



Malynda Wenzl, Mayor

Timothy A. Rippe, Council President
Donna Gustafson, Councilor
Michael Marshall, Councilor

Karen Martinez, Councilor
Elena Uhing, Councilor
Mariana Valenzuela, Councilor

[TVCTV Livestream](#)

[Zoom Webinar](#) Meeting ID: 850 7572 2488 Passcode: 97116

Americans with Disabilities Act (ADA) Notice: The City is committed to providing equal access to public meetings. Requests for accommodation can be submitted to the City Recorder at least 48 hours before the meeting at: mwoods@forestgrove-or.gov or 503-992-3235

CITY COUNCIL WORK SESSIONS

No public comment will be taken. The Council will take no formal action.

5:30 Boards and Commission Interview Process

Staff: Stephanie Fleischer, Communications and Programs Manager

6:00 Police Facility

Staff: Henry Reimann, Police Chief

CITY COUNCIL MEETING

A. 7:00 Call to Order

1. Roll Call
2. Land Acknowledgement
3. Pledge of Allegiance
4. Proclamation: National Hispanic Heritage Month
5. Proclamation: Constitution Week

B. Public Comment: Time provided for anyone wishing to speak to City Council on an item not on the agenda or on the agenda but not scheduled for a public hearing. Comments are limited to 2 minutes unless additional time is granted by the Presiding Officer. The public comment period shall not exceed 30 minutes unless a majority of Councilors present vote to extend the time. Zoom attendees may use the "Raise Hand" option to be called on.

1. Written Public Comment

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

D. Additions/Deletions

1. City Manager
2. Proposed by Councilors

E. Presentations: The Council will hold questions until the end of each presentation. A two-minute reminder will be given to the presenter to conclude remarks.

1. **7:15 Forest Grove Primary Care Update**
Presenter: Steve Krautscheid, Director of Community Outreach & Engagement
2. **7:30 Pacific University Update**
Presenter: Dr. Jennifer Coyle, President of Pacific University
3. **7:45 East Side Park Update**
Presenter: Anne Lane, Parks & Recreation Director

F. Public Hearings, Ordinances, and Resolutions

1. Public Hearing
8:00 **ORDINANCE 2024-05 AMENDING THE CITY OF FOREST GROVE'S MUNICIPAL CODE TO ADOPT LIMITATION OF LIABILITY FOR CERTAIN CLAIMS ARISING FROM THE USE OF TRAILS OR STRUCTURES WITHIN PUBLIC EASEMENTS AND UNIMPROVED RIGHTS OF WAY UNDER OREGON REVISED STATUTE (ORS) 105.668**
Staff: Ashley Driscoll, City Attorney
2. 8:10 **RESOLUTION 2024-37 APPROPRIATING EXPENDITURE OF FUNDS IN THE LIGHT & POWER DEPARTMENT FOR PAYMENT OF A REFUND FROM THE BONNEVILLE POWER ADMINISTRATION (BPA) TO ROWAN GREEN DATA LLC FOR PRELIMINARY ENGINEERING ACTIVITIES FOR A PROPOSED DATA CENTER**
Staff: Paul Downey, Assistant City Manager/Finance Director
3. 8:20 **RESOLUTION 2024-38 AUTHORIZING THE CITY MANAGER TO SUBMIT A LEGISLATIVE PRIORITIES BALLOT TO THE LEAGUE OF OREGON CITIES (LOC)**
Staff: Jesse VanderZanden, City Manager

G. 8:25 Council Communications:

1. Councilor Reports
 - a. Timothy A. Rippe (EDC, RWPC, TVHSC, Chamber of Commerce)
 - b. Donna Gustafson (PAC, JWC)
 - c. Michael Marshall (CFC, P&R, CCESC)
 - d. Karen Martinez (FGRFPD, SCC, WCCCA)
 - e. Elena Uhing (CCE, FGSCC)
 - f. Mariana Valenzuela (LC, CDBGPAB)
2. City Manager's Report
3. Mayor's Report (HLB, WCCC, R1ACT, MMC, WCC&MG, WCMG, MYAC)

H. 8:50 Adjournment

CITY COUNCIL WORK SESSION

No public comment will be taken. The Council will take no formal action.

9:00 Biennial Budgeting

Staff: Paul Downey, Assistant City Manager/Finance Director



BOARDS AND COMMISSIONS RECRUITMENT PROCESS

Stephanie Fleischer | Communications and Programs Manager

PURPOSE

2

The purpose of tonight's work session is to discuss a potentially new process for recruiting and interviewing Boards and Commissions applicants.

AGENDA

Current Council Rules

Current Process

Neighboring Community Examples

Proposed Process

Discussion Items

CURRENT COUNCIL RULES

4

City Charter Ch. 3, Sect. 8; and Council Rule Section 14.1:

- “... the Mayor, with the consent of the Council, appoints members of boards, commissions, and committees established by ordinance or resolution.”

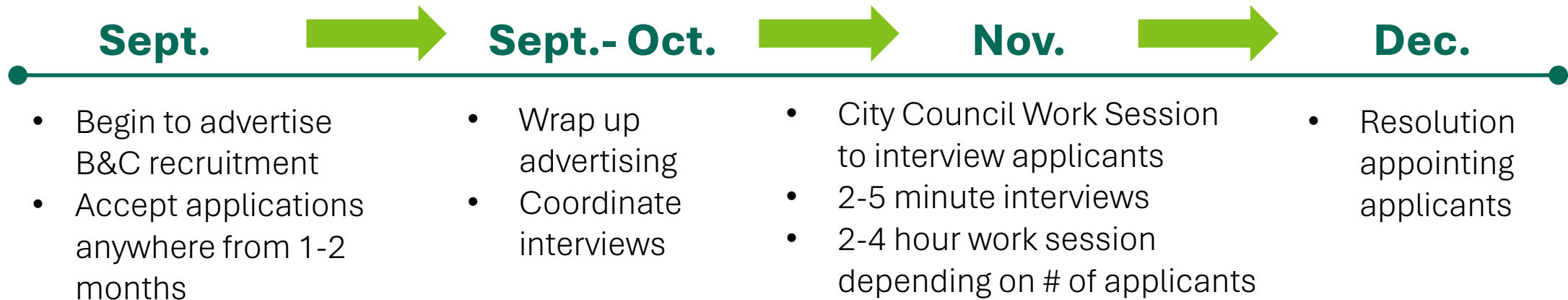
Council Rule 14.10, Appointments and Reappointments:

- Fall recruitment / Winter appointment
- Council or a Council subcommittee may interview applicants
- All applicants must be interviewed
- Resolution appointing members placed on the Consent agenda

CURRENT PROCESS

5

Applications are accepted year-round, but there is an active recruitment window in the Fall with interviews and appointments by December 31 of each year.



CURRENT PROCESS WORKFLOW

6

- Can be time-consuming to coordinate interviews and interview.
- Recruitment process can be confusing for applicants.
- Applicants often lose interest or don't remember applying.
- Council may have limited time for interviews.
- Due to time constraints, interviews are often limited to 5 minutes or less.
- Interview times change per applicant pool. Often changes are made up to the last minute to fit the schedule.
- Interview times are restricted to certain windows and can be difficult for applicants to attend.
- Fall interviews can conflict with holiday schedules.

NEIGHBORING COMMUNITIES

7



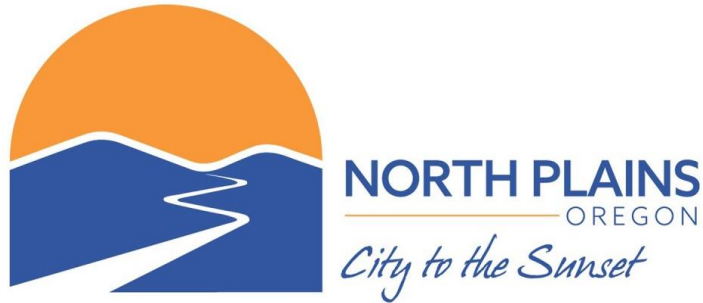
- Fall recruitment. Accepts applications year-round.
- Appointments during a January meeting.
- Reappointments must apply.
- Mayor interviews applicants, consults with staff liaison and appoints. Appointments are subject to the consent of Council.
- Applicants retained for one year.



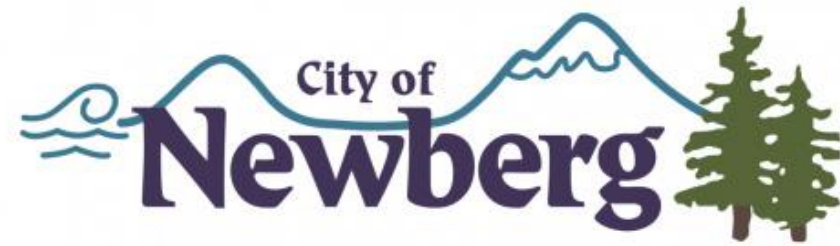
- Fall recruitment. Accepts applications year-round.
- Appointments during a December meeting.
- Reappointments must apply.
- Staff liaison interviews applicants and makes recommendation to the Mayor who appoints. Appointments are subject to the consent of Council.
- Applications retained for one year.

NEIGHBORING COMMUNITIES

8



- Recruit only when a vacancy occurs. Accepts applications year-round.
- Appointments made year-round.
- Reappointments must reapply.
- Boards & Commission(s) members interview applicants and make recommendations to Mayor; Mayor appoints applicants. Appointments are subject to the consent of Council.
- Applications retained for 3 months.



- Fall recruitment; another in Spring if needed. Accepts applications year-round.
- Appoints in December.
- Reappointments must reapply.
- No scheduled interviews. The mayor reviews applications and appoints. Appointments are subject to the consent of Council.
- Accepts applications year-round.

PROPOSED PROCESS

9

- Fall recruitment. Accepts applications year-round.
- Appointments made year-round.
- Reappointments must apply.
- Applicants interviewed by the Staff liaison and Council liaison who make a recommendation to the Mayor for appointment and consent of the Council.
- Applicants retained for one year.
- Application appears on the Consent Agenda for Council adoption.

DISCUSSION ITEMS

1
0

- Fall Appointment v. Year-Round Appointment
- Interview process



POLICE STATION

Work Session

Paul Downey, Assistant City
Manager
Henry Reimann, Chief of Police

Purpose

- ☐ Review the history of the Police Facility Project.
- ☐ Update the Council on the Police Facility Project.
- ☐ Discuss next steps.
- ☐ Tonight's work session addresses Council's Goal to "Improve Community Safety".

Police Station Overview

- ❑ Police Facility built in 1977 (47 years old).
- ❑ Staffing has increased from 17 to 37 since 1977
- ❑ Existing Police Facility is 12,120 square feet consisting of:
 - ❑ 70% for daily functions
 - ❑ 22% for indoor firing range
 - ❑ 8% for mechanical systems
- ❑ Existing Police Facility has the following functions:
 - ❑ Workspace for all staff
 - ❑ Briefing, Report, and Interview Rooms
 - ❑ Locker Rooms
 - ❑ Kitchenette/Lunch Area
 - ❑ Evidence processing and storage
 - ❑ Holding Cells
 - ❑ Sallyport
 - ❑ Records and file storage

Needs Assessment - Comparisons

City	Building Year	Size(sq ft)	Population - Year
Forest Grove	1977	11,200	11,240 - 1977
Sherwood	2003	16,500	11,791 - 2000
West Linn	2014	18,870	25,109 - 2010
Canby	2012	25,350	15,829 - 2010
Tualatin	2000	18,000	22,791 - 2000

Needs Assessment

The City conducted a Needs Assessment in 2018. The Assessment found 34 deficiencies; the major ones included:

- ❑ There is insufficient space to effectively and efficiently operate within the confines of the existing facility.
- ❑ Lack of space for processing and storing evidence.
- ❑ Inadequate facilities for interviewing detainees, informants, and victims.
- ❑ Lack of proper facilities for processing and holding juvenile offenders.
- ❑ Does not meet current ADA and building code requirements.
- ❑ Does not meet current seismic criteria requirements.
- ❑ Lack of adequate on-site parking.
- ❑ Architecture cannot withstand another level to the existing facility.
- ❑ Ability to expand existing footprint is limited due to Fire Station to the South, Library to the East, and roads West and North.

FOREST GROVE POLICE

EXISTING FACILITY SPACE DIAGRAM



MAIN LEVEL

EXTERIOR PARKING:

1620 SF (10 SPACES) STAFF VEHICLE PARKING

480 SF (3 SPACES) TRAILER PARKING

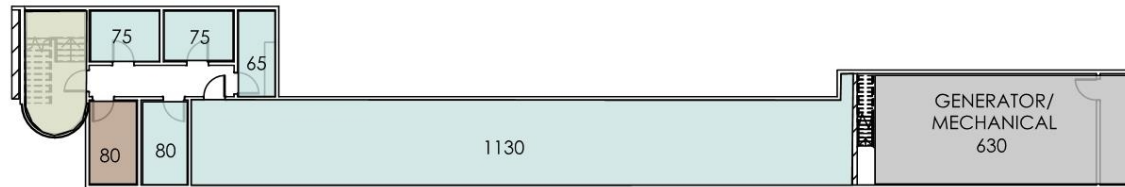
925 SF ENCLOSED SQUAD VEHICLE PARKING

TOTAL: 3,025 SF IN PARKING SPACES (DOES NOT INCLUDE CIRCULATION)

LEGEND

Public Functions & Facility Core	1580
Information Technology	80
Police Administration Division	1040
Police Records Division	640
Police Operations Division	3485
Police Support Services	650
Police Support Functions	745
Exterior/Mechanical Spaces	3655

*NUMBERS SPECIFIED ON PLAN
SIGNIFY APPROXIMATE SQUARE
FOOTAGE OF ROOM BASED ON
PLANS PROVIDED BY FOREST GROVE
POLICE TO MACKENZIE.
ALL NUMBERS ARE APPROXIMATE



BASEMENT

Alternatives Analysis

- Prior to designing a new facility, an Alternatives Analysis concluded it more was more expensive to remodel and meet all current code requirements than to build new.
- Upon a consensus to build new, and after an extensive location analysis with an emphasis to locate where response times were equidistant, the City purchased two properties on the corner of 19th and Birch



Police Facility Design

- The City contracted with Mackenzie Architecture to design a new facility in 2019. Notable mentions include:
 - A very detailed space analysis of all functions
 - Extensive value engineering on space and materials
 - Design reduced from 27,000 to 20,000 square feet
 - Cost was approximately \$20 million or \$1,000 per square foot
 - No new functions added in new design
 - Secure parking was increased
 - Areas of increase include evidence, holding facilities, interview areas, separate area for victims, conference room, and offices
 - 2,800 square foot separately located gun range



Forest Grove | Police Station
11.21.2019

Preliminary Design - Subject to Change

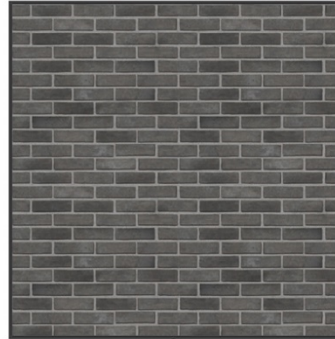
SE Perspective | 19th Avenue & Birch Street
© 2019 Mackenzie | 2150595.00



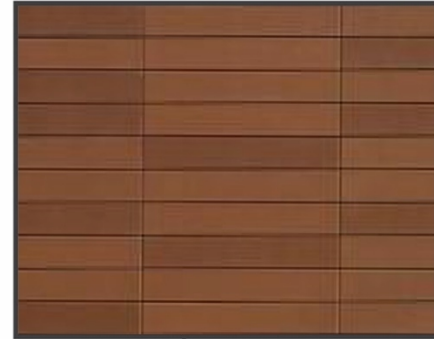
Natural Wood Structure



Brick Cladding

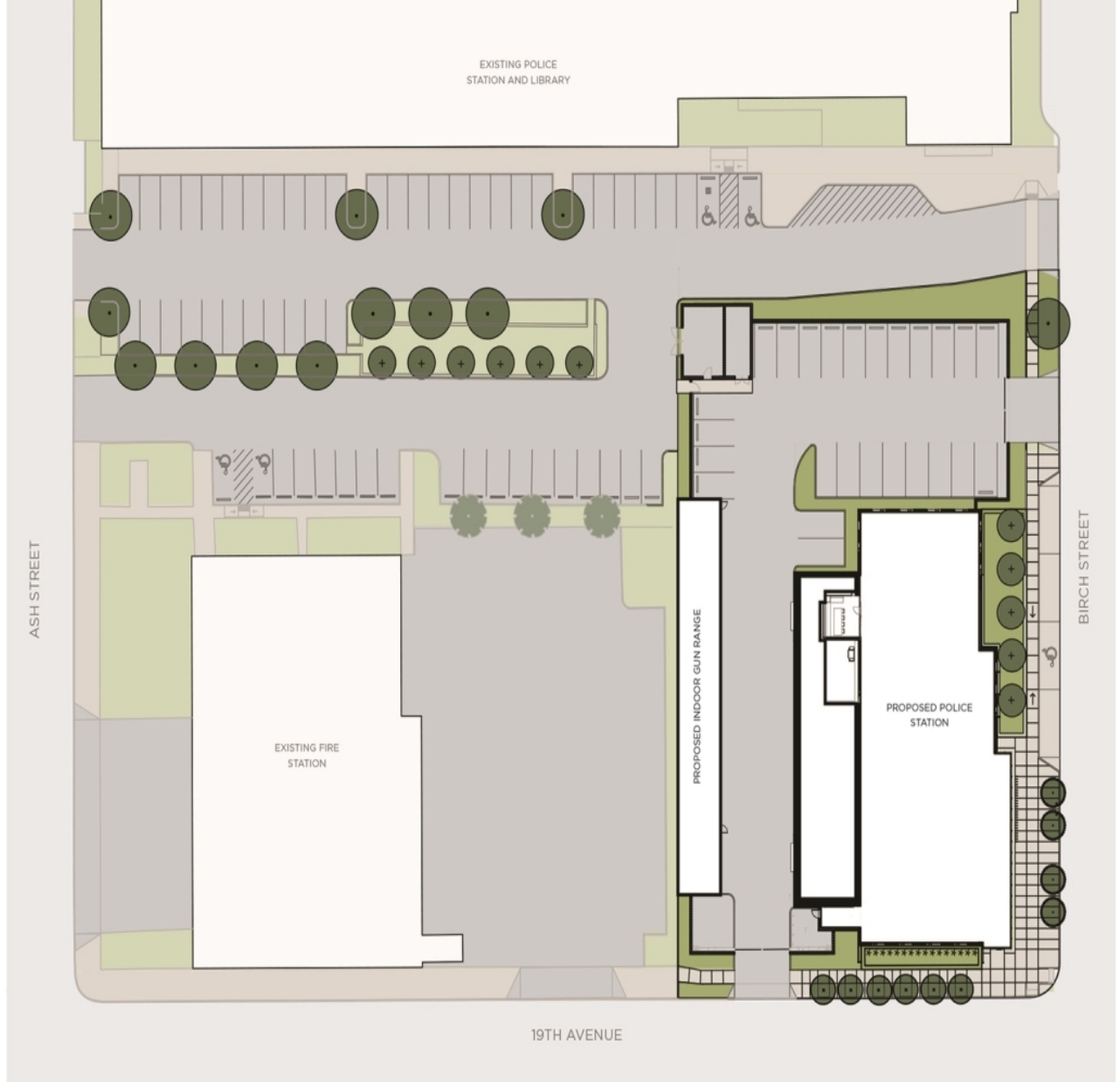


Terracotta Cladding

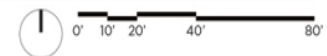


Birch Street Elevation (East)



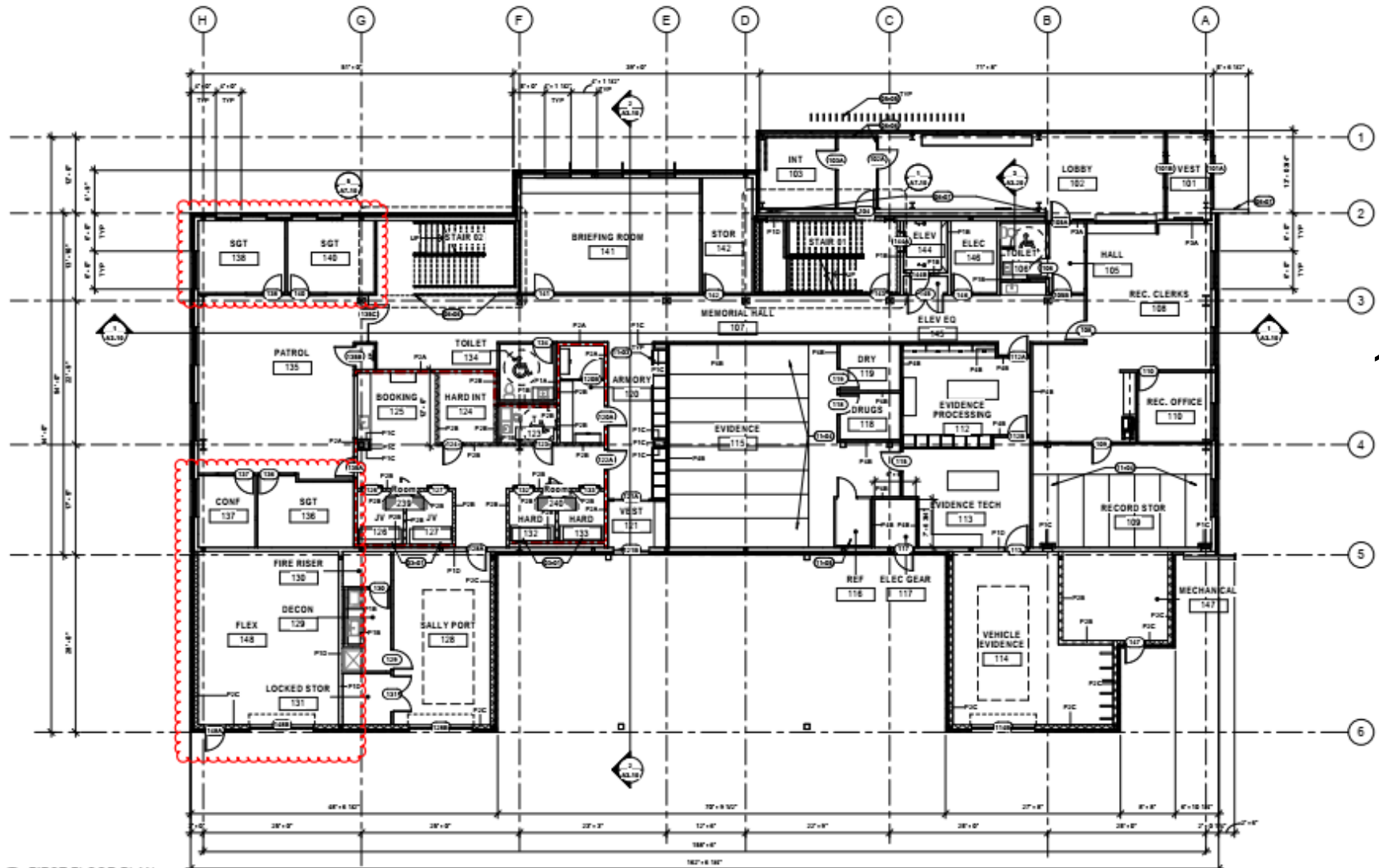


Site Plan



First Floor

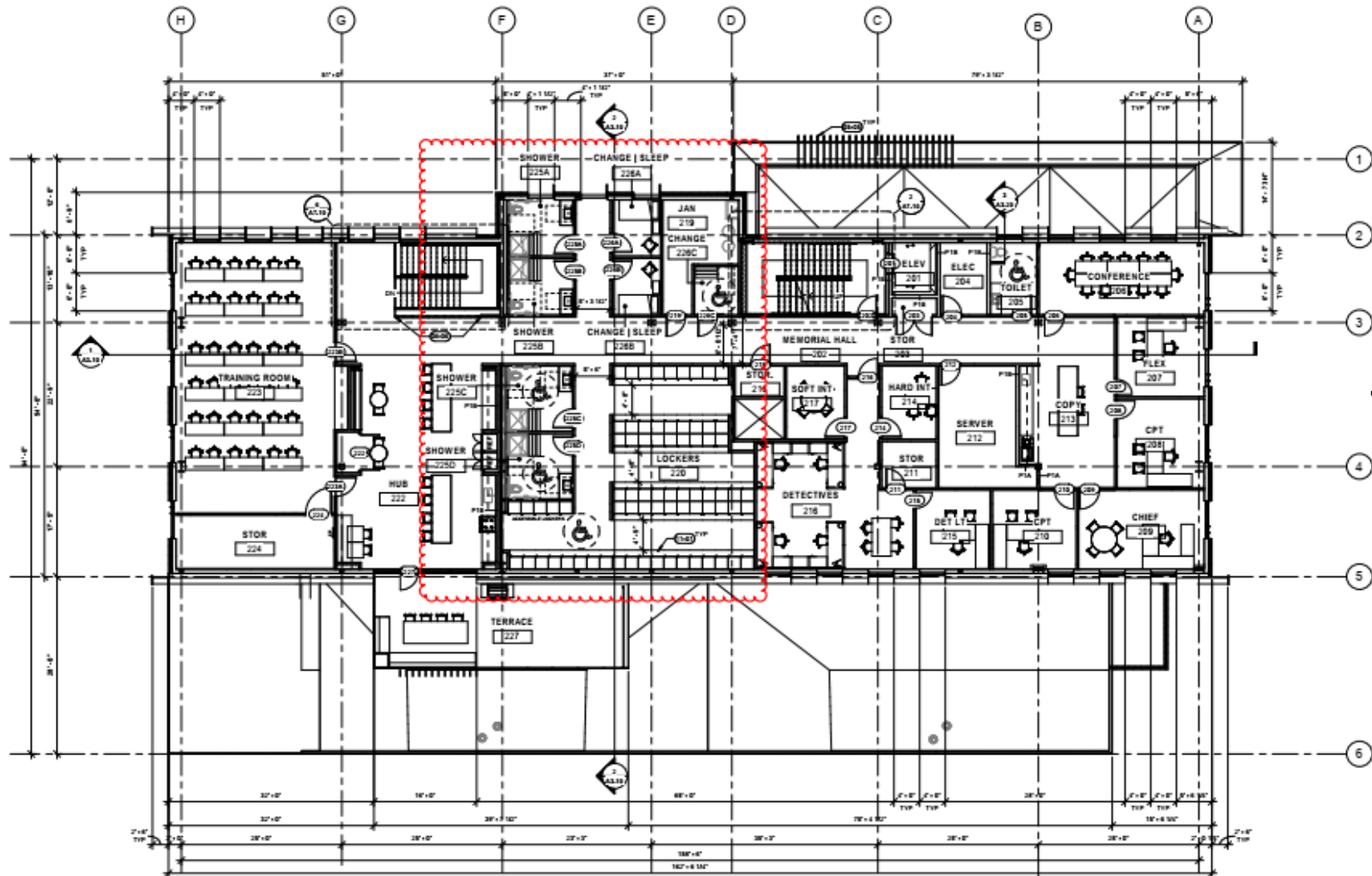
Birch Street



19th

Second Floor

Birch Street



19th

Police Facility Voter Survey

- In November 2018, City hired City hired Campbell DeLong Resources, Inc. (CDRI) to do a voter survey for a 2019 Police Facility Bond.
- The Voter Survey asked likely voters if they would approve a \$20 million bond that cost approximately \$200/per year for the average assessed household.
- The Voter Survey was based on two focus groups of approximately 12 likely voters each

Police Facility Voter Survey

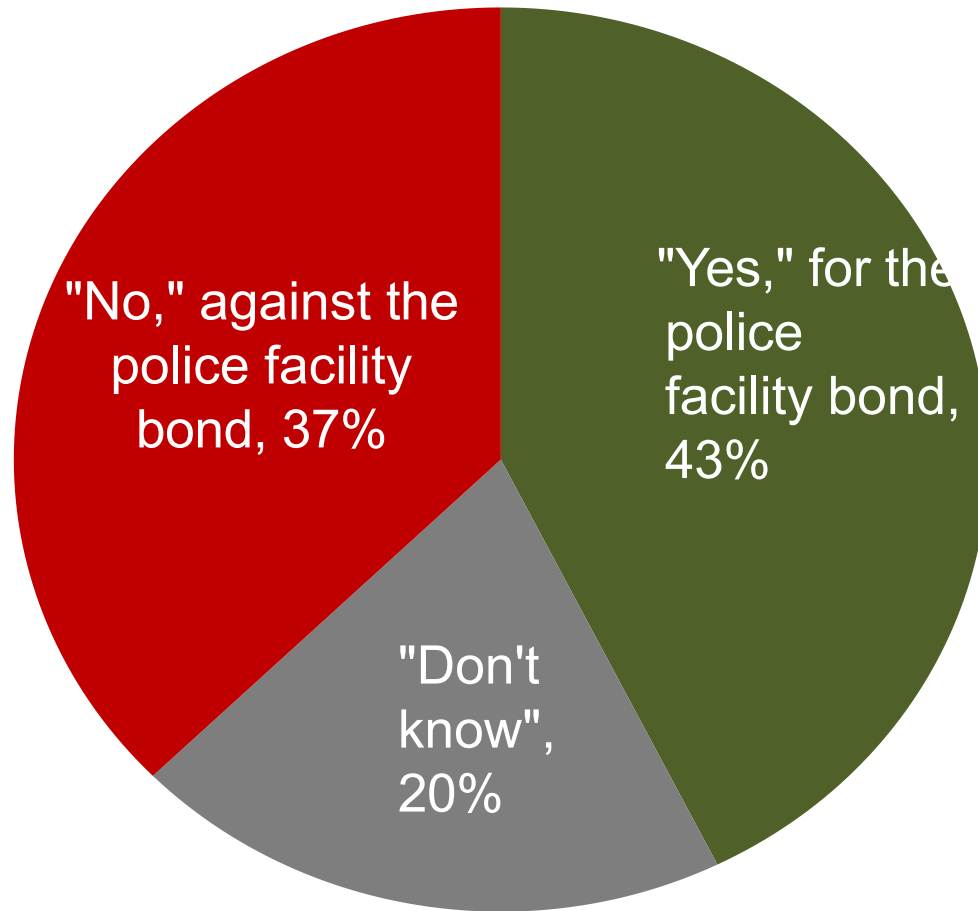
- The Voter Survey found the most compelling messages for “yes” were:
 - Evidence area is undersized (59%)
 - Would provide separate areas to interview victims
 - Designed to be accessible to all
 - Current facility old and outdated

- The Voter Survey found the most compelling message for “no” was:
 - Cost (57%)
 - People think police work out of their cars

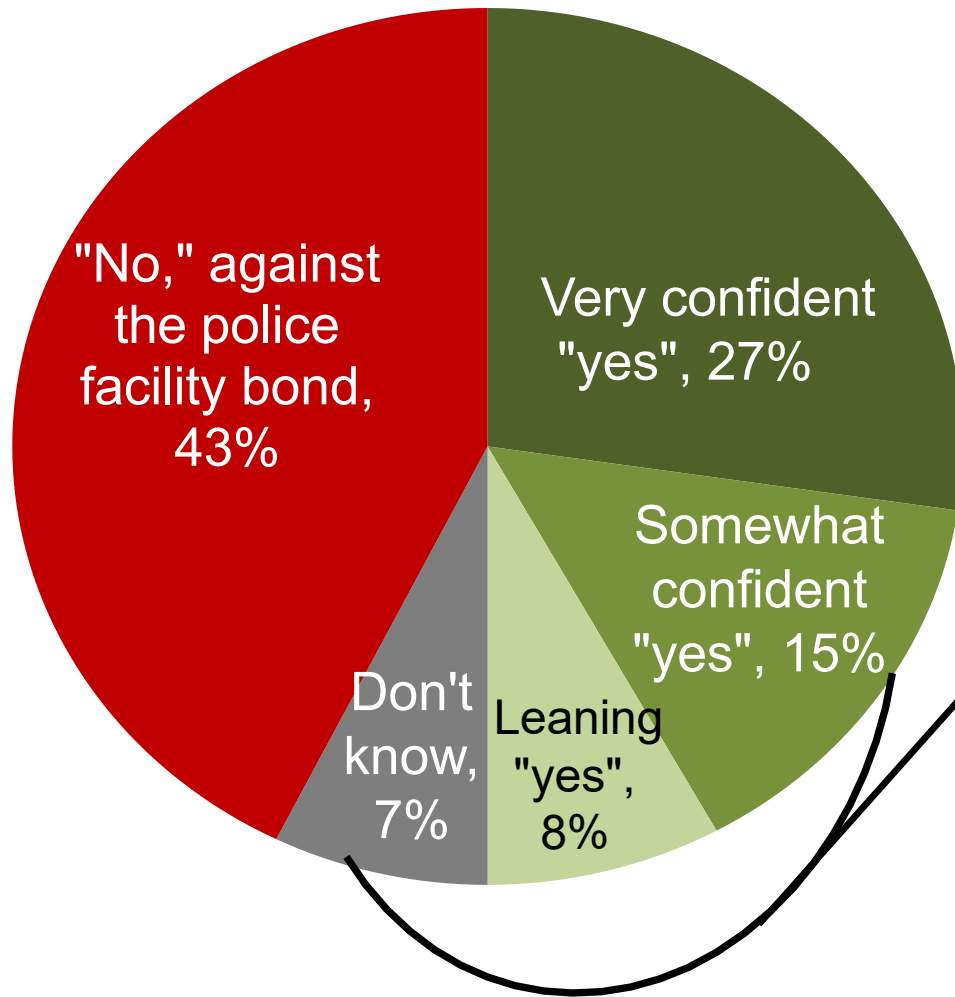
Police Facility Voter Survey

- The Voter Survey found:
 - Passage of a bond to fund a new facility for Forest Grove police will be difficult
 - Elected official, staff, and police must be unified
 - Due to the percentage of “fence sitters”, organized opposition could significantly impact result

Initial Support for Police Facility Bond

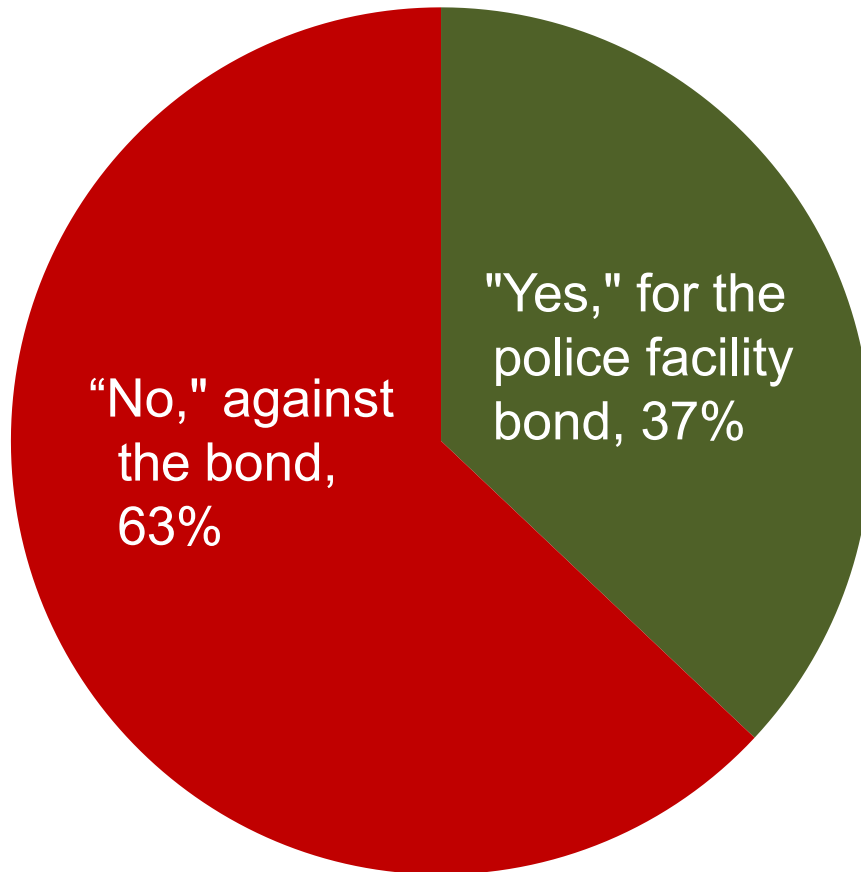


Support for Police Facility Bond after explaining the need for one



- Only about $\frac{1}{4}$ are “very confident” – this is low for a bond measure
- These 3 categories are “Fence Sitters”
- Together they = 30% of likely voters

Survey indicated bond would not pass



Assumptions:

- All "very confident" voters (27%) will vote "yes"
- Only 1/3 of "Fence Sitters" (10%) will vote "yes"

Police Facility Pause

- The Project was put on hold in 2020 for several reasons:
 - Competing revenue measures in 2020-21 such as:
 - Metro Homeless Tax
 - Metro Transportation Bond
 - Metro Affordable Housing Bond
 - County Sheriff's Levy
 - School District Capital Bond
 - COVID
 - City levy was being discussed for May, 2022, ballot

Police Facility Present

- ❑ Mackenzie Architecture updated the project cost estimate in 2024 based on detailed construction estimates.
- ❑ Total cost for new building increased from \$20 million to \$29.2 million with no additional square footage. This estimate includes the gun range.
- ❑ The cost per average assessed household increased from \$200/year to \$240/year.
- ❑ The total cost per square foot increased from \$1,000/sf to \$1,258/sf

Considerations

- What to do with current building
 - Demo cost is approximately \$1 million
 - Could repurpose or sell
- Future revenue measures on ballot include:
 - Public Safety levy, likely May or November, 2025
 - WCCLS levy, likely May or November, 2025
 - Metro homeless tax repurpose, likely November, 2025
- May or November ballot avoids double majority requirement
- City levy renewal in May, 2027

Discussion

- ☐ Is there any comments about the design?
- ☐ Is there any comments about the location?
- ☐ Is there any additional information the Council would like in considering a potential bond?
- ☐ Does the Council want to consider a \$30 million, 20-year bond? If so, when?

PROCLAMATION

NATIONAL HISPANIC HERITAGE MONTH

September 15 – October 15, 2024

"

WHEREAS, The Hispanic Heritage Week observance began in 1968 under President Lyndon B. Johnson and was expanded to Hispanic Heritage Month by President Ronald Reagan in 1988; and

WHEREAS, The theme for 2024 National Hispanic Heritage Month, celebrated during September 15 to October 15, is: ***"Pioneers of Change: Shaping the Future Together."*** The theme recognizes the contributions of Hispanic Americans to the economic, political, and social growth of the United States; and

WHEREAS, The Hispanic Community contributes to our prosperity and culture throughout the history of Forest Grove, the State of Oregon, and our country; and

WHEREAS, The Hispanic Community continues to be crucial to the vitality, hometown livability and growth of our community; and

WHEREAS, The Hispanic Community, whose love of family, hard work, and community, have given Forest Grove spirit and diversity and enrich our community today.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FOREST GROVE DOES HEREBY PROCLAIM SEPTEMBER 15 TO OCTOBER 15, 2024, AS:

National Hispanic Heritage Month

In Forest Grove, Oregon, and calls upon the people to join their fellow citizens across the United States in recognizing and participating in this special observance.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Forest Grove, Oregon, to be affixed this 9th day of September, 2024.

Malynda H. Wenzl, Mayor, City of Forest Grove

PROCLAMACIÓN

MES NACIONAL DE LA HERENCIA HISPANA

Del 15 de septiembre al 15 de octubre de 2024

"

CONSIDERANDO QUE, La celebración de la Semana de la Herencia Hispana comenzó en 1968 bajo la presidencia de Lyndon B. Johnson y fue ampliada al Mes de la Herencia Hispana por el presidente Ronald Reagan en 1988; y

CONSIDERANDO QUE, El tema del Mes Nacional de la Herencia Hispana de 2024, que se celebra del 15 de septiembre al 15 de octubre, es: ***"Pioneros del cambio: dando forma al futuro juntos"*** y nos anima a reflexionar sobre todas las contribuciones que la comunidad latina ha hecho en el pasado, continua haciendo en el presente, y seguirá haciendo en el futuro, y que juntos somos más fuertes; y

CONSIDERANDO QUE, La comunidad Latina contribuye a nuestra prosperidad y cultura, a lo largo de la historia de Forest Grove, del estado de Oregon y de nuestro país; y

CONSIDERANDO QUE, La comunidad Latina sigue siendo crucial para la vitalidad, la habitabilidad de la ciudad natal y el crecimiento de nuestra comunidad; y

CONSIDERANDO QUE, La comunidad Latina, cuyo amor por la familia, el trabajo arduo y la comunidad, le han dado a Forest Grove ánimo y diversidad y han enriquecido a nuestra comunidad hasta el día de hoy.

AHORA, POR LO TANTO, EL AYUNTAMIENTO DE LA CIUDAD DE FOREST GROVE POR LA PRESENTE PROCLAMA LOS DÍAS DEL 15 DE SEPTIEMBRE AL 15 DE OCTUBRE DE 2024, COMO:

Mes Nacional de la Herencia Hispana

En Forest Grove, Oregon, y pide a la gente que se una a sus conciudadanos en todo Estados Unidos para reconocer y participar en esta celebración especial.

EN TESTIMONIO DE LO CUAL, firmo la presente y hago que se coloque el sello de la ciudad de Forest Grove, Oregón, este día 9 de septiembre de 2024.



Malynda H. Wenzl, Alcalde, Ciudad de Forest Grove

PROCLAMATION

Constitution Week

WHEREAS, September 17, 2024, marks the two hundred and thirty-seventh anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, the tradition of issuing a Constitution Week proclamation began in 1956, when President Dwight D. Eisenhower signed Proclamation 3151; and

WHEREAS, Constitution Week is a reaffirmation of the constitutional idea that all people are created equal, and a time for the contemplation and commemoration of the historic events which resulted in the formation of our Constitution; and

WHEREAS, it is fitting and proper to accord official recognition to this momentous document and its anniversary.

∞

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FOREST GROVE DOES HEREBY PROCLAIM SEPTEMBER 17-23, AS

Constitution Week

In Forest Grove, Oregon, Washington County, and urge all citizens, businesses, organizations, and agencies to commemorate the occasion.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Forest Grove, Oregon, to be affixed this 9th day of September, 2024.

Malynda H. Wenzl, Mayor, City of Forest Grove

PROCLAMACIÓN

Semana de la Constitución

CONSIDERANDO QUE, el 17 de septiembre de 2024 se cumple el ducentésimo trigésimo séptimo.^o aniversario de la redacción de la Constitución de los Estados Unidos de América por la Convención Constitucional; y

CONSIDERANDO QUE, la tradición de emitir una proclamación de la Semana de la Constitución comenzó en 1956, cuando el presidente Dwight D. Eisenhower firmó la Proclamación 3151; y

CONSIDERANDO QUE, la Semana de la Constitución es una reafirmación de la idea constitucional de que todas las personas son creadas iguales, y un momento para la reflexión y conmemoración de los acontecimientos históricos que dieron lugar a la formación de nuestra Constitución; y

CONSIDERANDO QUE, es apropiado y adecuado otorgar reconocimiento oficial a este documento trascendental y su aniversario.

o

AHORA, POR LO TANTO, EL AYUNTAMIENTO DE LA CIUDAD DE FOREST GROVE POR LA PRESENTE PROCLAMA LOS DÍAS 17 AL 23 DEL MES DE SEPTIEMBRE COMO

Semana de la Constitución

En Forest Grove, Oregon, Condado de Washington, e instamos a todos los ciudadanos, empresas, organizaciones y agencias a conmemorar la ocasión.



EN TESTIMONIO DE LO CUAL, he suscrito la presente y he hecho que el sello de la Ciudad de Forest Grove, Oregon, se emplace en este día 9 de septiembre de 2024.

Malynda H. Wenzl, Alcaldesa, Ciudad de Forest Grove

Mariah Woods

From: noreply@civicplus.com
Sent: Monday, September 02, 2024 5:12 PM
To: City Councilors
Subject: Online Form Submittal: Contact City Council

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

Contact City Council

First Name	Cindy
Last Name	Ertell
Address	
City	Forest Grove
State	OR
Zip	97116-2535
Email	javaprincs@aol.com
Whom would you like to contact?	Entire Forest Grove City Council (Includes Mayor Wenzl)
Would you like a response?	Yes
Question / Comment	To the Forest Grove City Council, Regarding the proposed Crane Data Center in Southeast Forest Grove September 2, 2024 I have several areas of concern to submit to the city. 1. Water Use “The typical data center uses about 3-5 million gallons of water per day -- the same amount of water as a city of 30,000-50,000 people,” said Venkatesh Uddameri, professor and director of the Water Resources Center at Texas Tech University. He goes on to say “this level of water use can still create potential competition with local communities over the water supply in areas where water is scarce.”

What kind of cooling system with this data center use? How much water will they require daily and will it be ground water? Will they recycle and reuse their water? How will the release of heat from their cooling systems affect our local environment?

2. Power

“Data centers present a unique challenge because they “require a lot of power – commonly 300 MW or more, which is enough to power all of the homes in a medium-size city.” Theresa Hall, spokeswoman for Appalachian Power Company in Virginia.

How will the data center's power use affect our utility rates? Are they paying at least as much per kilowatt hour as the average citizen pays? If there is a strain on the power grid, who gets priority to the power – the data center or the citizens? Who will pay for future improvements needed in the power grid - the data centers or the consumers?

3. Noise and Pollution

How will they mitigate noise pollution?

What is the impact on the nearby Fernhill Wetlands from noise, vibration or environmental pollution?

4. Taxes

Will they be paying taxes and if so, what kind of break are they getting?

5. Future Issues

What kind of expansion plans will be allowed in the future? Is there a guaranteed amount of expansion allowed in the agreement?

Thank you for reading my concerns.
Cindy Ertell

Email not displaying correctly? [View it in your browser.](#)

Mariah Woods

From: dfeik33@comcast.net
Sent: Monday, September 02, 2024 5:38 PM
To: 'Kathryn Harrington'; Jerry Willey; 'Pam Treece'; 'Roy Rogers'; 'Nafisa Fai'; Malynda Wenzl; 'Steve Callaway'
Cc: 'Tanya Ange'; Diane Taniguchi-Dennis Taniguchi-Dennis; Washington County Administrative Office; Amber Ames; Lauren Bishop; Nicholas LaMora; 'WC CAN Board'; City Councilors; Glenn Fee
Subject: Clean Water Institute formed by CWService, Commissioner Roy Rogers written comment to my email
Attachments: image003.png

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

To: Kathryn Harrington, Chair of Washington County Commission and Commissioners Roy Rogers, Jerry Willey, Pam Treece, Nafisa Fai

To: Malynda Wenzl, Mayor of Forest Grove, and City Councilors

To: Steve Callaway, Mayor of Hillsboro, City Councilors

In order to understand the following comments by Roy Rogers a long-term, close to 40 years of service on the Washington Board of Commissioners and a Treasurer of Clean Water Institute, please read the following email comment to me, then read this email chain from the bottom up, to understand what Commissioner Rogers is advocating.

Respectfully,

Dale Feik

Chair, Washington County Citizen Action Network (WC CAN)
dfeik33@comcast.net

"Justice and freedom; discussion and criticism; intelligence and character--these are the indispensable ingredients of the democratic state. We can be rich and powerful without them but not for long." -Robert M. Hutchins

Cc: Tanya Ange, WCounty Administrator
Diane Taniguchi-Dennis, Clean Water Services Chief Executive Officer
Kevin Moss, WC Clerk
Amber Ames, Hillsboro City Council clerk
Mariah Woods, Recorder/clerk, Forest Grove City Council
Glenn Fee, Executive Director of Tualatin River Keepers
Lauren Bishop, The Pamplin Media Newspapers

Nick LaMora, Pamplin Media reporter
WC CAN Board of Directors

From: Roy Rogers <Roy_Rogers@washingtoncountyor.gov>
Sent: Saturday, August 31, 2024 4:01 PM
To: dfeik33@comcast.net <dfeik33@comcast.net>
Cc: Elizabeth Edwards <EdwardsE@cleanwaterservices.org>; Kathryn Harrington <Kathryn_Harrington@washingtoncountyor.gov>; Tanya Ange <Tanya_Ange@washingtoncountyor.gov>; Diane Taniguchi-Dennis <DennisD@cleanwaterservices.org>; BaumgartnerB <BaumgartnerB@CleanWaterServices.org>; Joe Gall <gallj@cleanwaterservices.org>; Nafisa Fai (Commissioner) <N_Fai-Commissioner@washingtoncountyor.gov>; Glenn Fee <glenn@tualatinriverkeepers.org>
Subject: Re: [EXTERNAL] Re: CWSAC 6-12-2024 minutes, my recorded comments

Dale

I don't normally respond to these emails but since you are mentioning my name as well as "quoting " me I think it is important to give context and clarity to the comments you made about our conversation. It occurred last Tuesday night as Nafisa and I had just gotten a meal to share from the farmers market and brought it back to the lunch/break area in the PBC. Elizabeth also joined our table to eat her dinner. You joined the table and the conversation drifted to your question on Board travel.

I told you that your questions were not clear and that if you are questioning the travel policy of CWS you should ask for the current policy and if you are comparing it to the County policy you should request that policy from the County. I did say that I doubted if CWI had any involvement in the travel reimbursement as they have little activity any longer.

As to CWI I did not say it shouldn't be a nonprofit . To the contrary I believe CWI is a very necessary organization due to CWS having been formed under ORS 451 which applies to a County service District. It is my opinion, which I have formed through a reading of the statue plus the work session we had in February of this year, that CWS has a very limited set of services it can perform. I think we all can agree that the innovative and state of the art services that CWS performs are good for our rate payers as well as the economy. The question is are these services allowed under our organizational model.

While other utilizes are providing new innovative service's they are organized as either a department of another government or as a stand alone government. Our model fits neither of these two circumstances and hence places us in a awkward position.

Both the prior CEO and current leadership of CWS have recognized this issue and have attempted to have a diverse Board of subject experts, business people , legal and accounting experts to serve on the CWI Board. So the Board composition of the nonprofit organization your brother was involved with is exactly what I agree with and what is being proposed in the future and has occurred in the past .

I appreciate your input and dedication to the citizens of this County.

Roy

When
Sent from my iPhone

On Aug 29, 2024, at 3:19 AM, dfeik33@comcast.net wrote:

To: Elizabeth Edwards, CWS chief of staff, and Chair Kathryn Harrington

I just read in detail your reply, Elizabeth, to my questions after attending the CWSAC meetings June 12 and July 10, 2024. My conclusion: thoughtful, insightful reply especially the comments (*At this point the answer is that we really do not know.*) made by Bob Baumgartner, who attended the July 10 meeting and made comments before the CWSAC members. I have participated in quite a few meetings with Bob about PFAS substances and how CWS monitors the PFAS substances entering Public Pipes.

I especially appreciated being at the meeting at Tualatin River Keepers office where Bob and CWS's PFAS specialists also presented. I am glad that CWS is/did? purchase the most sophisticated instrument to detect PFAS related substances, and that the instrument will be housed in the new Lab being constructed at the Popular Street facility. I also appreciate CWS monitoring of Intel's PFAS substances and then holding them to a strict pretreatment standard. As most of you know, the semiconductor industry cannot do their manufacturing without PFAS related substances; and Landfills and Airports (ones who use firefighting substances) are the main source of PFAS substances entering wastewater and drinking water. I imagine that other smaller semiconductor manufacturing facilities do not have the capability that Intel has in removing most of the PFAS related substances from their waste streams.

On a different topic. The conversation that Commissioners Roy Rogers and Nafisa Fai, you, Elizabeth, and I had August 26, 2024, in the multipurpose room before the WC BOC business meeting was intense and very insightful about CWInstitute. Roy said that maybe I didn't ask the right questions. He suggested: What's the travel and training policy for CWS? What's the County training and travel policy and how does it compare to CWS. He also agreed with me that CWI as a nonprofit should not have been established. He agreed that the nonprofit organization that my brother in King County formed called, Friends of the Hidden River- sewage and stormwater - (Brightwater Wastewater Treatment Plant) was the correct model to follow - totally independent of the leadership, management of Brightwater Treatment facility. The Friends ended up getting a multimillion-dollar education center built on the site of Brightwater, a Platinum building which is used for education of students and also for the education of professionals entering the Wastewater Treatment field.

Sincerely,

Dale Feik


dfeik33@comcast.net

Cc: Commissioners Roy Rogers and Nafisa Fai

Tanya Ange, Administrator
Diane Taniguchi-Dennis, Administrator
Bob Baumgartner, CWS
Joel Gall, CWS
Glenn Fee, Executive Director, Tualatin River Keepers

From: Elizabeth Edwards <EdwardsE@cleanwaterservices.org>
Sent: Thursday, July 11, 2024 5:01 PM
To: dfeik33@comcast.net <dfeik33@comcast.net>; Kathryn Harrington <Kathryn_harrington@washingtoncountyor.gov>
Cc: Tanya Ange <Tanya_Ange@washingtoncountyor.gov>; Diane Taniguchi-Dennis <DennisD@CleanWaterServices.org>; Bob Baumgartner <BaumgartnerB@CleanWaterServices.org>; Joe Gall <GallJ@CleanWaterServices.org>
Subject: RE: CWSAC 6-12-2024 minutes, my recorded comments

Chair Harrington and Mr. Feik,

We greatly appreciated Mr. Feik's participation and thoughtful comments at our June 12th and July 10th Clean Water Advisory Commission (CWAC) meetings. Scoggins Dam is a generational project that has been many years in the making. The Environmental Impact Statement should be completed this year, with final project design slated for 2027-28. Construction should begin in 2029 and complete in 2035. We are still over a decade out from project completion, but we are marching ever closer. Until that time, our region remains vulnerable to dam failure if a Cascadia earthquake occurs. CWS has worked to identify our known and potential vulnerabilities within the County's Natural Hazard Mitigation Plan ([Annex H – Clean Water Services](#), p 14-15) and make contingency plans to protect public health and the safety of our employees ([Washington County Emergency Operations Plan Hazard-Specific Annex 8](#)). We will prepare another update on Scoggins Dam for CWAC and incorporate a briefing on the regional disaster planning for major earthquakes.

The second half of Mr. Feik's questions pertain to Willamette River water temperature, potential pollutants like PFAS, and who is responsible for mitigating against any impacts. Since Intel is specifically mentioned, I should share that CWS did a fair amount of work to demonstrate to Intel that they were a source of PFAS, and to encourage them to action via discussion of the PFAS management plan. Once they elected treatment, which is expensive, they went from one the highest loads to almost no PFAs and that shows up as a reduction at Rock Creek plant. They have been excellent partners on pretreatment. We will continue to work with any point source polluters to encourage robust pretreatment.

<image003.png>

Bob Baumgartner, Director of Regulatory Affairs, helped to distill our best thinking on temperature and I've included his comments below.

When it comes to water temperature (and other pollutants), when CWS discharges water to the Tualatin River we must meet water quality standards as dictated by our permit. Permit limits for temperature are based on compliance with the States thermal plume limitations—the previous permit implemented a maximum effluent temperature of 25C (77F). We have subsequently changed the thermal plume limits in our permit to a thermal load option, which although is still a strict limit, provides us a little greater scope for compliance. That's great for Forest Grove Natural Treatment System, as we discussed at July's CWAC meeting. It is also good for Rock Creek and especially Durham, where we did get close to a permit exceedance a couple of years ago. It takes about three days of very hot weather to result in warming effluent to approach the criteria. This graph illustrates the Rock Creek and Durham temperatures.

The concern Mr. Feik shares is that the Willamette is warmer than most of the water our drinking water purveyors access as their source water. The question is ultimately whether the warmer source water would result in warmer effluent and increase the risk of a permit exceedance. We certainly want to be cognizant of such a risk.

At this point the answer is that we really do not know. We did look at data from the Wilsonville plant which receives its source water from the Willamette. Wilsonville does occasionally get above 25C in their effluent. Since they have a lot more mixing available in the Willamette they are not as constrained by their permit as we are. However, Wilsonville may see more heat again across their treatment plant than we do since we have covered some of our unit treatment processes.

There are many factors that influence influent temperature beyond source water. For example, people may well take hot showers in the morning even if the source water is from the Willamette. It is dubious people would adjust their shower temperature based on the source water. Thermal equilibrium dynamics with underground pipes can also ameliorate temperatures. Storage in reservoirs (even the water towers) can influence temperature. Industrial discharges also significantly impact influent temperatures (see attached for a conceptual model). We also have an array of source waters to our drinking water system. Some of the climate predictions are for warmer groundwater, and perhaps then soil temperatures, so there are a lot of drivers beyond just Willamette River water than may influence the influent temperature. As noted, we are constantly monitoring and looking for ways to help ensure compliance with our permits.

So, a long way to say that Willamette River water is one of the many things we are looking at related to thermal compliance, but at this time is not of significant concern.

All the best,
Elizabeth

Elizabeth Edwards (she/her) | Chief of Staff

[Clean Water Services](#)

2550 SW Hillsboro Hwy | Hillsboro OR 97123

c: 971-478-9161 o: 503-681-5141

[engage news](#) | [facebook](#) | [twitter](#)

From: dfeik33@comcast.net <dfeik33@comcast.net>

Sent: Wednesday, July 3, 2024 7:19 AM

To: Kathryn Harrington <Kathryn_harrington@washingtonty.org>

Cc: 'Tanya Ange' <Tanya_Ange@washingtonty.org>; Diane Taniguchi-Dennis <DennisD@CleanWaterServices.org>

Subject: CWSAC 6-12-2024 minutes, my recorded comments

Caution: External email

Chair Kathryn Harrington,

I am thanking you and Diane Taniguchi-Dennis and Tanya Ange for having the CWSAC meetings audio recorded; and having in the minutes a way to scroll to the time that people talked.

As the chair of Washington County Citizen Action Network, at the 55:05 time on the recording (quite muffled - see attachment titled '07 -Summary for 06-12-2024'), I spoke about a presentation that was made by a representative of the Bureau of Reclamation. He showed maps that indicated, by height, of the water at the Scoggins Dam if the dam is breached (30 feet I think); and the height of the water as it flowed downstream and the amount of time it took the water to get to various locations.

I expressed my concern that the Forest Grove CWS treatment plant and some industrial sites will be close to the flow of water. I also said that because the dam refit will not be

completed until many years from now (I said the proposed date, but I can't remember what it was now and I can't make out what I said from the recording), I suggested that the CWSAC members become aware of the Maps and dam river flow. I said that I was told that CWS has those maps as well as the Fire Marshal in Forest Grove.

I did not say Chair Harrington that you also attended the meeting at the Forest Grove City Council chambers when the Bureau of Reclamation representative made his presentation.

For my second comment I talked about water temperature, the most difficult thing to control based upon regulations. I also said that my understanding is that the water from the Willamette River is at least one degree higher than the water in the Tualatin River and that that water may have more pollutants - that is PFAS related chemicals and others. My questions were: How will that be dealt with? Will industry pay for some of the ways to mitigate the problems? Intel in particular and some of the smaller semiconductor facilities are huge water users - will their rates go up more than residents' rates? (Diane expressed earlier an unfairness of how CWS is expected to pay more than others - in relation to the dam refit I believe.)

Again, thank you.

Dale Feik

Cc: Administrators Diane and Tange (Tanya, August 29th correction, df)

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INFO: Washington County email address has changed from @co.washington.or.us to @washingtoncountyor.gov. Please update my contact information.

From: noreply@civicplus.com
 Sent: Thursday, September 05, 2024 12:40 AM
 To: City Councilors
 Subject: Online Form Submittal: Contact City Council

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

Contact City Council

First Name	Lily
Last Name	Meyers
Address	
City	Forest Grove
State	Oregon
Zip	97116
Email	meye8874@pacificu.edu
Whom would you like to contact?	Entire Forest Grove City Council (Includes Mayor Wenzl)
Would you like a response?	Yes
Question / Comment	Hello, my name is Lily Meyers. I'm an undergrad student at Pacific University, and I was interested in the psychological training that is provided to the local police officers. I'm a psychology major and minoring in criminal justice, so I was wondering if the police officers have any training in psychology and use that towards their work? If so, what sort of training is provided to ensure that they are properly trained to be able to handle individuals within our community and to know how to mentally provide for those in need? I find it significant that our local police officers are trained beyond knowing how to do the paperwork and interviews. Having expanded training on psychological methods and strategies can benefit everyone involved. I plan to call the police department to hear from them, but I wanted to see if I could get any information from City

Council. Do you all as a council ensure that our community is protected by properly trained officers? Having the authority of City Council, what role do you all play in the success of the police department, and what steps are taken to ensure Forest Grove is protected by the most qualified individuals? The ability to communicate with the department allows reassurance that the police are trained as best as possible. The influence of the City Council is valued when addressing the concerns of community members like me. Through your action towards quality checking police officers' training, the community is able to feel safe knowing that you as a council have assisted in the certainty that we will be respected by our officers. Thank you so much, and I look forward to learning more about the council's thoughts and actions!

Email not displaying correctly? [View it in your browser.](#)

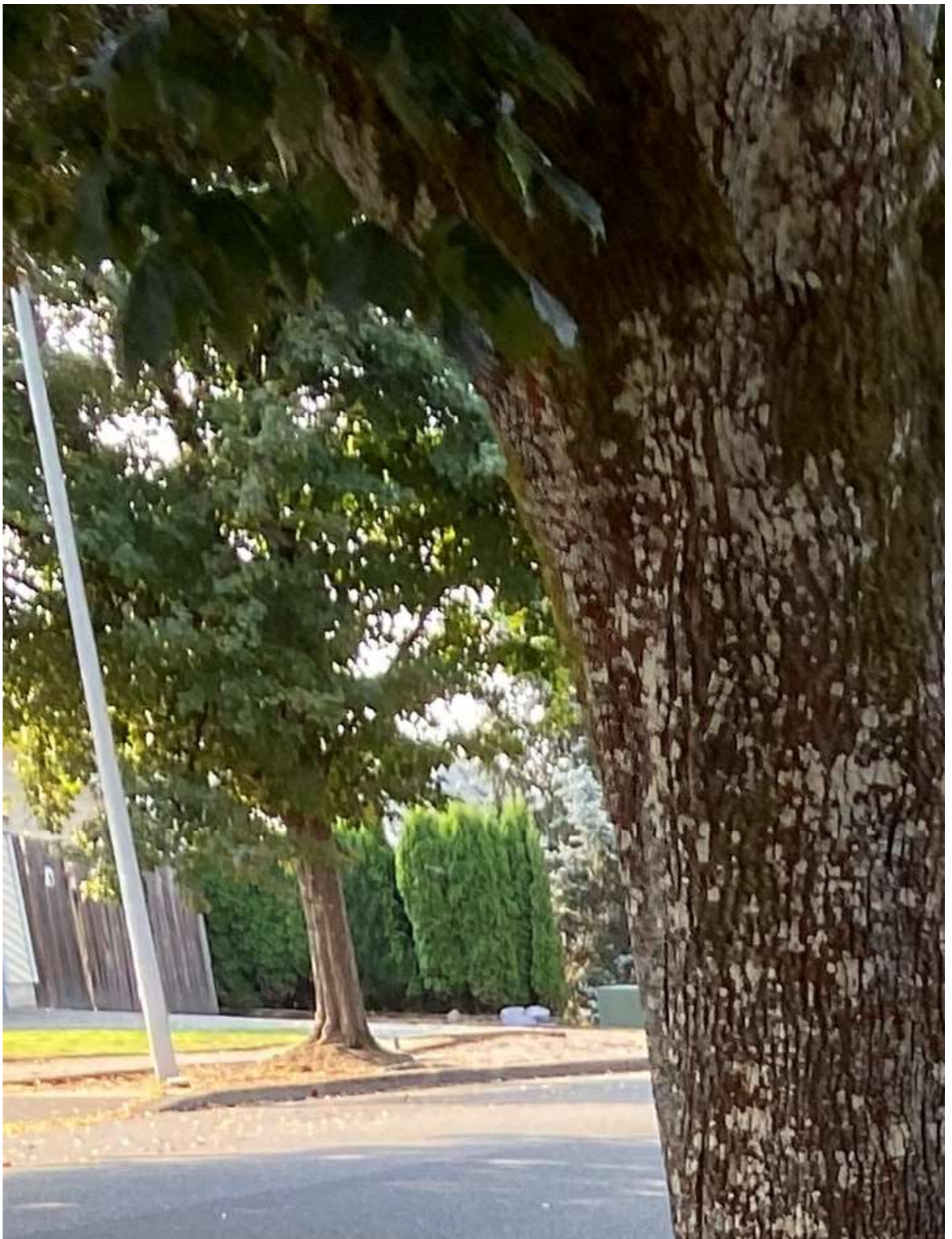
Mariah Woods

From: Timothy B <12timb34@gmail.com>
Sent: Thursday, September 05, 2024 2:20 PM
To: lbishop@pamplinmedia.com; City Councilors
Subject: Sidewalks
Attachments: IMG_5436.jpeg; IMG_5434.jpeg; IMG_5433.jpeg

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

Over the last few years, Forest Grove is actively replacing sidewalks crossings to make them ADA compliant. However the sidewalks in FG between these improvements are long out of code and trip hazards for that same population- as well as non-disabled persons. Why is this neglected by our city council?

Tim Bracken, FG resident









Mariah Woods

From: dfeik33@comcast.net
Sent: Monday, September 09, 2024 10:41 AM
To: Malynda Wenzl; Timothy Rippe; Donna Gustafson; Karen Martinez; Michael Marshall; Mariana Valenzuela; Elena Uhing
Cc: City Councilors; Bryan Pohl; Daniel Riordan
Subject: Rowan Green Data Center, FG request to BPA to do feasibility of getting 100+ MW of power to purchased site
Attachments: BPA Engineering Contract.pdf; BPA Engineering Contract-Amended.pdf; FG payment to Bonneville a pass thru for Rowan Data Page 1.jpg; FG payment to Bonneville a passthru with Rowan Green page 2.jpg

Caution: This message came from outside our organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

To: Mayor Malynda Wenzl, President Timothy Rippe, and Councilors Donna Gustafson, Karen Martinez, Michael Marshall, Mariana Valenzuela, Elena Uhing

At the Crane Data Center Hearing before the Planning Commission, Bryan Pohl said that Rowan Green Data Center's purchase of land to build a data center north of McMenamin's Grand Lodge could not be used as evidence during the Crane Data Center Administrative Decision. So, this email is only about Rowan Green Data Center and Resolution 2023-37 at this evening's Council meeting. After reading the two attachments, the 9/26/2023 or 4/26/23 (couldn't read the print) of Forest Grove's original request to Bonneville and then an amendment to that agreement dated 4/25/2014, I have a better understanding of Rowan Green's decision to not pursue building a data center on their property. I received those two attachments via a Public Records Request to Mariah Woods. Rowen Green never filled out a land-use application because they were told that it would take 5 to 10 years to get the huge amount of (150 MW) power to their site in Forest Grove. That is a good decision for the residents of Forest Grove.

Please open two attachments titled 'FG payment to Bonneville to pass thru for Rowan Data Center pages 1 and 2'

Sincerely,

Dale Feik



Forest Grove, OR 97116

Cc: Bryan Pohl, Community Development Director
Dan Riordan, Senior Planner

Forest Grove City Council Update

Steve Krautscheid, Director of Community Outreach and Engagement
September 9, 2024

Agenda

1. Introductions
2. Community Health Improvement Plan
3. Hillsboro Medical Center Update
4. Forest Grove Primary Care Update
 - Provider Recruitment
 - Immediate Care/Same-day Walk-ins
5. Old Hospital Building
6. Wrap-up

Community Health Improvement Plan (CHIP)

HMC Focus Areas 2022-2024

Healthy Columbia-Willamette Collaborative

- 1) Access to Care/Equity/Culturally Responsive Care
- 2) Mental Health and Substance Abuse
- 3) Chronic Conditions/Preventive Health
- 4) Prenatal/Parenting Education

Priority Areas for Creating a Healthier Community

 **A Neighborhood For All**
All people should have access to safe and affordable neighborhoods and housing.

 **Essential Community Services and Resources**
All people should have access to education, employment, nutritious food, and transportation.

 **Access to Culturally and Linguistically Responsive Health Care**
All people should have access to safe and affordable neighborhoods and housing.

 **Support for Family and Community Ways**
All people should have access to foods and healing medicines or practices specific to their communities of origin. In addition, all people should have access to land which supports physical activity and connection to the natural world, and to opportunities for ceremonial, religious, cultural, educational, and celebratory community gatherings.

Healthy Columbia Willamette
Collaborative (4) Areas of Focus

Hillsboro Medical Center – At a Glance

Hillsboro Medical Center includes:

- 1,300+ employees

- 600+ physicians (550 OHSU providers and 62 HMC providers)

- 436 nurses

- 89 nurse residents

- 55 medical residents

- 80 volunteers

65% of HMC employees live within 10 miles of HMC

Key Statistics for Fiscal Year 2024

38,382 Emergency Department Visits

34,645 Inpatient days

871 Births

5,855 Surgeries

86,222 imaging procedures

650 IMPACT team inpatient addiction consultations

1,933 mobile mammography screenings

3,500 high school students received services from HMC athletic trainers

9,300 patients screened for financial assistance needs

556 childhood safety consults; 652 car seat inspections; 150 new car seats and 79 safe sleep kits

Post-pandemic Financial Challenges

Oregon hospitals are not immune from the impact of the pandemic.

- Hospital beds are full
- Emergency departments are operating above capacity
- Supply shortages and transportation challenges
- Staff turnover increased significantly during the pandemic

Financial impact:

- 11% increase in total operating expenses
- 26% increase in labor expense

Training Our Future Care Teams

Partnering with local schools, universities and colleges, last year Hillsboro Medical Center provided:

50 high school student job shadows

300 clinical student rotations (PTs, pharmacists, OR techs, Radiology techs, etc.)

89 nurse residencies

55 physician residencies



Hillsboro Medical Center

Family Medicine Residency 2023-24

PGY-1



Toyosi Akinbami, MD



Chandler Barton, MD



Amy Colagiovanni, MD



George Derk, MD



Andrea Gataric, MD



Sean Jackson, MD



Jessica Osborn, MD



Carolina Zamora Salazar, DO

PGY-2



Marissa Bruno, DO



Jacob Huegel, MD



Lisa Huynh, DO



Taryn Lai, MD



Will Moore, MD



Juan Razo, DO



Catherine Reid, DO



DO Jorge Rodriguez Toro, MD

PGY-3



Alexandra Bray, MD



Aaron Chambers, MD



Logan Ellis, DO



Dione Fernandez, DO



Esteban Garza, MD



Justine Lawson, DO



Alyssa Morrow, DO

Physician Recruitment – Specialists

Neurosurgery

Barbara Lazio, MD (September 2023)

Joshua Woodward, MD (August 2024)

David Mazur-Hart, MD (September 2024)

Orthopedics

Derek Bond, MD (October 2024)

Neurology

Ruchi Wanchoo, MD (July 2023)

Ratna Bitra, MD (September 2023)

Physician Recruitment – Primary Care

Forest Grove

Sara Archer, MD (August 2024)

Aaron Chambers, MD (September 2024)

Marissa Wickerath, MD (October 2024)

South Hillsboro

Chelsea Roberts, MD (October 2023)

Esteban Garza, MD (October 2024)

Orengo Station

Heather Christianson, DO (September 2023)

Forest Grove Primary Care



Forest Grove Providers

For the first time in many years, Forest Grove Primary Care will be fully staffed with nine providers.

- 5 Physicians
 - Hillary Lane, MD; Zach Wright, DO
 - 3 additional physicians starting Aug/Sept/Oct
 - Sara Archer, MD; Aaron Chambers, MD; Marissa Wickerath, MD
- 4 Physician Associates (PAs)
 - Joy Gephart, Emaan Khan, Annjanette Summers, Rochelle Rochester
- Clinical Pharmacist
- Behavioral Health Consultant

Access: Same-day walk-ins for patients

At full provider capacity, our emphasis shifts to establishing patient relationships with the primary care providers

- With nine providers focused on meeting primary care needs, Immediate Care will be phased out in mid-October
- We will continue to provide same-day appointments for clinic patients
- We believe BestMed and other providers focused exclusively on urgent care are better equipped to provide this level of care

Future: hospital building demolition

Vacant hospital building has significant upkeep and safety/security issues

- Utility costs
- Forest Grove Fire: fire safety equipment, testing, etc.
- Forest Grove Police: houseless individuals
- Plan to demolish old building in Fall/Winter 2024

Future: Potential uses for cleared property

Cleared parcel could be used to expand housing options



Future: Potential uses for cleared property

Conceptual Renderings





Questions?



A place where families and businesses thrive.

CITY RECORDER USE ONLY:

AGENDA ITEM #: _____

MEETING DATE: _____

FINAL ACTION: _____

CITY COUNCIL STAFF REPORT

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

PROJECT TEAM: *Anne Lane, Parks & Recreation Director*

MEETING DATE: *Monday, September 9, 2024*

SUBJECT TITLE: *Presentation: East Side Park*

ACTION REQUESTED:

☐ Ordinance

☐ Order

☐ Resolution

☐ Motion

☒ X

☐ Informational

X all that apply

ISSUE STATEMENT:

East Side Park is a small, half acre neighborhood park located at 3705 19th Ave. This project was identified both in the 2016 Parks, Recreation & Open Space Master Plan and on the Capital Improvement Project list for fiscal year 2023-2024 and 2024-2025. The project is being paid for by Parks Systems Development Charges (SDC).

BACKGROUND:

See attached memo provided by PLACE, LLC consultant on this project.

ATTACHMENT(S):

Power Point: 9.9.24 Presentation – East Side

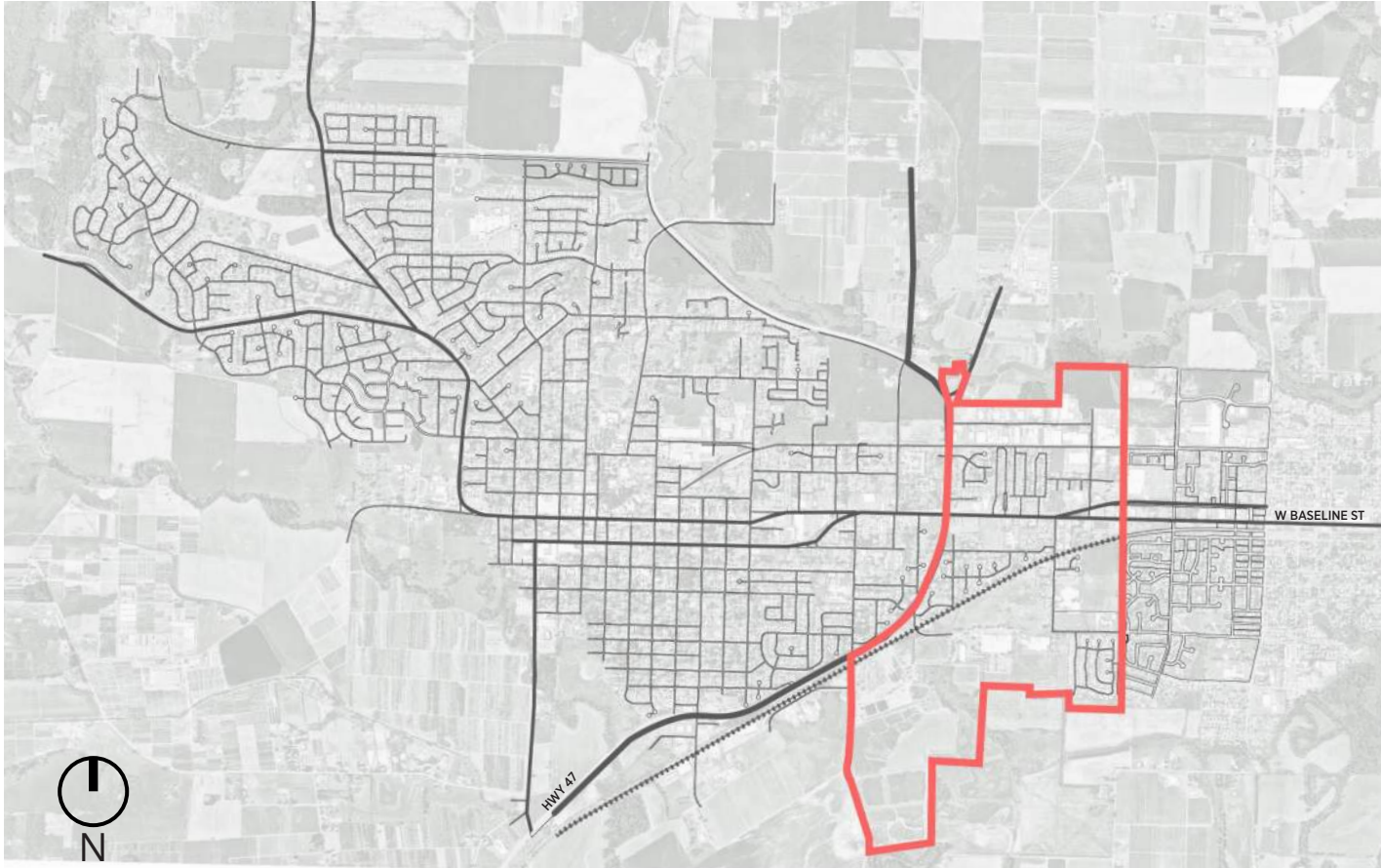
FOREST GROVE EASTSIDE PARK CONCEPTUAL DESIGN

SEPTEMBER 2024

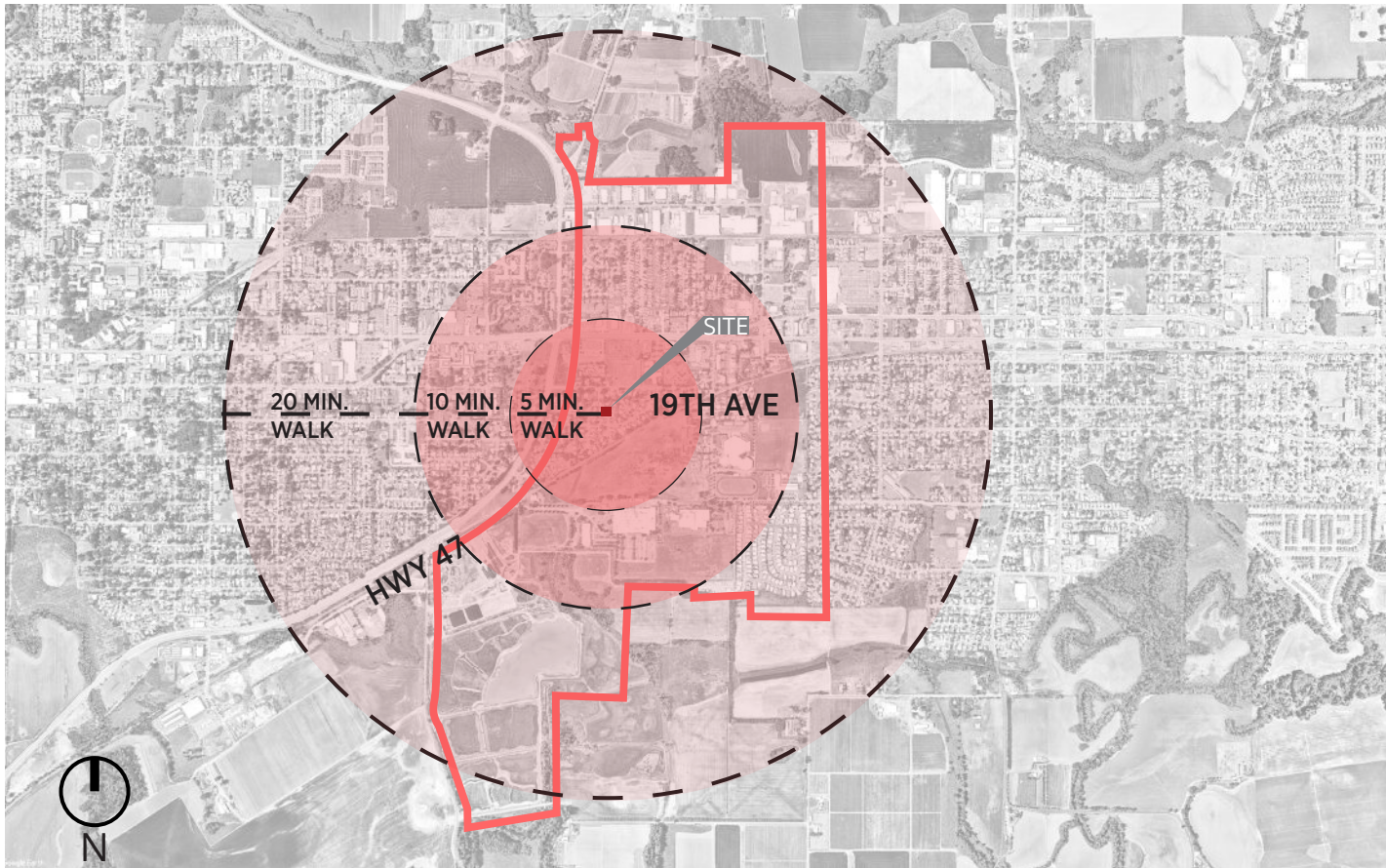


PLACE

PROJECT LOCATION



■ EASTSIDE BOUNDARY



■ EASTSIDE BOUNDARY

■ PARK SITE

COMMUNITY ENGAGEMENT SUMMARY

BOARDS SHOWCASED AT THE EVENT

SITE STUDY | ESTUDIO DEL SITIO

EAST SIDE NEIGHBORHOOD PARK

PLACE

FRAMES | MARCOS

EAST SIDE NEIGHBORHOOD PARK

PLACE

FLOW | FLUJO

EAST SIDE NEIGHBORHOOD PARK

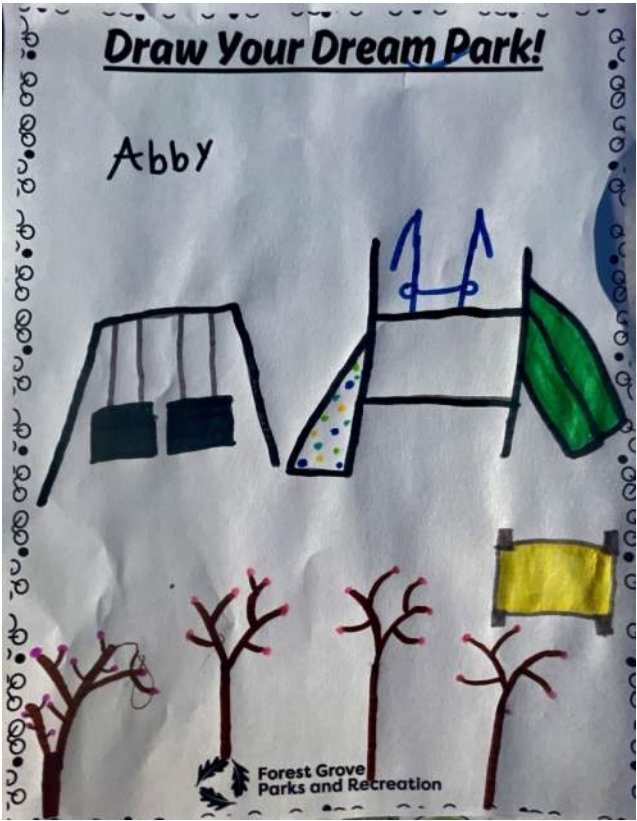
PLACE

RIPPLES | ONDAS

EAST SIDE NEIGHBORHOOD PARK

PLACE

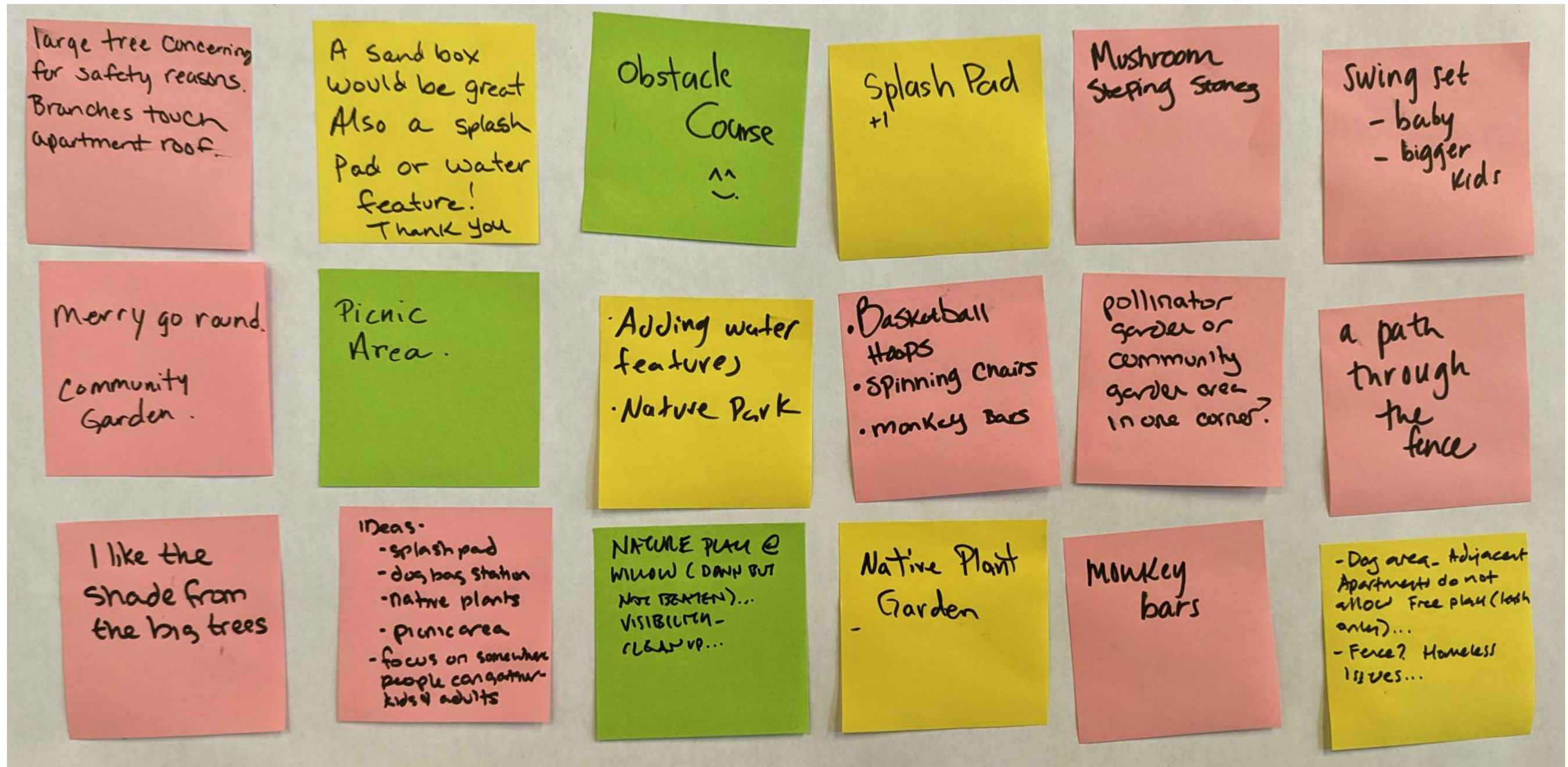
COMMUNITY ENGAGEMENT



COMMUNITY COMMENTS

ATTENDANCE:

- (16) SIXTEEN ADULTS
- (16) SIXTEEN CHILDREN
- (2) TWO DOGS



COMMUNITY COMMENTS

- LARGE TREE CONCERNING, FOR SAFETY REASONS; BRANCHES TOUCH APARTMENT ROOF
- A SAND BOX WOULD BE GREAT, ALSO A SPLASH PAD OR WATER FEATURE! THANK YOU
- OBSTACLE COURSE
- SPLASH PAD
- MUSHROOM STEPPING STONES
- SWING SET: BABY AND BIGGER KIDS
- MERRY GO ROUND, COMMUNITY GARDEN
- PICNIC AREA
- ADDING WATER FEATURES, NATURE PARK
- BASKETBALL HOOPS, SPINNING CHAIRS, MONKEY BARS
- POLLINATOR GARDEN OR COMMUNITY GARDEN OVER IN ONE CORNER?
- A PATH THROUGH THE FENCE
- I LIKE THE SHADE FROM THE BIG TREES
- IDEAS: SPLASH PAD, DOG BAG STATION, NATIVE PLANTS, PICNIC AREA, FOCUS ON SOMEWHERE PEOPLE CAN GATHER - KIDS AND ADULTS
- NATURE PLAY AT WILLOW, CLEAN UP FOR VISIBILITY
- NATIVE PLANT GARDEN
- MONKEY BARS
- DOG AREA, ADJACENT APARTMENTS DO NOT ALLOW FREE PLAY (LEASH ONLY)
- FENCE? HOMELESS ISSUES....

FEEDBACK	ASSESSMENT	RECOMMENDED ACTIONS
- EXISTING LARGE TREE MAY NEED TO BE REMOVED	EASY / NECESSARY TO IMPLEMENT	- TWO EXISITING TREES WERE REMOVED BASED ON VIABIL- ITY AND SAFETY
- SHADE FROM EXISTING BIG TREES	ALREADY PROVIDED	- INCLUDED IN SCHEMATIC DESIGNS
- SWING SET: BABY AND BIGGER KIDS	ALREADY PROVIDED (FLOW SCHEME); OTHERS SINGLE SWING	- PROVIDE STANDARD AND ACCESSIBLE SWINGS
- MERRY GO ROUND, SPINNING CHAIRS	ALREADY PROVIDED (ALL SCHEMES)	- INCLUDED IN SCHEMATIC DESIGNS
- SOMEWHERE PEOPLE CAN GATHER	ALREADY PROVIDED (ALL SCHEMES)	- INCLUDED IN SCHEMATIC DESIGNS
- A PATH THROUGH THE FENCE	ALREADY PROVIDED (ALL SCHEMES)	- FURTHER CONVERSATIONS WITH PROPERTY OWNER IS NEEDED
- PICNIC AREA (2)	ALREADY PROVIDED (ALL SCHEMES)	- PROVIDE PICNIC TABLES, REMOVE SHELTER
- NATURE PARK / NATURE PLAY	EASY TO IMPLEMENT / ALREADY PROVIDED	- INCLUDED IN SCHEMATIC DESIGNS
- OBSTACLE COURSE	EASY TO IMPLEMENT / ALREADY PROVIDED	- INCLUDED IN SCHEMATIC DESIGNS
- MUSHROOM STEPPING STONES	EASY TO IMPLEMENT / ALREADY PROVIDED (LOG ROUNDS)	- INCLUDED IN SCHEMATIC DESIGNS
- NATIVE PLANT GARDEN / POLLINATOR GARDEN	EASY TO IMPLEMENT	- INCLUDED IN SCHEMATIC DESIGNS
- SPLASH PAD (4)	MENTIONED 4 TIMES, ASSESS VIABILITY	- THESE PROGRAMS WILL ATTRACT INTENSIVE USE TOO HIGH FOR A NEIGHBORHOOD PARK; FUTURE LINCOLN PARK WILL PROVIDE WATER PLAY
- WATER FEATURE (2)	MENTIONED 2 TIMES, ASSESS VIABILITY	
- COMMUNITY GARDEN (2)	MENTIONED 2 TIMES, ASSESS VIABILITY	-TOO MUCH SHADE, NOT ENOUGH SPACE, MANAGEMENT CHALLENGES
- MONKEY BARS (2)	MENTIONED 2 TIMES, EASY TO IMPLEMENT	- IMPLEMENT AS PART OF PLAY PROGRAM
- SAND BOX	ASSESS VIABILITY	- IMPLEMENT AS PART OF NATURE PLAY
- BASKETBALL HOOPS	ASSESS VIABILITY	- NOT ENOUGH SPACE, TENDS TO BE UNDER-USED
- DOG AREA & DOG BAG STATION	ASSESS VIABILITY	- WILL PROVIDE DOG BAG STATION
- FENCE	ASSESS OPERATION / IMPLEMENTATION	- STREET SIDE, LOW DECORATIVE FENCE

REVISED FINAL CONCEPT - FLOW



REVISED FINAL CONCEPT - FLOW

SECTION A-A'



INTERPRETIVE ELEMENTS - FLOW



REVISED FINAL CONCEPT - RIPPLES



REVISED FINAL CONCEPT - RIPPLES

SECTION B-B'



INTERPRETIVE ELEMENTS - RIPPLES





DECORATIVE FENCE







NEXT STEPS:

The two refined concepts integrate the elements that respond to the community's feedback, as well as more program and practical aspects suitable for the neighborhood park.

On August 21st 2024, we met and received feedback from the Parks & Recreation Commission. We welcome and appreciate any additional input from City Council towards selecting a final concept design to move forward into Schematic Design, Design Development and Construction Documentation.

We look forward to continuing our process with the Community of Forest Grove, and collaborating with the city toward building a vibrant, playful and meaningful space for the East Side Neighborhood.

Thank you.

PLACE

September 2024.



A place where families and businesses thrive.

CITY COUNCIL STAFF MEMORANDUM

TO: *City Council*

FROM: *Ashley Driscoll, City Attorney*
Jesse VanderZanden, City Manager

PROJECT TEAM: *Anne Lane, Parks and Recreation Director*
Greg Robertson, Engineering and Public Works Director

MEETING DATE: *September 9, 2024*

SUBJECT TITLE: *Recreation Limitation of Liability Ordinance*

ACTION REQUESTED:

X	Ordinance	Order	Resolution	Motion	Informational
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X all that apply

ADDENDUM FOR SEPTEMBER 9, 2024 COUNCIL MEETING

On August 26, 2024, the Council held the first reading for Ordinance 2024-05, and unanimously advanced the Ordinance to a second reading. If approved, the Ordinance will update municipal code to adopt limitation of liability for certain claims resulting from recreation.

STAFF REPORT FROM AUGUST 26, 2024 MEETING:

BACKGROUND:

During the 2024 legislative session, the Oregon Legislature passed Senate Bill 1576 which was incorporated into Oregon Revised Statute (ORS) 105.668. ORS 105.668 limits the liability of cities for personal injury and property damage that arise out of the public's non-motorized use of trails or structures in public easements and unimproved rights of way. Cities with populations of less than 500,000 must adopt the limitation of liability via ordinance or resolution.

ORS 105.668 also applies to cities' officers, employees, and agents; owners of land abutting the public easement or unimproved right of way; and nonprofits and their volunteers who construct and maintain trails and structures in public easements and unimproved rights of way. Adopting ORS 105.668 could encourage landowners to grant easements for the public's use by reducing their risk of liability. It could also encourage nonprofits to assist the City with trail maintenance and construction by reducing their risk of liability.

ORS 105.668 would also expand the City's existing limitations of liability. The recreational immunity provided by ORS 105.682 and ORS 105.688 already apply to the City. However, recreational

immunity only protects the City when an individual is injured while engaged in recreational activities. ORS 105.668 applies regardless of the individual's reason for using trails or structures in public easements or unimproved rights of way. Additionally, the Oregon Court of Appeal's recent decision in *Fields v. City of Newport*, 326 Or App 764 (2023), has reduced the reach of cities' recreational immunity, which could create more liability for the City. ORS 105.668 could fill in the gap in recreational immunity left by the Court of Appeal's decision.

ORS 105.668's limitation of liability is not absolute, however. It will not protect the City if an individual is injured due to gross negligence or reckless, wanton, or intentional misconduct. Senate Bill 1576 was passed overwhelmingly by the Legislature and endorsed by the League of Oregon Cities. Additionally, it continues to be broadly incorporated by cities across Oregon.

FISCAL IMPACT:

There is no budgetary impact, however, passage of the ordinance will limit liability and likely result in reduced insurance costs.

STAFF RECOMMENDATION:

Staff recommends passage of the ordinance.

ATTACHMENT(s):

Ordinance 2024-05

ORDINANCE NO. 2024-05

ORDINANCE AMENDING THE CITY OF FOREST GROVE'S MUNICIPAL CODE TO ADOPT LIMITATION OF LIABILITY FOR CERTAIN CLAIMS ARISING FROM THE USE OF TRAILS OR STRUCTURES WITHIN PUBLIC EASEMENTS AND UNIMPROVED RIGHTS OF WAY UNDER OREGON REVISED STATUTE (ORS) 105.668

WHEREAS, ORS 105.668(2) limits the liability of cities, adjacent property owners, and certain non-profit groups for injuries or property damage that result from the public's non-motorized use of trails or structures that are in a public easement or an unimproved right of way; and

WHEREAS, ORS 105.668(3) authorizes cities with populations less than 500,000 to adopt such limitation of liability by ordinance and the population of the City of Forest Grove (the "City") is less than 500,000; and

WHEREAS, the City has trails or structures within its public easements and unimproved rights of way that may be used by the public for non-motorized activities such as walking, hiking, or biking; and

WHEREAS, the City finds that the City's trails and structures are an important public amenity, that the public's use of such trails or structures is important for the health and enjoyment of the community, and that use should be encouraged; and

WHEREAS, the City finds that it is important to protect the City, adjacent property owners, and certain nonprofit groups who provide the public with access to and perform maintenance for such trails and structures so that the public may continue to access such trails and structures; and

WHEREAS, the City finds that adopting the limitation of liability in ORS 105.668(2) will provide the City, adjacent property owners, and nonprofit groups with such protection and will encourage the public's continued use of trails and structures in the City's public easements and unimproved rights of way.

NOW, THEREFORE, THE CITY OF FOREST GROVE ORDAINS AS FOLLOWS:

Section 1. Findings. The above findings are hereby adopted.

Section 2. Limitation on Liability. The Forest Grove Municipal Code is hereby amended as shown on the attached Exhibit A.

Section 3. Severability. If any provision, section, phrase, or word of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

Section 4. Continued Effect. All other provisions of the Forest Grove Municipal Code shall remain unchanged and in full effect.

Section 5. Effective Date. This Ordinance shall be effective on the 30th day following its passage.

PRESENTED AND PASSED this 26th day of August, 2024.

Mariah S. Woods, City Recorder

APPROVED by the Mayor this 9th day of September, 2024

Malynda H. Wenzl, Mayor

ORDINANCE NO. 2024-05

EXHIBIT A

§92.33

(A) Definitions.

As used in this §92.33, the following definitions apply:

- (1) "Public easement" means a platted or dedicated easement for public access that is accessible by a user on foot, horseback, bicycle, or other similar conveyance, but does not include a platted or dedicated public access easement over private streets.
- (2) "Structures" means improvements in a trail, including, but not limited to, stairs and bridges, that are accessible by a user on foot, on a horse or on a bicycle or other nonmotorized vehicle or conveyance.
- (3) "Trail" means a travel way for pedestrians, bicycles, and other non-motorized means of transportation.
- (4) "Unimproved right of way" means a platted or dedicated public right of way over which a street, road or highway has not been constructed to the standards and specifications of the city with jurisdiction over the public right of way and for which the city has not expressly accepted responsibility for maintenance.

(B) Liability Limited.

- (1) A personal injury or property damage resulting from use of a trail that is in a public easement or in an unimproved right of way, or from use of structures in the public easement or unimproved right of way, by a user on foot, on a horse or on a bicycle or other nonmotorized vehicle or conveyance does not give rise to a private claim or right of action based on negligence against:

(a) City of Forest Grove.

(b) The City of Forest Grove's officers, employees, or agents to the extent that the officers, employees, or agents are entitled to defense and indemnification under ORS 30.285.

(c) The owner of land abutting the public easement or unimproved right of way.

- (d) A nonprofit corporation and its volunteers for the construction and maintenance of the trail or structures in a public easement or unimproved right of way.

(2) The immunity granted by this section does not extend to:

- (a) Except as provided by §92.33(B)(2), a person that receives compensation for assistance, services, or advice in relation to conduct that leads to a personal injury or property damage.
- (b) Personal injury or property damage resulting from gross negligence or from reckless, wanton, or intentional misconduct.
- (c) An activity for which a person is strictly liable without regard to fault.



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CITY RECORDER USE ONLY:

AGENDA ITEM #: _____

MEETING DATE: _____

FINAL ACTION: _____

CITY COUNCIL STAFF REPORT

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

MEETING DATE: *September 9, 2024*

PROJECT TEAM: *Paul Downey, Assistant City Manager/Finance Director
Keith Hormann, Light & Power Director*

SUBJECT TITLE: *Resolution 2024-37 to Appropriate Funds to Refund Rowan for Funds Paid to Bonneville Power Administration (BPA)*

ACTION REQUESTED:

	Ordinance		Order	X	Resolution		Motion		Informational
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X all that apply

ISSUE STATEMENT

In preparation for Rowan Green Data LLC (Rowan) to potentially build a data center, Rowan needed BPA to study how to expand their distribution system to get additional power to Forest Grove. BPA required a \$6 million deposit to do the necessary planning and engineering work. Because the City is BPA's customer, the City contracted with BPA and paid the \$6 million deposit to BPA after the City received \$6 million from Rowan. This expenditure was authorized in the FY 23-24 budget via Council approval of Resolution 2023-10.

The agreement with BPA allowed the City to cancel the contract with a refund of any unspent funds at the time of cancellation. Rowan notified the City to cancel the contract and in turn, the City notified BPA to cancel the contract. BPA refunded the unspent balance of \$5,971,711.72 to the City. The Council needs to appropriate the funds in the City's budget so the City has the budget authority to pay these funds to Rowan. The City is obligated by contract to refund these monies in full.

FISCAL IMPACT

There is no fiscal impact to the City.

RECOMMENDATION

Staff recommends the City Council approve the attached resolution.

RESOLUTION NO. 2024-37

RESOLUTION APPROPRIATING EXPENDITURE OF FUNDS IN THE LIGHT & POWER DEPARTMENT FOR PAYMENT OF A REFUND FROM THE BONNEVILLE POWER ADMINISTRATION (BPA) TO ROWAN GREEN DATA LLC FOR PRELIMINARY ENGINEERING ACTIVITIES FOR A PROPOSED DATA CENTER

WHEREAS, the Local Budget Law (ORS 294.338(3)) allows the expenditure of a request for services or facilities that will be paid by another entity, the government may appropriate for that purpose by resolution or ordinance to the extent that non-property funds are available for the expenditure without going through a formal supplemental budget process; and

WHEREAS, Rowan Green Data LLC (Rowan) had planned on building a data center and BPA required a \$6 million deposit to do the preliminary engineering activities to expand the electrical system upgrade from the City; and

WHEREAS, BPA would be required to refund any remaining balance of the deposit if Rowan withdrew from the process; and

WHEREAS, Rowan paid the \$6 million to the City who sent those funds to BPA; and

WHEREAS, Rowan decided to not continue with the project and BPA refunded the unspent balance of \$5,971,711.72 to the City which the City is contractually obligated to refund to Rowan; and

WHEREAS, the initial expenditure of \$6 million to BPA was authorized by Council in Resolution 2023-10 and expenditure of the refund to Rowan needs to be similarly appropriated in the FY 24-25 Budget.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

Section 1. In the Light & Power Fund, Reimbursements Revenue (6104143 4800) is increased by \$5,972,000 and the appropriations expenditure account titled Data Center Refund (6104143 6535) is increased by \$5,972,000 for the payment of the deposit to BPA. Total Light & Fund Power Fund Appropriations are increased to \$6,199,051.

Section 2. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 9th day of September, 2024.

Mariah S. Woods, City Recorder

APPROVED by the Mayor this 9th day of September, 2024.

Malynda H. Wenzl, Mayor



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CITY COUNCIL STAFF MEMORANDUM

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*
Mariah Woods, City Recorder

MEETING DATE: *September 9, 2024*

SUBJECT TITLE: *League of Oregon Cities (LOC) Legislative Priorities*

ACTION REQUESTED:

☐	☐	☐	☒	☐	☐	☐
	Ordinance	Order	X	Resolution	Motion	Informational

X all that apply

BACKGROUND:

Each even numbered year, LOC appoints members to serve on seven policy committees to analyze policy and technical issues and recommend positions and strategies for the upcoming two-year legislative cycle (2025-26). This year, the seven committees identified 23 legislative policy priorities. Each city is asked to review these priorities and provide input to the LOC Board of Directors. Once all the cities' votes are tallied, the LOC Board of Directors will review the results and approve a final set of 2025-26 legislative priorities at its October meeting in Bend.

On August 26, 2024, the City Council held a work session to select its top five priorities. At that meeting, the Council reached consensus for the following priorities: Infrastructure Funding, Cybersecurity and Privacy, Shift from a Gas Tax to a Road User Fee, Behavioral Health Enhancements, and 2025 Transportation Package.

Passing this Resolution would authorize the City Manager to submit the City's ballot to the LOC to vote for those priorities.

ATTACHMENTS:

- Resolution 2024-38

RESOLUTION NO. 2024-38

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A LEGISLATIVE PRIORITIES BALLOT TO THE LEAGUE OF OREGON CITIES (LOC)

WHEREAS, the League of Oregon Cities (LOC) establishes policy committees in the year prior to regular session of the Oregon legislature to develop a range of legislative objectives for consideration by the LOC member cities; and

WHEREAS, Forest Grove is a member of the LOC and has been requested to submit a ballot vote for its top five legislative priorities from the list developed by the LOC; and

WHEREAS, the Council held a work session on August 26, 2024 to discuss and select their top priorities; and

WHEREAS, consensus was reached at that work session that the Council's top priorities are Infrastructure Funding, Cybersecurity and Privacy, Shift from a Gas Tax to a Road User Fee, Behavioral Health Enhancements, and 2025 Transportation Package.

NOW, THEREFORE, THE CITY OF FOREST GROVE RESOLVES AS FOLLOWS:

Section 1. To authorize the City Manager to submit a legislative priorities ballot to the League of Oregon Cities indicating that the top five priorities of the City of Forest Grove are Infrastructure Funding, Cybersecurity and Privacy, Shift from a Gas Tax to a Road User Fee, Behavioral Health Enhancements, and 2025 Transportation Package.

Section 2. This resolution is effective immediately upon adoption by the City Council.

PRESENTED AND PASSED this 9th day of September, 2024.

Mariah S. Woods, City Recorder

APPROVED by the Mayor this 9th day of September, 2024.

Malynda H. Wenzl, Mayor



Biennial Budgeting

Work Session

Paul Downey,
Assistant City
Manager/Finance
Director

Purpose

- Respond to Council Objective 11 to explore a biennial budget.

Background

- City Charter Section 33(e)(6): the City Manager must “Prepare and administer the annual City budget.”
- No Council Rule language pertaining to budget.
- State law permits biennial budgeting.

What is Biennial Budgeting?

- According to the Congressional Budget Office, biennial budgeting is the “practice and preparing and adopting budgets for two-year periods.”
- Supplemental budgets to the biennial budget are reviewed annually.
- Audits of City financial information are also still performed annually, as required by state law.

How does it work?

The typical process is as follows:

- Prepare and adopt a two-year budget. All projections and assumptions are based on two, not one, year.
- Conduct an annual review of the budget and adopt supplemental adjustments to the biennial budget.
- The supplemental process is typically much shorter than the annual process.

Pro's and Con's

Pro's:

- More focus on policy
- Requires a longer-term approach
- Reduces delay and repetition
- Frees up staff time for other priority policies

Con's

- Potential diminishment of control and oversight, depending upon the supplemental process
- Increased reliance on supplemental budget
- Estimates for second year may not be as accurate

Questions

Q: Does it require a change to the Charter?

A: No. There is still an annual budget, however, it is just passed biennially. Additionally, there is also an annual supplemental budget process that gets reviewed and approved by Council.

Questions

Q: Do we need to change the Budget Committee terms?

A: No, the terms could remain the same. If the Council would like to align the terms to the budget cycle and if a biennial budget is started this year, two members could be extended one year. This would result in 3 members commencing 1/1/25 and 4 members commencing 1/1/27, similar to the City Council.

Questions

Q: How would the supplemental budget process work?

- The first-year, a two-year budget is passed.
- The second, or supplemental year, adjustments are made based on changes that are different than what was estimated in the first year and the difference is proposed to the Budget Committee and Council. For example, a new labor contract, changes to CPI, capital project costs, etc.
- In practice, this would result in the same amount of Budget Committee meetings the first year and one less Budget Committee meeting the second year.

Examples

Governments that utilize biennial budgeting:

- State of Oregon
- Cities of Hillsboro, North Plains, West Linn, Oregon City, Eugene, Ashland, Gladstone, TVWD, and more...