilor Johnston moved, seconded by Councilor Thompson, to adopt Resolution No. 2008-35 Transferring Appropriations Within General Fund for Engineering Department Expenditures for the Fiscal Year 2007-08.

**Council Discussion:**

In response to Mayor Kidd's concern pertaining to legal ramifications by the City outsourcing inspections, Hammond provided legal counsel, noting Agents of the City are protected under the City's insurance.

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

**ROLL CALL VOTE:** AYES: Councilors Lowe, Johnston, Miller, Thompson, and Mayor Kidd. NOES: None. ABSENT: Councilors Truax and Uhing.  
**MOTION CARRIED 5-0.**

**9. 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 provided an update on the Police Chief and Fire Chief recruitment processes and provided an update on the Facilities Master Plan. In addition, Sykes suggested holding a Council Retreat in late June or early July.

**10. COUNCIL COMMUNICATIONS:**

Johnston reported he plans to attend the upcoming Public Safety Advisory Commission meeting. In addition, Johnston voiced concern that older jaws-of-life rescue tools do not function properly on newer vehicles.

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Lowe reported on various Fernhill Wetlands activities.

Miller reported on the Committee for Citizen Involvement meeting, noting the Committee is working on implementing Action Plans. In addition, Miller reported on the Chamber luncheon presentation pertaining to Metro's business recycling proposal, provided an update on the buy-a-brick campaign and reported on other various community events and activities.

Thompson reported on the Community Forestry Commission meeting, noting the Commission discussed the Arbor Day Run and are working on a Tree Tour Registry.

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 stressed the importance of the City supporting the proposed Fernhill Wetlands Interpretive Center. Mayor Kidd provided insight on the purpose of the buy-a-brick campaign, noting funds raised are dedicated to support Arts. In addition, Mayor Kidd reported on various regional and local issues and upcoming events and reported on various community events and activities.

11. **ADJOURNMENT:**

Mayor Kidd adjourned the meeting at 7:56 p.m.

Respectfully submitted,



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Anna D. Ruggles, CMC, City Recorder