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Monday, June 14, 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 28, 2021.***

1. CALLED TO ORDER AND ROLL CALL:

Mayor Peter Truax called the regular City Council meeting to order at 7:04 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.

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

STAFF PRESENT ATTENDED BY ZOOM WEBINAR: Jesse VanderZanden, City Manager; Paul Downey, Administrative Services Director; Bryan Pohl, Community Development Director; Dan Riordan, Senior Planner; Colleen Winters (in attendance); Elizabeth Stover, Communications/Program Coordinator (in attendance); Anna Ruggles, City Recorder (in the Community Auditorium).

ZOOM ATTENDEES: 4

2. PUBLIC COMMENT SIGN-IN:

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

	Name:	Subject	Dated:
1.	Michael Perrault	Question for the City Council	06/07/2021

The following testimony was heard via Zoom:

- Michael Perrault, Forest Grove, addressed Council asking when city officials were planning to open a managed camping facility for homeless people on city-owned property, similar to the City of Hillsboro’s recent announcement,

to which Mayor Truax advised when the City considers this proposal, it will include community participation.

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 (City Manager Performance Evaluation) Meeting Minutes of May 24, 2021.
- B. Approve City Council Regular Meeting Minutes of May 24, 2021.
- C. Accept Committee for Community Involvement (CCI) Meeting Minutes of April 6, 2021.
- D. Accept Community Forestry Commission (CFC) Meeting Minutes of April 21, 2021.
- E. Accept Community Policing Advisory Commission (CPAC) Meeting Minutes of March 18, 2021.
- F. Accept Historic Landmarks Board (HLB) Meeting Minutes of February 9, 2021.
- G. Accept Public Arts Commission (PAC) Meeting Minutes of April 15, 2021.
- H. Accept Sustainability Commission (SC) Meeting Minutes of February 25 and April 22, 2021.
- I. Accept Urban Renewal Advisory Commission (URAC) Meeting Minutes of May 7, 2020.
- J. Accept Resignation on Historic Landmarks Board (HLB) (Mark Fischer, Term Expiring December 31, 2022).
- K. Community Development Department Monthly Building Activity Informational Report for May 2021.
- L. Authorize Mayor to Sign on Behalf of the City a Letter of Support for Council Creek Regional Trail RAISE Grant Application.
- M. **RESOLUTION NO. 2021-25 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 28, 2021, UNLESS SUPERSEDED SOONER; AMENDING RESOLUTION NO. 2021-24.**

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

4. ADDITIONS/DELETIONS: None.

5. PRESENTATIONS:

5. A. Diversity, Equity & Inclusion (DEI) Update,

Jamillah Jordan, MIG, Inc., presented an overview of the Diversity, Equity & Inclusion (DEI) Plan and Training, noting the progress update includes:

- Internal DEI Team Meeting #1 & 2
- City Council meeting
- Inventory of DEI Policies, Practices and Activities
- 8 interviews
- 3 focus groups (27 total participants)
- Briefing with City Manager

In addition, Jordan provided snapshots of the interviews conducted with the focus groups; inventory of key policies, practices and activities; upcoming engagements; training approach; and future tasks for the DEI Plan Development. In conclusion of the above-noted presentation, Jordan addressed various inquiries pertaining to the overall process; interviews (focus on organizational front staff); City's employment stats and hiring recruitment (take a closer look); demographics and population data indicators (take a closer look at Pacific University's data for Hawaiian and Pacific Islanders); DEI meaning (vulnerable and disadvantaged groups, i.e., seniors, veterans and homeless); and emphasis on Council's philosophy so it aligns with City policies.

6. PUBLIC HEARING AND RESOLUTION NO. 2021-26 SETTING FEES AND CHARGES FOR AQUATIC CENTER, EFFECTIVE JULY 1, 2021 (3% RATE INCREASE), AND REPEALING RESOLUTION NO. 2019-18

Staff Report:

Downey presented the above-proposed resolution for Council consideration, noting the proposed resolution is increasing the Aquatic Center fees and charges by three percent (3.0%), rounded to the nearest increment, effective July 1, 2021. For in-City (18-64 years) public and fitness swim, the fee would increase from \$6.00 to \$6.25. For in-City (2-17 years), Senior and Veteran, the fee would increase from \$4.20 to \$4.50. In conclusion of the above-noted staff report, Downey advised staff is recommending Council consider approving the proposed resolution as outlined in Exhibit A, noting the City delayed increasing rates in Fiscal 2020-21 due to COVID-19 (Coronavirus disease).

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2021-26.

VanderZanden read Resolution No. 2021-26 by title.

MOTION: Council President Wenzl moved, seconded by Councilor Uhing, to

adopt Resolution No. 2021-26 Setting Fees and Charges for Aquatic Center, Effective July 1, 2021, and Repealing Resolution No. 2019-18.

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained hearing procedures.

Written Objections/Written Testimony Received:

No written objections or 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.

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 above motion.

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

7. PUBLIC HEARING AND RESOLUTION NO. 2021-27 SETTING FEES AND CHARGES, EFFECTIVE JULY 1, 2021 (3% RATE INCREASE), AND REPEALING RESOLUTION NO. 2019-24

Staff Report:

Downey presented the above-proposed resolution for Council consideration, noting the proposed resolution is requesting to increase fees and charges, excluding building permit fees, by three percent (3%), effective July 1, 2021. The following fees were eliminated: 1) Library Late Fines; 2) Library Collection Agency Fees; 3) City Council Packet Subscription (per 6 months); and 4) City Council Agenda Annual Subscriptions. Research Fee - City Staff per hour rate was revised to state the fee is charged in 15-minute increments and there is no charge for the first 30 minutes. Fee for document copy was reduced to 10 cents per page to reflect actual cost. Excavation Permit Fee and the Permit to Deposit on Street fees were adjusted to reflect actual costs. In addition, staff intends to create a fee book, which contains all

City fees, rates, and charges in one document. In conclusion of the above-noted staff report, Downey advised based on Fiscal Year 2021-22 budget proposal, staff is not recommending any increases to the building permit fees, noting the proposed resolution is setting Planning Fees as outlined in Exhibit 1, and setting other fees and charges as outlined in Exhibit 2, effective July 1, 2021.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2021-27.

VanderZanden read Resolution No. 2021-27 by title.

MOTION: Councilor Uhing moved, seconded by Councilor Rippe, to adopt Resolution No. 2021-27 Setting Fees and Charges, Effective July 1, 2021, and Repealing Resolution No. 2019-24.

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained hearing procedures.

Written Objections/Written Testimony Received:

No written objections or 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.

Public Hearing Closed:

Mayor Truax closed the Public Hearing.

Council Discussion:

In response to inquiries pertaining to discrepancy in the rate structure for soccer and softball facility rentals, Downey referenced Exhibit A, Parks and Recreation Fee Schedule, noting facility rentals are based on lighting needs and required maintenance upkeep.

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

ROLL CALL VOTE: AYES: Councilors Gustafson, Kottkey, Rippe, Uhing,

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

8. **RESOLUTION NO. 2021-28 FIXING SOLID WASTE RATES TO BE CHARGED BY FRANCHISE WASTE MANAGEMENT, EFFECTIVE JULY 1, 2021, AND REPEALING RESOLUTION NO. 2018-46**

Staff Report:

Downey presented the above-proposed resolution for Council consideration, noting Metro has increased mixed solid waste tip fees by \$16.80 per ton, effective July 1, 2021 (approximately 17 percent increase), from \$98.35 per ton to \$115.15 per ton. Waste Management (WM) is requesting a 4.1 percent increase in residential solid waste rates and a 5.1 percent in commercial solid waste rate increases as of July 1, 2021. WM furnished written proof of the Metro increase as required by Section 8, Paragraph 5(a) of Ordinance 1987-02, Forest Grove Solid Waste Management Franchise, and staff conducted a detailed rate review. Downey reported WM did not request a rate increase when Metro increased the tip fee by \$0.90 per ton on July 1, 2020, noting the increase proposed effective July 1, 2021, of \$16.80 per ton, is too large for WM to absorb within the current rates. In conclusion of the above-noted staff report, Downey advised based on the findings outlined above, staff is recommending Council adopt the attached resolution as outlined in Exhibit A, noting after the review is completed pursuant to the Ordinance, Council shall approve a rate change for the Franchisee, which passes through fees set by Metro.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2021-28.

VanderZanden read Resolution No. 2021-28 by title.

MOTION: Council President Wenzl moved, seconded by Councilor Valenzuela, to approve Resolution No. 2021-28 Fixing Solid Waste Rates to be Charged by Franchise Waste Management, Effective July 1, 2021, and Repealing Resolution No. 2018-46.

Council Discussion:

Uhing voiced displeasure of Metro's lack of notification to Council, noting Metro needs to do better at transparency and providing adequate notification when undergoing a proposed rate increase that affects Forest Grove residents.

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, Valenzuela, Wenzl, and Mayor Truax. NOES: Councilors Gustafson, Rippe and Uhing, None. MOTION

CARRIED 4-3.

9. **RESOLUTION NO. 2021-29 AUTHORIZING CITY MANAGER TO ENDORSE AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN CITY OF FOREST GROVE AND FOREST GROVE SCHOOL DISTRICT NO. 15 FOR FOREST GROVE SUMMER PROGRAMS**

Staff Report:

Downey presented the above-proposed resolution for Council consideration, noting the resolution is authorizing the City Manager to endorse an Intergovernmental Agreement (IGA) between the City and Forest Grove School District for Forest Grove Summer Programs. Downey reported the District received Federal funding for summer programs and has asked the City to manage the summer park programs and work collaboratively with the District. The City's Parks and Recreation Department will administer the summer park programs called "Summer O'Fun" from July 6 through August 27, 2021, at three locations in Forest Grove and one in Cornelius. In conclusion of the above-noted staff report, Downey advised staff is recommending Council adopt the attached resolution as outlined in Exhibit A, noting the City will be reimbursed by District to administer the summer parks programs.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2021-29.

VanderZanden read Resolution No. 2021-29 by title.

MOTION: Council President Wenzl moved, seconded by Councilor Valenzuela, to approve Resolution No. 2021-29 Authorizing City Manager to Endorse an Intergovernmental Agreement (IGA) Between City of Forest Grove and Forest Grove School District No. 15 for Forest Grove Summer Programs.

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

10. **RESOLUTION NO. 2021-30 AUTHORIZING CITY MANAGER TO SUBMIT AN APPLICATION FOR HOUSE BILL 2001 INFRASTRUCTURE-BASED TIME EXTENSION REQUEST TO OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT FOR DAVID HILL URBAN GROWTH AREA**

Staff Report:

Riordan and Pohl presented the above-proposed resolution for Council consideration, noting the above-proposed resolution is authorizing the City Manager to submit an application for House Bill (HB) 2001 Infrastructure-Based Time Extension Request (IBTER) to the Oregon Department of Land Conservation and Development (DLCD) for David Hill urban growth area north and south of David Hill Road and west of Thatcher Road (Westside Planning Area). In 2019, the Oregon legislature adopted HB 2001, known as the middle housing law, to allow development of duplexes, triplexes, quadplexes, and townhomes in areas zoned for single-family residential development. HB 2001 provides authority to the DLCD to grant a time extension to local governments to provide time to implement rules for middle housing in areas where the local government has identified water, sewer, storm drainage or transportation services are significantly deficient. Riordan presented a PowerPoint presentation overview of the IBTER application as outlined in Exhibit A and remediation plan, DLCD actions and expected outcomes, noting the total infrastructure costs needed to serve development for the David Hill urban growth area is estimated at \$38 million. In conclusion of the above-noted staff report, Riordan and Pohl advised staff is recommending Council adopt the attached resolution as outlined in Exhibit A, noting the City's IBTER application is due to the DLCD for consideration by June 30, 2021. The purpose of the application is to address the timeline for remedying the deficient infrastructure and the City's plans to allow middle housing in areas of the City.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2021-30.

VanderZanden read Resolution No. 2021-30 by title.

MOTION: Councilor Rippe moved, seconded by Councilor Uhing, to approve Resolution No. 2021-30 Authorizing City Manager to Submit an Application for House Bill 2001 Infrastructure-Based Time Extension Request to Oregon Department of Land Conservation and Development for David Hill Urban Growth Area.

Council Discussion:

Riordan and Pohl addressed inquiries pertaining to middle housing zones and showed an aerial map of where middle housing zones would be allowed throughout the City after the City adopts development rules implementing HB 2001, noting HB 2001 identifies housing types, not housing costs; however, the housing types can be more affordable.

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

ROLL CALL VOTE: AYES: Councilors Gustafson, Kottkey, Rippe, Uhing,

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

11. A. COUNCIL COMMUNICATIONS:

Gustafson briefed on the Festival Street conversations with downtown businesses. In addition, Gustafson commended city staff for responding expediently to install additional lighting at the City Center Parking Lot to help alleviate security concerns.

Kottkey reported on Forest Grove Homeless Outreach and commended the outreach workers who cleared over 6,000 pounds of debris from city and county properties located on Highway 47. Kottkey briefed on ways to conduct public outreach for the Thatcher Road/Gales Creek Road Intersection Improvements Virtual Open House, which is scheduled for July 18, 2021. In addition, Kottkey reported on Community Policing Advisory Commission (CPAC)'s upcoming meeting agenda, noting CPAC is seeking Council feedback on its priorities.

Rippe referenced Consent Agenda Item 3. L. and thanked Council for supporting the Letter of Support for Council Creek Regional Trail RAISE Grant Application. Rippe briefed on Westside Economic Alliance Transportation Committee meeting. In addition, Rippe reported on upcoming meetings he was planning to attend.

Uhing briefed on Historic Landmarks Board meeting and activities. Uhing reported Sustainability Commission appointed a subcommittee to review burn plan/ban for the purpose of submitting a recommendation to Council. In addition, Uhing spoke about the urgency of finishing the Council Rules and having a conversation about economic recovery.

Valenzuela reported Public Arts Commission (PAC) submitted the draft Mural Policy to the City Manager for review, noting once the review is completed, the PAC will present the Mural Policy recommendation to Council for formal consideration. In addition, Valenzuela briefed on other tasks and activities.

Council President Wenzl recapped the Committee for Community Involvement's (CCI) first Quarterly Town Meeting (QTM) held via Zoom on June 10, 2021. The topic discussion was Assisting Houseless Neighbors; 49 participants attended. Council collectively commended CCI for their work on the QTM. The next QTM will be held in September. The topic discussion is Community Development. In addition, Wenzl briefed on Parks and Recreation Commission (P&R)-related tasks and activities.

11. B. City Manager's Report:

VanderZanden presented the City Manager's Report, dated June 14, 2021, noting Engineering Department is currently working on speed studies on Main Street, in the vicinity of 21st Avenue, and David Hill Road, in the vicinity of B Street. VanderZanden

briefed on the Thatcher Road/Gales Creek Road Intersection Improvements, noting Washington County is submitting an updated Intergovernmental Agreement (IGA) delineating project cost, which will be submitted to Council for formal consideration. VanderZanden reported the Community Auditorium maximum capacity limits for the specific sector based on the designated risk level for the county (low-risk analysis) is 25 persons, chairs spaced six-feet apart. In addition, VanderZanden briefed on other various department-related projects and activities.

11. C. MAYOR'S REPORT:

Mayor Truax referenced his Mayor's Report, dated June 14, 2021. Mayor Truax spoke in remembrance of Dennis Ross who died, noting Ross was the former Mayor of Maupin, former President of the League of Oregon Cities and a good friend to countless people across the state. Mayor Truax reported on Library Commission meeting and Library's re-opening plan. In addition, Mayor Truax briefed on various Washington County-related matters of interest and meetings he attended.

12. ADJOURNMENT:

Mayor Truax adjourned the regular Council meeting at 9:49 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder