FOREST GROVE OREGON

A place where families and businesses thrive.

Monday, June 27, 2016

City Council Regular Meeting Minutes **7:00 p.m., Community Auditorium**

Minutes are unofficial until approved by Council.
Council approved minutes as presented August 8, 2016.

1. **CALLED TO ORDER AND ROLL CALL:**
Mayor Peter Truax called the regular City Council meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

ROLL CALL: COUNCIL PRESENT: Thomas Johnston, Council President; Richard Kidd; Victoria Lowe; Elena Uhing; Malynda Wenzl; and Mayor Peter Truax. **COUNCIL ABSENT:** Ronald Thompson, excused.

STAFF PRESENT: Jesse VanderZanden, City Manager; Ashley Driscoll, City Attorney; Paul Downey, Administrative Services Director; Rob Foster, Public Works Director; Jon Holan, Community Development Director; J. F. Schutz, Police Chief; Kevin Ellingsburg, Police Captain; Dan Riordan, Senior Planner; Brandi Walstead, Program Coordinator; and Bev Maughan, Executive Assistant to City Manager. **STAFF ABSENT:** Anna Ruggles, City Recorder, excused.

2. **CITIZEN COMMUNICATIONS**: None.

3. **CONSENT AGENDA:**
Items under the Consent Agenda are considered routine and are adopted with a single motion, without separate discussion. Council members who wish to remove an item from the Consent Agenda may do so prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the remaining Consent Agenda item(s).

   A. Approve City Council Work Session (Fire Standards Cover) Meeting Minutes of May 23, 2016.
   B. Approve City Council Regular Meeting Minutes of May 23, 2016.
   C. Approve City Council Executive Session (Labor Negotiations) Meeting Minutes of June 13, 2016.
   D. Accept Parks and Recreation Commission Meeting Minutes of May 18, 2016.
   E. Accept Planning Commission Meeting Minutes of June 6, 2016.
   F. Accept Sustainability Commission Meeting Minutes of February 25, March 31 and April 28, 2016.

MOTION: Councilor Wenzl moved, seconded by Councilor Kidd, to approve the Consent Agenda as presented. ABSENT: Councilor Thompson. MOTION CARRIED 6-0 by voice vote.

4. ADDITIONS/DELETIONS: None.

5. PRESENTATIONS:

5. A. Representative Susan McLain, House District 29, Update
Susan McLain, State Representative District 29, presented a legislative update.

6. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2016-13 AMENDING FOREST GROVE CITY CODE CHAPTER 2, GOVERNMENT AND ADMINISTRATION, BY ADDING NEW CODE SECTIONS 2.705 TO 2.710, ESTABLISHING MUNICIPAL COURT JURISDICTION; ADDING NEW CODE SECTIONS 5.375 TO 5.390, ESTABLISHING EXCLUSION FROM CITY FACILITY OR PROPERTY; AND AMENDING CITY CODE CHAPTER 5, PUBLIC PROTECTION, ABATEMENT-RELATED PROCEDURES AND OTHER PROVISIONS

Staff Report:
Ellingsburg and Downey presented the above-proposed ordinance for first reading, noting the proposed ordinance is amending City Code Chapter 5 for the purposes of delegating jurisdiction to Municipal Court over nuisance abatement proceedings instead of City Council and, with the proposed updates to Charter 5, new code provisions are necessary in Chapter 2, authorizing the Municipal Court to implement processes for conduct of hearings, ordering compliance of code provisions and imposing civil penalties on behalf of the City. Downey provided background information, noting Council amended Chapter 6 in 2013 and delegated jurisdiction to Municipal Court over abatement proceedings for discarded vehicles and, as a result, staff is seeking to make Chapter 5 consistent with Chapter 6. Downey advised staff and City Attorney met with Council in Work Session on June 13, 2016, to discuss the proposed code amendments, noting Chapter 5 contains nuisances on private property deemed as Nuisances Affecting Public Health, Safety or Welfare, i.e., accumulations of debris and rubbish, unsanitary conditions or premises, attractive nuisances, sidewalk nuisances, noxious vegetation and graffiti. In addition, Downey presented a PowerPoint presentation outlining the amendments proposed in Chapter 2 and Chapter 5 as noted below:

- ❑ 5.270(2): The Enforcement Officer (~~City Manager~~) making the determination that a nuisance exists;
- ❑ 5.270(2&3): The Enforcement Officer (~~City Manager~~) posting a notice directing Person-in-Charge or Owner (~~person responsible~~) to abate the nuisance. At the time of posting, mailing a copy of the notice by Certified Mail (~~registered~~), which is consistent with current practice;
- ❑ 5.270(4): Allowing Person-in-Charge or Owner (~~responsible party~~) to file a

written petition with Municipal Court (~~City Recorder~~) and request a hearing to challenge the abatement notice;

- ❑ 5.270(7): In the event a written petition is filed with Municipal Court (~~City Recorder~~), the Municipal Court (~~Council~~) shall schedule and a conduct hearing. The Court may alter the date and time on its own motion or at the request of the person or City for good cause;
- ❑ 5.275(1): If the nuisance is not abated within the time specified, the Enforcement Officer may file a complaint or citation with the Municipal Court (~~instead of Council causing the nuisance to be abated~~);
- ❑ 5.275(6): Upon determination by the Court that the City has carried its burden, the Court is authorized to issue a written order authorizing the City to enter the property and abate the nuisance and such other relief that the Court deems reasonably;
- ❑ 5.275(9): The Enforcement Officer shall send notice and an accounting statement showing the costs incurred by the City for abating the nuisance;
- ❑ 5.275(11): The person may challenging the reasonableness or justification of any cost, charge or fee imposed by the City as a result of the abatement by filing a written petition with Municipal Court; and
- ❑ 5.280: At the hearing, the Municipal Court shall either affirm or deny and make final determination on behalf of the City; and
- ❑ 5.305: Violations and Penalties: Allowing Municipal Court discretion to impose a penalty to a first time violator in an amount of not less than $100 and not more than $250 per day for each nuisance violation, consistent with the penalty of other nuisance-related violations, i.e., discarded vehicles.
- ❑ Section 5.180: Graffiti Removal; Notice and Procedures
- ❑ 5.180(2): The Enforcement Officer (~~City Manager~~) determining if a graffiti nuisance exists;
- ❑ 5.180(3): The Enforcement Officer (~~City Manager~~) mailing a warning notice directing Person-in-Charge or Owner (~~occupant responsible~~) to abate the nuisance; and
- ❑ 5.180(3): Allowing persons to file written hardships directly to Police Chief (~~City Manager~~); and
- ❑ 5.180(4) and 5.265: Declaring graffiti a nuisance that may be abated through Municipal Court. (Repealing 5.170 as this section was combined with 5.180(4).

Downey referenced other minor housekeeping amendments proposed in Chapter 5 as noted below:

- ❑ 5.295: Summary Abatement: Clarifies and expands provisions to require sending notice if the City takes action to cause summary abatement and enables the person to challenge the summary abatement and costs imposed thereof by filing a written petition with Municipal Court, consistent with other nuisance abatement hearings and the Court making final findings. Currently, City Code does not contain these requirements.

- ❑ Section 5.000: Adoption of Criminal Code of 1971 (adopted in 2004): Repealing in its entirety as advised by the City Attorney as these provisions are cited into Circuit Court and not into Municipal Court jurisdiction.
- ❑ 5.505: Dog Control: Enacting Washington County Code, Ordinance No. 794, 01/20/2016, Chapter 6.04, titled "Animal Services Code" as the City's code to regulate the keeping, licensing and control of dogs within the City. Washington County repealed its 1985 "Dog Control Ordinance", so the City must reenact the County's new ordinance for compliance. The County's code includes dog bites, abuse, neglect, and abandonment of dogs, cats, livestock and other animals, aggressive or dangerous dogs, stray dogs (animals at large), and injured dogs or cats.
- ❑ 5.510: Amendments to Dog Control Ordinance: Deleting this section as it is no longer applicable.

New proposed Code Provisions, Sections 2.705 and 2.710, Municipal Court:
Downey advised with the proposed updates to Charter 5, new code provisions are necessary in Chapter 2 for purposes of delegating jurisdiction to Municipal Court and authority to implement processes for conduct of hearings, ordering compliance of code provisions and imposing civil penalties on behalf of the City. Downey outlined the new code provisions in Chapter 2 as noted below:

- ❑ 2.705: Jurisdiction – Limitation: Authorizing Municipal Court jurisdiction over City Code violations and certain offenses, i.e., traffic violations, minor in possession of alcohol and provisions of Oregon marijuana laws;
- ❑ 2.710: Authority of the Municipal Court: Granting authority to Municipal Court to implement processes for conduct of hearings; ordering compliance of code provisions; imposing civil penalties; and assessing costs on behalf of the City.

New Code Provisions, Sections 5.375 to 5.385, Exclusion from City Facility or Property:
Ellingsburg and Downey reported the City is proposing to enact new code provisions authorizing the City the ability to exclude an individual from city parks, city-owned or leased properties or city-sponsored events for a period of up to 90 days, if the individual is engaging in conduct made criminal or in violation of code provisions or adopted rules of conduct. Ellingsburg reported the proposed code is due to increased criminal activities and behaviors that disrupt or create a risk of harm to other users, particularly children and families, who are using city facilities, such as parks and recreational areas, and officers having no authority to exclude individuals who are engaging in such criminal activities while on city-owned properties, noting the proposed code provisions allow appealing exclusion notices through Municipal Court. In addition, Downey outlined the new code provisions in Chapter 5 as noted below:

- ❑ 5.375: Exclusion Authority: Exclusion authority is based upon substantial

objective belief that the individual engaged in:

- Conduct made criminal as either a misdemeanor or felony under state law;
- Conduct in violation of City Code;
- Conduct in violation of adopted rule of conduct.

❑ 5.380: Exclusion Notice: Requires issuance of a Exclusion Notice

❑ 5.385: Appeal of Exclusion: Allowing an individual to file an appeal with Municipal Court to have the exclusion rescinded or period shortened.

❑ 5.390: Violation – Criminal Trespass: Contains provisions warning an individual who knowingly violates a Notice of Exclusion that is effect, commits the crime of criminal trespass.

❑ 5.415: Conduct; Exclusion: Incorporating into Park Regulations, Code Sections 5.405 to 5.490, the provisions of Section 5.375 (90-day Exclusion Authority).

In conclusion of the above-noted staff report, Downey advised staff met and reviewed the proposed code amendments with Parks and Recreation Commission and Public Safety Advisory Commission and both commissions unanimously supported the proposed amendments, noting staff is recommending Council consider adopting the proposed ordinance as outlined in Exhibit A.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2016-13 for first reading.

VanderZanden read Ordinance No. 2016-13 by title for first reading.

MOTION: Council President Johnston moved, seconded by Councilor Kidd, to adopt Ordinance No. 2016-13 Amending Forest Grove City Code Chapter 2, Government and Administration, by Adding New Code Sections 2.705 to 2.710, Establishing Municipal Court Jurisdiction; Adding New Code Sections 5.375 to 5.390, Establishing Exclusion from City Facility or Property; and Amending City Code Chapter 5, Public Protection, Abatement-Related Procedures and Other Provisions.

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

Written Testimony Received:
No written testimony was received prior to the deadline of June 27, 2016, 7:00 p.m.

Proponents:
No one testified and no written comments were received.

Opponents:
No one testified and no written comments were received.

Others:
No one testified and no written comments were received.

Council Discussion:
Hearing no discussion from the Council, Mayor Truax recessed the Public Hearing until the next meeting of Monday, July 11, 2016.

Public Hearing Recessed:
Mayor Truax recessed the Public Hearing until the next Council meeting of Monday, July 11, 2016.

7. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2016-14 AMENDING FOREST GROVE DEVELOPMENT CODE ARTICLES 3, 8 AND 12 FOR THE PURPOSES OF ADOPTING TIME, PLACE AND MANNER RESTRICTIONS FOR MARIJUANA FACILITIES; CLASSIFYING MARIJUANA FACILITIES; AND ADOPTING DEFINITIONS; FILE NO. 311-16-00034

Staff Report:
Riordan and Holan presented the above-proposed ordinance for first reading, noting the proposed ordinance is amending Development Code Articles 3, 8 and 12 for the purposes of adopting time, place and manner restrictions for marijuana facilities. Riordan advised under state law, the city may adopt by ordinance restrictions regarding time, place, and manner, i.e., 1,000-foot distance requirements from schools, parks, libraries and residential zones. Riordan provided background information, noting Council adopted Ordinance No. 2016-07, on March 28, 2016, which was intended to establish general restrictions prior to state licensing of marijuana facilities and was not intended to address all possible aspects of where and how marijuana facilities should operate. Subsequently, Council adopted Ordinance No. 2016-10 on April 28, 2016, temporarily prohibiting the establishment of recreational marijuana producer (also known as outdoor grow) locations within the city until August 5, 2016. Riordan and Holan referenced Attachment 1, Staff Report to Planning Commission dated May 27, 2016; Attachment 2, Written Testimony submitted to Planning Commission dated June 6, 2016; Attachment 3, Planning Commission's meeting minutes dated June 6, 2016; Attachment 4, Planning Commission's Decision and Findings of Fact dated June 6, 2016; and the above-noted proposed ordinance. Riordan and Holan presented a PowerPoint presentation outlining information pertaining to legal requirements; state mandated buffers; Public Safety Advisory Commission's (PSAC) recommendations as outlined below; Planning Commission's (PC) recommendations as outlined below; and staff recommendations as outlined below. Riordan reported on April 27, 2016, the PSAC adopted recommendations pertaining to time, place and manner recommendations for marijuana facilities for consideration by the PC as outlined below:

1) **No open grow** of marijuana for **recreational production** in the city limits (medical production is not addressed by recommendation);
2) **All marijuana activities** shall **not** be **permitted** in **mixed use zones** or **residential zones** (personal grow cannot be prohibited under state law);
3) **All marijuana activities** are **not allowed** within 1,000 feet of a **school (public or private), city parks and libraries**;
4) Any marijuana **processing** or **commercial production**, whether enclosed or not, shall not be permitted within 1,000 feet of a **residential zone** (applies to medical and recreational processing and production);
5) Any marijuana activities shall be **conditional uses** in the affected zone (currently reviewed through site plan review process).

Riordan added the PSAC's recommendations were endorsed by:

- Economic Development Commission (EDC), which supported all five recommendations on May 5, 2016;
- Parks and Recreation Commission (P&R), which supported proposed buffers from parks on June 15, 2016;
- Forest Grove School District Board, which adopted a resolution supporting proposed buffers from schools on May 23, 2016.

In addition, Riordan reported the PC endorsed the PSAC's recommendations with the exception of Item 3 and 4 above, noting the PC did not find a supportable basis for recommending the proposed buffer if outdoor marijuana production is banned. Next, Riordan outlined the proposed Development Code Article 3, Article 8 and Article 12 text amendments outlined in Exhibit A as follows:

a. Banning outdoor marijuana production with the city limits;
b. Adopting and clarifying time, place and manner restrictions for marijuana facilities within the city;
c. Classifying permissible marijuana related facilities as conditional uses requiring review and approval by the Planning Commission; and
d. Clarifying and establishing marijuana facility related definitions as recommended by the Planning Commission.

In conclusion of the above-noted staff report, Riordan and Holan reported the proposed ordinance contains an effective 30-day clause following its enactment by Council, noting there would be two business days between the effective date of the proposed ordinance and sunset date of August 5, 2016, pursuant to Ordinance No. 2016-10, unless Council declares an emergency and an immediate effective date clause. Riordan and Holan advised staff is recommending Council consider adopting the proposed ordinance as outlined in Exhibit A with an immediate effective date

clause at the second reading on July 11, 2016; otherwise, if an application is filed during the two-business day period mentioned above, recreational marijuana production would be allowed in the Light Industrial zone.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2016-14 for first reading.

VanderZanden read Ordinance No. 2016-14 by title for first reading.

MOTION: Council President Johnston moved, seconded by Councilor Kidd, to adopt Ordinance No. 2016-14 Amending Forest Grove Development Code Articles 3, 8 and 12 for the purposes of Adopting Time, Place and Manner Restrictions for Marijuana Facilities; Classifying Marijuana Facilities; and Adopting Definitions; File No. 311-16-00034.

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

Written Testimony Received:
Corinne Celko, Emerge Law Group, 805 SW Broadway, Suite 2400, Portland, OR 97205, submitted a letter dated June 24, 2016, urging Council to allow marijuana production in Light Industrial zone, noting they represent Progressive Property Management (PPM) who has acquired the right to lease property, located at 4114 Heather Street (Matsushita), which is zoned Light Industrial.

Corinne Celko, Emerge Law Group, 805 SW Broadway, Suite 2400, Portland, OR 97205, submitted a letter dated June 24, 2016, urging Council to support the Planning Commission's recommendation to maintain state-mandated distance requirements for marijuana businesses, noting they represent Jon Burnett and Ryan Lundahl who own property located at 2336 9th Avenue, which is zoned General Industrial and is within Elm Street Industrial Area. Celko's letter referenced an attached memo from the U. S. Department of Justice, Office of Attorney General, which addressed federal prosecutorial enforcement in all states.

Sam Nizam, Vice-President, White Oak River, Inc., no address, submitted a letter dated June 23, 2016, urging Council to allow marijuana production in the Light Industrial zone, as well as General Industrial zone, subject to conditional use review, noting they own property located at 4114 Heather Street (Matsushita), which is zoned Light Industrial.

No other written testimony was received prior to the deadline of June 27, 2016, 7:00 p.m.

Proponents:
No one testified and no written comments were received.

Opponents:
No one testified and no written comments were received.

Others:
Corinne Celko, Emerge Law Group, 805 SW Broadway, Suite 2400, Portland, OR 97205, representing Jon Burnett and Ryan Lundahl who own property located at 2336 9th Avenue, which is zoned General Industrial and is within Elm Street Industrial Area. Celko and Lundahl urged Council to support the Planning Commission's recommendation to maintain state-mandated distance requirements, noting state law does not impose a distance requirement from schools, parks and libraries for marijuana production. Celko and Lundahl provided informational background on the above-noted property pertaining to buffers, security, safety, and odor control, noting the property is zoned General Industrial and is located within the Elm Street Industrial Area and a applying a buffer would prevent well-suited industrial land from being utilized for marijuana production. In addition, Celko pointed out the Attorney General's memo, which was also referenced under written testimony.

Margot Wheeler, PO Box 19210, Portland, OR 97209, spoke on behalf of the Matsushita property, located at 4114 Heather Street, urging Council to allow marijuana production in Light Industrial zone, noting the property has been vacant for years and utilizing the building and putting 50 employees to work is a great benefit for Forest Grove.

Nick Chan, 4268 Anderson Road, Forest Grove, questioned the federal government's definition of "strong" state regulation and supported buffer requirements from schools, i.e., Neil Armstrong School.

No one else testified and no written comments were received.

Council Discussion:
In response to Uhing's concern pertaining to zoning for indoor and/or outdoor grow, Riordan affirmed the PC's recommendation prohibits wholesale marijuana activities in Light Industrial zone and requires a conditional use permit in General Industrial zone.

Lowe voiced concern of zoning out equal opportunity businesses, to which Holan pointed out this is a policy question for Council. In response to Lowe's concerns pertaining to zoning areas, Riordan referenced a map titled "Planning Commission Recommendation: Marijuana Producers (Indoor), Processors and Wholesalers", showing areas zoned Light Industrial and General Industrial.

City Attorney Driscoll also provided clarification pertaining to zoning and staff recommendations outlined above.

Hearing no further discussion from the Council, Mayor Truax recessed the Public Hearing until the next meeting of Monday, July 11, 2016

Public Hearing Recessed:
Mayor Truax recessed the Public Hearing until the next Council meeting of Monday, July 11, 2016.

Recess: Mayor Truax called for a recess at 8:45 p.m. and Council reconvened at 8:50 p.m.

8. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2016-15 OF CITY OF FOREST GROVE IMPOSING A THREE PERCENT TAX ON THE SALE OF MARIJUANA ITEMS BY A MARIJUANA RETAILER AND REFERRING ORDINANCE TO THE ELECTORS OF FOREST GROVE AT THE NEXT GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016

Staff Report:
Holan presented the above-proposed ordinance for first reading, noting the proposed ordinance is imposing a three percent tax on the sale of marijuana items by a marijuana retailer and referring the ordinance to the electors of Forest Grove at the next General Election on Tuesday, November 8, 2016. Holan presented a PowerPoint presentation, noting under state law, the city may impose a tax of up to three percent on retail sale of all marijuana items sold by a marijuana retailer if the electors approve such a tax. In conclusion of the above-noted staff report, Holan advised staff is recommending Council approved the proposed ordinance providing that time, place and manner restrictions being considered by Council under Agenda Item 7 does not ban any of the seven regulated marijuana activities, noting if the proposed ordinance is approved by voters, staff will come back with a proposed Code ordinance establishing the tax collection process.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2016-15 for first reading.

VanderZanden read Ordinance No. 2016-15 by title for first reading.

MOTION: Councilor Kidd moved, seconded by Councilor Uhing, to adopt Ordinance No. 2016-15 of City of Forest Grove Imposing a Three Percent Tax on the Sale of Marijuana Items by a Marijuana Retailer and Referring Ordinance to the Electors of Forest Grove at the Next General Election to be held on Tuesday, November 8, 2016.

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

Written Testimony Received:
No written testimony was received prior to the deadline of June 27, 2016, 7:00 p.m.

Proponents:
No one testified and no written comments were received.

Opponents:
No one testified and no written comments were received.

Others:
No one testified and no written comments were received.

Council Discussion:
In response to Uhing's concern pertaining to imposing a tax, Holan clarified state law allows the city to impose a voter-approved tax of up to three percent on recreational sales as long as the city does not ban any type of marijuana facility, noting state law prohibits taxing medical marijuana sales.

In response to Lowe's concerns pertaining to the City's previously adopted 10 percent tax and requiring voter-approval for imposing a three percent tax, City Attorney Driscoll advised state law preempted the 10 percent tax so the city had to repeal the tax, noting legislators approved HB3400, which requires voters to affirm if they want their city to impose a tax on recreational marijuana sales that can only be up to a three percent tax. Driscoll also provided an update on election law and state revenue, noting if the voters approve the tax, the city may have an opportunity to enter into an intergovernmental agreement with the state to collect the tax on the city's behalf.

Hearing no further discussion from the Council, Mayor Truax recessed the Public Hearing until the next meeting of Monday, July 11, 2016.

Public Hearing Recessed:
Mayor Truax recessed the Public Hearing until the next Council meeting of Monday, July 11, 2016.

9. PUBLIC HEARING AND RESOLUTION NO. 2016-40 ADOPTING BUDGET FOR FISCAL YEAR COMMENCING JULY 1, 2016, AND ENDING JUNE 30, 2017

Staff Report:
Downey presented the above-proposed resolution for Council consideration, noting the

Budget Committee approved at its May 12, 2016, meeting a proposed budget of $98,246,884 for Fiscal Year commencing July 1, 2016, and ending June 30, 2017. Downey reported staff is proposing an increase of $111,256 to the proposed budget as outlined in the staff report. In conclusion of the above-noted staff report, Downey advised staff is recommending approval of the proposed budget in the amount of $98,358,140 for Fiscal Year 2016-17 as proposed in the resolution

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-40.

VanderZanden read Resolution No. 2016-40 by title.

MOTION: Councilor Lowe moved, seconded by Councilor Wenzl, to approve Resolution No. 2016-40 Adopting Budget for Fiscal Year Commencing July 1, 2016, and Ending June 30, 2017, in the amount of $98,358,140.

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

Written Testimony Received:
No written testimony was received prior to the published deadline of June 27, 2016, 7:00 p.m.

Proponents:
No one testified and no written comments were received.

Opponents:
No one testified and no written comments were received.

Others:
No one testified and no written comments were received.

Public Hearing Closed:
Mayor Truax closed the Public Hearing.

Council Discussion:
Hearing no discussion from the Council, Mayor Truax asked for a roll call vote on the above motion.

ROLL CALL VOTE: AYES: Councilors Johnston, Kidd, Lowe, Uhing, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Thompson. MOTION CARRIED 6-0.

10. RESOLUTION NO. 2016-41 MAKING APPROPRIATIONS FOR THE CITY OF FOREST GROVE, WASHINGTON COUNTY, OREGON, FOR THE FISCAL YEAR COMMENCING JULY 1, 2016, AND ENDING JUNE 30, 2017

Staff Report:
Downey presented the above-proposed resolution making the necessary appropriations for Fiscal Year commencing July 1, 2016, and ending June 30, 2017, as outlined in the staff report and as proposed in the resolution.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-41.

VanderZanden read Resolution No. 2016-41 by title.

MOTION: Councilor Wenzl moved, seconded by Council President Johnston, to adopt Resolution No. 2016-41 Making Appropriations for the City of Forest Grove, Washington County, Oregon, for the Fiscal Year Commencing July 1, 2016, and Ending June 30, 2017.

Council Discussion:
Hearing no discussion from the Council, Mayor Truax asked for a roll call vote on the above motion.

ROLL CALL VOTE: AYES: Councilors Johnston, Kidd, Lowe, Uhing, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Thompson. MOTION CARRIED 6-0.

11. RESOLUTION NO. 2016-42 LEVYING AND CATEGORIZING TAXES FOR FISCAL YEAR COMMENCING JULY 1, 2016, AND ENDING JUNE 30, 2017

Staff Report:
Downey presented the above-proposed resolution levying and categorizing taxes imposed at the rate of $5.554 per $1,000 of assessed value for Fiscal Year commencing July 1, 2016, and ending June 30, 2017, as outlined in the staff. In conclusion of the above-noted staff report, Downey advised as proposed in resolution, the City levies the following: 1) General Fund – Permanent Rate of $3.9554 and 2) City's Five-Year Local Option Levy of $1.6000, which expires June 30, 2018.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-42.

VanderZanden read Resolution No. 2016-42 by title.

MOTION: Council President Johnston moved, seconded by Councilor Kidd, to adopt Resolution No. 2016-42 Levying and Categorizing Taxes for Fiscal Year Commencing July 1, 2016, and Ending June 30, 2017.

Council Discussion:
Hearing no discussion from the Council, Mayor Truax asked for a roll call vote on the above motion.

ROLL CALL VOTE: AYES: Councilors Johnston, Kidd, Lowe, Uhing, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Thompson. MOTION CARRIED 6-0.

12. RESOLUTION NO. 2016-43 ADOPTING FISCAL YEARS 2016-21 CAPITAL IMPROVEMENTS PROGRAM

Staff Report:
Downey presented the above-proposed resolution adopting Fiscal Years 2016-21 Capital Improvements Program (CIP) as approved by the Budget Committee, noting the CIP forms the basis for planning capital projects over a five-year period and aids in setting system development charges (SDC) for the City. In conclusion of the above-noted staff report, Downey advised the projects to be accomplished for Fiscal Year 2016-17 are identified in the appropriate funds in the adopted budget, noting projects funded by SDC must be listed in the CIP in order for SDC funds to be expended on those projects.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-43.

VanderZanden read Resolution No. 2016-43 by title.

MOTION: Council President Johnston moved, seconded by Councilor Wenzl, to approve Resolution No. 2016-43 Adopting Fiscal Years 2016-21 Capital Improvements Program.

Council Discussion:
Lowe indicated she has the same concerns as she had during the budget process pertaining to specific capital projects.

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

ROLL CALL VOTE: AYES: Councilors Johnston, Kidd, Lowe, Uhing, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Thompson. MOTION CARRIED

6-0.

13. PUBLIC HEARING AND RESOLUTION NO. 2016-44 DECLARING CITY'S ELECTION TO RECEIVE STATE REVENUES

Staff Report:
Downey presented the above-proposed resolution declaring the City's intent to receive State Revenue Sharing for Fiscal Year 2016-17 as outlined in the staff report and as proposed in the resolution. In conclusion of the above-noted staff report, Downey advised the City is projected to receive $342,969 in Alcohol Tax Revenue; $27,465 in Cigarette Tax Revenue; and $240,078 in State Revenue Sharing, noting for budgetary purposes, Alcohol Tax is allocated to the Police Department; Cigarette Tax is allocated to the Fire Department; and State Shared Revenue goes into the General Fund Discretionary Revenue.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-44.

VanderZanden read Resolution No. 2016-44 by title.

MOTION: Councilor Wenzl moved, seconded by Councilor Uhing, to adopt Resolution No. 2016-44 Declaring City's Election to Receive State Revenues.

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

Written Testimony Received:
No written testimony was received prior to the published deadline of June 27, 2016, 7:00 p.m.

Proponents:
No one testified and no written comments were received.

Opponents:
No one testified and no written comments were received.

Others:
No one testified and no written comments were received.

Public Hearing Closed:
Mayor Truax closed the Public Hearing

Council Discussion:

Hearing no discussion from the Council, Mayor Truax asked for a voice vote on the above motion.

VOICE VOTE: AYES: Councilors Johnston, Kidd, Lowe, Uhing, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Thompson. MOTION CARRIED 6-0.

14. PUBLIC HEARING AND RESOLUTION NO. 2016-45 CERTIFYING SERVICES PROVIDED BY THE CITY OF FOREST GROVE

Staff Report:
Downey presented the above-proposed resolution certifying services provided by the City for Fiscal Year 2016-17 as outlined in the staff report and as proposed in the resolution. In conclusion of the above-staff report, Downey advised the City is required to certify the services provided by the City in order to receive State Shared Revenue.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-45.

VanderZanden read Resolution No. 2016-45 by title.

MOTION: Councilor Kidd moved, seconded by Councilor Wenzl, to adopt Resolution No. 2016-45 Certifying Services Provided by the City of Forest Grove.

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

Written Testimony Received:
No written testimony was received prior to the published deadline of June 27, 2016, 7:00 p.m.

Proponents:
No one testified and no written comments were received.

Opponents:
No one testified and no written comments were received.

Others:
No one testified and no written comments were received.

Public Hearing Closed:
Mayor Truax closed the Public Hearing

Council Discussion:
Hearing no discussion from the Council, Mayor Truax asked for a voice vote on the above motion.

VOICE VOTE: AYES: Councilors Johnston, Kidd, Lowe, Uhing, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Thompson. MOTION CARRIED 6-0.

15. PUBLIC HEARING AND RESOLUTION NO. 2016-46 ADOPTING CAPITAL IMPROVEMENTS PROGRAM EXCISE TAX AND REPEALING RESOLUTION NO. 2015-49

Staff Report:
Downey presented the above-proposed resolution imposing Capital Improvements Program (CIP) Excise Tax for the purpose of funding public safety and general government programs within the CIP for Fiscal Year 2016-17 as outlined in the staff report and as proposed in the resolution. Downey reported the City expects to collect approximately $330,000 in revenue from the CIP Excise Tax in Fiscal Year 2015-16 based on current fee levels. Downey noted staff is not proposing increasing the monthly CIP fees on each electric meter for Fiscal Year 2016-17, noting the fees will remain as follows: 1) Residential, $3.00; 2) Commercial – Single Phase, $7.50; and 3) All others, $15.00. Downey explained 90 percent of fees collected will be used to fund public safety capital needs, particularly police and fire vehicle replacements, and 10 percent will be used to fund General Government Programs. In conclusion of the above-noted staff report, Downey advised the CIP Excise Tax is accounted for in a separate fund to ensure the tax proceeds are spent as required by resolution.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-46.

VanderZanden read Resolution No. 2016-46 by title.

MOTION: Council President Johnston moved, seconded by Councilor Kidd, to approve Resolution No. 2016-46 Adopting Capital Improvements Program Excise Tax and Repealing Resolution No. 2015-49.

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

Written Testimony Received:
No written testimony was received prior to the published deadline of June 27, 2016, 7:00 p.m.

Proponents:
No one testified and no written comments were received.

Opponents:
No one testified and no written comments were received.

Others:
No one testified and no written comments were received.

Public Hearing Closed:
Mayor Truax closed the Public Hearing.

Council Discussion:
Hearing no discussion from the Council, Mayor Truax asked for a voice vote on the above motion.

VOICE VOTE: AYES: Councilors Johnston, Kidd, Lowe, Uhing, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Thompson. MOTION CARRIED 6-0.

16. RESOLUTION NO. 2016-47 TRANSFERRING APPROPRIATIONS WITHIN VARIOUS FUNDS FOR FISCAL YEAR 2015-16

Staff Report:
Downey presented the above-proposed resolution transferring various appropriated amounts for Fiscal Year 2015-16 as outlined in the staff report. In conclusion of the above-noted staff report, Downey advised staff is recommending Council adopt the proposed resolution transferring appropriations within Fiscal Year 2015-16 budget as proposed in the resolution, so budgeted appropriations are not exceeded.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-47.

VanderZanden read Resolution No. 2016-47 by title.

MOTION: Council President Johnston moved, seconded by Councilor Kidd, to adopt Resolution No. 2016-47 Transferring Appropriations within Various Funds for Fiscal Year 2015-16.

Council Discussion:
Hearing no discussion from the Council, Mayor Truax asked for a voice vote on the above motion.

VOICE VOTE: AYES: Councilors Johnston, Kidd, Lowe, Uhing, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Thompson. MOTION CARRIED 6-0.

17. PUBLIC HEARING AND RESOLUTION NO. 2016-48 ESTABLISHING CERTAIN CLEAN WATER SERVICES UTILITY RATES AND CHARGES FOR THE CITY OF FOREST GROVE, EFFECTIVE JULY 1, 2016, AND REPEALING RESOLUTION NO. 2015-52

Staff Report:
Foster and Downey presented the above-proposed resolution authorizing the City to collect sanitary sewer rates, Sewer System Development Charges (SDC), and Surface Water Management (SWM) rates pursuant to the Intergovernmental Agreement with Clean Water Services (CWS). The CWS' Board of Directors approved increasing its sanitary sewer rates by three percent (3%) from $40.80 to $42.01 for a typical residential consumption of 8ccf and SWM rates by $0.50 from $7.25 to $7.75 per Equivalent Dwelling Unit (EDU). The City is not proposing increasing its monthly SWM surcharge for Fiscal Year 2016-17, which is currently $1.00 per EDU above the SWM rates established by CWS, resulting in a combined monthly SWM rate of $8.75 per EDU. In addition, CWS approved increasing its SWM SDC by $10 from $500 to $510 and Sewer SDC by $200 from $5,100 to $5,300 per EDU. The City retains 20 percent (20%) of the SDC revenue. In conclusion of the above-noted staff report, Downey advised that CWS has held public hearings on June 16, 2016, notifying customers of the above-noted rate increases.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-48.

VanderZanden read Resolution No. 2016-48 by title.

MOTION: Councilor Uhing moved, seconded by Councilor Wenzl, to adopt Resolution No. 2016-48 Establishing Certain Clean Water Services Utility Rates and Charges (Sanitary Sewer, Surface Water Management and System Development Charges) for the City of Forest Grove, Effective July 1, 2016, and Repealing Resolution No. 2015-52.

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

Written Testimony Received:
No written testimony was received prior to the published deadline of June 27, 2016, 7:00 p.m.

Proponents:
No one testified and no written comments were received.

Opponents:
No one testified and no written comments were received.

Others:
No one testified and no written comments were received.

Public Hearing Closed:
Mayor Truax closed the Public Hearing.

Council Discussion:
Hearing no discussion from the Council, Mayor Truax asked for a roll call vote on the above motion.

ROLL CALL VOTE: AYES: Councilors Johnston, Kidd, Lowe, Uhing, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Thompson. MOTION CARRIED 6-0.

18. CITY COUNCIL COMMUNICATIONS:
Council President Johnston reported on matters of interest and upcoming meetings he was planning to attend.

Kidd reported on matters of interest and upcoming meetings he was planning to attend.

Lowe reported on matters of interest and upcoming meetings she was planning to attend.

Thompson was absent.

Uhing reported on matters of interest and upcoming meetings she was planning to attend.

Wenzl reported on matters of interest and upcoming meetings she was planning to attend.

19. CITY MANAGER'S REPORT:
VanderZanden reported on upcoming meetings and events as noted in the Council calendar and City Manager's Report. In addition, VanderZanden referenced the City Manager's Report, which was emailed to Council in advance and outlined various

upcoming Council-related meetings; upcoming Council-related agenda; updates on department-related activities and projects, including Administrative Services, Parks and Aquatics, Police, Library, Light and Power, Economic Development, Community Development, and Engineering and Public Works; and other upcoming citywide calendar events.

20. MAYOR'S REPORT:

Mayor Truax announced dates of various upcoming activities, events and meetings as noted in the Council Calendar. In addition, Mayor Truax referenced a written copy of his notes and reported on various local, regional, Metro, and Washington County-related matters of interest and meetings he attended, upcoming community-related events, and upcoming meetings he was planning to attend.

21. ADJOURNMENT:

Mayor Truax adjourned the regular meeting at 9:32 p.m.

Respectfully submitted,

Anna D. Ruggles

_____

Anna D. Ruggles, CMC, City Recorder

FOREST GROVE OREGON

A place where families and businesses thrive.

City Council Executive Session Minutes

Monday, June 27, 2016
5:30 p.m., Community Auditorium

Minutes are unofficial until approved by Council.
Council approved minutes as presented August 8, 2016.

1. **CALLED TO ORDER AND ROLL CALL:**
Mayor Peter Truax called the Executive Session to order at 5:30 p.m.

ROLL CALL: COUNCIL PRESENT: Thomas Johnston, Council President; Richard Kidd; Victoria Lowe; Elena Uhing; Malynda Wenzl; and Mayor Peter Truax. **COUNCIL ABSENT:** Ronald Thompson, excused.

STAFF PRESENT: Jesse VanderZanden, City Manager.

2. **EXECUTIVE SESSION:**
The City Council met in Executive Session in accordance with:

ORS 192.660(2)(I) to review and evaluate the employment-related performance of the City Manager.

3. **ADJOURNMENT**
Mayor Truax adjourned the Executive Session at 6:00 p.m.

Respectfully submitted,

Anna D. Ruggles

_____
Anna D. Ruggles, CMC, City Recorder

FOREST GROVE OREGON

A place where families and businesses thrive.

City Council Work Session Minutes **Monday, June 27, 2016**
Law Enforcement Body Worn Cameras **6:00 p.m., Conference Room**

Minutes are unofficial until approved by Council.
Council approved minutes as presented August 8, 2016.

1. **ROLL CALL:**
Mayor Peter Truax called the Work Session to order at 6:05 p.m.

ROLL CALL: COUNCIL PRESENT: Thomas Johnston, Council President; Richard Kidd; Victoria Lowe; Elena Uhing; Malynda Wenzl; and Mayor Peter Truax. **COUNCIL ABSENT:** Ronald Thompson, excused.

STAFF PRESENT: Jesse VanderZanden, City Manager; Ashley Driscoll, City Attorney; Paul Downey, Administrative Services Director; J. F. Schutz, Police Chief; Kevin Ellingsburg, Police Captain; Mike Herb, Police Captain; and Bev Maughan, Executive Assistant to City Manager. **STAFF ABSENT:** Anna Ruggles, City Recorder, excused.

2. **WORK SESSION: LAW ENFORCEMENT BODY WORN CAMERAS**
Police Chief Schutz, Police Captain Ellingsburg, Police Captain Herb and VanderZanden facilitated the work session, noting the purpose of the work session was to provide an update on Forest Grove's law enforcement body worn camera pilot program. Chief Schutz and Police Captains presented a PowerPoint presentation overview of the pilot program study, noting staff held a work session with Council on October 27, 2014, and the pilot program was implemented on May 1, 2015. Chief Schutz reported two cameras were purchased with grant funds and cloud storage for one year was budgeted and two officers volunteered to wear the cameras for duration of the pilot program. Chief Schutz and Police Captains presented video captured by the officer's camera, noting the cameras record the officer's interactions with members of the public while the officer is on duty and the video is logged as evidence in any arrest, use of force incident or when evidence is collected in a criminal investigation and the video is labeled in any citation issued for traffic violations, officers are required to submit a pre-formatted monthly report and policy compliance is monitored randomly. In conclusion of the above-noted staff report, Chief Schutz referenced HB2571, which went into effect on June 25, 2015, and requires law enforcement to establish policies and procedures for camera use and retention compliance, noting maintaining a department-wide body worn camera program will require additional capital and operating resources on an ongoing basis.

Council Discussion:
Mayor Truax opened the floor and roundtable discussion ensued pertaining to Forest Grove's law enforcement body worn camera pilot program. Chief Schutz, Police Captains and VanderZanden responded to various concerns, inquiries and scenarios Council presented pertaining to the status of other cities who have implemented body worn camera programs, long-term security of using cloud storage, grant opportunities and budgetary/financial obligations, noting Captain Herb helped develop a county-wide work group on a body worn camera policy to get area agencies on the same page and the work group includes leaders from area agencies, along with Washington County District Attorney's Office. Chief Schutz advised no agency in Washington County has fully implemented body worn cameras, noting Washington County Sheriff's Office has 25 officers testing several different camera systems in a pilot program and other local jurisdictions will be implementing pilot programs soon. In conclusion of the above-noted Council discussion, Chief Schutz advised that a placeholder exists in the budget for Fiscal Year 2016-17 for Forest Grove's law enforcement body worn camera program and, if approved, staff will continue to pursue grant opportunities for expansion of a full scale program.

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

3. ADJOURNMENT
Mayor Truax adjourned the work session at 6:59 p.m.

Respectfully submitted,

Anna D. Ruggles

_____
Anna D. Ruggles, CMC, City Recorder