



A place where families and businesses thrive.

City Council Regular Meeting Minutes

Monday, July 11, 2022
Zoom Community Auditorium

***Minutes are unofficial until approved by City Council.
Council approved minutes as presented August 22, 2022.***

A. Call to Order:

Mayor Peter Truax called the regular City Council meeting to order at 7:01 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 (via Zoom); Kristy Kottkey; Elena Uhing (via Zoom); Mariana Valenzuela; Malynda Wenzl, Council President; and Peter Truax, Mayor. **COUNCIL ABSENT:** Timothy Rippe.
2. **STAFF PRESENT:** Paul Downey, Assistant City Manager/Finance Director (via Zoom); Brenda Camilli, Human Resources Director; Jim Geering, Fire Chief; Anne Lane, Parks and Recreation Director; Colleen Winters, Library Director; Bryan Pohl, Community Development Director; Amy Kreimeier, Senior Planner; Dan Riordan, Senior Planner; and Anna Ruggles, City Recorder. **STAFF ABSENT:** Jesse VanderZanden, City Manager.
3. **Proclamation:**
 - Parks and Recreation Month of July 2022; Mes Del Parque Nacional Y La Recreación Julio 2022
4. **Award of Commendation:**
 - 40 Years of Service, Colleen Winters, Library Director
5. **Letter Addressed to Nyuzen, Japan, Forest Grove Sister City:**

Mayor Truax read a letter addressed to Nyuzen Mayor Sasajima, on behalf of the people of Forest Grove, expressing heartfelt condolences of the death of former Prime Minister Shinzo Abe.

B. Public Comment:

1. CC07-11-2022 Written Public Comments received by 3:00 p.m. on the day of the meeting were published in the Council Packet.

In-person Testimony:

1. Shawn Cardwell, Forest Grove Foundation Executive Director, submitted written testimony pertaining to Agenda Item F. 3.
2. Laura Cardwell, Forest Grove, testified pertaining to Agenda Item F. 3.
3. Eric Hines, General and Operations Manager at Ridgewalker Brewing Company, Forest Grove, testified pertaining to Agenda Item. E. 1.

Zoom Testimony – none.

C. Consent Agenda:

1. Approve City Council Executive Session (City Manager Performance Evaluation) Meeting Minutes of June 27, 2022.
2. Approve City Council Regular Meeting Minutes of June 27, 2022.
3. Accept Historic Landmarks Board Meeting Minutes of April 26, 2022.
4. Accept Planning Commission Meeting Minutes of May 2, 2022.

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

D. Additions/Deletions:

1. City Manager – none.
2. Proposed by Councilors – none.

E. Presentations:

1. Festival Street Design Concept Alternatives – Public Comment

Pohl introduced MIG consultant who presented a PowerPoint presentation update on 21st Avenue Festival Street and Downtown Streetscape Design Concept Alternatives, noting the next steps are for Council to endorse the preferred design option for final approval.

In-Person Testimony:

1. Eric Hines, General Manager, Ridgewalker Brewing Company, Forest Grove, testified in support of the design option that accommodates two-way traffic from College Way to A Street.
2. Mike Marshall, Owner, Midget's Island Grill, Forest Grove, testified in support of the design option that accommodates two-way traffic from College Way to A Street.

In conclusion of the testimony heard and staff presentation, Council advised staff to bring back a proposed resolution for Council consideration for the preferred design option that accommodates two-way traffic from College Way to A Street as this would be better suited for events as well as businesses.

F. Public Hearings, Ordinances, and Resolutions:

1. **FIRST READING OF ORDINANCE NO. 2022-03 AMENDING FOREST GROVE DEVELOPMENT CODE ARTICLE 3 - ZONING DISTRICTS, ARTICLE 4 - OVERLAY DISTRICTS, ARTICLE 7 - MISCELLANEOUS PROVISIONS, ARTICLE 8 - GENERAL DEVELOPMENT STANDARDS, AND ARTICLE 12 - USE CATEGORIES AND DEFINITIONS; FILE NO. 311-22-000018-PLNG**

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained the hearing procedures.

Staff Report:

Kreimeier and Pohl presented the above-proposed ordinance for first reading, noting the proposed ordinance is amending Forest Grove Development Code Article 3 - Zoning Districts, Article 4 - Overlay Districts, Article 7 - Miscellaneous Provisions, Article 8 - General Development Standards, And Article 12 - Use Categories and Definitions; File No. 311-22-000018-PLNG. Staff presented a PowerPoint presentation outlining the proposed Development Code amendments, noting the proposed amendments include changes to reflect current local, regional and state policies, codes and definitions, revisions to the standards and procedures for cannabis-related uses, clarifying inconsistencies regarding the definitions of commercial lodging and entertainment-oriented uses, and the zones in which these uses are permitted, clarifying the Mixed Use Planned Development (MUPD) standards, residential fence heights, off-street parking and loading surfacing requirements, updating and adding definitions, and various typo-graphical corrections. Staff presented the following Development Code amendments as follows:

Exhibit A: Article 3 – Zoning Districts

The proposed amendments include the following:

- Correction of a typographical error in Table 3-8.
- Cannabis Related Uses
 - The terminology has been changed from marijuana to cannabis.
 - Note 9 in Table 3-8 has been removed.
- Commercial Lodging
 - Adds note 20 in Table 3-8 and note 17 in Table 3-10, "Entertainment-oriented facilities may be permitted as an accessory use. Events of 500 or more spectators shall require a Temporary Use Permit."
- Entertainment-oriented uses
 - Conditionally permit outdoor entertainment in the TCT and CC zone and major entertainment in the CC zone.

Exhibit B: Article 4 – Overlay Districts

The proposed amendments clarify requirements for mixed-use development in the Mixed Use Planned Development (MUPD) section of the code (DC § 17.4.300 et. al.). MUPD approval is a requirement of development in the Neighborhood Mixed Use (NMU) zone. These amendments would clarify the requirement for commercial or institutional development for Mixed Use Planned Developments by removing ambiguous language such as “need”, “propose”, and “if any”, with mandatory words such as “shall” and “provide”. Replacing this language will make clear what is optional and what is required. This is necessary to achieve development as intended in the Comprehensive Plan. Emergency Service uses have also been added to the list of uses permitted to be constructed in a MUPD outside of the Village Center.

Exhibit C: Article 7 – Miscellaneous Provisions

The proposed amendment would permit rear-yard fences for residential properties abutting Highway 47 to be constructed up to ten (10) feet in height.

Exhibit D: Article 8 – General Development Standards

The proposed amendments include the following:

- Design and Maintenance Standards for Off-street Parking and Loading
 - Permit the use of alternative surfacing, such as gravel or other similar semi-pervious surfaces, for vehicular parking or storage areas for community recreation and agriculture/horticulture uses. Alternative surfacing would also be permitted for accessory outdoor storage areas for permitted uses in the Light Industrial and General Industrial zones.
- Cannabis Development Standards
 - The terminology has been changed from marijuana to cannabis.
 - Correction of punctuation errors.
 - Prohibit commercial cannabis retailers from locating within 1,000 feet of another commercial cannabis retailer and from locating within 1,000 feet of an improved public park. This would be in addition to the requirement prohibiting cannabis retailers from locating within 1,000 feet of schools.

The proposed amendments have been revised to retain the Conditional Use Permit requirement and include a 1,000-foot park buffer in addition to the required 1,000-foot school buffer and proposed 1,000-foot retailer buffer. In compliance with state law, staff has included additional language to make clear that existing cannabis retailers are not subject to the new buffer requirements and are allowed to continue operations in their existing locations subject to the requirements of the Nonconforming Development section of the code (DC § 17.7.100 et. seq.).

Exhibit E: Article 12 – Use Categories and Definitions

The proposed amendments include the following:

- Commercial Lodging

- The definition of Commercial Lodging has been revised to explicitly include entertainment-oriented uses as an accessory use.
- Entertainment-oriented
 - The definitions for the sub-categories of major entertainment and outdoor entertainment have been revised to provide distinction between the two.
- Change terminology from marijuana to cannabis and restructure the section as necessary.
- Add a definition for mural.
- Revise the definition of sign consistent with state law.
- Add a definition for Village Center consistent with the purpose and standards for Mixed Use Planned Developments.

In conclusion of the above-noted staff report, Kreimeier and Pohl advised staff is recommending Council approve the proposed ordinance, as outlined in Exhibit A (Article 2), Exhibit B (Article 4), Exhibit C (Article 7), Exhibit D (Article 8), Exhibit E (Article 12), Exhibit F (Findings) and as outlined in the Planning Commission Findings and Decision No. 2022-06.

Written Testimony Received:

Tammy and Bruce Clark, Addison Apartments LLC, Forest Grove, submitted written testimony dated July 11, 2022, voicing concerns with the number of cannabis shops in Forest Grove and asked to consider limiting the number of shops and keeping a minimum of 1,000-foot buffer between shops and from parks and schools.

No other written testimony was received.

Proponents:

No one testified.

Opponents:

No one testified.

Others:

No one testified.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2022-03 for first reading.

Mayor Truax read Ordinance No. 2022-03 by title for first reading.

Questions of Staff:

Staff addressed Council concerns pertaining to the recommendations to restrict commercial cannabis retailers from locating within 1,000 feet of another retailer and 1,000 feet of public parks, noting the proposed restriction was included at the direction of the Planning

Commission following discussion and citizen concerns on the subject at their June 21, 2022, Public Hearing. The Council voiced concerns that the Code currently does not regulate distance requirements for other retail businesses, i.e., liquor stores. The following motion to amend occurred.

MOTION TO AMEND: Council President Wenzl moved, seconded by Councilor Kottkey, to amend Ordinance No. 2022-03, Section 17.8.1110 by deleted proposed language under (G) as follows: ~~Commercial cannabis retailers from locating within 1,000 feet of other commercial marijuana retailers and parks. Medical cannabis dispensaries and cannabis retailers existing as of 07/01/2022 are allowed to continue, subject to the requirements of § 17.7.100 et. seq. and may expand within the boundaries of the existing lot with conditional use approval.~~

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

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

Mayor Truax asked for a motion to adopt Ordinance No. 2022-03 for first reading as amended.

MOTION: Council President Wenzl moved, seconded by Councilor Kottkey, to adopt Ordinance No. 2022-03 for first reading as amended: Amending Forest Grove Development Code Article 3 - Zoning Districts, Article 4 - Overlay Districts, Article 7 - Miscellaneous Provisions, Article 8 - General Development Standards, And Article 12 - Use Categories and Definitions; File No. 311-22-000018-PLNG.

Public Hearing Continued:

Hearing no further concerns or discussion from the Council, Mayor Truax continued the Public Hearing and second reading to the next Council meeting scheduled for August 22, 2022.

2. **RESOLUTION NO. 2022-50 ADOPTING REVISIONS TO CITY OF FOREST GROVE EMPLOYEE HANDBOOK AND REPEALING RESOLUTION NO. 2016-25**

Staff Report:

Camilli presented the above-proposed resolution for Council consideration, noting the proposed resolution is adopting revisions to the City of Forest Grove Employee Handbook as outlined in Exhibit A. Camilli advised the Employee 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 is

updated every 5 to 7 years with the current version approved in 2016. Camilli reported Council held a work session on May 23, 2022, to review the proposed revisions to the Employee Handbook, noting Exhibit A contains an addition:

- Added a donated leave provision for probationary employees in the event of a catastrophic illness or Federal, State, or local mandatory quarantine or isolation order. Currently only non-probationary employees are eligible for donated leave in the Employee Handbook.

Additionally, Camilli advised all City employees and bargaining unit representatives have reviewed the proposed revisions. In conclusion of the above-noted staff report, Camilli advised staff is recommending Council approve the proposed resolution as outlined in Exhibit A, 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. 2022-50.

Mayor Truax read Resolution No. 2022-50 by title.

MOTION: Councilor Kottkey moved, seconded by Councilor Uhing, to adopt Resolution No. 2022-50 Adopting Revisions to City of Forest Grove Employee Handbook and Repealing Resolution No. 2016-25.

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, Uhing, Valenzuela, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Rippe. MOTION CARRIED 6-0.

Council Recess:

Council recessed at 9:11 p.m. and reconvened at 9:16 p.m.

3. **RESOLUTION NO. 2022-51 AUTHORIZING CITY MANAGER TO ENTER INTO A SHORT-TERM INTERGOVERNMENTAL AGREEMENT (IGA) WITH WASHINGTON COUNTY HOUSING SERVICES TO OUTLINE ROLES AND RESPONSIBILITIES PERTAINING TO A CLEAN-UP OF THE KYLE PROPERTY**

Staff Report:

Reimann and Lane presented the above-proposed resolution for Council consideration, noting the proposed resolution is authorizing the City Manager to enter into a short-term Intergovernmental Agreement (IGA) with Washington County Housing Services to clean-up the Kyle property. Staff referenced the Forest Grove Parks and Recreation Open Space

Master Plan and FEMA floodplain maps of the area, noting the City owns the 7.5-acre parcel of land west of B Street and abutting Gales Creek (known as the Kyle Property), which was gifted to the City with the condition that it be used for public recreational purposes. Currently, the Kyle Property is being used by persons experiencing homelessness and many of the homeless encampments are along Gales Creek within the riparian area and within the floodplain. Staff advised the risk assessment will occur in July with clean-up in late July through August. Once the clean-up is complete, City staff will contract to reduce the fuel load and perform environmental sampling in August through October. The area has experienced several small-scale, arson-related fires, causing concern it may spread into the adjacent neighborhood. After the project is complete, the City will work with Clean Water Services and non-profits to restore the area's habitat in order to reduce water temperature and erosion in Gales Creek. Lastly, if the City is successful in receiving federal funding, it will look at constructing the portion of the Emerald Necklace Trail on the Kyle Property in 2023-24. In conclusion of the above-noted staff report, Reimann and Lane advised staff is recommending Council adopt the proposed resolution, as outlined in Exhibit A, noting the fiscal impact is estimated between \$7,500 to \$12,500 or 25 percent of the overall clean-up costs. The monies are currently budgeted using American Rescue Plan Act funding, and the City will work with Metro, non-profits, and Waste Management to utilize grant funding to reduce the expense as much as possible.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2022-51.

Mayor Truax read Resolution No. 2022-51 by title.

MOTION: Councilor Kottkey moved, seconded by Councilor Gustafson, to adopt Resolution No. 2022-51 Authorizing City Manager to Enter into a Short-Term Intergovernmental Agreement (IGA) with Washington County Housing Services to Outline Roles and Responsibilities Pertaining to a Clean-Up of the Kyle Property.

Council Discussion:

Staff addressed various Council concerns and inquiries pertaining to the terms of IGA, federal funding, risk assessment and concerns heard regarding relocating the encampment participants, noting prior to the clean-up, the participants will be asked to move to another area on the Kyle Property outside the floodplain or into temporary housing, facilitated by the County. Throughout the entire process, the County, working with non-profits, will offer support services including outreach, housing management, and rapid re-housing. The inhabitants will not be allowed back to their original locations in the floodplain. The port-a-potties and handwashing station will remain on site. In addition, the City and County will work collaboratively on communication engagement and to communicate with encampment participants based on the results of the Encampment Risk Assessment Tool (Exhibit A to the IGA).

Hearing no further 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, Uhing, Valenzuela, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Rippe. MOTION CARRIED 6-0.

4. **RESOLUTION NO. 2022-52 AUTHORIZING CITY MANAGER TO ENDORSE AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN FOREST GROVE SCHOOL DISTRICT AND CITY OF FOREST GROVE THROUGH THE FOREST GROVE POLICE DEPARTMENT TO PROVIDE A SCHOOL RESOURCE OFFICER FOR 2022-23 SCHOOL YEAR**

Staff Report:

Reimann presented the above-proposed resolution for Council consideration, noting the proposed resolution is authorizing the City Manager to endorse an Intergovernmental Agreement (IGA) between Forest Grove School District and City through the Forest Grove Police Department to provide a School Resource Officer (SRO) for 2022-23 school year. The Forest Grove School District Board of Directors voted to reinstate the SRO Program for school year 2022-23, which was discontinued on June 28, 2021. The updates to the proposed IGA include:

- Funding is tied to the school year of nine (9) months. Previously it was tied to the calendar year of 12 months. The rate of pay is tied to the average officer pay above Step 4 instead of the actual officer pay, allowing the contract to apply to whomever is hired as the SRO.
- The new IGA requires a “soft”, i.e., polo shirt and pants, instead of a “formal” uniform.
- The new IGA is in effect for one year with an option to renew, amend, or terminate 60 days prior to May 1. This allows both parties to address any issues with the SRO program in advance of the next fiscal year budget.
- The new IGA requires additional training including school-sponsored DEI training.

In conclusion of the above-noted staff report, Reimann advised staff is recommending Council adopt the proposed resolution, as outlined in Exhibit A, noting the expense for the SRO Program is included in the Fiscal Year 2022-23 budget. The Forest Grove School District will cover 50 percent of the SRO salary, which equals \$57,876 for Fiscal Year 2022-23.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2022-52.

Mayor Truax read Resolution No. 2022-52 by title.

MOTION: Council President Wenzl moved, seconded by Councilor Gustafson, to adopt Resolution No. 2022-52 Authorizing City Manager to Endorse an Intergovernmental Agreement (IGA) between Forest Grove School District and City of Forest Grove through the Forest Grove Police Department to Provide a School Resource Officer For 2022-23 School Year.

Council Discussion:

Staff addressed various Council inquiries pertaining to the proposed IGA and SRO Program, noting the SRO Program will use an equity lens to accomplish the mission of supporting a safe, secure, culturally responsive and sustaining learning environment for students, teachers and staff. Additionally, Council discussed considering an increase in the budget next year to provide at least two SROs.

Hearing no further 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, Uhing, Valenzuela, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Rippe. MOTION CARRIED 6-0.

5. RESOLUTION NO. 2022-53 AUTHORIZING CITY MANAGER TO EXECUTE RENEWAL OF AN INTERGOVERNMENTAL AGREEMENT (IGA) FOR THE EMERGENCY MANAGEMENT COOPERATIVE (EMC) OF WASHINGTON COUNTY

Staff Report:

Geering presented the above-proposed resolution for Council consideration, noting the proposed resolution is authorizing the City Manager to execute the renewal of an Intergovernmental Agreement (IGA) for the Emergency Management Cooperative (EMC) of Washington County. Geering advised the City entered into the original EMC in 2014 and renewed the IGA in 2017, noting the updates to the proposed IGA are housekeeping in nature. The purpose of the EMC is to enhance the level of disaster and emergency preparedness and coordination within and across the boundaries of the participating jurisdictions by focusing on improvements to emergency management structures, systems, facilities, plans, procedures, training, and exercising. In conclusion of the above-noted staff report, Geering advised staff is recommending Council adopt the proposed resolution, as outlined in Exhibit A, noting there is no fiscal impact. The IGA will remain in effect until June 30, 2027, unless the Participating Jurisdiction's unanimously agree in writing to an earlier termination, extension, or modification of the terms.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2022-53.

Mayor Truax read Resolution No. 2022-53 by title.

MOTION: Councilor Kottkey moved, seconded by Councilor Valenzuela, to adopt Resolution No. 2022-53 Authorizing City Manager to Execute Renewal of an Intergovernmental Agreement (IGA) for the Emergency Management Cooperative (EMC) of Washington County.

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, Uhing, Valenzuela, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Rippe. MOTION CARRIED 6-0.

G. Council Communications:

Mayor Truax asked for motion to postpone the remaining Council Agenda Items (Council Communications, City Manager's Report, and Mayor's Report) to the next Council meeting.

MOTION: Councilor Gustafson moved, seconded by Councilor Valenzuela, to postpone the remaining Council meeting agenda items to the next Council meeting. VOICE VOTE: AYES: Councilors Gustafson, Uhing, Valenzuela, Wenzl, and Mayor Truax. NOES: Councilor Kottkey. ABSENT: Councilor Rippe. MOTION CARRIED 5-1.

1. Councilor Reports: None.
2. City Manager's Report: None
3. Mayor's Report: None

H. Adjournment:

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

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder