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City Council Regular Meeting Minutes

**Monday, May 9, 2016
7:00 p.m., Community Auditorium**

***Minutes are unofficial until approved by Council.
Council approved minutes as presented May 23, 2016.***

1. CALLED TO ORDER AND ROLL CALL:

Mayor Peter Truax called the regular City Council meeting to order at 7:04 p.m. and led the Pledge of Allegiance.

ROLL CALL: COUNCIL PRESENT: Richard Kidd; Victoria Lowe; Ronald Thompson; Elena Uhing; Malynda Wenzl; and Mayor Peter Truax. **COUNCIL ABSENT:** Thomas Johnston, Council President, excused.

STAFF PRESENT: Jesse VanderZanden, City Manager; Paul Downey, Administrative Services Director; Rob Foster, Public Works Director; Tom Gamble, Parks and Recreation Director; Jon Holan, Community Development Director; Mike Kinkade, Fire Chief; J. F. Schutz, Police Chief; James Reitz, Senior Planner; Brandi Walstead, Program Coordinator; and Bev Maughan, Executive Assistant to City Manager. **STAFF ABSENT:** Anna Ruggles, City Recorder, excused.

1. A. IF I WERE MAYOR AWARD PRESENTATIONS:

Mayor Truax announced the 2016 "If I Were Mayor Contest" winners: Poster (grades 4-5): 1st Place, Isabel Minor; Essay (grades 6-8): 1st Place, Noelle Robison; and 2nd Place, Alexis Wentworth; and Video/PowerPoint (high school/college), no entries submitted. Mayor Truax presented 1st Place winners with a \$50 cash prize on behalf of the City, noting 1st Place entries will be submitted to the state level competition for a chance to win iPads and winners will be announced at the Oregon Mayors Association Conference in July, 2016.

1. B. PROCLAMATIONS:

National EMS Week, May 15 – 21, 2016

Mayor Truax publicly proclaimed May 15 – May 21, 2016, as "Emergency Medical Services Week". Metro West Ambulance received the proclamation.

National Police Week, May 15 – 21, 2015

Councilor Thompson publicly proclaimed May 15 – May 21, 2016, as "National Police Week". Police Chief Schutz received the proclamation on behalf of the Police Department.

National Public Works Week, May 15 – 21, 2016

Mayor Truax publicly proclaimed May 15 – May 21, 2016, as “*National Public Works Week*”. Foster received the proclamation on behalf of the Public Works Department.

National Historic Preservation Month, May 2016

Councilor Kidd publicly proclaimed the month of May, as “*National Historic Preservation Month*”. The Historic Landmarks Board (HLB) received the proclamation.

2016 ERIC. G. STEWART AWARD:

Mayor Truax, on behalf of the Historic Landmarks Board (HLB), presented the “*2016 Eric G. Stewart Award*” to Valerie and Allen Warren in recognition of outstanding service and commitment to historical preservation. The Warren’s were commended for their restoration of the Macrum House, located at 2225 12th Place, which is known as the “Castle” and is one of Forest Grove’s most recognizable 109-year-old National Historic Landmarks and is valued not only for its beautiful Queen Anne-Style architecture but also for its local historic history.

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 (Marijuana Status Update) Meeting Minutes of April 11, 2016.
- B. Approve City Council Work Session (Urban Forestry Management Plan) Meeting Minutes of April 11, 2016.
- C. Approve City Council Executive Session (Labor Negotiations) Meeting Minutes of April 25, 2016.
- D. Approve City Council Work Session (Police Facility Design Services) Meeting Minutes of April 25, 2016.
- E. Approve City Council Work Session (Marijuana Status Update) Meeting Minutes of April 25, 2016.
- F. Approve City Council Regular Meeting Minutes of April 25, 2016.
- G. Accept Community Forestry Commission Meeting Minutes of February 17 and March 16, 2016.
- H. Accept Historic Landmarks Board Meeting Minutes of March 22, 2016.
- I. Accept Public Safety Advisory Commission Meeting Minutes of April 12, 2016.

J. Community Development Department Monthly Building Activity Informational Report for April 2016.

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

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

5. **PRESENTATIONS:**

5. A. **Affordable Housing Series**

Val Valfre, Executive Director of Washington County Department of Housing, presented an informational PowerPoint presentation highlighting Washington County's 10-Year Strategic Plan to End Homelessness; Rental Assistance Programs (Forest Grove has 19 units in Public Housing Program; 170 households in Section 8 Housing Choice Program; and an economic impact of \$1.4 million paid to landlords); Affordable Housing (Forest Grove has three properties containing 77 units in Housing Authority-Owned Portfolio); and reported on state, federal and county Affordable Development Options. In conclusion of the above-noted presentation, Valfre addressed various Council inquiries pertaining to inclusionary zoning and new planned developments setting aside a certain percentage for affordable housing units as well as local exemptions.

