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City Council Regular Meeting Minutes

**Monday, September 9, 2019
7:00 p.m., Community Auditorium**

***Minutes are unofficial until approved by Council.
Council approved minutes as presented October 14, 2019.***

1. CALLED TO ORDER AND ROLL CALL:

Mayor Peter Truax called the regular City Council meeting to order at 7:03 p.m. and led the Pledge of Allegiance.

ROLL CALL: COUNCIL PRESENT: Timothy Rippe; Ronald Thompson; Adolph “Val” Valfre; Malynda Wenzl; and Mayor Peter Truax. **COUNCIL ABSENT:** Thomas Johnston, Council President, and Elena Uhing, excused.

STAFF PRESENT: Paul Downey, Administrative Services Director; Chris Crean, City Attorney; Tom Gamble, Parks and Recreation Director; Bryan Pohl, Community Development Director; J. F. Schutz, Police Chief; James Reitz, Senior Planner; Dan Riordan, Senior Planner; Elizabeth Stover, Program Coordinator; Michael Kinkade, Fire Chief (in the audience); and Anna Ruggles, City Recorder. **STAFF ABSENT:** Jesse VanderZanden, City Manager, excused.

2. CITIZEN COMMUNICATIONS:

Mark Strassel, Forest Grove, addressed Council regarding the homelessness problem in the city.

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 Work Session (Forest Grove 2040) Meeting Minutes of August 12, 2019.
- B. Approve City Council Regular Meeting Minutes of August 12, 2019.
- C. Accept Historic Landmarks Board Meeting Minutes of July 23, 2019.
- D. Accept Library Commission Meeting Minutes of July 22, 2019.
- E. Accept Planning Commission Meeting Minutes of July 1, 2019.
- F. Accept Public Arts Commission Meeting Minutes of July 11, 2019.

- G. Accept Resignation on Community Forestry Commission (Dale Wiley, Appointed 02/2006, Term Expiring December 31, 2019).
- H. Community Development Department Monthly Building Activity Informational Report for August 2019.

MOTION: Councilor Valfre moved, seconded by Councilor Rippe, to approve the Consent Agenda as presented. ABSENT: Council President Johnston and Councilor Elena Uhing. MOTION CARRIED 5-0 by voice vote.

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

5. **PRESENTATIONS:**

5. A. Park Facilities Schematic Design & Water Space Needs Study

Gamble reported the purpose of the presentation was to provide an update of the status of Council's Objective 1.3, Implement Parks Master Plan, identified in FY2019-20. Gamble presented a PowerPoint presentation overview of the Park Facilities Schematic Design & Water Space Needs Study, noting the consultant developed three proposed concept site plans, including parking and building plans, for the Aquatic Center and two proposed park design options for each of the three parks: Lincoln Park, A. T. Smith Property, and Stites Nature Park. In addition, the consultant plans to review and analyze the feasibility for an east side park and Veterans Memorial Park. Gamble recapped the public engagement process, noting a Community Open House was held on June 5 and over 300 comments have been received. The Parks and Recreation Commission held a work session on July 30, 2019, to review the proposals. In conclusion of the above-noted presentation, Gamble advised the next step is determining costs and presenting the final projects to Council for consideration at a later date.

5. B. Oregon Main Street Program

King and Pohl presented a PowerPoint presentation overview of the Oregon Main Street Program, noting the program provides assistance, training and technical services to communities who want to preserve and revitalize historic downtown commercial districts. Currently, there are 82 communities participating in one of the levels of the Oregon Main Street network; five in Washington County. Pohl advised staff is recommending the City participate at the Exploring Main Street Level, noting at this level, the City agrees to:

- Provide a local contact.
- Work towards forming a downtown revitalization organization.
- Send a representative to one Oregon Main Street training per year. The 2019 Conference is October 2-4, 2019, in Tillamook.
- Take time to learn about the Main Street Approach.

