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Monday, May 24, 2021

City Council Regular Meeting Minutes

7:00 p.m., Zoom Community Auditorium

***Minutes are unofficial until approved by Council.
Council approved minutes as presented June 14, 2021.***

1. CALLED TO ORDER AND ROLL CALL:

Mayor Peter Truax called the regular City Council meeting to order at 7:02 p.m. via Zoom Webinar Video Conference.

COVID-19: Due to the emergency declaration resulting from COVID-19 (Coronavirus disease) and protocols, the City Council conducted the Council meeting in a “hybrid” format allowing the public to attend both virtual and in-person in the Community Auditorium as spaced allowed. Members of the public could observe the meeting **LIVE on Zoom Webinar** or on television on Tualatin Valley Community Television (TVCTV) Government Access Programming Channel 30. Written comments were accepted by 3:00 p.m. the day of the meeting.

Mayor Truax held a moment to recognize that the search continues for Ralph Brown, a former mayor of Cornelius and member of Parks and Recreation Commission, who has been missing since he left his Cornelius home on Sunday, May 16, 2021, noting all communities are actively searching for his safe return home.

ROLL CALL: COUNCIL PRESENT ATTENDED BY ZOOM WEBINAR: Donna Gustafson; Kristy Kottkey; Timothy Rippe; Mariana Valenzuela; Malynda Wenzl, Council President; and Mayor Peter Truax. **COUNCIL ABSENT:** Elena Uhing.

STAFF PRESENT ATTENDED BY ZOOM WEBINAR: Jesse VanderZanden, City Manager; Paul Downey, Administrative Services Director; Anne Lane, Parks and Recreation Director; Bryan Pohl, Community Development Director; Dan Riordan, Senior Planner; Colleen Winters (in attendance); Anna Ruggles, City Recorder (in the Community Auditorium).

ZOOM ATTENDEES: 4

2. PUBLIC COMMENT SIGN-IN: None.

The following written e-mail correspondence was received for the Council Packet:

	Name:	Subject	Dated:
1.	Robert Merhige	What Your City is Famous For!	05/10/2021
	ADDENDUM		

2.	Charlotte Luma	A cultural question - effectiveness between meetings	05/20/2021
3.	Stephanie Rose	Budget for CCI	05/23/2021

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 (Labor Negotiations) Meeting Minutes of May 10, 2021.
- B. Approve City Council Regular Meeting Minutes of May 10, 2021.
- C. Accept Parks and Recreation Commission Meeting Minutes of January 20, 2021.
- D. Accept Planning Commission Meeting Minutes of April 5, 2021.
- E. Accept Public Arts Commission Meeting Minutes of March 18, 2021.
- F. Community Development Department Monthly Building Activity Informational Report for April 2021.
- G. Forest Grove Police Department 2020 Annual Report.
- H. **RESOLUTION NO. 2021-24 AMENDING 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 14, 2021, UNLESS SUPERSEDED SOONER; AMENDING RESOLUTION NO. 2021-22.**

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

4. ADDITIONS/DELETIONS: None.

5. PRESENTATIONS:

5. A. Community Impact Grant Report

Shawn Cardwell, Forest Grove Foundation, presented an overview of the Forest Grove Community Impact Grant (CIG) Year 1 Activities, listed in Section B of the grant agreement between the Forest Grove Foundation (Sponsor) and City. Cardwell reported Year 1 general expenses through April 30, 2021, were \$26,262.50, with \$13,737.50 remaining. Total amount of the grant was \$120,000 to be disbursed in equal annual amounts of \$40,000 over a three-year period in September 2020,

August 2021, and August 2022. The three-year grant period is July 1, 2020, through June 20, 2023. The purpose of the grant is provide funding to assist the Sponsor in developing a more comprehensive program to address homelessness in the Forest Grove Urban Growth Boundary area.

5. B. Westside Turnkey Housing Project Update

Brian Schimmel, Forest Grove Foundation, Centro Cultural de Washington County (Centro) Housing Director, presented an overview of the Westside Turnkey Housing Project, noting Centro was awarded a Project Turnkey grant from the Oregon Community Foundation for the acquisition and conversion of Forest Grove Inn (20-room motel in Forest Grove) for transitional supportive housing. The Transitional Housing Project will serve underserved and marginalized populations, including houseless persons, migrant and seasonal farmworkers to include families and individual adults with a focus on women and provide access to various supportive services. Centro will oversee operations and contract specific service providers and a property management company will be onsite to manage the facility and intake process. In conclusion of the above-noted presentation, Schimmel addressed inquiries pertaining to zoning, noting a zoning assessment was conducted and was approved as a group living facility with an onsite manager.

5. C. Parks Updates

Lane presented a PowerPoint Presentation overview of the following projects:

1. **Stites Park**, 11-acres located at 26th Avenue: The Design Plan has been completed. The nature park will feature a large community garden, picnic and play areas that will complement the natural character of the overall park.
Project Funding:
 - \$1,420,000 Metro 2019 Bond Measure – Local Share Program
 - \$ 400,000 Parks System Development Charges
 - \$1,820,000 Project Estimate

Lane introduced PLACE consultants who were in attendance and addressed various inquiries pertaining to the Design Plan.

2. **Aquatic Center Main Pool Upgrades**: The main pool will be closed approximately 13 weeks, beginning June 13, 2021, to repair a significant leak. The activity pool and spray-ground will not be impacted. The goal is to reopen by September 8, 2021. The project will funded by the Major Maintenance Fund.
 - Estimated cost of repairs: \$ 89,121
 - Estimates loss of revenue: \$125,000
3. **Summer Recreation Programs**: A culmination of events sparked the concept of Summer O'Fun Program with a variety of recreational activities occurring during the pool closure. The program allows for pool staff to remain hired during the pool closure. Summer O'Fun Program delivers the vision set forth in Council Goals 5.4 and 7.2.

5. D. House Bill (HB) 2001 Update and Legislative Process

Riordan and Pohl presented a PowerPoint presentation overview of the City's implementation requirements pursuant to House Bill (HB) 2001 passed by the Oregon Legislature in 2019, which expands the ability of property owners to build certain traditional housing types, such as duplexes, triplexes, quadplexes and cottage clusters, in areas zoned for detached single-family dwelling. The Oregon Department of Land Conservation and Development (DLCD) prepared a Model Development Code for middle housing types that cities may adopt. The DLCD Model Development Code raises policy questions for the City to consider, i.e.:

- How should the City's four existing single-family residential development zones be revised/consolidated?
- Should the City adopt the DLCD Model Development Code in its entirety?
- Should the Model Development Code be modified to be less restrictive?

Staff advised the Planning Commission will form a subcommittee to provide guidance on policy considerations and assist with preparing code amendments for public review and comment. Staff gave an overview on the implementation timeline, noting the mandated implementation deadline is June 30, 2022. In addition, HB 2001 included an extension of the enactment of middle housing provisions only in the case of significant infrastructure deficiencies. The City received a grant from DLCD to prepare an HB 2001 Extension Request (Infrastructure Based Time Extension or IBTER). Staff will bring back a proposed resolution at the June 14, 2021, Council meeting asking Council to consider authorizing the City to submit an application for a HB 2001 IBTER for the David Hill Urban Growth Area. The City's application deadline for applying for an extension is June 30, 2021.

6. CONTINUE PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 2021-02 VACATING THE ALLEY LOCATED BETWEEN 1208 AND 1222 BIRCH STREET; APPLICANT: MICHAEL MOORE; FILE NO. 311-21-000011-PLNG

The first reading of Ordinance No. 2021-02 by title and motion to adopt occurred at the meeting of May 10, 2021.

Staff Report:

Pohl presented the above-proposed ordinance for second reading, noting staff had nothing further to report.

Public Hearing Continued:

Mayor Truax continued the Public Hearing from the meeting of May 10, 2021, and explained hearing procedures.

Written Objections/Written Testimony Received:

No written objections or written testimony was received.

Proponents:

Michael Moore, Forest Grove, Applicant, was in the audience and testified in support at the Council meeting of May 10, 2021.

No one else 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:

Hearing no concerns from the Council, Mayor Truax asked for a roll call vote on the motion made at the meeting of May 10, 2021.

VanderZanden read Ordinance No. 2021-02 by title for second reading.

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

7. A. COUNCIL COMMUNICATIONS:

Gustafson reported attending Washington County Public Safety Coordinating Council (PSCC) meeting, noting she voiced support of the drug court program grant.

Gustafson briefed on city staff's meeting with downtown businesses located on 21st Avenue regarding the Festival Street, noting there was discussion about parking and the need to install additional safety lighting at the City Center Parking Lot. Gustafson briefed on her meeting with the Police Chief. Gustafson voiced her desire of allowing a Council subcommittee to making recommendations on police policies that directly affect law enforcement officers and for the betterment of the community. Issues included: policy enforcement, retention, culture, health and wellness opportunities, psychological evaluations, counseling and sabbaticals. Gustafson asked to consider the next steps, which was acknowledged; however, no decision or motion was made.

Kottkey entertained a motion to allow a Council subcommittee (i.e., Kottkey, Gustafson, two members from CPAC and Police Chief) to be tasked in creating a "Policy 101 List" that identifies policies mandated by the state, contractual policies, and recommendations for community-related policies as well as the intent of identifying which policies CPAC is allowed to make recommendations to Council. The motion was not seconded; as a result, the motion failed. In addition, Kottkey briefed

that Pacific University is hosting joint training sessions for CPAC and police officers; CPAC Chair is working to gather CPAC's top three priority action items; and CPAC appointed two commissioners (Marissa Salgado and Carlos Covarrubias) to pilot a small Community Conversation Discussion Group, to which CPAC will present findings at a later date. Kottkey reported attending Community Forestry Commission (CFC) meeting and highlighted task-related activities. Lastly, Kottkey presented a PowerPoint presentation of the Forest Grove Homeless Outreach and commended the outreach workers who cleared over 2,000 pounds of debris from city and county properties located on Highway 47 that has been there for years. Kottkey proposed the following motion.

MOTION: Kottkey moved, seconded by Valenzuela, to hold an Optional Council Work Session with the Anti-Poverty Task Force, Chamber Director and Forest Grove Foundation to brainstorm and answer questions pertaining to homeless camping in the City of Forest Grove.

Council Discussion:

Mayor Truax affirmed the above-noted motion complied with Council Rules 6.3.1, noting a majority of the Councilmembers present must approve the request and the request must not require a staff report. Hearing no discussion from the Council, Mayor Truax asked for a voice vote on the above-noted motion.

VOICE VOTE: AYES: Councilors Gustafson, Kottkey, Rippe, Valenzuela and Wenzl. NOES: None. ABSENT: Councilor Uhing. ABSTAINED: Mayor Truax. MOTION CARRIED 5-0.

Rippe reported attending Forest Grove Rural Fire Protection District and Economic Development Commission meetings and highlighted task-related activities. Rippe briefed on an Excel workbook that he created and shared with the City Manager and he would share with Council, noting the workbook could be used as a tool to capture a possible format to further refine the Council Goals and Objectives with measureable action plans as well as additional information and resources. In addition, Rippe advised he will be asking Council for a letter of support at the next Council meeting for the Council Creek Regional Trail RAISE Grant Application on behalf of the partnering agencies. Rippe indicated he will be out-of-state in August, noting he could attend the Council meeting in August virtually, to which there were no objections. Lastly, Rippe voiced support of resuming in-person Council meetings now that Forest Grove is in the lower risk category.

Uhing was absent.

Valenzuela reported she was unable to attend the Public Arts Commission (PAC) meeting, noting the draft Mural Policy was approved by PAC. Valenzuela noted the

Mural Policy was drafted in consultation with the City Attorney and other cities' art commissions. Valenzuela was uncertain of when PAC was planning to present the Mural Policy recommendation to Council for formal consideration.

Council President Wenzl asked for clarification on Council Rules pertaining to councilors anticipating to add matters for discussion or items to be considered at the meeting and not published on agenda. Wenzl advised it is in the public's interest to place a matter on the agenda under Additions/Deletions and not under Council Communications. Wenzl noted this allows Council to vote whether to add the matter to the published agenda or to a future agenda, determine if a resolution is required and informs the public early in the meeting if the agenda is amended. In addition, Wenzl reported the Parks and Recreation Commission (P&R) meeting was canceled, noting the search for Ralph Brown continues. Brown is a member of the P&R and has been reported missing since Sunday, May 16, 2021. Lastly, Wenzl voiced support of resuming in-person Council meetings now that Forest Grove is in the lower risk category.

Mayor Truax read in its entirety Council Rules Section 6.3, Councilmembers Scheduling Agenda Items, and 6.4, Order of Business, 4. Additions/Deletions, noting the Council Rules are silent as to when a matter can be proposed to be added to the published agenda; however, a majority vote at the meeting is required to approve the request. VanderZanden affirmed he would provide further clarification.

7. B. City Manager's Report:

In response to the roundtable discussion and inquiries under Council Communications, VanderZanden advised staff will create a list identifying police policies and report back to Council. VanderZanden explained Council sets certain parameters and staff engages the labor contract negotiations with the union representatives, and Council approves by resolution the proposed labor contract. VanderZanden noted he would report back to Council regarding when the current labor contract would be reopened for negotiation. VanderZanden briefed on the public meeting notice requirements once a subcommittee is established, noting a topic or list of subjects anticipated to be discussed or considered has to be publicly noticed on an agenda. VanderZanden briefed on the Oregon Health Authority's updated guidance regarding mask and physical distancing requirements for individuals fully vaccinated against COVID-19 and briefed on City Hall requirements. VanderZanden announced the upcoming Budget Committee meetings. Lastly, VanderZanden briefed on department-related activities and projects.

7. C. MAYOR'S REPORT:

Mayor Truax briefed on other cities who are considering in-person meetings, noting he understands that there are concerns about the continued threat to COVID-19. Mayor Truax advised he is considering submitting a proposal to Council to resume in-

person meetings no later than the August meeting. Lastly, Mayor Truax advised he would submit his written Mayor's Report to Council.

8. **ADJOURNMENT:**

Mayor Truax adjourned the regular Council meeting at 9:48 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder