



*A place where families and businesses thrive.*

**City Council Regular Meeting Minutes**

**Monday, April 11, 2016  
7:00 p.m., Community Auditorium**

***Minutes are unofficial until approved by Council.  
Council approved minutes as presented April 25, 2016.***

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

Mayor Peter Truax called the regular City Council meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

**ROLL CALL: COUNCIL PRESENT:** Thomas Johnston, Council President; Richard Kidd; Victoria Lowe (dismissed at 10:24 pm); Ronald Thompson; Elena Uhing (dismissed at 10:24 pm); Malynda Wenzl; and Mayor Peter Truax.

**STAFF PRESENT:** Jesse VanderZanden, City Manager; Paul Elsner, City Attorney; Paul Downey, Administrative Services Director; Brenda Camilli, Human Resources Manager; Michael Kinkade, Fire Chief; Dan Riordan, Senior Planner; and Bev Maughan, Executive Assistant to City Manager. **STAFF ABSENT:** Anna Ruggles, City Recorder, excused.

**1. B. PROCLAMATION:**

**National Arbor Day**

Thompson publicly proclaimed April 29, 2016, as “National Arbor Day” in Forest Grove”. Thompson noted this is the 26<sup>th</sup> consecutive year the City has received the national “*Tree City USA*” award recognition. Thompson presented the proclamation to Community Forestry Commission, who reported CFC is sponsoring its “Annual Tree Planting” on April 12, 2016.

**2. CITIZEN COMMUNICATIONS:**

David Schlay, Forest Grove, addressed Council, voicing opposition of charging five cents per paper bag to those who cannot afford the fees if Council enacts the ordinance banning plastic bags and asked what type of support will the City offer and how will the monies be used.

Stephen Nelson, Forest Grove, addressed Council, voicing opposition of charging five cents per paper bag if Council enacts the ordinance banning plastic bags, noting Eugene offered credit for using reusable bags.

Loren Waltz, Forest Grove, addressed Council, voicing support of the Council enacting the ordinance banning plastic bags, noting using reusable bags is fine.

Dale Feik, Forest Grove, addressed Council and read an article pertaining to the court ruling in favor of the 21 youth plaintiffs representing “Our Children’s Trust”, who petitioned federal court to secure their fundamental rights on climate change. Feik urged Council to adopt a resolution showing its support of the youth plaintiffs.

**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).

1. Approve City Council Work Session (Defined Benefit Retirement) Meeting Minutes of March 14, 2016.
2. Approve City Council Work Session (Council Goal-Setting and Council Team Agreement) Meeting Minutes of March 28, 2016.
3. Approve City Council Regular Meeting Minutes of March 28, 2016, as amended.
4. Accept Public Arts Commission Meeting Minutes of February 11 and February 20, 2016.
5. Community Development Department Monthly Building Activity Informational Report for March 2016.
6. **ENDORSE LIQUOR LICENSE RENEWAL APPLICATIONS FOR YEAR 2016:**
  1. Little Monkey Deli, 1919 Pacific Avenue (Full On-Premises Sales)

KIDD CALLED FOR A MOTION TO RECONSIDER COUNCIL’S ADOPTION OF ORDINANCE NO. 2016-07, AS NOTED BELOW AS AGENDA ITEM 6. A.  
*(Pursuant to Council Rules of Procedure, Section 6.7., a councilmember who voted yes on a motion that passed or no on a motion that failed may move for reconsideration of an action at the same or next following regular Council meeting prior to the approval of the minutes of the first meeting).*

Hearing no further discussion from the Council, Mayor Truax asked for a voice vote on the motion to approve the Consent Agenda.

**MOTION: Councilor Kidd moved, seconded by Councilor Wenzl, to approve the Consent Agenda as presented. MOTION CARRIED 7-0 by voice vote.**

4. **ADDITIONS/DELETIONS:** Refer to Agenda Item 6. A.

5. **PRESENTATIONS:**

5. A. **Bienestar Affordable Housing**  
Ann Blaker, Executive Director of Bienestar, a 501(c)(3), Community Development

Corporation, who gave an informational presentation and distributed brochures on Bienestar's portfolio of properties, Strategic Plan 2016-18 and facts. Blaker reported Bienestar was founded in 1981 and has a portfolio of 12 affordable multifamily properties in Washington and Columbia County, located in Forest Grove (Elm Park I & II built in 1984 and 1988, includes 62 apartments, 40 percent or less of Area Median Income (AMI) and 10 migrant seasonal units; Willow Park built in 1970, includes 46 apartments, 50 percent or less of AMI; and Juniper Gardens I & II built in 2012 and 2014, includes 46 farmworker apartments and 2 migrant seasonal units) and located in Aloha, Cornelius, Hillsboro and Scappoose. In addition, Blaker reported Bienestar's integrated resident service program is available to 512 families, representing 93 percent Latino, and many 30 percent below AMI, noting Bienestar is building housing, hope and futures for the well-being of working families and seniors.

**5. B. NLC Congressional Conference in Washington, D.C.**

Mayor Truax introduced the student delegates Briana Larios, Committee for Citizen Involvement Student Advisor; Mitchell Faris, Library Commission Student Advisor; and Edgar Sanchez-Fausto, Sustainability Commission Student Advisor, noting the students were chosen to attend the NLC Congressional Conference in Washington, D. C., which was held March 6 through 9, 2016, based on their student participation on the City's advisory boards and commissions. Mayor Truax reported the students joined hundreds of peers from 43 states to network, attended workshops and meetings and learned about the political process. In conclusion of the above-noted report, each student recapped highlights of their experiences, noting they had the opportunity to share their insights with members of Congress, the White House and federal agency representatives.

**6. A. MOTION TO RECONSIDER ORDINANCE NO. 2016-07:**

**Councilor Kidd moved, seconded by Councilor Thompson, to RECONSIDER ORDINANCE NO. 2016-07, which was adopted at the Council meeting of March 28, 2016, amending Forest Grove Development Code Article 3, Article 7 and Article 8 to Address Marijuana Facilities; File No. 311-15-00028-PLNG; specifically, Amendment No. 3 (which failed 6-1) relating to prohibit outdoor grow operations in any industrial zone areas, and TABLE ORDINANCE NO. 2016-07 for two weeks or until the next regular Council meeting.**

**ROLL CALL VOTE ON MOTION TO RECONSIDER ORDINANCE NO. 2016-07:**

**AYES: Councilors Kidd, Thompson, and Mayor Truax. NOES: Councilors Johnston, Lowe, Uhing, and Wenzl. MOTION FAILED 3-4.**

**6. SECOND READING OF ORDINANCE NO. 2016-09 AMENDING THE FOREST GROVE COMPREHENSIVE PLAN MAP TO DESIGNATE THE SOUTH URBAN GROWTH BOUNDARY ADDITION AS CAMPUS EMPLOYMENT (600 ELM STREET,**

**WASHINGTON COUNTY TAX LOTS 1S30000100 AND 1S306D000700); FILE NO. 311-15-00032-PLNG**

The first reading of Ordinance No. 2016-09 by title occurred at the Council meeting of March 28, 2016.

**Staff Report:**

Riordan presented the above-proposed ordinance for second reading, noting the area is suitable for the types of industrial activities promoted by the Campus Employment Designation; however, permitted uses do not include outdoor recreation.

**Public Hearing Continued:**

Mayor Truax continued the Public Hearing from the meeting of March 28, 2016, and explained hearing procedures.

**Written Testimony Received:**

No additional written testimony was received prior to the published deadline of April 11, 2016, 7:00 p.m.

**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:**

In response to Lowe's inquiry pertaining to urban and rural reserves, Riordan advised the southern boundary of the property that is affected by the proposed Comprehensive Plan map amendment is coterminous with the Urban Growth Boundary (UGB), noting the area south of the UGB is designated rural reserves by Washington County and under current law, rural reserves are intended to protect rural land from urban use for a 50-year timeframe.

In response to Kidd's inquiry pertaining to Taylor Way intersection connectivity, Riordan advised an intersection analyses would need to occur, noting the Transportation System Plan (TSP) includes a project to improve operation of the intersection at Highway 47/Elm Street, which requires the Oregon Department of

Transportation approval as jurisdictional owner of Highway 47.

Hearing no further discussion from the Council, Mayor Truax asked for a roll call vote on the motion made at the meeting of March 28, 2016.

VanderZanden read Ordinance No. 2016-09 by title for second reading.

**ROLL CALL VOTE: AYES: Councilors Johnston, Kidd, Lowe, Thompson, Uhing, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.**

7. **PUBLIC HEARING AND RESOLUTION NO. 2016-24 FIXING SOLID WASTE RATES TO BE CHARGED BY FRANCHISE (WASTE MANAGEMENT) IN THE CITY OF FOREST GROVE AND REPEALING RESOLUTION NO. 2013-72, EFFECTIVE JUNE 1, 2016**

**Staff Report:**

Downey presented the above-proposed resolution requesting to increase Waste Management residential collection rates by \$1.50 per month to implement the City's Food Waste Recycling Program; however, staff is recommending delaying the effective date from June 1 to July 1, 2016, because Waste Management has advised staff that they are proposing to submit overall proposed rate increases for operations, with an effective date of July 1, 2016, as its 2015 rate of return has dropped below what is considered to be a reasonable rate of return. Downey noted Waste Management's last rate increase occurred in 2014 and was an overall four percent rate increase. In addition, Downey reported staff met with Council in work session on January 11, 2016, and met with Sustainability Commission, noting the Food Waste Recycling Program is proposing to combine food waste with yard debris, which would then be taken to Nature's Needs in North Plains where both will be composted. Downey added as part of the Food Waste Recycling Program, the City secured a grant from the Department of Environmental Quality (DEQ) to purchase and deliver kitchen compost pails to residential households. In conclusion of the above-noted staff report, Downey advised staff is recommending Council adopt the proposed resolution but is asking Council to wait until staff brings back Waste Management's overall proposed rate increases in May or June, which would have an effective date of July 1, 2016.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-24.

VanderZanden read Resolution No. 2016-24 by title.

**MOTION: Councilor Kidd moved, seconded by Councilor Uhing, to adopt Resolution No. 2016-24 Fixing Solid Waste Rates to be Charged by Franchise**

**(Waste Management) in the City of Forest Grove and Repealing Resolution No. 2013-72, Effective June 1, 2016.**

**MOTION TO AMEND RESOLUTION NO. 2016-24:** Councilor Kidd moved, seconded by Councilor Uhing, to adopt Resolution No. 2016-24 Fixing Solid Waste Rates to be Charged by Franchise (Waste Management) in the City of Forest Grove and Repealing Resolution No. 2013-72, Effective ~~June 1,~~ **July 1, 2016.** MOTION CARRIED 7-0 by voice vote. (*Motion on the floor for Resolution No. 2016-24 as amended will be carried over to the Council meeting sometime in May or June 2016*).

**Public Hearing Opened:**

Mayor Truax opened the Public Hearing and explained hearing procedures.

**Written Testimony Received:**

No written testimony was received prior to the published deadline of April 11, 2016, 7:00 p.m.

**Proponents:**

No one testified and no written comments were received.

**Opponents:**

No one testified and no written comments were received.

**Others:**

Dean Kampf, Waste Management, gave an overview on the proposed Food Waste Recycling Program, noting the proposed fee of \$1.50 per month is mostly due to tipping fees at a facility that has higher environmental controls as well as increased transportation and collection costs projected once the program gets underway. In addition, Kampf gave an overview on the reduction of estimated tons of food waste that would not be taken to the landfill, noting Waste Management currently services a little over 5,000 residential customers in Forest Grove.

No one else testified and no written comments were received.

**Council Discussion:**

In response to Lowe's concern pertaining to whether the carbon footprint would be offset and/or reduction in tonnage by recycling food waste and diverting material away from landfills, Downey advised Waste Management estimates that approximately 245 tons of food waste will be diverted from the landfill on an annual basis, noting food waste would be put into yard debris roll carts and taken to Nature's Needs in North Plains where it will be turned into compost, instead of taken by semi-trucks to

Riverbend Landfill, located in McMinnville. In response to Lowe's concern pertaining to Waste Management being allowed a reasonable rate of return, Downey affirmed the City collects five percent of gross revenues, which is the City's franchise fee. In addition, Lowe requested obtaining statistical data from Portland to help guide the decision-making process, to which Downey noted.

Council President Johnston voiced concern pertaining to the overall added costs to residential customers if the Food Waste Recycling Program is implemented versus reduction in carbon footprint as well as animal nuisances increasing due to food waste being placed in roll carts instead of contained in garbage bags.

In response to Kidd's concern pertaining to the Food Waste Recycling Program, Downey advised the proposal is to combine food waste with yard debris and taken to a facility where both can be converted to compost. In response to Kidd's concern pertaining to the overall added costs to residential customers, Downey affirmed the weekly 20-gallon roll cart service rate would increase from \$18.05 to \$19.55, and biweekly 60-gallon yard debris service rate would increase from \$4.10 to \$4.85.

In response to Uhing's concern pertaining to the overall cost savings to residential customers, Kampfer replied the City and Sustainability Commission requested the recycling program, noting Waste Management is the service provider for Forest Grove. Kampfer added environmentally it is better to compost food waste as it produces less methane than at the landfill.

**Public Hearing Closed:**

Hearing no further discussion from the Council, Mayor Truax closed the Public Hearing and Mayor Truax advised he would reopen the Public Hearing at the Council meeting sometime in May or June 2016.

Council collectively concurred to extend the meeting past 9:30 p.m. adjournment, to which, Mayor Truax called for a recess at 9:24 p.m. and reconvened the meeting at 9:30 p.m.

**8. CONSIDER MOTION AUTHORIZING EXPENDITURE OF CITY BUDGETED FUNDS FOR REUSABLE BAGS PRIOR TO POTENTIAL ADOPTION OF THE PLASTIC BAG BAN**

**Staff Report:**

Downey presented the above-noted staff report requesting authorization to expend City budgeted funds to purchase reusable shopping bags prior to enacting the potential ordinance banning plastic bags, noting the Fiscal Year 2015-16 budget contains \$5,000 for the purchase of reusable bags with a restriction that funds cannot

be expended unless Council enacts the ordinance banning plastic bags. Downey reported the Sustainability Commission was awarded Community Enhancement Program grant funds to purchase reusable shopping bags, noting the City's funds and CEP funds are needed to complete the purchase and delivery of the reusable shopping bags to about 5,800 residential households. Downey added as part of the Food Waste Recycling Program, the City was awarded a grant from DEQ to purchase and deliver kitchen compost pails to residential households, which the City will begin delivering on June 6, 2016, noting if the reusable bags are available by this date, the vendor is willing to deliver the majority of reusable bags at the same time as the pails, which is a cost savings to city resources. In conclusion of the above-noted staff report, Downey advised staff is recommending Council authorize expending the \$5,000 budgeted so staff can purchase the reusable bags so the majority of the bags can be delivered at the same time as the kitchen compost pails.

Before proceeding with Council discussion, Mayor Truax asked for a motion as noted below.

**MOTION: Councilor Lowe moved, seconded by Councilor Wenzl, to Authorize Expenditure of City Budgeted Funds (\$5,000) for Reusable Bags prior to potential adoption of the Plastic Bag Ban.**

**Council Discussion:**

Kidd voiced concern of expending general fund monies to purchase reusable bags.

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

**ROLL CALL VOTE: AYES: Councilors Johnston, Lowe, Thompson, Uhing, Wenzl, and Mayor Truax. NOES: Councilor Kidd. MOTION CARRIED 6-1.**

**9. RESOLUTION NO. 2016-25 ADOPTING REVISIONS TO CITY OF FOREST GROVE EMPLOYEE HANDBOOK AND REPEALING RESOLUTION NO. 2015-66**

**Staff Report:**

Camilli presented the above-proposed resolution for Council consideration, noting staff is proposing policy modifications and amendments necessary to update the Employee Handbook, which was last revised in 2015. Camilli reported the proposed policy modifications and amendments are pursuant to State legislation passed January 1, 2016, mandating in part, that employers with 10 or more employees provide up to 40 hours of paid sick leave to all employees, including part-time, temporary and intermittent employees, noting currently only regular employees are eligible to accrue sick leave. Camilli referenced an edited copy of Attachment A, which contained the

proposed amendments, noting the City's labor union representatives have reviewed the proposed amendments. In conclusion of the above-noted staff report, Camilli advised staff is recommending Council approve the proposed resolution, noting City Charter, Chapter IX, Section 36, requires Council to adopt personnel-related policies.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-25.

VanderZanden read Resolution No. 2016-25 by title.

**MOTION: Council President Johnston moved, seconded by Councilor Thompson, to approve Resolution No. 2016-25 Adopting Revisions to City of Forest Grove Employee Handbook and Repealing Resolution No. 2015-66.**

**Council Discussion:**

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

**VOICE VOTE: AYES: Councilors Johnston, Kidd, Lowe, Thompson, Uhing, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.**

**10. RESOLUTION NO. 2016-26 AUTHORIZING CITY MANAGER TO ENDORSE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FOREST GROVE AND GASTON RURAL FIRE PROTECTION DISTRICT FOR FIRE ADMINISTRATIVE SERVICES**

**Staff Report:**

Fire Chief Kinkade presented the above-proposed resolution authorizing the City Manager to endorse an Intergovernmental Agreement between the City of Forest Grove and Gaston Rural Fire Protection District for fire administrative services, noting the existing IGA is scheduled to expire May 1, 2016, and it is the desire of both cities to extend the IGA for another 12 months (or until such time the IGA is terminated by either party with 30 day notice). In conclusion of the above-noted staff report, Kinkade advised staff is recommending Council approve the proposed resolution as Gaston is satisfied with the services Forest Grove is providing and would like to continue the contract, noting Gaston pays the City \$33,000 in revenue for providing fire administrative services.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-26.

VanderZanden read Resolution No. 2016-26 by title.

**MOTION:** Council President Johnston moved, seconded by Councilor Wenzl, to adopt Resolution No. 2016-26 Authorizing the City Manager to Endorse Intergovernmental Agreement between the City of Forest Grove and Gaston Rural Fire Protection District for Fire Administrative Services.

**Council Discussion:**

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

**VOICE VOTE:** AYES: Councilors Johnston, Kidd, Lowe, Thompson, Uhing, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

**11. RESOLUTION NO. 2016-21 OF THE CITY OF FOREST GROVE CITY COUNCIL ADOPTING CITY COUNCIL GOALS FOR FISCAL YEAR 2016-17**

**Staff Report:**

VanderZanden presented the above-proposed resolution for Council consideration, noting the above-noted resolution was carried over from the meeting of March 28, 2016. VanderZanden reported at the Council Retreat, held on February 20, 2016, and Work Sessions, held on March 14 and March 28, 2016, Council proposed no changes and collectively concurred to keep the following three key goals for Fiscal Year 2016-17:

- GOAL 1: PROMOTE SAFE, LIVABLE, AND SUSTAINABLE NEIGHBORHOODS AND A PROSPEROUS DYNAMIC, GREEN CITY
- GOAL 2: PROMOTE A PRUDENT FINANCIAL PLAN TO MAINTAIN EFFECTIVE SERVICE LEVELS OF A FULL-SERVICE CITY
- GOAL 3: PROMOTE THE INTERESTS AND NEEDS OF FOREST GROVE IN LOCAL, STATE, AND NATIONAL AFFAIRS

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-21.

VanderZanden read Resolution No. 2016-21 by title.

**MOTION:** Council President Johnston moved, seconded by Councilor Kidd, to approve Resolution No. 2016-21 of the City of Forest Grove City Council Adopting City Council Goals for Fiscal Year 2016-17.

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

**12. RESOLUTION NO. 2016-22 OF THE CITY OF FOREST GROVE CITY COUNCIL ADOPTING CITY COUNCIL OBJECTIVES FOR FISCAL YEAR 2016-17**

**Staff Report:**

VanderZanden presented the above-proposed resolution for Council consideration, noting the above-noted resolution was carried over from the meeting of March 28, 2016. VanderZanden reported at the Council Retreat, held on February 20, 2016, and Work Sessions, held on March 14 and March 28, 2016, Council identified 12 new objectives and carried over 13 identified as ongoing and/or long-term as outlined in Exhibit A of the resolution. VanderZanden noted each of the new Council goals/objectives have been grouped within one of the three Council key goals and will be assigned to the pertinent City department so staff can focus their activities and prioritize resources during budget preparations for the upcoming fiscal year. In conclusion of the above-noted staff report, VanderZanden advised he has scheduled Department Work Plan presentations for the Council meetings of April 25, May 9 and May 23, 2016, noting the work plans will incorporate the newly-adopted Council Goals/Objectives.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-22.

VanderZanden read Resolution No. 2016-22 by title.

**MOTION: Council President Johnston moved, seconded by Councilor Thompson, to approve Resolution No. 2016-22 of the City of Forest Grove City Council Adopting City Council Goal Objectives for Fiscal Year 2016-17.**

**Council Discussion:**

Wenzl suggested posting the Council Objectives, if adopted by Council, on the City website, to which VanderZanden noted.

Hearing no further 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, Uhing,**

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

13. **RESOLUTION NO. 2016-23 OF THE FOREST GROVE CITY COUNCIL ADOPTING CITY COUNCIL TEAM AGREEMENT**

**Staff Report:**

VanderZanden presented the above-proposed resolution for Council consideration, noting the above-noted resolution was carried over from the meeting of March 28, 2016. VanderZanden reported at the Council Retreat, held on February 20, 2016, and Work Sessions, held on March 14 and March 28, 2016, Council made minor amendment to Number 8 of the Council Team Agreement, which is addressing use of personal communication electronic devices while conducting business at the dais; added a new Number 14, which allows Councilors to request on their own accord one-on-one meetings with the Mayor; and removed Page 2, signature page, and adopting the Council Team Agreement as amended by resolution as outlined in Exhibit A. In conclusion of the above-noted staff report, VanderZanden advised pursuant to City Charter (Section 11), Council must adopt by resolution rules governing its meeting and proceedings and pursuant to Council Rules of Procedures (Section 18.1), amendments to any Council Rules must be adopted by resolution.

**Questions of Staff:**

Low stated that in previous years the Council Team Agreement has been a non-resolution action and more so a friendly hand signature agreement of the Council, voicing concern that adopting the Council Team Agreement by a resolution changes the governance of the agreement. Lowe asked who is the judge/jury of consequences of Council's behavior, pointing out she already abides by federal and state statutes pertaining to ethics as an elected official. In response to Lowe's concern pertaining to legal requirements of adopting the Council Team Agreement by resolution, VanderZanden explained staff's findings as follows: a) City Charter (Section 10) mandates Council adopt its rules by resolution; b) Council Team Agreement is cited as a rule within the Council Rules of Procedures (Section 5, Decorum and Order), and c) proposed language amendments are being made to the Council Team Agreement; thereby, Council Rules of Procedures (Section 18.1) mandates amendments to any Council Rules be made by resolution, noting likewise when amendments occur to the Council's goals and objectives, Council resolutions are adopted. In addition, VanderZanden deferred the question to City Attorney Elsner who added although it is not a legal requirement, it is appropriate for a governing body to adopt official documents and amendments to those documents by resolution as required by Charter and Council Rules of Procedures. In addition, Lowe voiced opinion regarding freedom of speech, because of her interpretation of language cited in Number 10 of the Council Team Agreement, polarization, stating Number 10 is restricting councilors from lobbying or communicating as an elected official, such as public involvement and

citizens' rights or any other business that comes before the dais, to which City Attorney Elsner advised while free expressions are a right protected by the constitution, there are exceptions that limit that right. Elsner pointed out governing bodies and state senate and state legislative bodies have rules of decorum, noting the rules generally speak to effective decorum and do not somehow unlawfully infringe on someone's right to express themselves. City Attorney Elsner further advised the governing body has the ability to establish conduct of its members within its governing body's structure and/or can also delegate judgement authority to a third party if the governing body chooses to do so. Lowe recurrently asked for a definitive answer that the Council Team Agreement is not a freedom of speech issue and recurrently asked who is the judge (of the Council), to which Mayor Truax upheld that the City Manager and City Attorney had addressed Lowe's questions.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-23.

**MOTION: Councilor Kidd moved, seconded by Council President Johnston, to approve Resolution No. 2016-23 of the City of Forest Grove City Council Adopting City Council Team Agreement.**

**Council Discussion:**

**Wenzl moved to amend and replace Number 10 of the Council Team Agreement to state: "Agree to be diplomatic about disagreement; leave this disagreement at the dais and do not try to polarize other Councilors." Motion died due to lack of a second.**

Uhing indicated she does not feel Number 10 is limiting any councilor's ability to state their opinions or, i.e., going to the press, noting she supports Number 10 as long as there are no retaliations. Uhing added she believes Number 10 is stating that when she is out representing the City, she must come to terms with the final actions of the Council as a whole, pointing out; however, she does have fear that there is no consequence or process to uphold the Council Team Agreement.

Lowe pointed out why have a Council Team Agreement if it has no consequence, stating it makes the agreement open to interpretation of what is accepted. Lowe added she agrees with most rules stated in the agreement; however, she has issue with freedom of speech and the right to speak as an elected official.

Council President Johnston spoke about citizen electors holding Council accountable and constitution laws of free expressions, pointing out he does not think Council wants to get to the point where state officials are mandating local governance, i.e., state ethics is already mandating filings or be fined.

Mayor Truax commented the Council Team Agreement carries the weight of the Council and each Councilmember has a personal code of ethics that is tied into the Council's code of ethics, to which Mayor Truax later apologized and corrected his comment to say it is a Council Team Agreement and not a code of ethics. In addition, Mayor Truax spoke about the need to protect free speech, but at the same time, protecting the good name of the City, stating councilors need to understand that when there is opposition, it is appropriate to express its own personal opposition, but still represent the Council as a whole, pointing out that is the purpose statement of Number 10 in the Council Team Agreement.

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

**ROLL CALL VOTE: AYES: Councilors Johnston, Kidd, Thompson, Uhing, Wenzl, and Mayor Truax. NOES: Councilor Lowe. MOTION CARRIED 6-1.**

**14. CITY COUNCIL COMMUNICATIONS:**

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

Kidd reported on Historic Landmarks Board; Public Arts Commission; and Sister Cities Commission-related meetings and activities. In addition, Kidd reported on state legislative-related matters of interest and upcoming meetings he was planning to attend.

Lowe had nothing to report.

Thompson reported on Community Forestry Commission and Public Safety Advisory Commission-related meetings and activities. Thompson reported Ride Connection exceeded 5,000 riders in March. In addition, Thompson reported on other matters of interest and upcoming meetings he was planning to attend.

Uhing reported on Economic Development Commission-related meeting and activities. In addition, Uhing reported on other matters of interest.

Wenzl reported on Library Commission-related meeting and activities. Wenzl reported the Committee for Citizen Involvement has discussed the topic for next year's Annual Town Meeting as "*Full-Service Definition*". In addition, Wenzl reported on other matters of interest and upcoming meetings she was planning to attend.

Low and Uhing dismissed themselves at 10:24 p.m.

**15. CITY MANAGER'S REPORT:**

VanderZanden reported on upcoming meetings and events as noted in the Council calendar and City Manager's Report. VanderZanden reported the Solid Waste Committee Enhancement Program (CEP) Committee is holding CEP project presentations on April 13, 2016, and is holding a meeting on May 9, 2016, to determine CEP project funding allocations. 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.

**16. MAYOR'S REPORT:**

Mayor Truax announced dates of various upcoming activities, events and meetings as noted in the Council Calendar. Mayor Truax reported he and the City Manager will be scheduling a Council joint work session with Committee for Citizen Involvement to discuss ideas for next year's Annual Town Meeting. 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.

**17. ADJOURNMENT:**

Mayor Truax adjourned the regular meeting at 10:35 p.m.

Respectfully submitted,



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Anna D. Ruggles, CMC, City Recorder