In conclusion of the above-noted presentation, Pohl addressed Council concerns

pertaining to the program's correlation with, i.e., Economic Development Commission, City Club and Chamber of Commerce, noting the program would increase the joint collaboration.

5. C. Police Station Outreach

Stover, Downey and Police Chief Schutz presented a PowerPoint presentation update on the police station outreach program and presented a video of the current police station, which was linked to the City's webpage: <https://www.forestgrove-or.gov/station>, and contained bilingual Spanish subtitles. In addition, staff recapped the dates of the upcoming community events and education opportunities.

5. D. Year-End Financial Report Ending June 30, 2019

Downey presented a PowerPoint presentation outlining the financial report for 12 months for the City's fiscal year ending June 30, 2019. Downey reported the report compares the budget to the year-to-date revenues and expenditures and prior to any audit adjustments the auditor may propose. In conclusion of the above-noted presentation, Downey referenced graphs pertaining to the General Fund, Building Fund, Street Fund, Light Fund, Sewer Fund, Water Fund, Surface Water Management Fund, Information System Fund, Equipment Fund and System Development Charges Funds, noting the General Fund's financial position is good through the final quarter of FY 2018-19.

6. ORDER NO. 2019-04 OVERTURNING THE PLANNING COMMISSION'S APPROVAL OF THE SITE PLAN AND BUILDING DESIGN OF A NEW DOLLAR GENERAL STORE, 1121 GALES CREEK ROAD, WASHINGTON COUNTY TAX LOT 1N436B003100; FILE NO. 311-19-000006-PLNG

Staff Report:

Reitz and Pohl presented the staff report, noting at the appeal hearing held on August 12, 2019, Council voted to deny the application and sustained the appeal of the Planning Commission's approval of the site plan and building design to allow a new Dollar General, 1121 Gales Creek Road; File No. 311-19-000006-PLNG. In conclusion of the above-noted staff report, Reitz advised staff is recommending Council approve the proposed Order and Findings of Fact and Conclusions of Law, as outlined in Exhibit A, noting the City Attorney prepared the Findings.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Order No. 2019-09.

Downey read Order No. 2019-09 by title.

MOTION: Councilor Wenzl moved, seconded by Councilor Rippe, to approve Order No. 2019-09 Overturning the Planning Commission's Approval of the Site Plan and Building Design of a New Dollar General Store, 1121 Gales Creek

Road, Washington County Tax Lot 1N436B003100; File No. 311-19-000006-PLNG.

Hearing no concerns from the Council, Mayor Truax asked for a roll call vote the above-noted motion.

ROLL CALL VOTE: AYES: Councilors Rippe, Thompson, Valfre, Wenzl, and Mayor Truax. NOES: None. ABSENT: Council President Johnston and Councilor Elena Uhing. MOTION CARRIED 5-0.

7. CONTINUE PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 2019-09 AMENDING FOREST GROVE CODE OF ORDINANCES, ADOPTING TITLE XI (BUSINESS REGULATION), CHAPTER 111 (§ 111.065), TITLED FOOD WASTE REQUIREMENT

The first reading of Ordinance No. 2019-09 by title occurred at the Council meeting of August 12, 2019.

Staff Report:

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

Public Hearing Continued:

Mayor Truax continued the Public Hearing from the meeting of August 12, 2019, and explained hearing procedures.

Written Testimony Received:

No written testimony was received.

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:

Hearing no concerns from the Council, Mayor Truax asked for a roll call vote on the motion made at the meeting of August 12, 2019.

Downey read Ordinance No. 2019-09 by title for second reading.

ROLL CALL VOTE: AYES: Councilors Rippe, Thompson, Valfre, Wenzl, and Mayor Truax. NOES: None. ABSENT: Council President Johnston and Councilor Elena Uhing. MOTION CARRIED 5-0.

8. A. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2019-10 AMENDING DEVELOPMENT CODE ARTICLE 2 LAND USE, ARTICLE 3 ZONING DISTRICTS, ARTICLE 5 SPECIAL PROVISIONS, AND ARTICLE 12 USE CATEGORIES AND DEFINITIONS, TO PERMIT SEASONAL SHELTERS IN THE TOWN CENTER CORE (TCC), TOWN CENTER TRANSITION (TCT) AND COMMUNITY COMMERCIAL (CC) ZONING DISTRICTS; FILE NO. 311-19-000017-PLNG

Staff Report:

Reitz and Pohl presented the above-proposed ordinance for first reading, noting the proposed ordinance is amending Development Code § 17.2.900 through 17.2.925; 17.3.320; 17.3.420; 17.5.600; 17.5.605; 17.12.120; and 17.12.210 (Exhibit A) and Zoning Text Amendment Review Criteria (Exhibit B) § 17.2.630 to allow charitable organizations in Town Center Core (TCC), Town Center Transition (TCT) and Community Commercial (CC) Zoning Districts to operate seasonal shelters; File No. 311-19-000017-PLNG. Reitz and Pohl presented a PowerPoint presentation overview, noting seasonal shelters would need to apply for an annual Temporary Use Permit before operating a seasonal shelter, noting once approved, seasonal shelters would be allowed to operate for up to 45 days annually, from November 1 and March 31. In addition, Reitz advised § 17.2.925, Conditions of Approval, may be imposed to ensure land use compatibility and to minimize the adverse effects on nearby uses, including hours of operation, frequency of use, parking, traffic circulation, signage and fire/life safety codes. Reitz added there are no legally-sanctioned seasonal shelters currently permitted in the City, noting at the present time, there are four sites in the above-noted zoning districts that would likely meet the criteria to host a shelter. Additional sites are possible if they meet the criteria. In conclusion of the above-noted staff report, Reitz and Pohl advised staff is recommending Council approve the proposed ordinance, as outlined in Exhibit A, and Exhibit B, and as outlined in Exhibit C, Planning Commission Findings and Decision No.2019-11, noting the Planning Commission held its hearing and approved the proposed amendments on August 19, 2019.

Questions of Staff:

In response to Wenzl's concern pertaining to notification to surrounding businesses, Reitz noted no land use notification is required for a permit.

In response to Rippe's concern pertaining to defining the intent of a seasonal shelter,

Mayor Truax noted, Pohl concurred, that § 17.12.120(K) identifies: “*Seasonal Shelter*, as a building or portion thereof operated for the purposes of providing temporary shelter for people experiencing homelessness.”

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2019-10 for first reading.

Downey read Ordinance No. 2019-10 by title for first reading.

MOTION: Councilor Valfre moved, seconded by Councilor Wenzl, to adopt Ordinance No. 2019-10 Amending Development Code Article 2 Land Use, Article 3 Zoning Districts, Article 5 Special Provisions, and Article 12 Use Categories and Definitions, to Permit Seasonal Shelters in the Town Center Core (TCC), Town Center Transition (TCT) and Community Commercial (CC) Zoning Districts; File No. 311-19-000017-PLNG.

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained hearing procedures.

Written Testimony Received:

No written testimony was received.

Proponents:

Eric Canon, past Chair of Interfaith Committee on Homelessness, testified in support of the proposed ordinance. Canon asked audience members who donate their time at the shelter to stand and be recognized.

Michael Terhorst, Forest Grove United Church of Christ, testified in support of the proposed ordinance.

Russ Dondero, Forest Grove, testified in support of the proposed ordinance.

Brian Schimmel, Outreach Director of Old Town Forest Grove, testified in support of the proposed ordinance. In addition, Schimmel distributed a handout titled “OR Statewide Shelter Report, Best Practices/Self Assessment”.

Celeste Goulding, Shelter and Services Director of Winter Shelter of Forest Grove and Cornelius, testified in support of the proposed ordinance.

No one else 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 Continued:

Hearing no further concerns from the Council, Mayor Truax continued the Public Hearing to September 23, 2019.

8. B. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2019-11 AMENDING FOREST GROVE CODE OF ORDINANCES ADOPTING TITLE III, (ADMINISTRATION), CHAPTER 38 (§ 38.01 THROUGH § 38.04), TITLED SEVERE WEATHER SHELTERS IN THE TOWN CENTER CORE (TCC), TOWN CENTER TRANSITION (TCT) AND COMMUNITY COMMERCIAL (CC) ZONING DISTRICTS; FILE NO. 311-19-000017-PLNG

Staff Report:

Reitz and Pohl presented the above-proposed ordinance for first reading, noting the proposed ordinance is amending City Code by enacting Chapter 38, § 38.01 through 38.04 (Exhibit A) to allow charitable organizations in the Town Center Core (TCC), Town Center Transition (TCT) and Community Commercial (CC) Zoning Districts to operate on-site severe weather shelters; File No. 311-19-000017-PLNG. Reitz and Pohl presented a PowerPoint presentation overview, noting pre-registered (versus requiring an Annual Temporary Use Permit) charitable organizations can open severe weather shelters upon a severe weather declaration. Reitz advised each charitable organization that intends to operate a shelter would be required to pre-register with the City, noting the purpose of pre-registration is to: a) Allow the City to inspect the site beforehand to ensure it meets building code requirements, and b) Allow the charitable organization to open a shelter immediately upon a severe weather declaration. In conclusion of the above-noted staff report, Reitz and Pohl advised staff is recommending Council approve the proposed ordinance, as outlined in Exhibit A, noting the Planning Commission held its hearing and approved the proposed amendments on August 19, 2019.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2019-11 for first reading.

Downey read Ordinance No. 2019-11 by title for first reading.

MOTION: Councilor Rippe moved, seconded by Councilor Valfre, to adopt Ordinance No. 2019-11 Amending Forest Grove Code of Ordinances Adopting Title III, (Administration), Chapter 38 (§ 38.01 through § 38.04), titled Severe Weather Shelters in the Town Center Core (TCC), Town Center Transition (TCT) and Community Commercial (CC) Zoning Districts; File No. 311-19-000017-PLNG.

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained hearing procedures.

Written Testimony Received:

No written testimony was received.

Proponents:

Michael Terhorst, Forest Grove United Church of Christ, testified in support of the proposed ordinance. In response to Terhorst's concern pertaining to duration of seasonal shelters and opening a severe weather shelter, Crean advised each code ordinance operates independently, so when a severe weather event, as defined in § 38.02, is declared by the city, all registered facilities would be allowed to open until the event has concluded, noting it would not affect the duration of the five-month seasonal shelter period.

Rochelle Kennon, site coordinator (unknown address), testified in support of the proposed ordinance.

No one else 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 Continued:

Hearing no further concerns from the Council, Mayor Truax continued the Public Hearing to September 23, 2019.

RECESSED: Mayor Truax recessed for a break at 9:07 p.m. and reconvened the regular meeting at 9:15 p.m.

9. RESOLUTION NO. 2019-41 ACCEPTING TOWN CENTER STREET TREE INVENTORY AND ASSESSMENT REPORT

Staff Report:

Riordan and Pohl presented the above-proposed resolution for Council consideration, noting the proposed resolution is accepting the Town Center Street Tree Inventory and Assessment Report. Riordan and Pohl presented a PowerPoint presentation overview, noting the work is part of Council's Objective 1.4, Implement Town Center Program, identified in FY2019-20. Riordan reported the Community Forestry Commission was awarded in 2018 a Community Enhancement Program grant (\$4,500) to look at issues related to street trees in the Town Center, noting CFC

accepted the Assessment Report at its meeting held on May 15, 2019. In addition, Council held a work session on April 8, 2019, and was briefed on the key findings. In conclusion of the above-noted staff report, Riordan and Pohl advised staff is recommending Council adopt the attached resolution as outlined in Exhibit A.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2019-41.

Downey read Resolution No. 2019-41 by title.

MOTION: Councilor Wenzl moved, seconded by Councilor Valfre, to adopt Resolution No. 2019-41 Accepting Town Center Street Tree Inventory and Assessment Report.

Council Discussion:

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

ROLL CALL VOTE: AYES: Councilors Rippe, Thompson, Valfre, Wenzl, and Mayor Truax. NOES: None. ABSENT: Council President Johnston and Councilor Elena Uhing. MOTION CARRIED 5-0.

10. RESOLUTION NO. 2019-42 ADOPTING CITY OF FOREST GROVE 2020 ECONOMIC DEVELOPMENT STRATEGIC PLAN

Staff Report:

King presented the above-proposed resolution for Council consideration, noting the proposed resolution is addressing Council's Objective 3.17, Update Economic Development Strategic Plan, identified in FY2019-20. King reported the Economic Development Commission approved the 2020 Economic Development Strategic Plan at its meeting held on June 6, 2019. In addition, Council held a work session on June 24, 2019, and was briefed on the key findings, and Council suggested minor revisions, which were incorporated as outlined in the staff report. In conclusion of the above-noted staff report, King advised staff is recommending Council adopt the attached resolution as outlined in Exhibit A.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2019-42.

Downey read Resolution No. 2019-42 by title.

MOTION: Councilor Rippe moved, seconded by Councilor Valfre, to adopt Resolution No. 2019-42 Adopting City of Forest Grove 2020 Economic Development Strategic Plan.

Council Discussion:

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

ROLL CALL VOTE: AYES: Councilors Rippe, Thompson, Valfre, Wenzl, and Mayor Truax. NOES: None. ABSENT: Council President Johnston and Councilor Elena Uhing. MOTION CARRIED 5-0.

11. CITY COUNCIL COMMUNICATIONS:

Council President Johnston was absent.

Rippe reported on Sister Cities Committee (SCC)-related activities, noting the SCC is hosting a Japanese Fall Festival on October 5, 2019, and Nyuzen plans to send a student delegation (10 students and three adults) on October 26-30, 2019. In addition, Rippe noted the SCC formed sub-committees to review its bylaws and administrative structure. Rippe reported on Economic Development Commission (EDC) meeting, noting EDC accepted the 2020 Economic Development Strategic Plan, which was approved this evening. Rippe commended public safety staff and everyone who coordinated the National Night Out, which was held August 6, 2019, noting the event was well attended and more vendors expressed interest in participating annually. In addition, Rippe reported on upcoming meetings he was planning to attend.

Thompson reported on upcoming meetings he was planning to attend.

Uhing was absent.

Valfre reported on regional-related matters of interest and meetings he attended. In addition, Valfre reported on upcoming meetings he was planning to attend.

Wenzl reported on Parks and Recreation Commission (P&R)-related activities. Wenzl reported on Committee for Community Involvement (CCI)-related activities, noting Police Chief Schutz is scheduled to give a presentation to CCI at its next meeting on the proposed new police station. In addition, Wenzl reported on upcoming meetings she was planning to attend.

12. City Manager's Report:

Downey referenced the City Manager's Report to Council, which outlined various upcoming meetings and updates on department-related activities and projects.

13. MAYOR'S REPORT:

Mayor Truax announced dates of various upcoming activities, events and meetings as noted in the Council Calendar. Mayor Truax reported on plans to attend the upcoming League of Oregon Cities (LOC) Conference on September 26-28, 2019, noting he

departs on September 24th to attend the LOC Board Meeting on September 25th. 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 and events he was planning to attend.

14. ADJOURNMENT:

Mayor Truax adjourned the regular Council meeting at 9:46 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder