

**FOREST GROVE CITY COUNCIL REGULAR MEETING
OCTOBER 13, 2008 – 7:00 P.M.
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*Minutes are unofficial until approved by Council.
Council approved minutes as presented October 27, 2008.*

1. ROLL CALL:

Peter Truax, Presiding Officer, called the regular City Council meeting to order at 7:10 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL PRESENT:** Victoria Lowe, Camille Miller, Thomas Johnston, Ronald Thompson, Elena Uhing (dismissed herself at 8:00 p.m.), and Peter Truax, Council President. **COUNCIL ABSENT:** Mayor Richard Kidd, excused. **STAFF PRESENT:** Michael Sykes, City Manager; Jack Hammond, City Attorney; Kerry Aleshire, Police Chief; Paul Downey, Administrative Services Director; Tom Gamble, Parks and Recreation Director; Jon Holan, Community Development Director; Janet Lonneker, Light and Power Director; Colleen Winters, Library Director; Jeff Williams, Police Captain; Dan Riordan, Senior Planner; and Anna Ruggles, City Recorder.

1. A. PROCLAMATION: OREGON CULTURAL TRUST'S FIRST STATEWIDE DAY OF CULTURE

Truax proclaimed October 8, 2008, as Oregon Cultural Trust's First Statewide "Day of Culture" and presented the proclamation to Colleen Winters, Library Director.

1. B. PROCLAMATION: ENERGY AWARENESS MONTH AND PUBLIC POWER WEEK

Truax proclaimed the month of October, 2008, as "Energy Awareness Month" and proclaimed October 5 through 11, 2008, as "Public Power Week" and presented the proclamation to Janet Lonneker, Light and Power Director.

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 (Transportation System Plan

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- Update) Meeting Minutes of September 22, 2008.
- B. Approve City Council Regular Meeting Minutes of September 22, 2008.
 - C. Accept Charter Review Committee Work Session Meeting Minutes of September 30, 2008.
 - D. **ITEM REMOVED, REFER BELOW.**
 - E. Accept Historic Landmarks Board Meeting Minutes of August 26, 2008.
 - F. Accept Library Commission Meeting Minutes of July 15 and August 19, 2008.
 - G. Accept Planning Commission Meeting Minutes of August 4, August 18, and September 2, 2008.
 - H. Accept Parks and Recreation Commission Meeting Minutes of July 16, 2008.
 - I. Community Development Department Monthly Building Activity Informational Report for September 2008.
 - J. **ITEM REMOVED, REFER BELOW.**
 - K. **ITEM REMOVED, REFER BELOW.**

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

3. D. ACCEPT COMMUNITY FORESTRY COMMISSION MEETING MINUTES OF JUNE 18, 2008

Truax removed the above-referenced item from the Consent Agenda and pointed out that Page 3 of the minutes contained a typographical error, to which Ruggles indicated she would advise the staff liaison to make a correction.

Hearing no further discussion from the Council, Truax asked for a motion and vote to approve Consent Agenda 3. D. as amended.

MOTION: Councilor Johnston moved, seconded by Councilor Miller, to approve Consent Agenda Item 3.D. as amended. **ABSENT:** Mayor Kidd.
MOTION CARRIED 6-0 by voice vote.

3. J. LIBRARY DEPARTMENT MONTHLY CIRCULATION STATISTIC REPORT FOR SEPTEMBER AND OCTOBER 2008

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Truax removed the above-noted item from the Consent Agenda and referenced various comparisons outlined in the report.

Hearing no further discussion from the Council, Truax asked for a motion and vote to approve Consent Agenda 3. J. as presented.

MOTION: Councilor Johnston moved, seconded by Councilor Miller, to approve Consent Agenda Item 3.J. as presented. **ABSENT:** Mayor Kidd. **MOTION CARRIED 6-0 by voice vote.**

3. K. ACCEPT RESIGNATION ON HISTORIC LANDMARKS BOARD (JON STAGNITTI, TERM EXPIRING DECEMBER 10, 2008)

Johnston removed the above item from the Consent Agenda and recognized Stagnitti for his meritorious service to the City and the Historic Landmarks Board.

Hearing no further discussion from the Council, Truax asked for a motion and vote to approve Consent Agenda 3. K. as presented.

MOTION: Councilor Lowe moved, seconded by Councilor Thompson, to approve Consent Agenda Item 3.K. as presented. **ABSENT:** Mayor Kidd. **MOTION CARRIED 6-0 by voice vote.**

4. ADDITIONS/DELETIONS:

Sykes removed from the Agenda: Item 5. C. Engineer Report Pertaining to the Pavement Conditions of Pacific and 19th Avenue, noting the consultant was unable to attend tonight's meeting.

5. PRESENTATIONS:

- 5. A. Washington County Visitors Association, Ruthie Reinert, President**
Ruthie Reinert, Washington County Visitors Association, presented a PowerPoint presentation pertaining to "Travel and Tourism Promotion for Washington County". Reinert provided information and addressed inquiries pertaining to Washington County Visitors Association's work programs; media efforts; number of website hits; various advertising publications; number of sports groups, conventions, meetings, and tour groups held; community outreach and awareness efforts, tourism development grants; and strategic investment funds.

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5. B. **Bonneville Power Administration Contracts Summary**
Lonneker presented a PowerPoint presentation pertaining to Bonneville Power Administration's Power Purchase Agreement, 2012-2028. Lonneker provided information and addressed inquiries pertaining to Tier 1 power; Tier 2 rates; Tier 2 options; high water marks; resource support services; annexed loads; new large single loads; and complications pertaining to the new BPA Power Purchase Agreement.
5. C. **Engineer Report Pertaining to the Pavement Conditions of Pacific and 19th Avenue**
Sykes removed the above-noted item from the Agenda, noting the consultant was unable to attend tonight's meeting.
5. D. **Thatcher Park Update**
Gamble presented a PowerPoint presentation showing recent pictures of the construction occurring at Thatcher Park, noting the project is coming along nicely and is on schedule.
5. E. **Periodic Review Work Plan Update**
Holan and Riordan presented a handout outlining the Periodic Review Process and addressed inquiries pertaining to the timelines, outstanding issues, issues resolved, completed work, and work that is currently underway.
6. **PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2008-04 PROHIBITING CONSUMPTION OF ALCOHOLIC BEVERAGE OR OPEN CONTAINER OF ALCOHOLIC BEVERAGE ON PUBLIC PROPERTY, PUBLIC RIGHTS-OF-WAY, AND PUBLIC PREMISES, AMENDING CITY CODE CHAPTER 5 TO ADD SECTION 5.040**

Staff Report:

Aleshire and Williams presented the above-proposed ordinance for Council consideration, noting the proposed ordinance would prohibit consumption of alcoholic beverages and open containers of alcoholic beverages on public property, public rights-of-way, and public premises, unless licensed or permitted for that purpose by the Oregon Liquor Control Commission (OLCC). Aleshire and Williams reported the City has seen an increase of alcohol-related incidents and violations, noting the proposed ordinance

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would provide the Police Department with an enforcement tool to help prevent alcohol-related incidents and violations, noting alcoholic-related incidents are often reported by citizens and typically accompany other violations. In addition, Aleshire and Williams advised that staff submitted the proposed ordinance to the City Attorney for review and met with the Parks and Recreation Commission, Public Safety Advisory Commission, and Economic Development Commission seeking their comments and approval. In conclusion, Aleshire and Williams presented a chart outlining the other municipalities in Washington County who currently have similar ordinances in place.

Before proceeding with the Public Hearing and Council discussion, Truax asked for a motion to adopt Ordinance No. 2008-04.

Hammond read Ordinance No. 2008-04 by title for first reading.

MOTION: Councilor Johnston moved, seconded by Councilor Miller, to adopt Ordinance No. 2008-04 Prohibiting Consumption of Alcoholic Beverage or Open Container of Alcoholic Beverage on Public Property, Public Rights-Of-Way, and Public Premises, Amending City Code Chapter 5 to Add Section 5.040.

The second reading of Ordinance No. 2008-04 by title and final vote will occur at the meeting of October 27, 2008.

Public Hearing Opened:

Truax opened the Public Hearing.

Proponents:

Teri Koerner, Forest Grove Chamber of Commerce Director, testified in support of the above-proposed ordinance on behalf of the Chamber, noting the Chamber appreciated the feedback and education opportunities received from the Police Department. In addition, Koerner presented into the record copies of two letters the Chamber received strongly supporting the above-proposed ordinance.

Keith Cantrell, Forest Grove, signed in to testify as a proponent, inquiring if the above-proposed ordinance would allow him to have alcoholic beverages at Rogers Park during his jam band sessions, to which Aleshire advised

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Cantrell that the proposed ordinance would require him to apply for a permit/license through the OLCC in order to hold an alcohol-related event at a City park, noting the OLCC requires an applicant to have an alcohol permitted server. In addition, Aleshire advised Cantrell to allow at least three to four weeks for the City and the OLCC to process an application.

Nell Refalovich, Forest Grove, testified in strong support of the proposed-ordinance, noting she belongs to the Forest Grove Moms Club and many of the mothers, including her, are very concerned they cannot take their children to the City parks any more without exposing their children to rude behavior and alcohol and/or criminal activities occurring at the park at all hours of the day. In addition, Refalovich voiced concern that Safeway has become a problem area as well.

Opponents:

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

Others:

Russ Dondero, Forest Grove, testified as a board member of the Interfaith Committee on Homelessness in Washington County, noting he felt it was appropriate for the City to adopt an ordinance similar to other municipalities in Washington County; however, Dondero stressed the importance of protecting the civil rights of people who are homeless. Dondero stressed that communities need to address the contributing causes of homelessness and cautioned that people and the media stereotype homeless people based on perception of homelessness.

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

Council Discussion:

In response to Cantrell's testimony, Truax voiced concern that an alcohol-related event at a City park may be subjective and may disturb other park users.

Public Hearing Left Open:

Truax left the Public Hearing open until the next meeting of October 27, 2008.

7. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2008-05

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AMENDING THE FOREST GROVE REGISTER OF SIGNIFICANT TREES

Staff Report:

Holan and Riordan presented the above-proposed ordinance for Council consideration, noting the Community Forestry Commission (CFC) is recommending to amend, as requested by property owners, the Forest Grove Register of Significant Trees as follows:

1. 1651 Hawthorne Street: remove two Giant Sequoia trees located on the north/17th Street side of the subject property;
2. 240 Elm Street: remove one Oregon White Oak and one American Elm, which no longer exist, from the Register;
3. 2303 15th Avenue: remove two Oregon White Oak trees, which no longer exist, from the Register; and
4. 3081 Sunset Drive: add one Apple and one Oak tree, located near the historic Davidson Farmhouse, to the Register.

Holan and Riordan advised that City Code Section 9.948 establishes the criteria for designation of trees and requires the CFC to hold a Public Hearing on matters pertaining to the Register of Significant Trees, noting CFC held two public hearings to consider the above-noted requests.

Before proceeding with the Public Hearing and Council discussion, Truax asked for a motion to adopt Ordinance No. 2008-05.

Hammond read Ordinance No. 2008-05 by title for first reading.

MOTION: Councilor Johnston moved, seconded by Councilor Thompson, to adopt Ordinance No. 2008-05 Amending the Forest Grove Register of Significant Trees.

The second reading of Ordinance No. 2008-05 by title and final vote will occur at the meeting of October 27, 2008.

Public Hearing Opened:

Truax opened the Public Hearing.

Proponents:

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

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Opponents:

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

Others:

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

Council Discussion:

In response to Truax's concern pertaining to a structural-damaged tree, Riordan advised that the tree is not posing a danger that would warrant immediate removal.

Public Hearing Left Open:

Truax left the Public Hearing open until the next meeting of October 27, 2008.

Councilor Uhing excused herself from the meeting at 8:00 p.m.

8. RESOLUTION NO. 2008-62 APPROVING THE PUBLIC ARTS COMMISSION'S ART COLLECTION MANAGEMENT POLICY

Staff Report:

Gamble and Winters presented the above-proposed resolution for Council consideration, noting the Public Arts Commission (PAC) is recommending the City adopt a new Art Collection Management Policy to address issues related to the acquisition and management of art located in City buildings and belonging to the City. Gamble and Winters advised that the policy defines the conditions under which objects will be considered for accession and defines a procedure for deaccession of artwork. Winters introduced Kathleen Leatham, PAC Chair, who indicated the PAC unanimously approved the drafted Policy and is now seeking Council approval of the Policy, noting the PAC is in the process of creating an inventory of City artwork.

Before proceeding with Council discussion, Truax asked for a motion to adopt Resolution No. 2008-62.

Hammond read Resolution No. 2008-62 by title.

MOTION: Councilor Johnston moved, seconded by Councilor Miller, to

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adopt Resolution No. 2008-62 Approving the Public Arts Commission's Art Collection Management Policy.

Council Discussion:

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

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

9. **RESOLUTION NO. 2008-63 DESIGNATING THE LISTED CITY OF FOREST GROVE PARKS AS OUTDOOR RECREATIONAL FACILITIES AS PROVIDED IN OREGON REVISED STATUTE 105.682, AND REPEALING RESOLUTION NO. 2003-46**

Staff Report:

Gamble and Downey presented the above-proposed resolution for Council consideration, noting the City's insurer is recommending the City update its existing resolution to designate all of the developed and undeveloped park properties as outdoor recreational facilities pursuant to ORS 105.682.

Before proceeding with Council discussion, Truax asked for a motion to adopt Resolution No. 2008-63.

Hammond read Resolution No. 2008-63 by title.

MOTION: Councilor Johnston moved, seconded by Councilor Thompson, to adopt Resolution No. 2008-63 Designating the Listed City of Forest Grove Parks as Outdoor Recreational Facilities as Provided in Oregon Revised Statute 105.682, and Repealing Resolution No. 2003-46.

Council Discussion:

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

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

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10. RESOLUTION NO. 2008-64 AUTHORIZING THE CITY OF FOREST GROVE TO ENTER INTO A GIFT AGREEMENT WITH THE FOUNDATION OF THE ROTARY CLUB OF FOREST GROVE FOR PLACEMENT OF A FLAG POLE AND AN AMERICAN FLAG TO BE PLACED IN CITY RIGHT-OF-WAY

Staff Report:

Gamble and Downey presented the above-proposed resolution for Council consideration, noting the gift agreement between the City and the Noon Rotary Club provides a portion of the City-owned right-of-way for the placement of a flagpole and an American flag, which has been donated to the Rotary by an anonymous donor. Gamble and Downey outlined the specifics of the agreement as follows:

- Donor will give, transfer, and assign to the City of Forest Grove a 120-foot flagpole, flags, and surrounding landscape and lighting for public display.
- City shall display and preserve the flagpole, flags, and the replacement flags according to State and Federal law.
- The City will own and maintain and display the pole, flags, lighting, and landscaping in perpetuity for the benefit of the public.
- The Rotary agrees to facilitate fundraising with others for the replacement of future replacement flags.

In addition, Gamble and Downey outlined the ongoing costs to the City as follows:

- Water for irrigation (which would occur regardless of the project).
- Provision of power supply to the site for flag lighting and irrigation.
- Maintenance of the lawn area and flower beds. (Discussions are being held with Rotary to manage the flowerbeds; however, no decision has been made to date.)
- Provide maintenance to the pole (i.e. painting).

Before proceeding with Council discussion, Truax asked for a motion to adopt Resolution No. 2008-64.

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Hammond read Resolution No. 2008-64 by title.

MOTION: Councilor Johnston moved, seconded by Councilor Thompson, to adopt Resolution No. 2008-64 Authorizing the City of Forest Grove to Enter into a Gift Agreement with the Foundation of the Rotary Club of Forest Grove for Placement of a Flag Pole and an American Flag to be Placed in City Right-Of-Way.

Council Discussion:

Truax disclosed that he read comments posted on GroveNet pertaining to the flagpole and flag and advised he visited the proposed site, noting he supports the flag being placed in a central location.

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

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

11. **QUARTERLY FINANCIAL REPORT FOR PERIOD ENDING JUNE 30, 2008**
Downey presented the quarterly financial report ending June 30, 2008, noting the funds are close to where staff estimated for the start of the current fiscal year. Downey noted that staff's major concern going forward is the slowdown in the economy and building, and if future revenue will keep pace with the contracted wage increases and employee benefits. In response to inquiries, Downey addressed expenditures pertaining to printing and copying expenses and outlined other significant expenditures, noting the new software allows staff to develop more detailed financial reports by line item for revenues and expenditures for the General Fund and most of the other major funds.
12. **CITY MANAGER'S REPORT:**
Sykes reported on upcoming events as noted in the Council calendar and reported on other various upcoming local meetings and events. Sykes reported the Charter Review Committee is holding two public hearings (October 21 and November 6, 2008) to solicit public input on the proposed Charter amendments. Sykes provided an update on the Fire Chief

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recruitment, noting he hopes to make an official hiring announcement soon. In addition, Sykes reported that staff has began the annual recruitment for boards, committees and commissions (B&C), noting staff is working on recruiting high school students to serve as non-voting members to the various B&C that were identified by Council. In conclusion, Sykes read a letter, submitted by David Ok Market, highly commending the Police Department employees who responded to a recent incident that occurred at the business.

13. COUNCIL COMMUNICATIONS:

Lowe reported she is planning to attend the upcoming Watershed tour and provided a brief update on projects pertaining to the Joint Water Commission.

Johnston suggested that Metro provide a site in Forest Grove where citizens could purchase composting bins. In addition, Johnston reported on various Forest Grove High School-related events.

Miller reported on the upcoming meetings she was planning to attend.

Thompson reported on the Transit Committee meeting, noting the Committee appointed a Chairperson (Victoria Johnson).

Truax reported on the Forest Grove Rural Fire Protection District meeting, noting the Board appointed its new officers and is delaying its strategic plan until the new Fire Chief is onboard. In addition, Truax reported on various meetings and events he attended and upcoming meetings and events he was planning to attend.

14. ADJOURNMENT:

Council President Truax adjourned the meeting at 9:37 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder

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