



*A place where families and businesses thrive.*

**Monday, June 8, 2020**

**City Council Regular Meeting Minutes**

**7:00 p.m., Webex Community Auditorium**

***Minutes are unofficial until approved by Council.  
Council approved minutes as presented July 13, 2020.***

**1. CALLED TO ORDER AND ROLL CALL:**

Mayor Peter Truax called the regular City Council meeting to order at 7:00 p.m. via Webex Video Conference.

**COVID-19:** Due to the emergency declaration resulting from COVID-19 (Coronavirus disease) and protocols, the City Council limited in-person contact and social distancing. **The City Council conducted the Council meeting remotely by video conferencing.** The meeting was remotely video conferenced by Fire Chief Kinkade and City Recorder Ruggles and televised live from the projector screen at the Community Auditorium by Tualatin Valley Community Television (TVCTV) Government Access Programming LIVE Channel 30 and Live Streamed on MACC TVCTV YouTube Channel 30. The public was allowed to attend and observe in the Community Auditorium as space allowed. The Council accepted written comments on items not on the agenda submitted by June 8, 2020, 3pm, to the City Recorder.

**ROLL CALL: COUNCIL PRESENT ATTENDED BY WEBEX REMOTELY:** Kristy Kottkey; Timothy Rippe; Mariana Valenzuela; Adolph “Val” Valfre; Malynda Wenzl, Council President; and Mayor Peter Truax. **COUNCIL ABSENT:** Elena Uhing, excused.

**STAFF PRESENT ATTENDED BY WEBEX REMOTELY:** Jesse VanderZanden, City Manager (Webex remotely); Paul Downey, Administrative Services Director (Webex remotely); Bryan Pohl, Community Development Director (Webex remotely); Henry Reimann, Interim Police Chief (Webex remotely); Gregory Robertson, Public Works Director (Webex remotely); Michael Kinkade, Fire Chief (in the Community Auditorium); and Anna Ruggles, City Recorder (in the Community Auditorium).

**2. CITIZEN COMMUNICATIONS:**

No written comments were received.

**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 Executive Session (City Manager Performance Evaluation) Meeting Minutes of May 26, 2020.
- B. Approve City Council Executive Session (Labor Negotiations) Meeting Minutes of May 26, 2020.
- C. Approve City Council Work Session (Communication Plan Inventory) Meeting Minutes of May 26, 2020.
- D. Approve City Council Regular Meeting Minutes of May 26, 2020.
- E. Community Development Department Monthly Building Activity Informational Report for May 2020.
- F. **RESOLUTION NO. 2020-52 MAKING APPOINTMENTS TO ECONOMIC DEVELOPMENT COMMISSION (EDC) (APPOINTING JILL CRAIG, URBAN DECANter, DOWNTOWN RETAIL BUSINESS, TERM EXPIRING DECEMBER 31, 2023; AND RICHARD LAFAVE, RDF & P, INC., SMALL MANUFACTURER, TERM EXPIRING DECEMBER 31, 2023).**

**MOTION:** Council President Wenzl moved, seconded by Councilor Rippe, to approve the Consent Agenda as presented. **ROLL CALL VOTE:** AYES: Councilors Kottkey, Rippe, Valenzuela, Valfre, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing. **MOTION CARRIED 6-0.**

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

5. **PRESENTATIONS:**

5. A. **Get Moving 2020**

Tyler Frisbee, Metro Transportation Policy and Federal Affairs Manager (attended via Webex remotely), and Juan Carlos Gonzalez, Metro Councilor District 4 (attended via Webex remotely), presented a PowerPoint presentation overview titled "Get Moving 2020", the proposed regional transportation investment measure, noting Metro Council will be considering referring a transportation funding packet on the November 2020 ballot. Frisbee presented slides showing the draft plan and the 16 investment corridors, noting Washington County investments include TV Highway (Council Creek Trail from Hillsboro to Forest Grove), SW 185<sup>th</sup>, Burnside, and Highway 217 and Pacific Highway 99W. In conclusion of the above-noted presentation, Frisbee and Gonzalez addressed various Council concerns pertaining to the need to make drastic improvements in specific areas in Forest Grove along TV Highway that currently lacked safety improvements, noting Forest Grove will see investments along TV Highway extending to Quince Street (Highway 47 intersection).

**5. B. COVID-19 (Coronavirus disease) Update**

Fire Chief Kinkade presented a PowerPoint presentation overview pertaining to COVID-19 Response Update, which was updated in the Council packet. Chief Kinkade presented updates on the Situation Report (800 (25 new) cases in Washington County, 18 deaths; State total is 4,922; 164 deaths statewide); Essential Needs for Forest Grove, Cornelius and Gaston; Community Emergency Outreach (community members may call 2-1-1 for emergency needs); and Food Bank Support. Kinkade noted an outbreak of seven cases was reported on May 31, 2020, at Chaucer Foods. In addition, Kinkade and VanderZanden reported on the following current efforts:

- **City Hall Reopening Plan:** In accordance with the reopening guidelines, City Hall opened on June 1. All public counters re-opened June 8, except the Library and Aquatic Center, which remain closed at this time. In addition, Kinkade reported the July 4<sup>th</sup> fireworks display will be held at an undisclosed location, noting the Fire Association is accepting donations.
- **Public Meetings:** Recommendation that only essential Boards and Commissions meet virtually through the month of June.
- **City Council Meetings:** Wenzl asked if Council should be conducting an in-person meeting for the June 22, 2020, Council meeting, voicing concerns that Council should be accessible to the public and providing opportunities for the public to address Council in-person. Kinkade advised conducting in-person or virtual meetings is at Council's discretion, noting social distancing protocols are in place. Mayor Truax concurred carrying over the discussion under Council Communications.
- **Small Business Outdoor Expansion Permit:** Pohl reported the program is to support small businesses in Forest Grove and to aid in social distancing. The City's Engineering Department is temporarily expanding its existing Location Permit (Permitted uses of the Public Way). The permit will allow small businesses to expand into one adjacent public parking stall for dining and retail sales Thursday through Sunday evenings from 5:00 p.m. to 10:00 p.m. from now until September 30, 2020. The program guidelines and application requirements are published on the City's website. The permit already allows for outdoor dining and other retail uses on sidewalks as long as access is retained for pedestrians. There is no fee associated with this permit.

**6. CONTINUE PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 2020-03 VACATING 19<sup>TH</sup> PLACE RIGHT-OF-WAY EAST OF POPLAR STREET; APPLICANT: JT SMITH COMPANIES; FILE NO. 311-20-000014-PLNG**

The first reading of Ordinance No. 2020-03 by title occurred at the Council meeting of May 26, 2020.

**Staff Report:**

Pohl presented the above-proposed ordinance for second reading, noting written testimony submitted by the Applicant's attorney (refer below) was distributed to Council prior to the hearing. Pohl had nothing further to report.

**Public Hearing Continued:**

Mayor Truax continued the Public Hearing from the meeting of May 26, 2020, and explained hearing procedures.

**Written Testimony Received:**

Michael Robinson, Schwabe Williamson & Wyatt, representing the Applicant, submitted a letter dated June 5, 2020, responding to traffic issues raised in the May 15, 2020, letter from Wauna Credit Union. Robinson stated that the evidence shows that the proposed development will not negatively impact Wauna Credit Union and traffic issues are not relevant to the street vacation decision, but is instead related to the Development Review Application scheduled to be heard by the Planning Commission on July 6, 2020.

No other written testimony was received.

**Proponents:**

No one testified and no other 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 May 26, 2020.

VanderZanden read Ordinance No. 2020-03 by title for second reading.

**ROLL CALL VOTE: AYES: Councilors Kottkey, Rippe, Valenzuela, Valfre, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing. MOTION CARRIED 6-0.**

7. **RESOLUTION NO. 2020-53 AUTHORIZING CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN WASHINGTON COUNTY, OREGON, AND CITY OF FOREST GROVE, OREGON, RELATING TO CONTRACT LAW ENFORCEMENT SERVICES (AMENDMENT NO. 1)**

**Staff Report:**

Interim Police Chief Reimann presented the above-proposed resolution for Council consideration, noting the resolution is authorizing the City Manager to execute an amendment to the Intergovernmental Agreement (IGA) between the Washington County and City of Forest Grove, relating to providing law enforcement services in Forest Grove, between the hours of 3:00 a.m. to 7:00 a.m., seven days a week, which went into effect November 17, 2019, and is set to expire June 30, 2020 (pursuant to Resolution No. 2019-57). Reimann reported the Forest Grove Police Department is still currently experiencing vacancies and the IGA will allow the department to collaborate with Washington County for services during the hours noted above. In conclusion of the above-noted staff report, Reimann advised staff is recommending Council consider approving extending the IGA for a minimum of 30 days and no longer than 90 days as outlined in Exhibit A, noting a contingency transfer of up to \$35,000 in the General Fund is anticipated if expenses are exceeded for the duration of the proposed IGA.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2020-53

VanderZanden read Resolution No. 2020-53 by title.

**MOTION:** Councilor Valfre moved, seconded by Councilor Rippe, to approve Resolution No. 2020-53 Authorizing City Manager to Execute an Intergovernmental Agreement (IGA) between Washington County, Oregon, and City of Forest Grove, Oregon, Relating to Contract Law Enforcement Services (Amendment No. 1).

**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 Kottkey, Rippe, Valenzuela, Valfre, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing. MOTION CARRIED 6-0.

8. **RESOLUTION NO. 2020-54 AUTHORIZING CITY MANAGER TO EXECUTE AN**

**INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN WASHINGTON COUNTY, OREGON, AND CITY OF FOREST GROVE, OREGON, FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (AMENDMENT NO. 1)**

**Staff Report:**

Robertson presented the above-proposed resolution for Council consideration, noting the proposed resolution is authorizing the City Manager to execute an amendment to the Intergovernmental Agreement (IGA) between the Washington County and City of Forest Grove for continued partnership in the Community Development Block Grant (CDBG) Program. Robertson reported the City entered into a three-year IGA with Washington County for CDBG Program Fiscal Years 2015-2017 (Contract No. 14-0622) with an automatic renewal clause which allows the City to continue into effect should there be no changes required by the U.S. Department of Housing and Urban Development (HUD), noting HUD's recent guidance on urban requalification has been reviewed and there were minor revisions required by HUD. In conclusion of the above-noted staff report, Robertson advised staff is recommending Council consider approving the proposed IGA, noting the amendment allows the City to enter into a new three-year IGA with Washington County for CDBG Program Fiscal Years 2021-2023.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2020-54.

VanderZanden read Resolution No. 2020-54 by title.

**MOTION:** Council President Wenzl moved, seconded by Councilor Valfre, to approve Resolution No. 2020-54 Authorizing City Manager to Execute an Intergovernmental Agreement (IGA) Amendment No. 1 between Washington County, Oregon, and City of Forest Grove, Oregon, for Community Development Block Grant Program (Fiscal Years 2021-2023).

**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 Kottkey, Rippe, Valenzuela, Valfre, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing. MOTION CARRIED 6-0.

- 9. RESOLUTION NO. 2020-55 AUTHORIZING THE CITY OF FOREST GROVE (CITY) TO COMMENCE NEGOTIATIONS TO ADD PARTICIPATION IN THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS) FOR NEWLY HIRED GENERAL**

**EMPLOYEES AND GENERAL EMPLOYEES PARTICIPATING IN THE CITY'S DEFINED CONTRIBUTION PLAN**

**Staff Report:**

Downey presented the above-proposed resolution for Council consideration, noting the proposed resolution is authorizing staff to commence negotiations to participate in the Public Employees Retirement System (PERS) for newly hired general employees and general employees participating in the City's Defined Contribution Plan. In conclusion of the above-noted staff report, Downey advised staff is recommending Council consider approving the proposed resolution as outlined in Exhibit A, noting as part of the process, PERS requires that the Council take formal action to notify PERS of the City's intent to negotiate a coverage agreement. The resolution also authorizes the City Manager to execute the coverage agreement after final review and approval of the City Attorney. If required, staff will bring back the coverage agreement to Council for final approval.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2020-55.

**MOTION: Councilor Rippe moved, seconded by Councilor Valfre, to approve Resolution No. 2020-55 Authorizing the City of Forest Grove (City) to Commence Negotiations to Add Participation in the Public Employees Retirement System (PERS) for Newly Hired General Employees and General Employees Participating in the City's Defined Contribution Plan.**

**Council Discussion:**

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

**ROLL CALL VOTE: AYES: Councilors Kottkey, Rippe, Valenzuela, Valfre, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing. MOTION CARRIED 6-0.**

10. **RESOLUTION NO. 2020-56 MAKING CITY COUNCIL LIAISON APPOINTMENTS TO ADVISORY BOARDS, COMMITTEES, AND COMMISSIONS AND OTHER REPRESENTATIVE APPOINTMENTS AND REPEALING RESOLUTION NO. 2020-12**

**Staff Report:**

Mayor Truax presented the above-proposed resolution for Council consideration, noting the proposed resolution is making the following Council Liaison appointments: Kottkey is assigned to the Community Forestry Commission and Mayor Truax is

assigned to Forest Grove Senior and Community Center. In conclusion of the above-noted report, Mayor Truax advised he is recommending Council consider approving the proposed resolution as outlined in Exhibit A.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2020-56.

**MOTION: Councilor Rippe moved, seconded by Councilor Wenzl, to approve Resolution No. 2020-56 Making City Council Liaison Appointments to Advisory Boards, Committees, and Commissions and Other Representative Appointments and Repealing Resolution No. 2020-12.**

**Council Discussion:**

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

**ROLL CALL VOTE: AYES: Councilors Kottkey, Rippe, Valenzuela, Valfre, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing. MOTION CARRIED 6-0.**

11. **RESOLUTION NO. 2020-57 AMENDING THE CITY OF FOREST GROVE'S DECLARATION OF STATE OF EMERGENCY, EFFECTIVE MARCH 14, 2020, AT 1:00 P.M., TO BE EXTENDED AND REMAIN IN EFFECT UNTIL 8:00 P.M. ON JUNE 22, 2020, UNLESS SUPERSEDED SOONER; AMENDING RESOLUTION NO. 2020-51**

**Staff Report:**

Mayor Truax presented the above-proposed resolution for Council consideration, noting the resolution is extending the duration of the City's emergency declaration that went into effect March 14, 2020, through April 13, 2020; extended through April 30, 2020 (first time); extended to May 11, 2020 (second time); extended to May 31, 2020 (third time); extended to June 8, 2020 (fourth time) and now being extending to remain in effect until 8:00 p.m. June 22, 2020 (fourth time), unless superseded sooner. Mayor Truax advised he hopes this will be the last extension; however, he will remain in compliance with the Governor's State of Emergency and extend the City's declaration if needed due to COVID-19.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2020-57.

VanderZanden read Resolution No. 2020-57 by title.

**MOTION:** Council President Wenzl moved, seconded by Councilor Rippe, to approve Resolution No. 2020-57 Amending the City of Forest Grove's Declaration of State of Emergency, Effective March 14, 2020, at 1:00 P.M., to be Extended and Remain in Effect Until 8:00 P.M. on June 22, 2020, Unless Superseded Sooner; Amending Resolution No. 2020-51.

**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 Kottkey, Rippe, Valenzuela, Valfre, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing. MOTION CARRIED 6-0.

**12. COUNCIL COMMUNICATIONS:**

Kottkey reported stopping by the Black Lives Matter demonstration at the flag pole while out jogging, noting she is proud of the police department and it gives her hope. Kottkey echoed comments heard, especially Rippe's comments below.

Rippe reported attending the Black Lives Matter demonstration at the flag pole. Rippe voiced concerns pertaining to Race/Color discrimination, noting he would like to participate in establishing civil discourse with the appropriate stakeholders. In addition, Rippe reported the Economic Development Commission is planning to meet virtually on June 18, 2020. Rippe reported attending various regional-related virtual meetings.

Uhing was absent.

Valenzuela commended the community, colleagues, students and police officers for showing support at the Black Lives Matter demonstration at the flag pole. Valenzuela voiced concerns pertaining to the need of having more accountability and consequences for action.

Valfre reported attending the Black Lives Matter demonstration at the flag pole. Valfre voiced concerns pertaining to recognizing systematic inequalities. In addition, Valfre reported attending various regional-related virtual meetings.

Wenzl voiced concerns pertaining to racial injustices, noting people are looking at the City for leadership and acknowledgement of the demonstrators as well as responsibility and accountability for transparency. Wenzl noted there is work that has to be part of the budget process for human equality. In addition, Wenzl reminded everyone of Proud Month, which takes place in June, noting that riots change laws.

**13. City Manager's Report:**

VanderZanden addressed the Black Lives Matter demonstration, noting he attended the demonstration, which was a peaceful protest, and he spoke with organizers about including them in the new police chief's hiring process. VanderZanden reported a new Business Recovery Center (BRC) will open in Forest Grove on Wednesday, June 17, at Adelante Mujeres, 2030 Main Street, noting the BRC is intended to serve as a "one-stop" location for area businesses to access resources to mitigate COVID-19 impacts and assist with economic recovery in accordance with re-opening guidelines of the State. In addition, VanderZanden reported on various department-related activities and projects, noting City Hall has re-opened all public counters, except the Library and Aquatic Center, which remain closed at this time.

**14. MAYOR'S REPORT:**

Mayor Truax reported attending the Black Lives Matter demonstration at the flag pole. Mayor Truax commended Interim Police Chief Riemann's attendance and Forest Grove police officers who brought bottled water for the demonstrators. Mayor Truax announced dates of importance as noted in the Council Calendar, noting Council Candidacy Election Packets are available now at the City Recorder's Office, during business hours, or online on the City's website. Filing period is no earlier than 9:00 a.m., July 6, 2020 (120-days before election) and no later than 5:00 p.m., August 25, 2020 (70-days before election). On November 3, 2020, General Election, citizens of Forest Grove will vote to fill three City Councilor positions (seats currently held by Councilors Timothy Rippe, Adolph "Val" Valfre, Jr., and Elena Uhing who are eligible for re-election). In addition, Mayor Truax reported on various county and regional-related matters of interest. In conclusion, Mayor Truax read his Mayor's Message, which was published on the City's website.

**City Council Meetings:**

Mayor Truax opened the floor and roundtable discussion ensued as Council discussed whether to meet in-person or virtually for the June 22, 2020, Council meeting. Mayor Truax advised that he acknowledges the need to get back to conducting Council meetings in-person, noting he prefers meeting face-to-face as he struggles with meeting virtually and acknowledging Council's presence; however, Mayor Truax also recognized that a number of Councilors have indicated vulnerabilities and preferred attending virtually, to which Kottkey, Rippe and Valfre preferred meeting virtually as long as possible. In conclusion of the Council roundtable discussion, Council collectively concurred to meet virtually for the June 22, 2020, Council meeting.

15. **ADJOURNMENT:**

Mayor Truax adjourned the regular Council meeting at 9:21 p.m.

Respectfully submitted,

*Anna D. Ruggles*

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Anna D. Ruggles, CMC, City Recorder