5. B. **PROPOSED PLASTIC BAG ORDINANCE:**

Walstead and Holan presented an informational PowerPoint presentation outlining the proposed City Code ordinance regulations, as recommended by the Sustainability Commission, prohibiting the use of single-use plastic carryout bags, noting the proposed code ordinance applies to any retail business and organization who sells food or goods and any city facility, city managed concession, city sponsored event and/or city permitted event and contains exemptions for bulk items, frozen foods and meats, potted plants, bakery goods, pharmacy prescriptions, dry cleaning, and pet, garbage and yard wastes, etc. Walstead and Holan reported the proposed code also requires retailers with more than 10 full-time-equivalent employees to charge the customer a reasonable pass-through-cost of not less than five cents for paper bags and retailers with less than 10 full-time-equivalent employees have the option but are not required to charge the pass-through-cost of not less than five cents for paper bags. Walstead and Holan advised the penalties are similar to other penalties found in the code except a warning notice is issued for first violation and then fines progressing from \$100, \$200 and \$500, noting the code violations are complaint driven. In addition, Walstead and Holan reported on findings from the City of Corvallis, who has implemented a similar code prohibiting plastic bags, and recapped the Sustainability

Commission's educational outreach efforts as outlined in the presentation. In conclusion of the above-noted presentation, Walstead and Holan addressed various Council inquiries pertaining to the proposed code ordinance, noting the Economic Development Commission unanimously voted in the support of the proposed code ordinance, but opposed the pass-through-cost for paper bags and instead preferred an incentive approach rather than issuing fines.

6. FIRST READING OF ORDINANCE NO. 2016-11 REPEALING ORDINANCE NO. 2014-09 AND DELETING FOREST GROVE CITY CODE SECTIONS 2.11.000 TO 2.11.075 (TITLED MARIJUANA TAX)

Staff Report:

Holan presented the above-proposed ordinance for first reading, noting the proposed ordinance is repealing City Code Sections 2.11.000 to 2.11.075 (titled Marijuana Tax) in its entirety, which established a ten percent tax on sale of marijuana and marijuana infused products. Holan advised the State legislature subsequently passed ORS 475B.345, which purportedly preempts local government entities from imposing any tax or fee on the sale of marijuana products other than imposing a three percent tax or fee on the sale of marijuana products subject to voter approval. In conclusion of the above-noted staff report, Holan recommended Council adopt the above-noted ordinance repealing City Code Sections 2.11.000 to 2.11.075 (titled Marijuana Tax) in its entirety as outlined in Exhibit A.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2016-11 for first reading.

VanderZanden read Ordinance No. 2016-11 by title for first reading.

MOTION: Councilor Kidd moved, seconded by Councilor Uhing, to adopt Ordinance No. 2016-11 Repealing Ordinance No. 2014-09 and Deleting Forest Grove City Code Sections 2.11.000 to 2.11.075 (Titled Marijuana Tax).

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained hearing procedures.

Written Testimony Received:

No written testimony was received prior to the deadline of May 9, 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.

Council Discussion:

Hearing no discussion from the Council, Mayor Truax recessed the Public Hearing until the next meeting of Monday, May 23, 2016.

Public Hearing Recessed:

Mayor Truax recessed the Public Hearing until the next Council meeting of Monday, May 23, 2016.

7. DEPARTMENT WORK PLANS FOR 2016:

Parks and Recreation Department:

Gamble presented a PowerPoint presentation outlining the Parks and Recreation Department's Work Plan for 2016-17 as noted in his staff report. Gamble's report focused on five top program accomplishments for 2015; facilities and planning accomplishments; energy conservation efforts; master planning and development; installation of new playground equipment at Thomas Bard Park and Talisman Park; and eight top priorities for 2016-17.

Community Development Department:

Holan presented a PowerPoint presentation outlining the Community Development Department's Work Plan for 2016-17 as noted in his staff report. Holan's report focused on nine top program accomplishments for 2015 and four top priorities for 2016-17.

Forest Grove Fire and Rescue Department:

Fire Chief Kinkade presented a PowerPoint presentation outlining the Forest Grove Fire and Rescue Department's Work Plan for 2016-17 as noted in his staff report. Kinkade's report focused on five top program accomplishments for 2015 and three top priorities for 2016-17.

8. CITY COUNCIL COMMUNICATIONS:

Council President Johnston was absent.

Kidd reported on matters of interest and upcoming meetings he was planning to attend.

Lowe reported on matters of interest and upcoming meetings she was planning to attend.

Thompson reported on matters of interest and upcoming meetings he was planning to attend.

Uhing reported on matters of interest and upcoming meetings she was planning to attend.

Wenzl reported on matters of interest and upcoming meetings she was planning to attend.

9. CITY MANAGER'S REPORT:

VanderZanden reported on upcoming meetings and events as noted in the Council calendar and City Manager's Report. 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.

10. MAYOR'S REPORT:

Mayor Truax announced dates of various upcoming activities, events and meetings as noted in the Council Calendar. In addition, Mayor Truax reported on various local, regional, Metro, and Washington County-related matters of interest and meetings he attended, upcoming community-related events, and upcoming meetings he was planning to attend.

11. ADJOURNMENT:

Mayor Truax adjourned the regular meeting at 9:15 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder