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City Council Regular Meeting Minutes

Monday, October 24, 2022

Minutes are unofficial until approved by City Council.

Council approved minutes as presented February 13, 2023.

A. Call to Order/Pledge of Allegiance

Mayor Peter Truax called the regular City Council meeting to order at 7:00 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; Timothy Rippe; Malynda Wenzl, Council President; Kristy Kottkey; Mariana Valenzuela; Elena Uhing; and Peter Truax, Mayor.
2. **STAFF PRESENT:** Jesse VanderZanden, City Manager; Brenda Camilli, Human Resources Director; Henry Reimann, Police Chief; and Anna Ruggles, City Recorder.

B. Public Comment:

1. CC10-24-2022 Written Public Comments received by 3:00 p.m. on the day of the meeting were published in the Council Packet.

Mayor Truax and City Recorder Ruggles highlighted the written comments received.

In-person Testimony:

1. April Hyne, Forest Grove, testified about noise issues created by Forest Grove residents, which she asked Council address in addition to the noise at McMenamins Grand Lodge. Her letter was already included in the record, and she also submitted additional supporting documents.
2. Lonnie Page testified about homeless transients in front of her house on Kingwood St over the last year, and a fence from the new Heritage Homes development that completely blocked her gate. With the blocked walkways, people were now passing through her back yard where there are no street lights.
3. Andrew Page testified about the lack of public transportation for low income and minority groups. He supported economic growth and development, but the Juniper Gardens area

was unplanned. He asked if a GroveLink route would be added or if improvements to the sidewalk connections were planned, citing the importance of inclusion and equity even in rougher neighborhoods.

Mayor Truax suggested contacting Ride Connection, the sponsoring partner with the City of Forest Grove and TriMet on GroveLink. They had made adjustments in the past, and if the numbers worked out, there could be some adjustments to that GroveLink schedule and route.

Councilor Kottkey added the GroveLink comment was timely as Council had just talked to Julie Wilke because they were looking at some stop dedications. GroveLink had just received a grant to rework some of the stops, particularly in Forest Grove. Councilor Kottkey said she would follow up with her to see how the grant might be able to address with Mr. Page's concerns.

Councilor Gustafson appreciated everyone who came forward as the residents are the eyes and ears because the Council could not be everywhere. She appreciated the information about how things had started to shift into an unfair situation as far as transportation was concerned.

Mayor Truax thanked Mary Jo Morelli for her work on the City's Sesquicentennial Celebration.

4. Mary Jo Morelli described the Alignment Project at the AT Smith House, noting the cost-effective work being done and acknowledging the workers and businesses that contributed to the project. She invited Council to an event on Friday where the work would be exhibited.
5. Craig Enstrom, Kingwood Farms, testified about being inundated with homeless traffic and provided background about the land he donated for housing near his property and now, the new neighbors' complaints resulted in him reducing the number of his roosters and he appealed to Council to save his remaining chickens.
6. Scott Smith, Heritage Homes explained the fencing situation that was impacting the Pages and noted it was erected on an easement. He described the many challenges the Heritage Homes site was experiencing given its location between the homeless camp and the potential data center. Given that most of the population in the Juniper Gardens area rode bikes with trailers, he did not believe adding a mass transit route on Highway 47 seemed feasible.

Zoom Testimony: None.

C. Consent Agenda:

1. Approve City Council Executive Session (Labor Negotiations) Meeting Minutes of October 10, 2022.
2. Approve City Council Session (Litigation) Meeting Minutes of October 10, 2022.
3. Approve City Council Work Session (Charter Review Process Part II) Meeting Minutes of October 10, 2022.
4. Approve City Council Regular Meeting Minutes of October 10, 2022.
5. Community Development Department Monthly Building Activity Report September 2022.
6. Endorse New Liquor License Application (Limited On Premises Sales) for MOD Pizza,

3424 Pacific Ave, Suite C, FG

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

D. Additions/Deletions:

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

E. Presentations:

1. Jerry Willey, Washington County Commissioner District 4, Vice Chair

Commissioner Willey noted Mayor Truax and Councilor Kottkey were ending their terms and thanked them for their services. According to census a couple years ago, the four Washington County districts were not equal within the guidelines, so the County was in the process of redistricting. The Commission wanted to keep the communities together and sent a variety of options for Portland State University to consider and received five options back. The Commission chose Option 5, which was explained on the County website under Redistricting. Option 5 did not impact Forest Grove. District 4 was basically everything west of Cornelius Pass Rd and included six cities: Cornelius, North Plains, Gaston, Banks, Hillsboro, and Forest Grove, as well as all the rural areas within the County. District 4 touched four counties: Yamhill, Tillamook, Clatsop, and Columbia, so his significant swath of rural area would stay in place. The redistricting had to be approved by January 6, 2023, and anyone running for a position in a district that was change would need to make the appropriate movement or change the position as to what district they were going to run for. The ballot initiative to reverse the County Commission's ban on flavored tobacco did not pass, but the ban was appealed, and the appellants won in court. He recalled the judge's opinion was that the County did not have the right to remove the sale of a product that the State licensed and sanctioned. The Commission was now appealing that ruling, though not unanimously. He explained he was a no vote because he believed there were better ways to protect kids without taking the rights away from those who could legally buy flavored tobacco. It would be a while before the Commission's appeal went to court. Psilocybin would become legal on January 1st. Both City and County could delay or accept the January 1st start date even though OHA had not defined the implementation rules. The County decided not to postpone, so it would become effective January 1st in unincorporated areas. Each City had the right to either ban psilocybin, postpone it up to 18 months or make it effective January 1st. Cornelius and Banks have a measure on the ballot to continue the ban on psilocybin and were waiting on the voters' decision.

- The Commission and Col-Pac completed a broadband study a year ago to be ready for some federal money for the middle mile. A bit of private sector resistance had since been encountered as these were areas, they might have an interest in so they were laying cable there, making it difficult for the Commission, which was trying to facilitate a broadband service that would have some equity in the process to provide subsidized service for low-

income families. The private sector would not likely do that as well as the County. The private sector had been running their cable along major arterials such as Highways 6 and 26, so the Commission would work with ODOT to determine how the County could also facilitate that.

- He sat on the Rural Roads Committee which overlooks all roads in rural Washington County, noting a couple people were needed to join that committee from smaller cities and he hoped someone from Forest Grove would step up. Information about the Committee's work was on the County's website.
- He attended the second meeting of the Regional Tolling Advisory Committee, a group discussing all the ramifications of Tolling I-5, I-205 and how that would work. The Committee would continue meeting once a month for at least another year. Anyone interested in what the Committee was doing or in more information could contact him.
- Regarding the homeless camp on Highway 47, which is on county land, he stated the County continued monitoring the camp as it had been doing for the last year. The County made sure the Sheriff's Department kept the cars off the road as best they could, and monitored the camp for any police or drug activity, etc. He believed the camp was evaluated on a grading scale approximately once a month; as long as it fell within the acceptable grade, the County would just continue providing the services it had and continue monitoring until there was adequate housing.
- Community concerns about safety were the same as experienced on 170th Ave where the homeless camp was right in the middle of a neighborhood. The County worked to enhance the Sheriff's patrol and public safety monitoring, but if too much police activity occurs, the County would clean the camp out and essentially start over again. He believed mental illness is a big contributor. Until the County could encourage those in the camp to get counseling, monitoring is about all that could be done.

Councilor Gustafson stated they had to do better. People complained all the time about major safety and health risks from the Highway 47 camp in particular. She did not know what to tell people and did not feel comfortable as a Councilor saying this was the best she could do. She supported flavored tobacco, noting the only way her husband was able to quit smoking, a habit he started at 13 years old, was switching to using vapes with flavored tobacco and tapering down the nicotine to quit.

Commissioner Willey agreed, noting the Commission heard a number of similar stories during the ordinance process, but also negative stories about those under 21, high school and middle school kids, who had access to it, thus the need for enhancing strictness in that area. With regard to homelessness, compassion is needed but the County is somewhat limited in what it can do. The homelessness must also be willing to accept the services and opportunities offered by the County, which receives almost \$7 million a year in Shelter Housing money. The shelters were difficult to locate given the not-in-my-back-yard mentality. He was working with Bybee Lakes, which converted the Wapato jail, to find a place in Hillsboro for a similar program. Wapato Lake has a capacity of 300, with a great program for re-instituting the homeless back into the work environment and having their own homes. The County was trying to do the same, and a lot of options were available. Until that amount of housing could be provided, the County would have to continue monitoring the camps because it could not remove them.

Mayor Truax understood the original formula of the money being allocated county by county

would not change, but the excess money, especially the supportive housing services measure, was what Mayor Wheeler would like adjusted. He emphasized they were dealing with a moving target, what was appropriate a week ago was not quite appropriate today, given conversations with Mayor Wheeler and Metro's and Multnomah County's reactions.

Councilor Uhing conveyed a concern from the mental health industry that with the absorption of the transitional housing units going to the homeless, units were not available to people who were getting out of the mental hospitals, and transitional housing was unaffordable for many of the health organizations to meet the prices being asked by the different transitional housing groups. She asked the Commission to consider equity for all in such allocations and opportunities to avoid making another population more vulnerable because they do not have the funds to find transitional housing while at their weakest, coming out of mental health situations. Commissioner Willey responded he had not heard that before and would certainly follow up and see what information he could find.

2. Library Commission Annual Report

Pamela Bailey, Library Commission Chair, presented the Library Annual Report, describing the Commission's role, the ways it supports Library staff, which included ongoing work with the Friends of the Forest Grove Library and the Library Foundation. She reviewed the innovative programs Library Staff conducted during the pandemic shutdown to continue serving patrons as well as how the library and its services were configured for better, more efficient service. She thanked Council for allocating ARPA funds for the bathrooms and library teen space projects, noting FFA Architecture and Interiors were working with the Commission on the project,

Since the last report, many new partnerships had been established between the library and other parts of the community, including Pacific University, Forests Grove School District, the Police Department, Cornelius Library, Adelante Majeures, and Casa Amparo. With Casa Amparo a transitional housing facility, the library had provided books for the residents and their families, because often when in transition some belongings get lost, and the books gave parents and children an opportunity to read together. The library continued to evolve and grow, and the city was fortunate to have such a robust library where citizens of all ages could find information and entertainment. She commended Colleen Winters and the amazing, creative and dedicated Library staff who worked hard to welcome patrons to a fun, inspiring and thought-provoking library.

Mayor Truax recalled discussions on a prior Council about whether to include the library and parks as essential city services, and fund them like the police, fire, and rescue departments. This Council believed the Library and Park and Rec were absolutely vital services and as necessary to those other departments for the betterment and growth of the community. The levy that passed in May confirmed Forest Grove believed in robust library and Park and Rec programs, as well as a very good Police and Fire department.

Council President Wenzl suggested that Council and the organizations involved in the teen library section throw a party with the Councilors serving the teens. She offered several ideas for the party.

Ms. Bailey confirmed the Commission definitely wanted to have a party for the teens. She clarified that the Rogers Room would be split, so both City Staff and the library's activities could

be accommodated.

The Council took a brief recess before resuming the meeting.

Mayor Truax noted the Library Foundation lost a former member when Betsy Foster suffered a stroke this past week and passed away Thursday morning. **The service** was held **yesterday** in Denton, Texas. He wanted to be sure the community knew about her death and recognized her contributions to the foundation

F. Public Hearings, Ordinances, and Resolutions:

PUBLIC HEARING ON FILE NUMBER 311-22-000030-PLNG. THE ORDINANCE APPROVING THE ANNEXATION PETITION FOR THOSE APPROXIMATE 42.8 ACRES, LAND DESIGNATED FOR RESIDENTIAL DEVELOPMENT ON THE FOREST GROVE COMPREHENSIVE PLAN MAP

1. **FIRST READING OF ORDINANCE NO. 2022-06 ANNEXING 42.8 +/-ACRES OF LAND INTO THE CITY LIMITS OF FOREST GROVE AND CLEAN WATER SERVICES DISTRICT AND WITHDRAWING TRACT FROM THE FOREST GROVE RURAL FIRE PROTECTION DISTRICT; WASHINGTON COUNTY TAX LOTS 1N3300000900 AND 1N3300001000; FILE NO. 311-22-000030-PLNG**

Staff (PPT): Dan Riordan, Senior Planner; Bryan Pohl, Community Development Director

Staff Report:

Riordan noted an email and a letter received pertaining the annexation. The first email from Dawn Hummel noted more homes were forthcoming to that side of town and inquired about the long-term plan to allow businesses and services on that side of the city to support new growth. He noted the city had identified several areas for commercial and retail service uses along David Hill Road and Highway 47, as well as near Highway 47 and Sunset Drive. Those areas were designated for neighborhood mixed use, but the private market had not yet responded to that zoning. Ms. Hummel also asked traffic lights would be added at David Hill Road and Highway 47 to assist with rush hour traffic flow. He noted Highway 47 was owned, operated, and controlled by ODOT, which preferred to not install additional traffic signals, but to install and expand roundabouts. The Westside Refinement Plan acknowledged the David Hill and Purdin Rd roundabouts may need to be expanded in the future. A letter was also received from the Fair Housing Council of Oregon, acknowledging the City's housing findings related to Goal 10 and also reiterating that they encouraged the City to take all necessary steps to ensure that densities built at the site met the needs specified in the staff report. He clarified that a development application had not been submitted for the property but would be forthcoming after the annexation took effect. He entered both written comments into the record. [7:10]

He presented the proposed ordinance via PowerPoint, reviewing the background and location of the approximately 42.8 acres to be annexed, noting the second reading of the ordinance was scheduled to occur on November 14th. The concurrent Zoning Map Amendment required by the City's Development Code would formally assign the R5 zoning designation to the property to correspond with the City's Comprehensive Plan Map, which showed the property designated as

Residential A-Medium. Both designations were a single unit in middle housing zoning designation, so allowed housing types included single units, detached and attached units, townhouses, duplexes, triplexes, and quads. An order formally assigning, the zoning map designation was scheduled for presentation to City Council on November 14th after second reading of the annexation ordinance. He reviewed the Comprehensive Plan designations and related density of the surrounding properties, noting A-Medium for the subject property was about 8.7/9 units per acre [10:05] The Zoning Map designation A-Medium translated to R5 on the Zoning map and medium density residential translated to Residential Medium on the Comprehensive Plan Map.

- The annexation criteria focused specifically on the provision of public services to the property. One consideration was avoiding duplications of services, so when the property was formally approved for annexation, it would be withdrawn from the Rural Fire Protection District because the City Fire Department would provide those services. Concurrent with the annexation, State law allowed the city to also annex the territory to the Clean Water Services District because under the Urban Planning Area Agreement with the County, both the City and Clean Water Services were identified as being the service providers for sanitary sewer and storm drainage.
- Regarding the decision factors, he confirmed the Oregon legislature included the property in the urban growth boundary in 2014. The property was contiguous with the city limits and adjacent to the property that was recently annexed earlier that year. The annexation was consistent with the City's Urban Planning Area Agreement with Washington County. The annexation avoided duplications of facilities and services and was consistent with the applicable Statewide Land Use Planning Goals as explained in the written materials.
- As a land use related matter that required adoption of an ordinance, the Planning Commission held a public hearing on September 19th when the Commission unanimously approved the motion recommending that City Council approve the annexation. The Staff recommendation for the City Council's consideration was that
- Based on the evidence submitted into the record, including all of the written material provided to City Council, Staff found the application met the requirements of the applicable review criteria, and therefore, Staff recommended City Council adopt a motion approving first reading of the annexation ordinance, and also continue the public hearing to November 14th for second reading. Staff also recommended that on November 14th, City Council consider an order assigning the City's R5 zoning designation to the property.
- He confirmed City Council could consider annexation agreements with dedicated affordable housing like the Housing Authority was doing in Bend, separate from the subject application. To do so, a policy needed to be added to the City's Comprehensive Plan linking affordable housing to annexation petitions and to the City's Housing Needs Analysis. Once the policy was in place, the City's Development Code could be amended to include affordable housing as a decision criterion. Currently, the only Code criteria was compliance with the Metro Code and ORS 222, which really focused only on public facilities.
- The City had not formally notified the Rural Fire District about the loss of tax revenue in the past, because an existing policy stated that if the Rural Fire Protection District was affected in terms of property taxes collected for bonds, the City would offset that when the property is annexed. The taxable assessed value of property annexed to the city was typically very low, so it did not generate much in the way of property taxes, so it had not had a dramatic impact

on the Rural Fire Protection District budget.

Councilor Rippe noted the Board had asked him what the loss tax revenue was on the last two annexations, so as a matter of partnership, it would be polite to inform them.

Mayor Truax clarified Council had informed the Board in the past as a matter of courtesy, but Council had never asked for the Board's permission. There was a bit of brave nerves in that regard, but it had been settled over the years. The city had always made good on any money the District lost because of a bond, but the Fire District had no bond now, so the question was moot.

Councilor Gustafson asked if the City was required to extend all sidewalks and a sufficient biking lane when anticipating that exchanges would be made to ensure sidewalks and bike lanes were extended before the houses that will inevitably be built. Mr. Riordan responded typically the City did not do that ahead of when development occurred, but concurrent with the developments. City Code required adequate sidewalks and pedestrian connections, especially for residential development, which also needed to comply with the City's Transportation System Plan and the Parks Master Plan related to trails if any trails were identified through the area. At the time of development, the City collected system development charges that help fund some of those improvements. Some improvements were required as a condition of approval for development, especially frontage improvements along highways in particular, as well as collector and arterial streets.

Councilor Uhing noted Metro imposed a community plan where communities would have local amenities and services provided to them rather than having service deserts. As a planned development, Council was not seeing the next use or community services like stores, coffee shops, etc. that enhance community happening with the subject development. She asked whether there was a way Council could do to provide that vision and actually fulfill the vision so address concerns about homes being built but not communities. [20:00] Riordan responded the property subject to the annexation was identified only for residential development. It did not have mixed-use zoning or the same designation as the property farther south did. After the last annexation, the last round of City Code amendments included a provision to require commercial developments in the Neighborhood Mixed-Use (NMU) Zone, which was not the case before. Any development proposed on NMU zone property would require commercial. Some vacant NMU area still existed between the Davis Estates property to the south and Farmstead Crossing to the west and north of David Hill Road. If anything happened there, it would require some amount of commercial development. In terms of economics, he understood as there were more rooftops, commercial became more viable and attractive. As that area built out further, there would be more interest in services and retail within NMU zones within the area.

Riordan confirmed the developer would have guaranteed access through the property being developed south of them with David Hill. Main Street would be extended north from where it currently ended on David Hill Road through the Davis Estates property, as required in the second phase of the Davis Estates project and that would provide the access to the property to the north.

Mayor Truax called for the Applicant's team to present their proposal.

Tony Mills, AKS Engineering and Forestry, representing the Applicant, Allied Development, confirmed Mr. Riordan had provided a good summary of the proposal, adding the Applicant's team was available for questions.

Mayor Truax confirmed there were no questions from Council and called for public comment on the proposal. Seeing none, he called for a motion to adopt Ordinance No. 2022-06.

MOTION: Councilor Uhing moved, seconded by Councilor Valenzuela, to adopt Ordinance No. 2022-06 by title for First Reading, annexing 42.8 +/- acres of land into the city limits of Forest Grove and Clean Water Services District and withdrawing tract from the Forest Grove Rural Fire Protection District.

VanderZanden read Ordinance No. 2022-06 by title.

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

Mayor Truax continued the public hearing on Ordinance 2022-06 to the November 14, 2022, City Council meeting for second reading and to consider an order assigning a city zoning district to the property consistent with the Forest Grove Comprehensive Plan Map.

2. **RESOLUTION NO. 2022-62, AUTHORIZING THE CITY OF FOREST GROVE TO JOIN A COALITION OF CITIES CHALLENGING THE STATE'S CLIMATE FRIENDLY AND EQUITABLE COMMUNITIES RULE**

Staff: Bryan Pohl, Community Development Director; Chris Crean, City Attorney's Office

Staff Report:

Pohl presented the proposed resolution, noting Governor Brown signed an Executive Order, 20-04 in March 2020 that did many things to direct a lot of state agencies toward reduction of greenhouse gases in general; first focusing on the Department of Land Conservation Development (DLCD) who took their charge and entered into rulemaking in September 2020 and adopted rules in July 2022. The rules would take effect in phases over several years. The first parking requirements were required to be in place for local jurisdictions by January 1, 2023. These requirements were probably one of the most controversial as parking could no longer be required in town centers, which the city was mostly compliant with except for multifamily parking requirements. Jurisdictions could also not apply any parking requirements within a half mile of a frequent service transit line, defined as any bus service within a 15-minute headway, so Line 57 would qualify. This rule meant the City could not require parking in the town center or within a half mile of TV Highway, therefore, impacting all properties zoned Community Commercial. [28:25]

- The second round of parking requirements would take effect in July 2023 and had some different options, but basically the goal was to get toward less parking provided and more dense and walkable communities as a result. There was a lot of consternation about this from a lot of cities. The City of Springfield actually started a lawsuit to which 10 cities and one county had signed on. During Executive Session, Council seemed clear that it would like to sign onto the lawsuit. The resolution before Council authorized the City Manager to perform the actions necessary to enter the lawsuit, and have Forest Grove sign on and make a small financial commitment up front, with a little bit on the back end.

Mr. Crean added there were 100 pages of rules across scores of different sections of

administrative rules affecting everything from the Transportation System Plan to whether parking could be required for daycare facilities, which was prohibited. Currently 11 cities, including 8 within the Portland Metro area, and Marion County had all signed on formally. He expected the lawsuit to be filed fairly soon, so the list of participating cities would probably not grow a lot more. Other participating cities included Cornelius, Forest Grove, Hillsboro, Tualatin, Sherwood, Happy Valley, Wood Village, and Troutdale. Another issue was the top-down nature of the rules. The State has always set overall planning goals for the state and then local communities could decide for themselves how to achieve those goals, and with these rules, that partnership was now the exception, rather than the actual state of affairs, which many jurisdictions found objectionable, prompting them to sign onto the lawsuit.

Councilor Uhing expressed concern about the lack of equity in the rules for low-income community members and those with disabilities and asked whether equity was being considered. Mr. Crean explained a developer could choose whether to build parking, which was optional within a half mile of TV Highway, and if they did not, there was no requirement that they put in ADA parking spaces. For those new projects, there would be no ADA, which caught the State agency by surprise so that was not considered. The rules specifically prohibit requiring parking for low-income housing. Plenty of recent research showed that those in poorer communities tend to drive more because they could not work from home and tended not to work in core employment centers where buses go. Without required parking, people end up parking in the yard and blocking driveways, so he was not convinced DLCD took that into account either. The parking was causing a lot of concern across a number of jurisdictions.

MOTION: Councilor Rippe moved, seconded by Councilor Gustafson, to adopt Resolution No. 2022-62 authorizing the City of Forest Grove to join a Coalition of Cities Challenging the State's Climate Friendly and Equitable Communities Rule.

VanderZanden read Resolution No. 2022-62 by title.

Council Discussion:

Councilor Kottkey asked if there would be a joint or separate statement from all the cities. Mr. Crean responded part of the agreement among participating cities was to hire outside counsel to file the lawsuit and manage the litigation, and to also hire a public relations consultant to manage the messaging across all the jurisdictions to make sure everyone was speaking in one voice. As member of both the litigation/messaging team, he would talk to the City Manager to figure out who is best positioned, but the city would be part of those discussions and would share the messaging with the other jurisdictions. Currently, a letter was being prepared to request that the Governor to direct DLCD to reopen the rulemaking so the jurisdictions concerns could be addressed; a lot was happening in the public relations arena, as well as litigation.

Councilor Rippe believed there would be a lot of misunderstanding about the intent and motivation behind the actions Council took, so some communication was needed, either by the entire interested parties or by each of the Council members individually to explain why this action was being taken. He asked if that was being planned by the coalition sooner than later. Mr. Crean replied stories had already been published in The Oregonian and local Pamplin publications. One overriding message was that no one objected to the goals of sustainable and

equitable communities, the objection was based on the analysis that these rules did not get the state there, and in a number of cases, actually undermined local efforts toward those goals that were already underway. That was the overall message that was being communicated to the media to the public. He could talk to the City Manager tomorrow about plugging the city into those efforts.

Mayor Truax said he wanted to ensure the message included home rule. A bunch of guidelines were being put together by somebody far away from the action, trying to indicate what was good for one city was good for Forest Grove and other cities, which might not necessarily be the case.

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

G. Council Communications:

1. Councilor Reports

Uhing reported Historic Landmarks Board was not meeting this month due to conferences happening with the staff. Sustainability would meet on Thursday, and HPAC was reforming the Siting Committee with new guidelines, scope and policies to be in compliance with public meeting laws as well as other legal needs on confidentiality, so the subcommittee had been put on hold for a bit. She would provide information once it was back up & running. She asked if Council would review the chicken ordinance any further for the neighbors who were experiencing stench, as well as rodents coming over because of the seed. VanderZanden replied Staff would take a look at it and he would get back to Council. Uhing added she was really heartened by the commitment to the homeless community, but also rather disheartened that the City was not getting along further at the County level, something she had expressed to the powers that be, adding the City needed to be moving forward a steadier pace.

Gustafson reported she attended the Downtown Task Force meeting, which included a presentation from the Oregon Main Street group. It was very informative, and a field trip was scheduled to McMinnville next month to learn about their experience and how it looked like there.

Valenzuela reported she had attended a couple events to answer questions from the community, which made her feel hopeful for the city because those who wished to serve the city had a lot of love for Forest Grove. She also felt disheartened because of the situation with affordable housing. The City did not have a policy that requires affordable housing from a developer. She asked why nothing has been done. Having a requirement for 10% affordable housing did not seem difficult, so why did the City not have one when Council had goals for affordable housing.

Wenzl responded that was why the Housing Needs Assessment work session was being held the next month. She had been reenergized about affordable housing after LOCC and had sent information to Bryan Pohl. The Council might not have moved ahead as it should, but there was opportunity to do it now. The City could make policy to address affordable housing; the first step was the work session, and the codes were the next step.

VanderZanden reminded City Council had done some things for affordable housing, including non-profit tax exemptions, property tax exemptions to density incentives, etc.; there was just always more that could be done. One of the next ideas was to consider whether to put

requirements on annexation and if so, what types of requirements and how far could they go. That research would be brought back at the next work session.

Councilor Rippe reiterated a lot of incentives had already been done, and the LOCC enabled Councilors to learn and discover new ideas. He had heard over and over how only cities of 50,000 or more were considered entitled cities and received HUD money directly from the feds or state. However, Redmond was about the size of Forest Grove, yet that city had a housing department. The City of Redmond applied through HUD and was able to become an entitled city. He and VanderZanden would try to discover what it would take for Forest Grove to become an entitled city, so it could receive funds directly for housing, which would enable the City to hire somebody on staff to be a housing coordinator at least.

- He reported the Council Creek Regional Trail Steering Committee received a preliminary right-of-way analysis which was presented by a consultant. The study looked at the entire corridor from Hillsboro to Forest Grove and the study showed several unpermitted encroachments on the corridor by several residents in Forest Grove and in Cornelius, which would be issues when the trail is developed. The analysis also showed areas of potential concern with respect to drainage conduits, gravel roads crossing the railroad, and utility poles and utility lines going down through the corridor. This Friday, weather permitting, several committee members were going to walk the entire corridor from Hillsboro to Forest Grove to get an on-the-ground look. Additionally, jurisdictional members of the steering committee, meaning Hillsboro, Forest Grove, Cornelius, and Washington County, were being asked to designate an elected alternative to the primary representative, but they were going to wait until after the elections for elected members to take office in January, so the new Council would be asked to assign a primary and an alternate to that committee.
- The Fire Task Force meeting included the original five entities and Gaston had withdrawn. Forest Grove Rural expressed serious concerns with regard to the financial models, particular with regard to forming a district, so the dynamics had changed, and numbers were being rerun to determine what it would look like with only four entities. The next Task Force meeting would not likely take place until early spring. The Sister City Committee met and would not likely meet again until January 2023. Nyuzen's 70th anniversary was planned for November 2023. The Mayor of Nyuzen had extended an invitation to the mayor of Forest Grove to attend. The Forest Grove Senior Community Center had their Celebrating Forest Grove Dinner and Auction that past Saturday, which was really a wonderful event coming out of COVID.

Wenzl reminded that the CCI was hosting its fall QTM tomorrow night at 6:30 pm. The topics were on homelessness and the police chief hiring update. People could attend in-person at the Community Auditorium or via Zoom or TVCTV. On Friday October 14th, the CCI held a retreat/work session around a big work plan about the purpose, civic engagement, involvement, partners, timeframe, etc. of the CCI. The QTMs and ATMs were good, but it was a one-way communication, so doing mini surveys in the Forest Grove newsletter was discussed. The newsletter and communication plans were also part of the CCI's work session and subcommittees with Elizabeth which could be useful. Some CCI members wanted the board and commission meetings recorded so people could access them, which was a budget item the Council couldn't really decide on, so a mini survey could be used to see how many would watch the recordings. The CCI was also thinking about the spring QTM as a city service fair at Neil

Armstrong, taking the meeting to the east side and include more community engagement by bringing firetrucks there, doing a Civics 101 class on how to join boards and commissions, run for office; Light and Power could share about electric rebates, etc.; it would be a very fun event. She gave a shout out to Ann Lane at Parks and Rec who was awarded a \$200,000 Metro Trail Grant for the design and planning of the Emerald Necklace Trail. She attended the Zoom meeting for the Downtown Task Force for Main Street as well as the Senior Center Dinner and Auction. She highlighted several upcoming events.

2. Councilor Kottkey's Report 10/24/22

Kottkey reported on the League of Oregon Cities Conference (LOCC) and shared a couple pictures from the Conference. The first was Roland Herrera and Chris Lopez, President of the Person of Color Caucus, and Catherine Biscoe, President of Women's Caucus. This was the first time in the LOCCs 100 years that those caucuses were formed. Women councilors from all over the State met and were pictured as well and she hoped future Hillsboro Councilors would continue those connections, which informed policies on homelessness and other things. Pictured with Mayor Truax and other mayors was Mayor Denyse McGriff, the first person of color mayor for Oregon City. Her family donated the land for Bard Park and had a connection to Forest Grove's City Manager's father. Attending these events and talking to people brought home how we are all so connected and how those connections actually affect so many things. Another picture showed a Meet and Greet by the Women's Caucus, and she highlighted the attendees and key conversational points, especially about the much greater diversity of electees attending LOCC. She also introduced and shared about the team that put the DEI Conference together for people in cities who would never have an opportunity to have any training. The seminar was recorded, but there were several discussions about doing the seminar in communities. She noted several city councils went out to dinner together socially, building relationships and she urged the Council to work towards developing relationships and sharing a meal without talking about policy. Lastly, she presented a poem for Mayor Pete written by someone who wished to remain anonymous.

3. City Manager's Report

VanderZanden noted the city received a nice letter from the Sesquicentennial Committee, thanking Staff for helping organize and for attending the event. City Hall would be closed Friday and Monday to move to the Clean Water Services building and then reopen on Tuesday; however, utility billing would remain open until after court next week and then move over to the east end of the Rogers Room. They would be closed Thursday, and possibly Friday of next week, and then reopen on Monday. The railroad tracks at Quince St had finally been paved over. The police department had a good training session with Pacific University, which was about implicit bias, micro-aggressions and some de-escalation training, 18 officers attended that training. Afterwards, students posed various scenarios for the officers to respond to and some officers reached out to Pacific offering student ride-alongs. He thanked Henry and Pacific University for their collaboration.

4. Mayor's Report

Mayor Truax noted tonight was the last meeting Anna Ruggles would be City Recorder for the current Council. On behalf of Council, he presented her with a card with well-wishes from the Councilors. He also presented her with a glass bowl by Dave Johnson for her to remember this City Council.

H. Adjournment:

Mayor Truax adjourned the regular Council meeting at 8:23 p.m. [plus time taken for the break]



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**City Council Work Session Meeting Minutes
Noise Code Section 91.034**

**Monday, October 24, 2022
Zoom Community Auditorium**

Minutes are unofficial until approved by City Council.
Council approved minutes as presented February 13, 2023.

1. **ROLL CALL: COUNCIL PRESENT:** Donna Gustafson; Kristy Kottkey; Timothy Rippe; Mariana Valenzuela; Elena Uhing; Malynda Wenzl, Council President; and Peter Truax, Mayor.
2. **STAFF PRESENT:** Jesse VanderZanden, City Manager; Paul Downey, Assistant City Manager; Henry Reimann, Police Chief; and Anna Ruggles, City Recorder.

A. 6:00 PM – COUNCIL WORK SESSION (NOISE CODE SECTION 91.034):

Mayor Truax called the work session meeting to order at 6:31 p.m. via in-person and Zoom Webinar Video Conference.

Staff Report:

Reimann facilitated the work session, noting the purpose of the work session was to review the City's Noise Code Ordinance from 91.034 to 91.036 as requested by Council. Council's request was based on complaints received from community residents during the McMenamins Grand Lodge Concert Series. He presented a PowerPoint presentation overview of topics for discussion included in the packet that highlighted the Background of the Noise Complaint; City's Codes, 91.034 Maximum Permissible Sound Levels set forth in Table I (page 8), 91.035 Exemptions, and 91.036 Noise Variance Permit and Application. Staff also looked at protocols for Noise Codes and amplified events for Sherwood, Hillsboro, Beaverton, Portland, and Vancouver, Washington cities and produced two options; Keeping current Code; Changing Code; and a list of recommendations as follows:

- Develop and formalize best practices intended to support the continuation, refinement, and expansion of the best practices where appropriate for amplified events continue researching and developing an amplified event handout for noise variance applicants outlining specifications of where the sound booth needed to be as well as where readings needed to take place both on and off premise.

Council Discussion:

Mayor Truax opened the floor to questions of Staff. Staff's responses to Council' questions were as follows:

- City Staff to keep looking at best practices to include in the Event Planning Guide draft. Additionally, the guide would address both amplified and non-amplified events.

- Staff planned to publicize the City's event and festival planning guide through a Schedule of Events calendar, Social Platforms and Direct Mail notifying residents of event types and music types. Event hosts would also be required to publish specific information about the event.
- Staff would consider ways that the City could accommodate people with noise sensitivity issues as part of the noise variance process.
- Staff suggested a separate website page on Forest Grove's website designated to dealing with posted complaints and notifying individuals and committee members of event types and approved variances.
- Decibel level maximums would be defined in the Code and included in the handout.
- Specific issues the Staff is directed to look at:
 - Base noise levels and decibels of events.
 - Pros and cons of holding such events in the community.
 - Possible middle ground scenarios for event planners and affected communities.
 - Whether low frequency volumes can be adjusted without affecting quality of music.
 - Ways to alleviate complaints and residents' discomforts.
- There was additional roundtable discussion pertaining to the following topics:
 - Details surrounding noise complaints made about recent events, with a focus on events at McMenamins' venue and the 4th of July
 - How to best communicate with the public about the ordinance, variance requests, and events
 - Whether noise from the high school and college football games should be treated differently in the Code; Council concluded on letting Forest Grove kids enjoy their games freely.

In conclusion, the Council would amend the noise ordinance to meet the complaints and make Forest Grove a more livable community.

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

B. Adjournment:

Mayor Truax adjourned the work session at 7:05 p.m.



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**City Council Work Session Meeting Minutes
WC IGA Encampment**

**Monday, October 24, 2022
Zoom Community Auditorium**

Minutes are unofficial until approved by City Council.
Council approved minutes as presented February 13, 2023.

1. **ROLL CALL: COUNCIL PRESENT:** Donna Gustafson; Kristy Kottkey (via Zoom); Timothy Rippe; Elena Uhing; Mariana Valenzuela; Malynda Wenzl, Council President; and Peter Truax, Mayor.
2. **STAFF PRESENT:** Jesse VanderZanden, City Manager; Henry Riemann, Police Chief; Paul Downey, Assistant City Manager; and Anna Ruggles, City Recorder.
 - A. 6:30 PM – COUNCIL WORK SESSION (INTERGOVERNMENTAL AGREEMENT (IGA) WITH WASHINGTON COUNTY HOUSING SERVICES PERTAINING TO THE ENCAMPMENT PROGRAM:

Mayor Truax called the work session meeting to order via in-person and Zoom Webinar Video Conference.

Staff Report:

VanderZanden facilitated the work session noting the purpose of the work session was to address the intergovernmental agreement the City entered into with Washington County Department of Housing Services regarding the Encampment Program. He presented a PowerPoint presentation overview, highlighting the following topics:

- Background of the intergovernmental Agreement.
- The Current Status of the Agreement.
- The Draft Intergovernmental Agreement that outlined the roles and responsibilities of each party.
- Potential Extension of the IGA until the end of Encampment Programs; August 2023.
- The proposed IGA Language, which would remain the same with the exception of port-a-potties and existing waste management containers.
- What to expect from the proposed extension agreement.
- Kyle's property post clean-up updates
- Highway 47's IGA for Encampments Programs

He noted Staff wanted to seek feedback on whether Council:

- Wanted Staff to amend the agreement.
- Wanted to move forward with the agreement.

- Had any questions about the agreement noting that Staff was looking to potentially put a resolution on the City Council Agenda the next meeting with a request to extend the IGA through August 2023.

Council Discussion:

Mayor Truax opened the floor and a roundtable discussion ensued as the Council had an opportunity to discuss the pros and cons of the proposed agreement and potential next steps. Topics discussed included:

- The community's obligation to health and safety of all community members as the community members could sue the City Council if they don't take assertive action to protect their health and safety.
- Changing some of the IGA criteria's so evaluations for the public safety and health of camps are not limited to the confines of encampment but include impacts to the neighborhoods.
- Safety assessment scores done both by the Staff and County.

Specific issues the Committee is directed to look at:

- The issue of not having all partners on board with what they're doing with the Intergovernmental Agreement.
- Having a discussion with Council to discuss what would be acceptable and expected now that there was a place for these people to go nullifying the need of having a sanctioned camp.

There was additional roundtable discussion pertaining to the following topics:

- Whether to move forward with setting up a sanctioned campground and use City funds to manage the site 24/7 to make sure everything is following what it is supposed to follow.
- Having a management agreement with county proposed service providers living on premises, and not enhanced clean-ups.
- Nonprofits vetted by the county that are eligible to provide management services to the camping sites.
- Potential management agreement with more terms and conditions and roles and responsibilities, that would be done through Supportive Housing Services at the county as opposed to periodic basis clean-up agreements funded through Covid monies.
- City of Hillsboro's agreement on the minimum amount of temporary shelters to be provided, by way of example.

In conclusion of the above-noted roundtable discussion, Council concurred to sit down and have a dedicated discussion about a solution and to get going with a program that works for everybody, and across the region.

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

B. Adjournment:

Mayor Truax adjourned the work session.