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Monday, May 11, 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 May 26, 2020.***

1. CALLED TO ORDER AND ROLL CALL:

Mayor Peter Truax called the regular City Council meeting to order at 7:05 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 (no more than 10 persons total at one time). The Council accepted written comments on items not on the agenda submitted by May 11, 2020, 3pm, to the City Recorder.

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

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); James Reitz, Senior Planning (Webex remotely); Dan Riordan, Senior Planner (Webex remotely); Michael Kinkade, Fire Chief (in the Community Auditorium); and Anna Ruggles, City Recorder (in the Community Auditorium).

1. A. IF I WERE MAYOR CONTEST:

Mayor Truax announced the 2020 “*If I Were Mayor Student Contest*” participants as noted below (winner in bold):

- Poster (grades 4-5): **Emily Jack** (via Webex)
- Essay (grades 6-8): **Jessica Jack** (via Webex)
Payton Edwards
- Video/PowerPoint (high school/college): No entries

Each participant received a cash prize from the City of Forest Grove. The winners at the state level will be announced during the Oregon Mayors Association Summer Conference to be tentatively held August, 2020.

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 Regular Meeting Minutes of April 27, 2020.

B. **PROCLAMATION NATIONAL HISTORIC PRESERVATION MONTH MAY 2020.**

C. **PROCLAMATION NATIONAL PUBLIC WORKS WEEK MAY 17 – 23, 2020.**

MOTION: Councilor Valfre moved, seconded by Councilor Wenzl, to approve the Consent Agenda as presented. ROLL CALL VOTE: AYES: Councilors Kottkey, Rippe, Uhing, Valenzuela, Valfre, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

4. ADDITIONS/DELETIONS: None.

5. PRESENTATIONS:

5. A. 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 (587 confirmed cases in Washington County, 13 deaths); Essential Needs for Forest Grove, Cornelius and Gaston; Community Emergency Outreach (community members may now call 2-1-1 for emergency needs); Food Bank Support and Current Food Bank Locations; and Reopening Plan, which the City's reopening plan is in process and Washington County Board of Directors is reviewing the County's reopening plan. Mayor Truax gave an update on COVID-19 cases reported by Zip Code Tracker, noting Forest Grove had 55 cases reported. Mayor Truax voiced concern the Latino population is being considerably affected by the virus. In addition, Mayor Truax gave an overview of Washington County's reopening plan and business-related requirements, noting Contact Tracing will require Washington County to hire 90 employees. Washington County is aiming to be approved by the Governor's Office for Phase 1 reopening by

early to mid-June. The County must meet the Governor's seven reopening prerequisites.

5. B. Historic Landmarks Annual Report

Holly Tsur, Historic Landmarks Board (HLB) Chair, gave an overview of the HLB's 2019 Annual Report and 2020 Work Plan as well as community outreach efforts and Historic Preservation Grant Program efforts and funding needs, which were referenced in the annual report. In addition, Tsur addressed various Council inquiries pertaining to tracking the statistics of grants awarded (equitable funding, i.e., add an optional Ethnicity box to grant application) and providing City funding to B/C for translation of program-related information in multiple languages, to which Council collectively concurred.

6. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2020-02 AMENDING FOREST GROVE CODE OF ORDINANCES, TITLE III (ADMINISTRATION), CHAPTER 35 (CITY ORGANIZATIONS), §35.065 THROUGH §35.070, RELATING TO AMENDING HISTORIC LANDMARKS BOARD BYLAWS

Staff Report:

Reitz presented the above-proposed ordinance for first reading, noting the proposed ordinance is amending City Code, Chapter 35, §35.065 through §35.070, relating to amending Historic Landmarks Board (HLB) Bylaws. Reitz reported HLB reviewed and combined its existing bylaws to conform to the new bylaw template, noting HLB is not proposing any new changes. In conclusion of the above-noted staff report, Reitz advised staff is recommending Council consider approving the proposed resolution as outlined in Exhibit A, noting HLB approved the proposed bylaws at its meeting on January 28, 2020.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2020-02 for first reading.

VanderZanden read Ordinance No. 2020-02 by title for first reading.

MOTION: Council President Wenzl moved, seconded by Councilor Valfre, to adopt Ordinance No. 2020-02 Amending Forest Grove Code of Ordinances, Title III (Administration), Chapter 35 (City Organizations), §35.065 through §35.070, Relating to Amending Historic Landmarks Board Bylaws.

Public Hearing Opened:

Mayor Truax opened the Public Hearing 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.

Council Discussion:

None.

Public Hearing Continued:

Hearing no concerns from the Council, Mayor Truax continued the Public Hearing to May 26, 2020.

7. RESOLUTION NO. 2020-43 AUTHORIZING CITY MANAGER TO SUBMIT THE FOREST GROVE DOWNTOWN HISTORIC DISTRICT NOMINATION TO THE STATE ADVISORY COMMITTEE ON HISTORIC PRESERVATION

Staff Report:

Reitz presented the above-proposed resolution for Council consideration, noting the above-proposed resolution is authorizing the City Manager to submit the Forest Grove Downtown Historic District Nomination to the State Advisory Committee on Historic Preservation. Reitz reported the Historic Landmarks Board (HLB) is pursuing establishing the City's fourth National Register Historic District. Reitz provided an overview of criteria required to form a district and background research conducted and presented a map outlining the boundary of the proposed district (39 tax lots), noting the boundary was expanded to include the area north of 21st Avenue between Main Street and College Way, as requested by Council at its meeting held on January 14, 2019, and at which time, Council supported submitting the grant application to the State Historic Preservation. In addition, Reitz reported HLB hosted an open house for property owners within the proposed district area, noting all who attended expressed support of the nomination. In addition, staff has mailed periodic updates to all property owners within the proposed district and has received positive comments. In conclusion of the above-noted staff report, Reitz advised staff is recommending Council consider adopting the proposed resolution as outlined in Exhibit A, noting there is no fiscal impact by submitting the nomination application. In addition, Holly Tsur, Historic Landmarks Board Chair, encouraged Council to support the submittal of the Forest Grove Downtown Historic District Nomination to the State Advisory

Committee on Historic Preservation.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2020-43.

VanderZanden read Resolution No. 2020-43 by title.

MOTION: Councilor Rippe moved, seconded by Councilor Uhing, to approve Resolution No. 2020-43 Authorizing City Manager to Submit the *Forest Grove Downtown Historic District* Nomination to the State Advisory Committee on Historic Preservation.

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, Uhing, Valenzuela, Valfre, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

8. **RESOLUTION NO. 2020-44 SUPPORTING CITY REQUEST FOR GRANT FUNDING RELATED TO HB 2001 TO RESOLVE INFRASTRUCTURE FUNDING DEFICIENCIES IN THE WESTSIDE PLANNING AREA AND TO SUPPORT NEEDED HOUSING**

Staff Report:

Riordan presented the above-proposed resolution for Council consideration, noting the above-proposed resolution is supporting a request for grant funding to resolve infrastructure funding deficiencies in the Westside Planning Area and to support needed housing. Riordan referenced the Funding Request (Attachment A) and Application for Planning Assistance Grants 2019-2021 (Attachment B), noting the Oregon legislature allocated funding, through the Department of Land Conservation and Development (DLCDC), for implementation of HB 2001 (2019) and HB 2003 (2019). Both bills address middle housing types (duplex, triplex, four-plex and cottage clusters) and housing production strategies. Riordan reported staff is proposing a project that will address infrastructure needs and funding deficiencies in the Westside Planning Area, which includes David Hill area inside the urban growth boundary west of Thatcher Road and north of Watercrest Road and the area north of David Hill road west of Highway 47 and east of Thatcher Road (also known as the “Purdin Road” area). The project as proposed supports the following City Council Objectives for FY 2020-2021:

- Objective 2.1: Evaluate scalable system development charges (SDCs);
- Objective 2.5: Evaluate recommendations from the City’s Housing Needs

- Analysis; and
- Objective 5.5: Refine Westside Plan Financial Plan.

In conclusion of the above-noted staff report, Riordan advised staff is recommending Council consider approving the proposed resolution as outlined in Exhibit A, noting the estimated project cost based on the initial project scope of work is \$69,990 and includes \$56,000 in requested grant funds and \$13,990 in City in-kind match. If a grant is awarded, the grant funds will be used for consulting assistance.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2020-44.

VanderZanden read Resolution No. 2020-44 by title.

MOTION: Councilor Uhing moved, seconded by Councilor Valfre, to approve Resolution No. 2020-44 Supporting City Request for Grant Funding related to HB 2001 to Resolve Infrastructure Funding Deficiencies in the Westside Planning Area and to Support Needed Housing.

Council Discussion:

In response to Valfre's inquiry pertaining to the project timeline, Riordan concurred that it was an aggressive timeline but doable, noting it depends on how soon the DLCD awards the grant. Valfre commended staff for the project selection, noting the project is looking at scalable system development charges, which he noted has been long overdue.

In response to Rippe's inquiry pertaining to the house production strategy, Riordan referred to the project evaluation criteria and Housing Need Analysis, noting the DLCD is looking to create a prototype house production model that jurisdictions can adopt.

In response to Valenzuela's inquiry pertaining to how equity is reflected in the project, Riordan explained equity pertains to system development charges in the Westside Planning Area, noting the City is interested in expanding the supply of affordable housing options by supplementing (aligning) system development charges with expected system impacts given dwelling type and size and area.

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

ROLL CALL VOTE: AYES: Councilors Kottkey, Rippe, Uhing, Valenzuela, Valfre, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

9. **RESOLUTION NO. 2020-45 ADOPTING CITY MANAGER PERFORMANCE REVIEW CRITERIA AND REPEALING RESOLUTION NO. 2019-21**

Staff Report:

Mayor Truax presented the above-proposed resolution, noting pursuant to the City Manager's Employment Agreement, Section 6, Council must evaluate the City Manager's annual performance and establish the performance review criteria in an open meeting. Mayor Truax referenced Attachment A, City Manager Performance Review Process and Target Dates, and Attachment B, Draft Memorandum to Department Directors, noting no changes are proposed to the current performance review criteria. In addition, Mayor Truax advised Council will hear the City Manager's self-evaluation and review the compiled responses and comments with the City Manager in Executive Sessions tentatively scheduled for May 26 and June 22, 2020, noting after concluding the performance appraisal in the Executive Session scheduled for July 13, 2020, Council will return in an open meeting to give a summary of the City Manager's performance appraisal.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2020-45.

MOTION: Council President Wenzl moved, seconded by Councilor Valfre, to approve Resolution No. 2020-45 Adopting the City Manager Performance Review Criteria and Repealing Resolution No. 2019-21.

Council Discussion:

In response to Wenzl's inquiry pertaining to providing additional instructions to newly-appointed Councilors, Mayor Truax advised the instructions will be further discussed in the upcoming first executive session. Ruggles added she will include the instructions in her e-mail to Council along with the performance evaluation form.

Kottkey noted that she was provided information about the City Manager performance evaluation process during her orientation.

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

ROLL CALL VOTE: AYES: Councilors Kottkey, Rippe, Uhing, Valenzuela, Valfre, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

10. **RESOLUTION NO. 2020-46 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 MAY 31, 2020, UNLESS SUPERSEDED SOONER; AMENDING RESOLUTION NO. 2020-41

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), and now being extending to remain in effect until 8:00 p.m. May 31, 2020 (third 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. 2020-46.

VanderZanden read Resolution No. 2020-46 by title.

MOTION: Council President Wenzl moved, seconded by Councilor Uhing, to approve Resolution No. 2020-46 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 May 31, 2020, Unless Superseded Sooner; Amending Resolution No. 2020-41.

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, Uhing, Valenzuela, Valfre, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

11. COUNCIL COMMUNICATIONS:

Kottkey reported she completed her department orientation. Kottkey highlighted a newsletter she worked on as a way to improve communication with her neighborhood residents, noting she e-mailed a copy of the newsletter to Council. Kottkey suggested scheduling a Council work session topic to discuss the general need of finding different ways to connect with the community, noting it complies with Council Goal 1 (support diversity, equity and inclusion in the delivery of city services and operations) and Goal 4 (improve internal and external communications and engagement), to which Mayor Truax concurred discussing the topic at a later.

Rippe reported attending League of Oregon Cities (LOC) committee-related virtual meetings, noting LOC is working on the 2021 legislative agenda, which will be distributed sometime in June. In addition, Rippe reported attending a variety of community-related virtual meetings.

Uhing reported on an online course that is being offered for Contract Tracing for job employment certification. Uhing noted although there is concerns regarding COVID-19 zip code information targeting ethnicity, she hopes the county will continue identifying which communities need support based on zip codes. Uhing concurred it was imperative that Council support funding during the budget process to have a communication plan that supports languages in order to communicate with all ethnicities within the community. In addition, Uhing stressed the urgent need of planning and being prepared for fall/winter emergency efforts, i.e., connecting with local farmers for food sources. Mayor Truax advised a Community Enhancement Program Impact Grant was recently awarded for a three-year commitment to the winter shelter.

Valenzuela thanked Mayor Truax for mentioning the report that is tracking COVID-19 cases and is impacting the Latino community, pointing out the immense contribution the Latino community provides to the State of Oregon. Valenzuela's message was that she hopes that tracking COVID-19 cases by zip code will bring awareness and appreciation, and not fear and anxiety, to the Latino community who have been in the states for so many years providing essential services, such as food sources, and who do not have the privilege of working from home.

Valfre reported attending League of Oregon Cities committee-related virtual meetings as well as other community-related virtual meetings. Valfre concurred it was imperative that Council support funding during the budget process to have a Communication Plan that supports languages in order to communicate with all ethnicities within the community. In addition, Valfre reported on upcoming meetings he was planning to attend.

Wenzl concurred with the communication topic and advised Kottkey to discuss the topic with the City Manager during her one-on-one meeting. Wenzl noted the Chamber is encouraging to support small eatery businesses. Wenzl reported the Forest Grove School District is considering participating in the CARES Act and furloughing five work days, noting the importance of message the District hopes the community hears is the reason is to save the District money this school year. In addition, Wenzl stressed that it is imperative the City be at the table when Washington County is discussing how to split the CARES Act funding with local jurisdictions.

12. City Manager's Report:

VanderZanden presented the City Manager's Report, dated May 11, 2020, noting the City's Situation Report is being updated frequently and published in English and Spanish. A draft reopening plan is being reviewed for a potential of a partial opening in late May-early June. The city has installed Plexiglas at all public counters and dividers to separate work stations to assure physical distance, self-monitoring practices, and workplace guidelines. Municipal Court counter will reopen on May 11 to patrons by appointment only. It will open again on May 20 with a smaller court session. City Hall will open for court patrons only. Planning Commission will hold a virtual meeting on May 18 and Budget Committee will hold a virtual meet on May 28, 2020. Other Boards and Commissions may meet virtually in May on an as-needed basis. VanderZanden advised Council has an upcoming work session scheduled to discuss the Communication Plan and at the budget process, Council will hear about the City's plans for translation services. VanderZanden recapped the City's outreach efforts and participation with Washington County and various community groups regarding the \$104 million in CARES Act money related to COVID-19 expenses incurred in Washington County, noting cities and partners have expressed an interest in establishing a collaborative framework to disseminate the monies for COVID-19 related expenses. VanderZanden noted the City is tracking all of its COVID-19 related expenses and staff time for the purposes of seeking reimbursement. In addition, VanderZanden reported on various department-related activities and projects as outlined in the activity report.

13. MAYOR'S REPORT:

Mayor Truax provided further insight regarding Washington County receiving \$104 million in CARES Act money related to COVID-19 expenses incurred in Washington County, noting the County has yet to determine what the split formula will be for local jurisdictions. Mayor Truax stressed some of the monies are supposed to flow to local jurisdictions to help with COVID-19 response needs. Mayor Truax also voiced concerns of the economic impact of COVID-19 pandemic as well as the health inequities. In addition, Mayor Truax reported on various county and regional-related matters of interest.

14. ADJOURNMENT:

Mayor Truax adjourned the regular Council meeting at 9:16 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder