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Monday, February 24, 2020
City Council Regular Meeting Minutes **7:00 p.m., Community Auditorium**

***Minutes are unofficial until approved by Council.
Council approved minutes as presented March 16, 2020.***

1. CALLED TO ORDER AND ROLL CALL:

Mayor Peter Truax called the regular City Council meeting to order at 7:14 p.m. and led the Pledge of Allegiance.

ROLL CALL: COUNCIL PRESENT: Timothy Rippe; Elena Uhing; Mariana Valenzuela; Adolph “Val” Valfre; Malynda Wenzl, Council President; and Mayor Peter Truax. **COUNCIL VACANCY:** 1 (Death of Councilor Ronald C. Thompson on February 12, 2020).

MOMENT OF SILENCE:

Mayor Truax called for a moment of silence honoring Councilor Ronald C. Thompson who died unexpectedly at home on Wednesday, February 12, 2020. Thompson was elected as a City Councilor in 2002 and was re-elected in 2006, 2010, 2014 and 2018. Thompson currently served as Council Liaison to the Community Forestry Commission. He also served on Ride Connection Board of Directors and served as liaison to the Forest Grove Senior and Community Center Board of Directors. Thompson’s Celebration of Life Memorial Service was held Sunday, February 23, 2020, 2:00 p.m. at the Crossing Fellowship Church, Forest Grove.

STAFF PRESENT: Jesse VanderZanden, City Manager; Ashley Driscoll, City Attorney; Paul Downey, Administrative Services Director; Michael Hall, Police Captain; Bryan Pohl, Community Development Director; Gregory Robertson, Public Works Director; and Anna Ruggles, City Recorder.

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 Work Session (Police Station Update) Meeting Minutes of January 13, 2020.

- B. Approve City Council Work Session (Washington County Fire Task Force Recommendations) Meeting Minutes of January 13, 2020.
- C. Approve City Council Work Session (B/C Reappointments/New B/C Appointment's) Meeting Minutes of January 27, 2020.
- D. Approve City Council Regular Meeting Minutes of January 27, 2020.
- E. Approve City Council Executive Session (Exempt Records) Meeting Minutes of January 27, 2020.
- F. Accept Historic Landmarks Board Meeting Minutes of December 17, 2019.
- G. Accept Library Commission Meeting Minutes of January 17, 2020.
- H. Accept Parks and Recreation Commission Meeting Minutes of January 15, 2020.
- I. Accept Public Safety Advisory Commission Meeting Minutes of December 4, 2019.
- J. Accept Sustainability Commission Meeting Minutes of December 12, 2019.
- K. Endorse New Liquor License Application (Off-Premises Sales) for 7 Star Convenience Store #2, 3034 Pacific Avenue, Suite B
- L. **Endorse Liquor License Renewal Applications for Year 2020:**
 - 1) A-Framer's Touch, 1920 21st Avenue, Limited On-Premises Sales/Off-Premises Sales
 - 2) Bi-Mart, 3225 Pacific Avenue, Off-Premises Sales
 - 3) Bites Restaurant, 2014 Main Street, Full On-Premises Sales
 - 4) Blackdog Bar & Grill, 2835 19th Avenue, #900, Full On-Premises Sales
 - 5) Bon Appetit @ Pacific University, 2043 College Way, Limited On-Premises Sales
 - 6) Boxer's Pub N Grub, 1919 Pacific Avenue, Full On-Premises Sales
 - 7) Buffet Dynasty, 2834 E Pacific Avenue, Limited On-Premises Sales
 - 8) Circle Inn, 3007 Pacific Avenue, Full On-Premises Sales
 - 9) Coaster's Deli & Pub, 1918 Main Street, Full On-Premises Sales/Off-Premises Sales
 - 10) Cornerstone Pub & Grill, 2307 Pacific Avenue, Off-Premises Sales/Limited On-Premises Sales
 - 11) Elks Lodge #2440, 2810 Pacific Avenue, F-CLU Full-On Premises Sales
 - 12) FG Sushi, 1905 Birch Street, Limited On-Premises Sales
 - 13) Forest Grove Liquor Store, 3130 Pacific Avenue, Off-Premises Sales
 - 14) Forest Grove Senior and Community Center, 2037 Douglas Street, Limited On-Premises Sales
 - 15) Godfather's Pizza/Players Pub, 2834 Pacific Avenue, Full On-Premises Sales
 - 16) Hello Market, 1917 19th Avenue, Off-Premises Sales
 - 17) Jade Green Palace, 3018 Pacific Avenue, Full On-Premises Sales
 - 18) La Sierra Cantina & Mexican Restaurant, 2331 Pacific Avenue, Full On-Premises Sales
 - 19) Mama Jiah's Market, 2248 Main Street, Off-Premises Sales
 - 20) Mandarin China Restaurant, 2338 Pacific Avenue, Limited On-Premises Sales
 - 21) Mini Mart 2705 Pacific Avenue, Off-Premises Sales

- 22) Pac Thai, 1923 Pacific Avenue, Limited On-Premises Sales
- 23) Plaid Pantry #20, 2436 19th Avenue, Off-Premises Sales
- 24) Plaid Pantry #99, 2901 Thatcher Avenue, Off-Premises Sales
- 25) Prime Time Sports Bar & Restaurant, 4450 Pacific Avenue, Full On-Premises Sales
- 26) Rainbow Lanes, 2748 19th Place, Full On-Premises Sales
- 27) Ridgewalker Brewing Event Center, 1822 21st Avenue, Full On-Premises Sales
- 28) Ridgewalker Brewing, 1921 21st Avenue, Brewery/Full On-Premises Sales
- 29) Safeway Store #406, 2836 Pacific Avenue, Off-Premises Sales
- 30) SAWA, 2036 Main Street, Suite B, Full On-Premises Sales
- 31) Shriji Food Mart / FG Arco, 2710 19th Avenue, Off-Premises Sales
- 32) Smoke 4 Less, 3010 A-C Pacific Avenue, Off-Premises Sales
- 33) Super Mercado La Montana, 1905 Mt View Lane, Suite 100, Off-Premises Sales
- 34) The Masonic Grand Lodge of Oregon, 2300 Masonic Way, Full On-Premises Sales
- 35) Urban Decanter, 2030 Main Street, Suite B, Full On-Premises Sales/Off-Premises Sales
- 36) US Market 399, 3712 Pacific Avenue, Suite A, Off-Premises Sales
- 37) Waltz Brewing, 1900 A Street, Brewery – Public House

MOTION: Councilor Rippe moved, seconded by Councilor Wenzl, to approve the Consent Agenda as presented. COUNCIL VACANCY: 1. MOTION CARRIED 6-0 by voice vote.

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

5. **PRESENTATIONS:**

5. A. **Annual Financial Audits for City and Urban Renewal Agency (URA) for Year Ending June 30, 2019**

Downey introduced Brad Bingenheimer, City Auditor, who outlined the audit process and Financial Audit Report for period ending June 30, 2019, noting he is pleased to report no difficulties were encountered while performing and completing the City's audit. Bingenheimer gave an overview of the Financial Statements and highlighted the City's financial activities and financial position as noted below:

- Total assets of the City exceeded its liabilities by \$113.7 million at June 30, 2019. Of this amount, \$8.2 million is reported as unrestricted net position which may be used to meet the City's obligations.
- During the year, the City's net position decreased by \$3.83 million in governmental activities and increased by \$1.78 million in business-type activities for a total decrease of \$2.05 million.
- The General Fund reported an ending fund balance at June 30, 2019, of

\$7,666,833 which is a decrease of \$6,925 from the prior fiscal year. Ending fund balance at June 30, 2019, was 41.4% of the General Fund expenditures for the fiscal year ending June 30, 2019.

Next, Bingenheimer outlined the Urban Renewal Agency (URA) audit process and Financial Audit Report for period ending June 30, 2019, noting he is pleased to report no difficulties were encountered while performing and completing the URA's audit. Bingenheimer gave an overview of the Financial Statements and highlighted the URA's financial activities and financial position as noted below:

- The Total Assets of the Agency were \$766,268 and the Net Position was \$(1,296,293) at June 30, 2019, which was the end of the URA's fifth fiscal year.
- Overall, expenditures were \$90,897 and overall revenue was \$246,685. The primary revenue for FY 2018-19 was property tax revenue and the largest individual expenditure for 2018-19 was \$41,252 in interest expense paid to the City for debt owed to the City.
- The URA's General Fund ended the year with a fund balance of \$346,190 which is an increase of \$155,728. There were no changes to the budget during the year and all expenditures were within appropriations.

5. B. Tourism Branding

Court Carrier, City's Tourism Consultant, presented a PowerPoint presentation overview pertaining to the City's tourism plan, noting it has been 10 years since the City reviewed its current tourism destination brand, "*Forest Grove Where Oregon pinot was born*". Carrier reported the Tourism Advisory Committee (TAC) has been meeting and has made progress creating a new website and social media platforms. Carrier introduced Holly MacFee, Lookout & Company, who presented a PowerPoint presentation overview, noting her company will be working to develop a new City tourism destination brand and activation plan. In conclusion of the above-noted presentation, the consultants addressed various Council comments pertaining to Forest Grove's uniqueness, diverse population, and local attractions and nearby attractions as well as the overall community assets.

6. PUBLIC HEARING AND ORDER NO. 2020-02 REMANDING TO THE PLANNING COMMISSION FOR FURTHER CONSIDERATION RE-DESIGNATION OF TWO CITY-OWNED PARCELS, LOCATED AT 2102 PACIFIC AVENUE AND 1919 ASH STREET, FROM PUBLIC/INSTITUTIONAL TO TOWN CENTER TRANSITION; FILE NO. 311-19-000028-PLNG

Staff Report:

Riordan presented the above-proposed Order, noting the Order is requesting to remand to the Planning Commission the Comprehensive Plan Map and Zoning Map Amendments to re-designate and rezone two city-owned parcels, located at 2102 Pacific Avenue and 1919 Ash Street, from Public/Institutional to Town Center Transition, for the purpose of the new proposed police station (Attachment A); File No.

311-19-000028-PLNG, Applicants: City of Forest Grove and Forest Grove Rural Fire Protection District. Riordan reported the Planning Commission held its hearing on the proposal on December 16, 2019, and the Planning Commission recommended the City pursue a text amendment to the Development Code to address off-street parking requirements for emergency vehicles in the Public/Institutional zone rather than re-designate the subject property to Town Center Transition (Planning Commission Decision No. 2019-15). Riordan advised as a result of the Planning Commission's decision, staff researched the proposal of a text amendment and determined that because Forest Grove is located within the Metro Boundary, the City must adhere to Metro Regional Transportation Functional Plan (RTFP). Title 4 of the RTFP addresses regional parking management, criteria for establishing variances from minimum and maximum parking ratios and provides authority to adopt parking policies, management plans and regulations for Town Centers. Riordan explained the City has adopted a policy to exempt non-residential uses on property zoned Town Center Core or Town Center Transition; however, the City has not adopted a policy for non-residential uses on property zoned Public/Institutional in the Town Center. Riordan noted the above-noted staff findings were not available at the Planning Commission hearing on December 16, 2019. In conclusion of the above-noted staff report, Riordan advised staff is recommending Council consider opening and closing the hearing this evening, which was postponed on January 27, 2020, and approve the proposed Order, as outlined in Exhibit A, noting the Order remands the Planning Commission to consider new information and staff findings.

Before proceeding with opening/closing the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Order No. 2020-02.

VanderZanden read Order No. 2020-02 by title.

MOTION: Councilor Uhing moved, seconded by Councilor Valfre, to approve Order No. 2020-02 Remanding to the Planning Commission for Further Consideration Re-Designation of Two City-Owned Parcels, Located at 2102 Pacific Avenue and 1919 Ash Street, from Public/Institutional to Town Center Transition; File No. 311-19-000028-PING.

Public Hearing Opened/Closed:

Mayor Truax opened the Public Hearing, which was postponed from the Council meeting of January 27, 2020, and closed the hearing on February 24, 2020.

Council Discussion:

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

ROLL CALL VOTE: AYES: Councilors Rippe, Uhing, Valenzuela, Valfre, Wenzl, and Mayor Truax. NOES: None. COUNCIL VACANCY: 1. MOTION CARRIED 6-0

by voice vote.

7. **RESOLUTION NO. 2020-24 TRANSFERRING APPROPRIATIONS WITHIN THE GENERAL FUND FOR CITY COUNCILOR TRAVEL EXPENDITURES FOR THE FISCAL YEAR 2019-20**

Staff Report:

Downey presented the above-noted resolution, noting the proposed resolution is to consider authorizing to transfer \$4,000 from the General Fund Contingency for City Councilor Travel Expenditures for the Fiscal Year 2019-2020. Downey reported the Council agreed to add an additional attendee to attend the National League of Cities (NLC) Conference 2020 in Washington, D. C., which is held in March, noting Councilor Rippe was recently appointed to the NLC committee. In conclusion of the above-noted staff report, Downey advised staff is recommending Council consider the proposed resolution as outlined in Exhibit A; otherwise, there is insufficient funding in FY2019-2020 adopted Legislative Conferences and Training budget.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2020-24.

VanderZanden read Resolution No. 2024-24 by title.

MOTION: Councilor Valfre moved, seconded by Councilor Uhing, to adopt Resolution No. 2020-24 Transferring Appropriations within the General Fund for City Councilor Travel Expenditures for the Fiscal Year 2019-20.

Council Discussion:

Uhing voiced concerns of using contingency to fund emergency travel expenditures in between budget cycles. Uhing added though she is supportive, she would like to propose that before the next budget cycle each councilor provide an explanation, justification of types of travel that were necessary, and end results to the city as a whole. In addition, Uhing noted there should also be a consistent message that is delivered and collectively agreed upon by Council not individually.

Wenzl voiced concerns of using contingency to fund additional travel when the current travel budget has been expended, noting she would prefer waiting until the next budget cycle. Wenzl added though she is supportive and appreciates the work towards the city having a voice, the request does not outweigh the importance of budgetary responsibility. In addition, Wenzl questioned why NLC could not at least pay for half or some of the registration costs when such short notice was received.

Valfre voiced support of using contingency funds for unanticipated requests and referenced a recent expenditure that was funded using contingency funds. Valfre concurred needing to prepare a realistic and transparent training budget and

increasing training budgets for Council and staff, noting the idea of attending training is that it allows having a voice and the ability to express opinions and provide leadership.

Mayor Truax reported on the purposes of having contingency funds and referenced other larger unanticipated expenditures that were vetted through the process. Mayor Truax advised the appointment to the NLC's Transportation and Infrastructure Services federal advocacy committee was unexpected, noting training can be viewed as an investment or as an expenditure. Mayor Truax noted this training as an investment provides opportunities of influences and expertise on transportation-related issues at-large and keeps the city informed. In addition, Mayor Truax proposed increasing the training budgets for Council and staff next budget cycle and concurred there needs to be better planning.

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

ROLL CALL VOTE: AYES: Councilors Uhing, Valenzuela, Valfre, and Mayor Truax. NOES: Councilor Wenzl. ABSTAINED: Councilor Rippe. COUNCIL VACANCY: 1. MOTION CARRIED 4-1.

8. RESOLUTION NO. 2020-25 OF THE CITY COUNCIL AUTHORIZING TO FILL A CITY COUNCIL VACANCY, TERM EXPIRING NOVEMBER 2022

Staff Report:

Ruggles and VanderZanden presented the above-proposed resolution for Council consideration, noting the proposed resolution is authorizing to fill a City Council vacancy, term expiring November 2022. VanderZanden reported the Council was notified of the death of Councilor Ronald Thompson on February 12, 2020, who passed away at home unexpectedly, noting City Charter § 31 declares a Council vacancy upon an incumbent's death. In addition, VanderZanden presented an overview of the Council vacancy appointment process by the remaining Council members, pursuant to Charter § 32, and application requirements outlined in City Code § 30.40-30.42. In conclusion of the above-noted staff report, VanderZanden advised staff is recommending Council consider approving the proposed resolution as outlined in Exhibit A, Legal Notice; Exhibit B, Projected Dates and Procedures for Filling City Council Vacancy by Appointment; and Exhibit C, Proposed Interview Questions, noting candidate application packets will be due to the City Recorder by Friday, March 27, 2020, 5:00 p.m.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2020-25.

VanderZanden read Resolution No. 2020-25 by title.

MOTION: Councilor Uhing moved, seconded by Councilor Wenzl, to adopt Resolution No. 2020-25 of the City Council Authorizing to Fill a City Council Vacancy, Term Expiring November 2022, as amended.

Council Discussion:

Council collectively concurred to amend the proposed interview questions, which were attached to the staff report, by renumbering the order of the interview questions so Question 3 is Question 1 and Question 4 is Question 2 (renumbering questions accordingly), to which Ruggles and VanderZanden concurred.

Council Discussion:

Hearing no further concerns from the Council, Mayor Truax asked for a voice vote on the above motion (amending proposed interview questions attached to the staff report).

VOICE VOTE: AYES: Councilors Rippe, Thompson, Uhing, Valfre, Wenzl, and Mayor Truax. COUNCIL VACANCY: 1. MOTION CARRIED 6-0.

9. CITY COUNCIL COMMUNICATIONS:

Rippe reported attending Public Safety Advisory Commission (PSAC) meeting, noting PSAC did not have a quorum so no official business was conducted; however, PSAC was able to review their draft bylaws. Rippe noted due to no quorum in March, PSAC will not meet again until April. Rippe reported Sister Cities Committee (SCC) is in the process of reviewing its bylaws, noting SCC is currently soliciting input from the Chamber and City. In addition, Rippe reported on legislated-related matters of interest and community-related meetings and events he attended and reported on upcoming meetings he was planning to attend.

Uhing reported she was reappointed to the Washington County Homeless Plan Advisory Committee. In addition, Uhing reported on upcoming meetings she was planning to attend.

Valenzuela reported Washington County Board of Commissioners plans to vote on the County's proposed Equity Resolution on February 25, 2020, 6:30 p.m., noting she encourages support of the resolution as diversity is one of the Council's objectives.

Valfre reported on Washington County-related matters of interest and community-related meetings and events he attended and reported on upcoming meetings he was planning to attend. In response to Valfre's inquiry pertaining to the Washington County Community Block Grant application for D Street project, VanderZanden noted the Public Works Director will be presenting the application on the city's behalf. In addition, Valfre reported on his personal out-of-state trip in March, noting he will be back in time for the Council Meeting in March.

Wenzl reported attending Parks and Recreation Commission (P&R) meeting, noting P&R heard presentations on Lincoln Park Jump Park Restoration Project and Pacific University's Softball Hitting Facility at Lincoln Park. Wenzl indicated she voiced concerns and push back on the proposed shared-use facility schedule for the softball hitting facility, noting Pacific University is planning to make a presentation to Council at a later date. Wenzl provided overall positive feedback from the Annual Boards and Commissions (B/C) Recognition Dinner and made suggestions, such as having award presentations at the beginning of the dinner and sharing responsibility of making the B/C introductions. In addition, Wenzl reported Committee for Community Involvement (CCI) meets in March and will be recapping its plans for the Annual Town Meeting, to which Council collectively concurred that CCI could set a proposed date and VanderZanden noted the police station video was being updated.

10. City Manager's Report:

VanderZanden reported on upcoming meetings and events as noted in the Council calendar. VanderZanden reminded Council to fill out the consultant's survey from the Council Retreat, noting the consultation has prepared a compilation of results for the Council Goals and Objectives Refinement Work Session scheduled on March 16, 2020. In addition, VanderZanden reported on various upcoming meetings and updates on department-related activities and projects.

11. MAYOR'S REPORT:

Mayor Truax announced dates of various upcoming activities, events and meetings as noted in the Council Calendar. Mayor Truax reported on legislative-related matters of interest. Mayor Truax noted he plans to testify as a citizen and advocate in favor of the Metro Council's proposed measure to fund housing services on the May 19, 2020, ballot. Mayor reported he plans to attend his first Historic Landmarks Board meeting as Council Liaison. 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.

12. ADJOURNMENT:

Mayor Truax recessed the regular Council meeting at 9:24 p.m. and announced Council would be reconvening in the conference room to conduct an Executive Session in accordance with ORS 192.660(2)(F) to consider information or records that are exempt by law from public inspection. The Council may return to open meeting to consider taking formal action on matters discussed in executive session.

1. RECONVENE REGULAR COUNCIL MEETING:

Mayor Truax reconvened the regular Council meeting at 9:41 p.m.

ROLL CALL: COUNCIL PRESENT: Timothy Rippe; Elena Uhing; Mariana

Valenzuela; Adolph “Val” Valfre; Malynda Wenzl; and Mayor Peter Truax. **COUNCIL VACANCY: 1.**

STAFF PRESENT: Jesse VanderZanden, City Manager; Ashley Driscoll, City Attorney; Paul Downey, Administrative Services; Henry Reimann, Interim Police Chief; Brenda Camilli, Human Resources Manager; and Anna Ruggles, City Recorder.

2. **DISTRICT ATTORNEY’S ORDER:**

Mayor Truax reported the purpose of Council reconvening the regular meeting at this time was to consider taking formal action on matters discussed in executive session.

Before proceeding with Council discussion, Mayor Truax asked for a motion to consider taking formal action on the District Attorney’s Order. [Petitions of Forest Grove/Hillsboro News-Times, District Attorney Order, dated February 21, 2020, decision regarding the public interest in due process letter and executive summary, ordering the City to release Exhibits 1, 4 (pages 1 to 3), 5, 6 and 7].

MOTION: Councilor Wenzl moved, seconded by Councilor Uhing, to Authorize City Staff to comply with the District Attorney’s Order, Petitions requesting documents from the City regarding former Police Chief Jane Schutz.

Council Discussion:

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

VOICE VOTE: AYES: Councilors Rippe, Uhing, Valenzuela, Valfre, Wenzl, and Mayor Peter Truax. COUNCIL VACANCY: 1. MOTION CARRIED 6-0.

3. **ADJOURNMENT:**

Mayor Truax adjourned the regular Council meeting at 9:43 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder