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City Council Regular Meeting Minutes
Work Session (Plastic Bag Ban)
Work Session (Marijuana Regulations)

Monday, February 8, 2016
7:00 p.m., Community Auditorium

Minutes are unofficial until approved by Council.
Council approved minutes as presented February 22, 2016.

1. CALLED TO ORDER AND ROLL CALL:

Mayor Peter Truax called the regular City Council meeting to order at 7:05 p.m. and led the Pledge of Allegiance.

ROLL CALL: COUNCIL PRESENT: Thomas Johnston, Council President; Richard Kidd; Victoria Lowe; Ronald Thompson; Malynnda Wenzl; and Mayor Peter Truax.

COUNCIL ABSENT: Elena Uhing, excused.

STAFF PRESENT: Jesse VanderZanden, City Manager; George Cress, Light and Power Director; Paul Downey, Administrative Services Director; Rob Foster, Public Works Director; Michael Kinkade, Fire Chief; Derek Robbins, Project Engineer; 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 (B&C Interviews) Meeting Minutes of January 25, 2016.
- B. Approve City Council Work Session (Not-For-Profit Contribution) Meeting Minutes of January 25, 2016.
- C. Accept Historic Landmarks Board Meeting Minutes of December 15, 2015.
- D. Community Development Monthly Building Activity Report for January 2016.
- E. Library Quarterly Statistics Report for FY 2015-16 (Nov–Dec 2015).
- F. **Endorse New Liquor License Application (Full On-Premises Sale) for New Chinese Cuisine, 1927 Main Street (Applicant: Weiming Chen).**
- G. **RESOLUTION NO. 2016-09 MAKING APPOINTMENT TO COMMITTEE FOR CITIZEN INVOLVEMENT (Appointing MJ Guidetti-Clapshaw, Term Expiring January 31, 2020).**
- H. **RESOLUTION NO. 2016-10 MAKING APPOINTMENT TO COMMUNITY**

- FORESTRY COMMISSION (Appointing Michael Howell, Term Expiring December 31, 2016).**
- I. **RESOLUTION NO. 2016-11 MAKING APPOINTMENT TO HISTORIC LANDMARKS BOARD (Appointing Larissa Whalen Garfias, Term Expiring December 31, 2016).**
 - J. **RESOLUTION NO. 2016-12 MAKING APPOINTMENT TO LIBRARY COMMISSION (Appointing Jane Burch-Pesses, Term Expiring December 31, 2017).**
 - K. **RESOLUTION NO. 2016-13 MAKING APPOINTMENT TO PARKS AND RECREATION COMMISSION (Appointing Kenneth Cobleigh, SW, Term Expiring December 31, 2017).**
 - L. **RESOLUTION NO. 2016-14 MAKING APPOINTMENTS TO PUBLIC SAFETY ADVISORY COMMISSION (Appointing Karen Hessen, At-Large, Term Expiring December 31, 2017, and Thomas Epler, Rural Fire District, Term Expiring December 31, 2017).**

MOTION: Councilor Wenzl moved, seconded by Councilor Kidd, to approve the Consent Agenda as presented. **ABSENT:** Councilor Uhing. **MOTION CARRIED 6-0 by voice vote.**

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

5. **PRESENTATIONS:**

5. A. **Utility Meter Retro-Fit Program**

Cress and Foster presented a PowerPoint presentation displaying photographs of the City's new Encoder Receiver Transmitter (ERT) electric meters, noting ERT meters allow electric and water use be read automatically with a handheld meter reading console from the street instead of physically approaching each meter and entering usage manually. Cress and Foster reported about 9,000 (95 percent completed) of 9,300 electric meters and about 5,627 (90 percent completed) of 6,254 water meters are now radio-read meters. Cress and Foster gave an overview of the benefits, myths and facts about radio-read meters, noting radio-read meters are one-way communicators and emit very low levels of radiation, similar to that of a baby monitor, and is one-tenth of the exposure limit set by the Federal Communications Commission. In conclusion of the above-noted staff presentation, Cress explained how to read solar meters, noting it requires one meter for measuring solar ray and one meter for electricity usage.

5. B. **Washington County Emergency Communications System Bond Measure**

Fire Chief Kinkade introduced Rod Rice, Washington County Administrator, and Kelly

Dutra, Washington County Consolidated Communications Agency (WCCCA) Director, who presented a PowerPoint presentation outlining the proposed Washington County General Obligation Bonds for County Emergency Communications and Response Facilities, noting Washington County has worked with WCCCA and its member agencies to propose a bond measure for voter consideration at the Primary Election on May 17, 2016. Rice and Dutra reported the bond measure, if voter-approved, would pay for \$77 million in capital improvements costs for 9-1-1 communications system, emergency response facilities and improve disaster response, noting the projected levy rate is not expected to exceed eight cents (\$0.08) per \$1,000 of assessed value (estimated \$20 in the first year) and would be paid over a period of less than 21 years, starting Fiscal Year 2016-17 and ending Fiscal Year 2036-37. In addition, Rice and Dutra highlighted the project goals, expenditure plan, member agencies who use the emergency communications system, which includes Forest Grove, and major components of the proposed bond measure as outlined below:

- Convert existing 9-1-1 system to current technology;
- Improve countywide radio coverage by installing more towers;
- Strengthen facilities to withstand emergencies, i.e., earthquakes and storms;
- Expand the 9-1-1 dispatch center and expand or add other county emergency response facilities; and
- Replace approximately 3,000 analog radios currently used by first responders countywide.

In conclusion of the above-noted presentation, Rice and Dutra asked for Council support of the proposed bond measure for voter consideration at the Primary Election on May 17, 2016.

6. RESOLUTION NO. 2016-15 OF THE FOREST GROVE CITY COUNCIL SUPPORTING WASHINGTON COUNTY'S ISSUANCE OF GENERAL OBLIGATION BONDS TO PAY FOR \$77 MILLION IN CAPITAL COSTS FOR EMERGENCY AND 9-1-1 EQUIPMENT AND FACILITIES

Staff Report:

Mayor Truax presented the above-proposed resolution requesting City Council support of Washington County's issuance of General Obligation Bonds to pay for \$77 million in capital costs for emergency and 9-1-1 equipment and facilities, noting Washington County has worked with WCCCA and its member agencies to propose a bond measure for voter consideration at the Primary Election on May 17, 2016.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-15.

VanderZanden read Resolution No. 2016-15 by title.

MOTION: Councilor Kidd moved, seconded by Council President Johnston, to adopt Resolution No. 2016-15 of the Forest Grove City Council Supporting Washington County's Issuance of General Obligation Bonds to Pay for \$77 Million in Capital Costs for Emergency and 9-1-1 Equipment and Facilities.

Council Discussion:

Rice and Dutra addressed various Council inquiries pertaining to the capital improvement plans, data breach and/or other threats to the 9-1-1 system.

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

VOICE VOTE: AYES: Councilors Johnston, Kidd, Lowe, Thompson, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing. MOTION CARRIED 6-0.

7. **RESOLUTION NO. 2016-16 AUTHORIZING THE MAYOR AND CITY MANAGER TO ENDORSE THE LOCAL AGENCY AGREEMENT BETWEEN THE CITY OF FOREST GROVE AND THE OREGON DEPARTMENT OF TRANSPORTATION FOR OR8/OR47 INTERSECTION IMPROVEMENTS; CONTRACT NO. 31034**

Staff Report:

Robbins and Foster presented the above-proposed resolution authorizing the Mayor and City Manager to endorse an Intergovernmental Agreement (IGA) between the City of Forest Grove and Oregon Department of Transportation (ODOT) for disbursement of funds for the next phase of Highway 8/Highway 47 (Pacific Avenue and Quince Street) intersection improvements as outlined in Exhibit A, Contract No. 31034. Foster and Robbins advised in 2012, the City was awarded Regional Flexible Grant Funds (Resolution No. 2012-65, IGA 28768, and Resolution No. 2015-32, IGA 30523) for the intersection improvements, noting this phase of the project is to construct a westbound right-turn lane on Highway 8 and a southbound right-turn lane on Highway 47. Robbins reported the estimated total project cost is \$4,171,381, of which \$2,341,382 was awarded by Multimodal Transportation Enhance Program (MTEP) and local match-funding requirement for the entire project includes \$200,000 allocated in the Street Fund. In addition, Washington County's Major Streets Transportation Improvement Program (MSTIP) will disperse \$318,000 for match funding as noted in Agenda Item 8.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-16.

VanderZanden read Resolution No. 2016-16 by title.

MOTION: Council President Johnston moved, seconded by Councilor Thompson, to adopt Resolution No. 2016-16 Authorizing the Mayor and City Manager to Endorse the Local Agency Agreement between the City of Forest Grove and the Oregon Department of Transportation for OR8/OR47 Intersection Improvements; Contract No. 31034.

Council Discussion:

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

ROLL CALL VOTE: AYES: Councilors Johnston, Kidd, Lowe, Thompson, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing. MOTION CARRIED 6-0.

8. **RESOLUTION NO. 2016-17 AUTHORIZING THE MAYOR TO ENDORSE INTERGOVERNMENTAL AGREEMENT BETWEEN CITY OF FOREST GROVE AND WASHINGTON COUNTY FOR THE OR8/OR47 INTERSECTION IMPROVEMENT PROJECT; NO. 100206 MSTIP OPPORTUNITY FUND**

Staff Report:

Robbins and Foster presented the above-proposed resolution authorizing the Mayor to endorse an Intergovernmental Agreement (IGA) between the City of Forest Grove and Washington County for disbursement of funds for Highway 8/Highway 47 (Pacific Avenue and Quince Street) intersection improvements as outlined in Exhibit A, Contract No. 100206, Washington County's Major Streets Transportation Improvement Program (MSTIP) Opportunity Fund.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-17.

VanderZanden read Resolution No. 2016-17 by title.

MOTION: Council President Johnston moved, seconded by Councilor Thompson, to adopt Resolution No. 2016-17 Authorizing the Mayor to Endorse Intergovernmental Agreement between City of Forest Grove and Washington County for the OR8/OR47 Intersection Improvement Project; No. 100206 MSTIP Opportunity Fund.

Council Discussion:

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

ROLL CALL VOTE: AYES: Councilors Johnston, Kidd, Lowe, Thompson, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing. MOTION CARRIED 6-0.

Recess: Mayor Truax called for a recess at 7:40 p.m. and Council reconvened in work session at 7:50 p.m.

9. WORK SESSION: SUSTAINABILITY COMMISSION'S PLASTIC BAG BAN UPDATE

Mayor Truax called the work session to order at 7:50 p.m.

Staff Report:

Holan introduced Jon Hayes and Elaine Cole, Sustainability Commission members, who presented an update on the Sustainability Commission's education and public outreach efforts on a proposed ordinance that would prohibit single-use plastic carryout bags at retail establishments, city facilities and city-sponsored events and require businesses to collect a pass-through charge of five-cents from customers for providing paper bags. Hayes and Cole reported the Commission published several newspaper articles; published articles on City's website; took public comment at Farmers' Market; held a public forum with collaboration with Committee for Citizen Involvement; enlisted help from Chamber to reach local businesses; met with Economic Development Commission; applied and was awarded a Community Enhancement Program grant for purchasing reusable bags; and held other numerous speaking engagements. Hayes and Cole advised a majority of the individuals and businesses supported a ban on plastic bags; however, there was controversy over imposing a five-cent charge for providing a paper bag. Consequently, the Commission voted unanimously to recommend an amendment so businesses with 10 or fewer full-time-equivalent (FTE) employees are given the option, but not be required, to collect the pass-through charge of five cents from customers for providing paper bags. Hayes and Cole indicated the Commission felt strongly that large businesses with 10 or more FTE employees be required to collect the pass-through charge of five cents as an incentive to use reusable bags. In conclusion of the above-noted work session report, Hayes and Cole added they believe the Commission has done due diligence in its education and public outreach efforts and, at this time, is submitting a proposed ordinance for Council consideration with an amendment that businesses with 10 or fewer FTE employees are given the option, but not be required, to collect the pass-through charge of five cents from customers for providing paper bags.

Council Discussion:

Mayor Truax opened the floor and roundtable discussion ensued pertaining to the Sustainability Commission's education and public outreach efforts on a proposed ordinance that would prohibit single-use plastic carryout bags at retail establishments, city facilities and city-sponsored events, with an amendment that businesses with 10 or fewer FTE employees are given the option, but not be required, to collect the pass-through charge of five cents from customers for providing paper bags and requiring large businesses with 10 or more FTE employees to collect the pass-through charge of five cents from customers for providing paper bags. In response to Council President Johnston's inquiry pertaining to the citywide survey, Holan noted the results were not readily available. Cole added she believes the City received four email responses. In response to Council President Johnston's inquiry pertaining to restaurants and food providers, Holan replied restaurants and other food providers could continue providing plastic carryout bags as these types of establishments are exempted. Wenzl voiced concern of equity between businesses, having the pass-through charge of five cents optional based on number of FTE employees. Kidd voiced concern of requiring any business to collect the pass-through charge of five cents and instead supported making the pass-through charge optional for all businesses. Thompson voiced concern of banning plastic bags entirely for persons who do not drive and/or who use public transportation, noting it is much easier hooking a plastic bag to a mobility device and carrying plastic bags while walking. Mayor Truax provided insight about Seattle's ordinance, noting he believes certain businesses are exempted. In conclusion of the above-noted Council discussion, Council collectively voiced consensus to ask staff to bring forth the proposed ordinance for a Council Public Hearing and consideration at a later date.

Council took no formal action nor made any formal decisions during the above-noted work session.

Recess: Mayor Truax adjourned the work session and called for a recess at 8:09 p.m. and Council reconvened in work session at 8:10 p.m.

10. WORK SESSION: MARIJUANA REGULATIONS

Mayor Truax called the work session to order at 8:10 p.m.

Staff Report:

Holan reported at the Council work sessions held on September 14 and November 9, 2015, Council gave direction that marijuana-related facilities not be banned but be properly placed within the community; not allow regulated marijuana activities in residential districts; and allow dispensaries and retail outlets in both the Town Center zone districts as well as Community Commercial zoning districts. Holan added based

on Council work sessions and staff research, staff has prepared a set of potential Development Code amendments and possible options for Council consideration, noting staff is requesting Council direction in four areas:

1. Location (distance requirements):
Proposing to apply spacing requirements for dispensaries (State law is 1,000' separation between dispensaries) to commercial retail and/or reducing distance and applying spacing requirements to other marijuana-related activities, i.e., requiring a 100' setback from residential districts for processing and grow activities as part of odor control.
2. Development Requirements:
Proposing to apply existing marijuana dispensaries Development Code requirements to other marijuana-related activities.
3. Operational Requirements:
Proposing to apply existing medical marijuana dispensaries City Code requirements to commercial retail facilities, wholesale, processors, grow sites and all marijuana-related facilities.
4. Sales tax:
Modifying (Ordinance No. 2014-09) existing City Code sales tax from 10 percent to three percent (State law capped sales tax to three percent), exempting taxes on medical marijuana and imposing taxes on recreation marijuana, which State law requires submitting an ordinance for voter approval before the City can impose a sales tax.

In addition, Holan referenced a matrix showing regulations established by other Washington County jurisdictions.

Council Discussion:

Mayor Truax opened the floor and roundtable discussion ensued pertaining to the proposed code amendments and options outlined in the staff report. Holan addressed various Council concerns, inquiries, and scenarios posed by Council pertaining to the proposed code amendments and applying buffers of 100', 500' or 1,000' from schools and setback requirements from residential districts for processing and grow activities. Holan noted State law requires both medical dispensaries and retail outlets be 1,000' from schools and medical dispensaries be 1000' from each other, which is measured as site-to-site distance. In conclusion of the above-noted work session discussion, Council collectively voiced consensus to ask staff to prepare a map showing the zoning districts as well as applying buffers of 100', 500', and 1000' for Council's review at a later date.

Council took no formal action nor made any formal decisions during the above-noted work session.

Recess: Mayor Truax adjourned the work session and called for a recess at 8:51 p.m. and Council reconvened in regular meeting at 8:52 p.m.

11. CITY COUNCIL COMMUNICATIONS:

Council President Johnston reported on Forest Grove Rural Fire Protection District-related meeting. Johnston reported on Parks and Recreation Commission-related meeting and activities. In addition, Johnston reported on other matters of interest and upcoming meetings he was planning to attend.

Kidd reported on Historic Landmarks Board-related meeting and activities. In addition, Kidd reported on other matters of interest and upcoming meetings he was planning to attend.

Lowe reported on Joint Water Commission-related meeting and water treatment facility-related activities, noting Forest Grove is participating in the retrofit portion of the project. In addition, Lowe reported on other matters of interest and upcoming meetings she was planning to attend.

Thompson reported on Community Forestry Commission-related meeting and activities. In addition, Thompson reported on other matters of interest and upcoming meetings he was planning to attend.

Uhing was absent.

Wenzl gave a recap of this year's Annual Town Meeting, "*Future and Fate of Forest Grove – A Complete Community*", hosted by the Committee for Citizen Involvement, held on Saturday, January 30, 2016, noting approximately 60 people attended. In addition, Wenzl reported on other matters of interest and upcoming meetings she was planning to attend.

12. CITY MANAGER'S REPORT:

VanderZanden reported on upcoming meetings and events as noted in the Council calendar and City Manager's Report. VanderZanden reported he was recently appointed to the League of Oregon Cities Community Development Policy Committee. VanderZanden noted due to major leaks, staff is getting quotes to replace the whole roof at the Forest Grove Senior and Community Center, excluding the addition. In addition, VanderZanden referenced the City Manager's Report, which was emailed to Council in advance and outlined various upcoming Council-related meetings; upcoming Council-related agenda; updates on department-related activities and projects, including Administrative Services, Parks and Aquatics, Police, Library, Light

and Power, Economic Development, Community Development, and Engineering and Public Works; and other upcoming citywide calendar events.

13. MAYOR'S REPORT:

Mayor Truax announced dates of various upcoming activities, events and meetings as noted in the Council Calendar. Mayor Truax announced dates of importance, noting Council Goal-Setting Retreat is Saturday, February 20, 2016, 8:30 a.m., Light and Power Conference Room, and Forest Grove/Cornelius State of the City Addresses are Monday, February 22, 2016, Noon, Chamber Luncheon, Community Auditorium. In addition, Mayor Truax reported on other various local, regional, Metro, and Washington County meetings he attended, upcoming community-related events, and upcoming meetings he was planning to attend.

14. ADJOURNMENT:

Mayor Truax adjourned the regular meeting at 9:20 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder