



A place where families and businesses thrive.

City Council Regular Meeting Minutes

Monday, May 23, 2022
Zoom Community Auditorium

***Minutes are unofficial until approved by City Council.
Council approved minutes as presented June 13, 2022.***

A. Call to Order:

Malynda Wenzl, Council President, called the regular City Council meeting to order at 7:02 p.m. via in-person and Zoom Webinar Video Conference. The meeting was held in a “hybrid” format allowing the public to attend both virtually and in-person in the Community Auditorium. Members of the public could observe the meeting **LIVE** on **Zoom Webinar** or on television on Tualatin Valley Community Television (TVCTV) Government Access Programming.

1. **ROLL CALL: COUNCIL PRESENT:** Donna Gustafson; Kristy Kottkey; Timothy Rippe; Elena Uhing; Mariana Valenzuela; and Malynda Wenzl, Council President. **COUNCIL ABSENT:** Peter Truax, Mayor.
2. **STAFF PRESENT:** Jesse VanderZanden, City Manager; Paul Downey, Assistant City Manager/Finance Director; Bryan Pohl, Community Development Director; Keith Hormann, Light and Power Director (via Zoom); Henry Reimann, Police Chief; Gregory Robertson, Public Works Director; Rich Blackmun, Project Manager; Brenna Fulks, Economic Development Coordinator; Eddie Littlefield, Power Services Manager; Dan Riordan, Senior Planner; and Anna Ruggles, City Recorder.

B. Public Comment:

1. CC05-23-2022 Written Public Comments received by 3:00 p.m. on the day of the meeting were published in the Council Packet.

No testimony was heard via Zoom.

C. Consent Agenda:

1. Approve City Council Executive Session (Real Property Transactions) Meeting Minutes of May 9, 2022.
2. Approve City Council Work Session (Forest Grove Light and Power Electric System Master Plan) Meeting Minutes of May 9, 2022.
3. Approve City Council Regular Meeting Minutes of May 9, 2022.
4. Accept Committee for Community Involvement (CCI) Meeting Minutes of April 5, 2022.
5. Accept Community Policing Advisory Commission (CPAC) Meeting Minutes of March 17, 2022.
6. Accept Community Forestry Commission (CFC) Meeting Minutes of April 13, 2022.

7. Accept Library Commission (LC) Meeting Minutes of March 9, 2022.
8. Accept Parks and Recreation Commission (P&R) Meeting Minutes of March 16, 2022.
9. Accept Planning Commission (PC) Meeting Minutes of March 7, March 22, April 4 and April 18, 2022.
10. Accept Sustainability Commission (SC) Meeting Minutes of February 24 and March 24, 2022.
11. Accept Resignation on Economic Development Commission (EDC) (Jonathan Yawson, Chaucer Foods, Food/Beverage Processor, Appointed 09/18, Term Expiring December 31, 2023).
12. Certificate of Appreciation Awarded to Holly Tsur, Historic Landmarks Board, 2009-2022.
13. Endorse New Liquor License Application (Die The Wolf Distillery).

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

D. Additions/Deletions:

1. City Manager – none.
2. Proposed by Councilors (pursuant to Council Rules Section 6.3)

After Council discussion pertaining to the topics below, the following motions were made.

MOTION: Councilor Kottkey moved, seconded by Councilor Rippe, to approve adding to June 13, 2022, Council Meeting Agenda a Presentation by Council Subcommittee on Houselessness to consider recommendations. **VOICE VOTE:** AYES: Councilors Gustafson, Kottkey, Rippe, Uhing, Valenzuela and Council President Wenzl. NOES: None. ABSENT: Peter Truax, Mayor. **MOTION CARRIED 6-0.**

MOTION: Councilor Uhing moved, seconded by Councilor Rippe, to approve adding to August 22, 2022, Council Meeting Agenda, a Work Session to review City Charter review process. **VOICE VOTE:** AYES: Councilors Gustafson, Kottkey, Rippe, Uhing, Valenzuela and Council President Wenzl. NOES: None. ABSENT: Peter Truax, Mayor. **MOTION CARRIED 6-0.**

E. Presentations:

1. **Proclamation**
 - *National Historic Preservation Month 2022*

- *Mes Nacional de Preservación Histórica 2022*

2. **Eric G. Steward Award 2022**

Jennifer Brent, HLB Chair, presented the Eric G. Steward Award for 2022 to Holly Tsur, noting Tsur was appointed to the HLB in September of 2009 and served as Vice Chair from 2011 to 2014 and Chair from 2015 to 2020.

F. Public Hearings, Ordinances, and Resolutions:

1. **PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2022-02
ADOPTING AN UPDATE TO 2010 WATER MASTER PLAN AND AMENDING
FOREST GROVE COMPREHENSIVE PLAN TO ADD WATER SYSTEM MASTER
PLAN UPDATE AS A COMPREHENSIVE PLAN TECHNICAL APPENDIX; FILE NO.
311-22-000006-PLNG**

Public Hearing Opened:

Council President Wenzl opened the Public Hearing and explained the legislative hearing procedures.

Staff Report:

Robertson presented the above-proposed ordinance for first reading, noting the proposed ordinance is adopting an update to the *2010 Water Master Plan* and amending the Forest Grove Comprehensive Plan to add the text of the *Water System Master Plan (WSMP) Update, revised May 2022*, as a Comprehensive Plan Technical Appendix; File No. 311-22-000006-PLNG. Robertson presented a PowerPoint presentation overview of the Executive Summary, noting the WSMP is divided into seven sections: Section 1, Section 2, and Section 3 summarized the existing water system and water demands, estimated future water demands, and list the performance criteria used to analyze the system. Section 4 and Section 5 build off the prior sections to identify system deficiencies, vulnerabilities, and development improvement projects for the supply and distribution systems. Section 6 summarized the Seismic Resilience Plan developed by InfraTerra. Section 7 compiles the proposed projects into a Capital Improvement Program (CIP) prioritized in 5-year increments. The planning period for the WSMP is 20 years, through the year 2041, and includes a 50-year projected water demand for long-range water supply planning and distribution infrastructure decisions. The WSMP is an element of the Forest Grove Comprehensive Plan and must demonstrate local compliance with Oregon Statewide Land Use Planning Goal 11, Public Facilities, and compliance with Oregon Administrative Rule requirements for water system master plans (333-061 and 660-011). The draft WSMP, summary and recommendations were presented to the Council and Planning Commission in joint work sessions held on January 24 and February 28, 2022. In conclusion of the above-noted staff report, Robertson advised staff is recommending Council approve the proposed ordinance for first reading, as outlined in Exhibit A, Exhibit B, Findings, and as outlined in Exhibit C,

Planning Commission Findings and Decision No. 2022-05. The Planning Commission held its hearing on April 18, 2022, and is recommending Council adopt Ordinance No. 2022-02.

Written Testimony Received:

No written testimony was received.

Proponents:

No one testified.

Opponents:

No one testified.

Others:

No one testified.

Public Hearing Continued:

Council President Wenzl continued the Public Hearing for second reading of Ordinance No. 2022-02 at the Council meeting of June 13, 2022, 7:00 p.m.

Council President asked for a motion to adopt Ordinance No. 2022-02 for first reading.

VanderZanden read Ordinance No. 2022-02 by title for first reading.

MOTION: Councilor Uhing moved, seconded by Councilor Gustafson, to adopt First Reading of Ordinance No. 2022-02 Adopting an Update to 2010 Water Master Plan and Amending Forest Grove Comprehensive Plan to add Water System Master Plan Update as a Comprehensive Plan Technical Appendix; File No. 311-22-000006-PLNG.

Council Discussion:

Hearing no concerns or discussion from the Council, Council President Wenzl asked for a roll call vote on the above motion for first reading.

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

2. **RESOLUTION NO. 2022-25 AUTHORIZING CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT BETWEEN CITY OF FOREST GROVE AND VENTURE PROPERTIES FOR ACQUISITION OF CERTAIN REAL PROPERTY ADJACENT TO WATER TREATMENT PLANT**

Staff Report:

Robertson presented the above-proposed resolution for Council consideration, noting the proposed resolution is authorizing the City Manager to execute a purchase and sale agreement between the City and Venture Properties for acquisition of real property adjacent to the Water Treatment Plant (WTP). Robertson reported the Water System Master Plan Update has identified the need for two separate 5MG (million gallon) Reservoirs at the WTP to address seismic resiliency of the existing 5MG Reservoir and plan for future community growth. Venture Properties has offered to sell a parcel (1.01 gross acres) of real property identified on Exhibit B as Tract C (Reservoir Site), which is immediately adjacent to the WTP to accommodate the expansion of storage capacity. In conclusion of the above-noted staff report, Robertson advised staff is recommending Council approve the proposed resolution, as outlined in Exhibit A, noting estimated purchase cost of \$300,000 is budgeted in the Water Fund, unless American Rescue Plan Act (ARPA) monies are approved as part of the budget process.

Before proceeding with Council discussion, Council President Wenzl asked for a motion to adopt Resolution No. 2022-25.

VanderZanden read Resolution No. 2022-25 by title.

MOTION: Councilor Uhing moved, seconded by Councilor Rippe, to approve Resolution No. 2022-25 Authorizing City Manager to Execute a Purchase and Sale Agreement between City of Forest Grove and Venture Properties for Acquisition of Certain Real Property Adjacent to Water Treatment Plant.

Council Discussion:

Hearing no concerns or discussion from the Council, Council President Wenzl asked for a roll call vote on the above motion.

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

3. RESOLUTION NO. 2022-26 AUTHORIZING CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BETWEEN FOREST GROVE POLICE DEPARTMENT AND WASHINGTON COUNTY LAW ENFORCEMENT AGENCIES

Staff Report:

Police Chief Reimann presented the above-proposed resolution for Council consideration, noting the proposed resolution is authorizing the City Manager to execute an Intergovernmental Agreement (IGA) between Forest Grove Police Department and Washington County Law Enforcement Agencies relating to Washington County Digital Forensics Laboratory (WCFDL) program. The IGA is effective upon execution and shall

continue until June 30, 2026. Reimann reported the Forest Grove Police Department has benefited from the WCFDL program since its inception in 2018, noting there were no costs associated until 2021. Prior to 2021-2022 fiscal year, the financial burden of the lab was carried by the larger law enforcement agencies. It was decided by the Law Enforcement Council that all law enforcement agency subscribers assist in the cost of providing the lab based on population and/or by each digital examination. In conclusion of the above-noted staff report, Reimann advised staff is recommending Council approve the proposed resolution, as outlined in Exhibit A, noting based on population, the Forest Grove Police Department budgeted \$15,000 for payment for 2021-2022 fiscal year to continue its participation.

Before proceeding with Council discussion, Council President Wenzl asked for a motion to adopt Resolution No. 2022-26.

VanderZanden read Resolution No. 2022-26 by title.

MOTION: Councilor Gustafson moved, seconded by Councilor Valenzuela, to approve Resolution No. 2022-26 Authorizing City Manager to Execute an Intergovernmental Agreement between the Forest Grove Police Department and Washington County Law Enforcement Agencies.

Council Discussion:

Hearing no concerns or discussion from the Council, Council President Wenzl asked for a roll call vote on the above motion.

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

4. **RESOLUTION NO. 2022-27 APPROVING FOREST GROVE LIGHT AND POWER ELECTRIC SYSTEM MASTER PLAN**

Staff Report:

Littlefield and Hormann (via Zoom) presented the above-proposed resolution for Council consideration, noting the proposed resolution is approving the Forest Grove Light and Power System Master Plan Final Report – April 2022, which was developed for the three Forest Grove substations and distribution system, including load forecasting analysis for future growth needs. Staff presented a summary and recommendations to Council in work session held on May 9, 2022. In conclusion of the above-noted staff report, Littlefield advised staff is recommending Council approve the proposed resolution, as outlined in Exhibit A.

Before proceeding with Council discussion, Council President Wenzl asked for a motion to adopt Resolution No. 2022-27.

VanderZanden read Resolution No. 2022-27 by title.

MOTION: Councilor Kottkey moved, seconded by Councilor Rippe, to adopt Resolution No. 2022-27 Approving Forest Grove Light and Power Electric System Master Plan.

Council Discussion:

Hearing no concerns or discussion 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 and Council President Wenzl. NOES: None. ABSENT: Peter Truax, Mayor. MOTION CARRIED 6-0.

5. **RESOLUTION NO. 2022-28 AUTHORIZING CITY OF FOREST GROVE TO SUBMIT A GRANT APPLICATION TO THE OREGON DEPARTMENT OF ENERGY FOR COMMUNITY RENEWABLE ENERGY GRANT PROGRAM**

Staff Report:

Littlefield and Hormann (via Zoom) presented the above-proposed resolution for Council consideration, noting the proposed resolution is authorizing the City to submit a grant application to the Oregon Department of Energy (ODOE) for its Community Renewable Energy Grant Program. Littlefield reported Forest Grove Light and Power (FGL&P) would like to apply for one of the grant opportunities that is applicable to the City's proposed community solar project. The grant application is in conjunction with the grant FGL&P has requested through the Federal Congressional Spending (earmark) process. The two grants could complement each other if the city were to be awarded funding from both opportunities. In conclusion of the above-noted staff report, Littlefield advised staff is recommending Council approve the proposed resolution, as outlined in Exhibit A, noting there is a 50 percent match requirement, which can be offset by matching federal grant funding.

Before proceeding with Council discussion, Council President Wenzl asked for a motion to adopt Resolution No. 2022-28.

VanderZanden read Resolution No. 2022-28 by title.

MOTION: Councilor Rippe moved, seconded by Councilor Uhing, to approve Resolution No. 2022-28 Authorizing City of Forest Grove to Submit a Grant Application to the Oregon Department of Energy for Community Renewable Energy Grant

Program.

Council Discussion:

Hearing no concerns or discussion 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 and Council President Wenzl. NOES: None. ABSENT: Peter Truax, Mayor. MOTION CARRIED 6-0.

G. Council Communications:

1. Councilor Reports

Gustafson reported attending Washington County Public Safety Coordinating Council meeting. In addition, Gustafson noted Family Justice Center of Washington County is hosting a fundraising event.

Kottkey reported attending Community Forestry Commission (CFC) and Community Policing Advisory Commission (CPAC) meetings, which led into a roundtable discussion pertaining to boards/commissions in general, i.e., if still necessary and attendance concerns.

Rippe briefed on Sister Cities Committee-related activities. Rippe reported he was unable to attend Economic Development Commission meeting. Rippe briefed on League of Oregon Cities Transportation Policy Committee meeting. **In addition, Rippe reported he is requesting a letter of support to be added to June 13, 2022, Consent Agenda.**

Valenzuela briefed on community-related activities being held at Centro Cultural, located in Cornelius. In response to Valenzuela's concerns pertaining to Coffee with a Cop, i.e., hosting at locations with a diversity, equity and inclusion (DEI) lens, Chief Reimann briefed on DEI outreach programs and marketing, noting staff is currently working with three Hispanic businesses on event sponsorships.

Uhing briefed on Washington County Homeless Plan Advisory Committee and Housing Services Committee, noting the committees approved the Shelter Siting Guidelines.

Council President Wenzl reported Parks and Recreation Commission canceled its last meeting due to lack of a quorum. Wenzl concurred that a Council work session was needed to discuss boards/commissions before the next recruitment process. In addition, Wenzl briefed on the Mayor's Youth Advisory Council (MYAC), noting MYAC may attend the Budget Committee meeting to request ARPA funds to host a multi-jurisdictional event.

2. City Manager's Report

VanderZanden briefed on department-related activities and Council calendar updates, noting the Budget Committee's second meeting is May 24, 2022, 6:00 p.m., via in-person and Zoom. In addition, VanderZanden highlighted work sessions scheduled for the upcoming Council meeting agendas, i.e., Communications Plan, Emergency Operations Plan and Urban Renewal Agency Work Session on B Street.

1. Mayor's Report

Mayor Truax was absent.

H. Adjournment:

Malynda Wenzl, Council President, adjourned the regular Council meeting at 8:49 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder



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**City Council Work Session Meeting Minutes
Employee Handbook (Draft)**

**Monday, May 23, 2022
Zoom Community Auditorium**

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1. **ROLL CALL: COUNCIL PRESENT:** Donna Gustafson; Kristy Kottkey; Timothy Rippe; Elena Uhing; Mariana Valenzuela; and Malynda Wenzl, Council President. **COUNCIL ABSENT:** Peter Truax, Mayor.
2. **STAFF PRESENT:** Jesse VanderZanden, City Manager; Paul Downey, Assistant City Manager/Finance Director; Brenda Camilli, Human Resources Director; and Anna Ruggles, City Recorder.

A. 6:00 PM – COUNCIL WORK SESSION (EMPLOYEE HANDBOOK DRAFT):
Malynda Wenzl, Council President, called the work session meeting to order at 6:00 p.m. via in-person and Zoom Webinar Video Conference.

Staff Report:

Camilli and VanderZanden facilitated the work session, noting the purpose of the work session was to receive comments and input on the proposed policy modifications to update the Employee Handbook prior to beginning the employee review process. The employee review process includes sending out the draft Handbook to all employees and respective bargaining unit representatives for comment. Camille reported the Handbook was reviewed through the value lens established by Council, mindful of financial stewardship, community engagement, and equity, diversity, and inclusion. The Handbook is an evolving document that requires periodic updates to reflect changes in state law, address areas that may be confusing or not otherwise addressed, and clarify areas of ambiguity. The Handbook has been updated every 5 to 7 years with the current version adopted in 2016. The City Charter, Section 36, requires the Council to adopt personnel rules. In addition, Camilli gave an overview of the substantive changes to the policies as summarized below:

PROPOSED SUBSTANTIVE CHANGES

Legislative or Compliance Changes

1. Formally implementing an Open-Door Policy and enhanced non-retaliation provisions for employees reporting alleged improper or unlawful conduct.

2. Expands Pregnancy Anti-Discrimination by clarifying workplace protections for employees with pregnancy-related conditions and revises Workplace and Disability Accommodations language.
3. Incorporates the Workplace Fairness Act which includes revisions related to Nondisclosure or Non-disparagement Agreements (NDA's) and expanding time limitations for filing a grievance or complaint from three to five years after the occurrence of an alleged discriminatory conduct.
4. Incorporates the Oregon Pay Equity Law outlining the provision of ensuring comparable pay for comparable work and the process for employees to seek clarification on questions.
5. Per the Oregon Equality Act, adds gender identity and pregnancy to the list of protected classes in the non-discrimination section and in the recruitment and selection chapter.
6. Added Religious Observances Leave providing for reasonable accommodations for employees to use paid or unpaid leave for religious holy days or participation in religious observations or practice.
7. Expanded nepotism policy to include Oregon state law provisions and more specific guidance about what constitutes nepotism in employment.
8. Updated Harassment Policy in per state legislation and best practices recommendations.
9. Updated Lactation Leave section including that paid rest breaks may be used for feeding and a requirement to provide private location within close proximity to the employee's work area.
10. While not included in the Handbook, staff wanted to make Council aware it is following possible changes to paid medical leave and will update the Handbook when a state program is finalized.

Additional Proposed Changes:

1. Bolstered Organizational Philosophy Statement related to equity, inclusiveness and diversity.
2. Updated benefit language in the following sections:
 - a. Retirement section to include PERS coverage (recall the City went to PERS after the last Handbook was adopted.)
 - b. Added a VEBA (Voluntary Employee Benefits Account for retirement medical expenses) contributions section to include an annual contribution. Similarly, added a provision for payment of two hours of sick leave into an employee's VEBA account once their sick leave balance reaches and remains at 1,000 hours or more

(this proposed language mirrors the language in the Police, IBEW, and AFSCME contracts).

- c. Increase vacation buy back provision for non-represented employees from 40 to 60 hours per 12-month period.

3. Holidays:

- a. Staff proposes Council consider matching observed holidays with federal holidays. This would include the addition of Juneteenth and President's Day for all employees.

With the exception of Police and Fire who accrue holiday pay monthly, the City currently observes 9 holidays plus 2 personal holidays for a total of 11. A survey of 10 local peer cities revealed that one city had the same number of holidays as Forest Grove and 9 cities had more: namely, two had 12, four had 13, and one each had 14, 15, and 16 holidays. Nearly all of them observed Juneteenth and President's Day.

Council Discussion:

Council President Wenzl opened the floor and roundtable discussion ensued as the Council had an opportunity to review the proposed policy modifications and updates to the Employee Handbook as summarized above. Camilli addressed minor edits referenced on Pages 9, 13, 14 and 43. Camilli and VanderZanden also addressed inquiries pertaining to Diversity, Equity and Inclusion (DEI) review; providing gender neutral facilities; creating mindfulness opportunities to improve work-life balance, i.e., flexible remote work schedules and wellness benefits; and allowing Military Leave to be taken before or after deployment, to which Camilli indicated she would look into these rules and bring back a proposed resolution for Council consideration at a later date. In conclusion of the above-noted discussion, Council advised staff to bring back a separate proposed resolution for Council consideration at the next Council meeting to observed Juneteenth and President's Day, to which VanderZanden concurred.

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

B. Adjournment:

Council President Wenzl adjourned the work session at 6:52 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder