



A place where families and businesses thrive.

CITY RECORDER USE ONLY:

AGENDA ITEM #: B. 1.

MEETING DATE: 09/12/2022

FINAL ACTION: Public Comment Addendum

CITY COUNCIL MEMORANDUM

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

PROJECT TEAM: *Anna D. Ruggles, CMC, City Recorder*

DATE: *September 12, 2022*

SUBJECT: *Item B. Public Comment*

PUBLIC COMMENT: Anyone wishing to speak to the City Council on an item not on the agenda or on the agenda and not scheduled for a public hearing may be heard. Written comments may be submitted by 3:00 p.m. on the day of the meeting. All testimony is electronically recorded.

The following attached written correspondence was received via e-mail to:
citycouncilors@forestgrove-or.gov.

	Name:	Subject:	Date:
1.	Adolph Valfre	Mentally Ill Incident in Forest Grove	08/22/22
2.	Al Stu	McMenamins Noise Pollution	08/27/22
3.	Rayce Manriki	Thank you	08/30/22
4.	Johnny Griffen	Pacific University Parking	09/02/22
5.	Chris Billman	Questions and Answers About ADA/Section 504 - Civil Rights Federal Highway Administration	09/08/22
6.	Chris Billman	Administration	09/09/22
7.	Chris Billman	Disabilities	09/12/22
8.	Chris Billman	Disabilities discrimination	09/12/22
9.	Al Stu	McMenamins Noise Pollution; Public Comment for City Council Meeting 09/12/2022	09/12/22
10.	Elizabeth Mathiesen	B street homeless camp	09/12/22

Attachments:

Correspondence Attached

Anna Ruggles

From: Adolph Valfre [REDACTED] >
Sent: Monday, August 22, 2022 8:17 PM
To: Peter Truax; Malynda Wenzl; Elena Uhing; Timothy Rippe; Kristy Kottkey; Mariana Valenzuela; Donna Gustafson
Cc: Jesse VanderZanden
Subject: Fwd: [EXTERNAL] Mentally Ill Incident in Forest Grove

FYI only - not for dissemination

I was browsing through FB when an article involving Forest Grove caught my eye. There I found discussions about a person's home being broken into by "a crazy man". The affected family was obviously and understandably upset by this experience, as children were located downstairs.

However, since the house was located a few blocks from the new affordable apartments at Main and 26 Avenue, they immediately surmised (in error) that this "crazy man" was probably a resident from these units and likely getting some mental health services from Sequoia Mental Health Center. The conversation then degraded into familiar NIMBY bias against low-income families being in their neighborhood.

I reached out to Komi Kalevor from the County Housing Department to investigate, and he contacted FGPD. The arrested individual is a parole violator and in custody. However, he IS NOT and NEVER WAS a resident of the Avenida 26 apartments.

I mention this to you all as "rumors", particularly false and disparaging ones like this that stereotype others by "group identity", seem to have a life of their own. I am reaching out to you as a collegial heads up to hopefully preclude you being blindsided should someone approach you with a Citizen's Complaint.

The link to the FGPD booking register is shown below.

Let me know if you have any questions. Thank you for service on behalf of our city.

~ Val

Sent from my iPhone

Begin forwarded message:

From: Komi Kalevor [REDACTED] >
Date: August 22, 2022 at 4:54:22 PM PDT
To: Marni Kuyll [REDACTED]
Subject: FW: [EXTERNAL] Mentally Ill Incident in Forest Grove

QUICK UPDATE -

Will checked in FGPD and Cascade. Incident occurred on Saturday at 3:58. Police arrested [REDACTED]. Cascade confirmed that [REDACTED] is not a resident at the Valfre. You can find the booking listing here if your scroll down to Rose - <https://www.co.washington.or.us/sheriff/jail/who-is-in-custody.cfm?alpha=R> It looks like it was also a parole violation.

INFO: Washington County email addresses will change from [@co.washington.or.us](mailto:co.washington.or.us) to [@washingtoncountyor.gov](mailto:washingtoncountyor.gov) on September 26, 2022. Please update my contact information at that time.

Anna Ruggles

From: Al Stu <A [REDACTED]>
Sent: Saturday, August 27, 2022 8:50 PM
To: City Councilors
Subject: McMenamins Noise Pollution

The concerts being held at McMenamins are subjecting Forest Grove residents to inappropriate and disturbing noise pollution within their homes.

I believe the major problem is that sound ordinances by in large have not been updated to take into account modern sound systems which drive inordinate amounts of low frequency (bass) which permeates through walls and into homes. An appropriate frequency weighting needs to be used which take the low frequency into account.

In past eras this was not a problem because sound systems were more modest and not driving the inordinate amounts of bass.

Please correct this situation with these concerts. The thumping is intolerable.

Long time Forest Grove resident

Anna Ruggles

From: Rayce Manriki <[REDACTED]>
Sent: Tuesday, August 30, 2022 3:50 PM
To: Anna Ruggles
Cc: nelsen@pacificu.edu
Subject: Thank you

Hi,

I'm a student from Pacific University just reaching out to say that I appreciate what you guys are doing for the forest grove community. I am all for sustainable living and trying to change the ways we do things today to help cut down the emissions and in other ways to save the planet.

Anna Ruggles

From: Griffen, Johnny [REDACTED] >
Sent: Friday, September 2, 2022 11:32 AM
To: Peter Truax
Subject: Pacific University Parking

Hello Major Truax,

My name is Jonathan Griffen and I'm currently enrolled as a sophomore at Pacific University. I'm emailing you to address the parking situation here at Pacific. I'm sure this isn't the first time this is being addressed because I know the vast majority of my peers feel the same way, but I feel it's still important to talk about because the issue has not gone away. It's extremely frustrating that there is not adequate space for students to park their cars (**specifically overnight parking**) and I would like to know what steps can be taken in order to reach a compromise on this issue. Considering that the majority of parking surrounding the university is 4-hour parking or less, it is unfair that many students are forced to park blocks away from campus in order to avoid tickets, especially when they live on campus. Whether it be through fundraising and/or negotiation between city council and university policymakers it would be much appreciated if the student-body could receive some aid on how to move forward with this issue that has been painfully apparent for every student with a vehicle. Thank you for your time and I hope you have a great weekend!

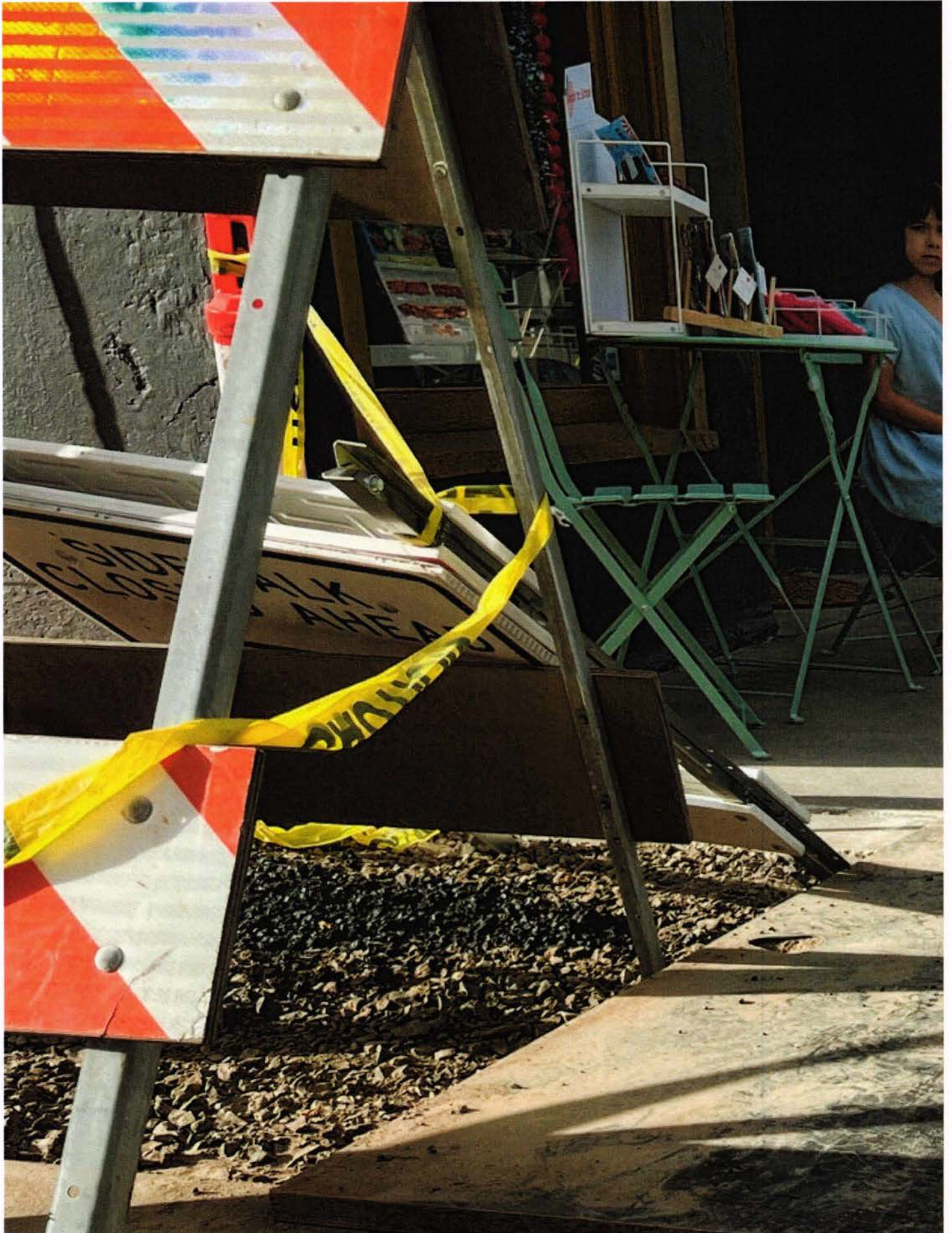
Sincerely,

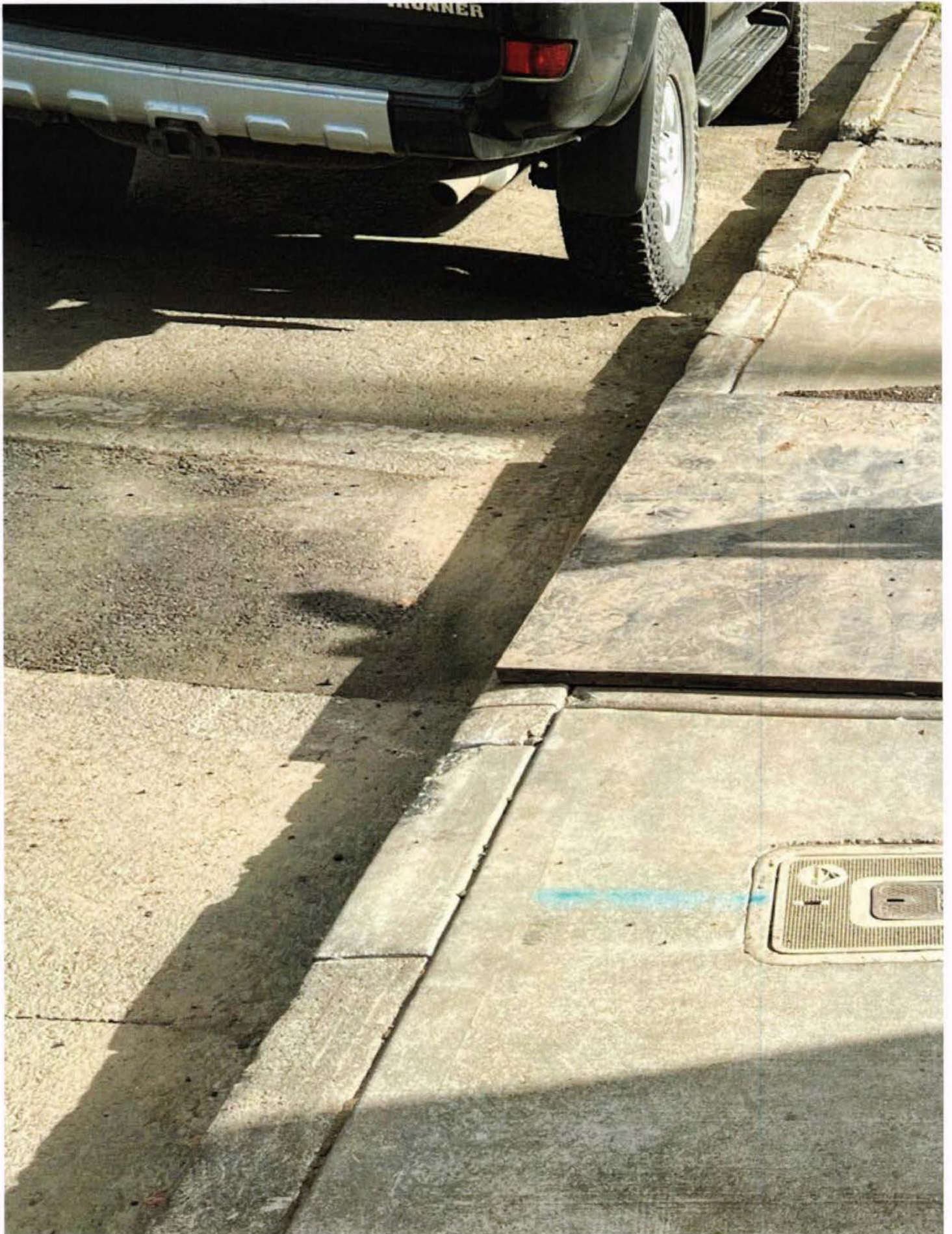
Jonathan Griffen

Anna Ruggles

From: Chris B. Billman [REDACTED] >
Sent: Thursday, September 8, 2022 7:00 AM
To: Brenda Camilli; Gregory Robertson; Jesse VanderZanden; City Councilors
Subject: Questions and Answers About ADA/Section 504 - Civil Rights | Federal Highway Administration

Hello everyone ADA accessible is a safety issue for everyone who has to use the infrastructure you chose to provide. ADA accessibility will be an issue for the next election. The amount of aging and people with disabilities we have in town is growing and the accessibility for everyone is not.
Trip hazards and lack of traffic control for non drivers is related to the biased mentality of the people involved.







https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.fhwa.dot.gov%2fcivilrights%2fprograms%2fada%2fada_sect504qa.cfm%23q5&c=E,1,7iEXnhY5HJoQSS5m6mOILWq2E5sGhPgfGXFJnQMYDImWJwxIUdSHDqofYtFUYKk0hYCdHNMSuy3hN66lqskf7hwBURsf nW4A3BVHWDJ&typo=1

Chris Billman

██████ NW Cox Road
Forest Grove, Oregon

97116-9128

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████████████████████

Anna Ruggles

From: Chris B. Billman <[REDACTED]>
Sent: Friday, September 9, 2022 7:20 AM
To: Malynda Wenzl
Cc: Kristy Kottkey; City Councilors; Brenda Camilli; Jesse VanderZanden; Henry Reimann
Subject: Re: Questions and Answers About ADA/Section 504 - Civil Rights | Federal Highway Administration

Good morning, let's consider that you actually read all of the information I sent you and everyone else. You all received the same information and everyone involved had many opportunities to correct the things but you don't.

How about a recap

* the beginning city owned speed sign in the bike lane, Rob Forster says it the police departments.

Conversation with Shutz she smirked.

Went to CPAC they laughed.

I produced the state law and your discriminating city code and pointed out the irregularities. This took three years to correct, meanwhile the police chief supported the language in the city code that as a police chief or police officer should understand was **WRONG**. City nothing!

Meanwhile everyone using the bike lanes in the public right away had to dodge waste management cans.

City code enforcement stated clearly he will never provide protection to anyone on a bicycle.

Check your email for the proof. Offer Hall should have went back to school or better yet fired. His actions were not much different then Teets.

Meanwhile public works director is policing the streets because our police department feels it should be treated differently.

And everyone on city council stood there and did nothing.

You were sent the law and the city code and a copy of your drivers license manual.

NOTHING from you elected official's.

And still not one ticket has been issued and I have sent countless emails with violations and still the bike lane does not have the same rights not to provide uninterrupted access to the public infrastructure. Does DEI apply to public roadway's? Not here sadly!

Do a simple test, put a row of cans across main streets and see who does what then block the bike lane and if it's treated differently then the behavior would be biased!

Then your DEI that left out people with disabilities. What a knee jerk reaction to Teets stupidity.

Explain how you can train city employees about DEI and leave out the ADA and people without automobiles?

But ya did .

So the law is clear spend tax dollars on infrastructure and programs they and it **MUST** be accessible and inclusive. you received public guidance document's because I sent you a copy. Did you read it then why did you do nothing city council president?

And still today the paid for with public funds is still inaccessible to everyone.

Tool hub by the bus stop that has many wheelchairs users in the area.

Jeff King entered the city into a deal so it in the parking lot on privet land and it not accessible to everyone. What are you going to do?

Then I sent everyone a copy of the city council duties and responsibilities, it explains what city council is. Remember the public elects you, the city doesn't appoint you.

Your duties include oversight for the people not to protect the city from being biased or lazy.

The construction going on in the city that use traffic control companies understand the law when the road signs are required and not in place the city does nothing.
Why not impose a penalty like every other city does. Remember providing oversight so the people are safe is the task.
The lack of signs puts pedestrians in danger, you do nothing. if you are making the city responsible then why do I have to email the city to do something?

Then the current issue of the steel plate it dangerous! If someone kicked the plate they would brake a toe, the steel is slippery, the lip was larger enough to require the blacktop.
So why do I see all of these things and the city has no one to ensure the public access is safe. It a violation just like a OSHA but the companies get away with it here.
It's the law and every contract includes the expense of providing proper warning signs and flangers. This companies are steeling from us because they are paid for the service and they are skimping and no oversight? They have their hand in the cookie jar.
Bollards need I say more. Ask to review the FHWA guidelines for the use of bollards. I sent you a copy if you read the information then why do you approve the dangerous location of all of the. Everyone of them were installed incorrectly, ask the state and when will access be there for everyone who uses non standard bicycles and trailers.

Go back and read the information I sent to everyone and it should explain my frustration.
Ask the city manager, and the police chief and you ADA compliance officer if my issues are valid?
Then ask when will they be corrected?
Remember oversight,
Ask why offer Hall had the right to disregard clear accessibility to the roadway (bike lane) Why was he permitted to discriminate against bicycles users?
You got the email and did nothing how about a real answer councilor?
When it came to accessible inclusive infrastructure for non automobile owners, they get nothing! For years you rewrote the law to remove their being part of the community. DEI joke.
All in the hundreds of emails you read!
Then why don't you demand the city correct the biased past infrastructure projects.
The university is another problem, they say the city wants them to drive utilities carts in the bike lane . This is a problem because it illegal and the city alumni in office appears to approve this violation.
Why? Brought this up before and nothing!
Sorry you are offended because of my directness. I am also outraged by the lack of understanding and direction given to correct these shortfalls.
Go back a really read what I sent and justify the lack of diligence by the city council members.
The people with living here today with mobility disabilities are waiting for the council members to demand access to the community for everyone.
It's your duty and your responsibility. I sent you the city council handbook. I read it for real.

Chris Billman
[REDACTED] NW Cox Road
Forest Grove, Oregon
97116-9128
[REDACTED]

Anna Ruggles

From: Chris B. Billman <[REDACTED]>
Sent: Monday, September 12, 2022 7:17 AM
To: Malynda Wenzl
Cc: City Councilors; Kristy Kottkey; Donna Gustafson
Subject: Disabilities

Good morning, my disability is also a “invisible disability”. Sometimes people get confused about the difference between illness and disability.

Maybe this can help and if not it’s ok but use this to explain why I can’t access the tool hub. I helped pay for! I noticed at farmers market more wheelchairs then ever. Looking forward to passing out a flyer to them when I get back. The mayor wants a crowd complaining publicly , I will include everyone I see in town in a wheelchair.

That’s a promise!

Your understanding about being left out because of your disability is maybe an experience you haven’t had yet.

What is the definition of disability under the ADA?

It is important to remember that in the context of the ADA, “disability” is a legal term rather than a medical one. Because it has a legal definition, the ADA’s definition of disability is different from how disability is defined under some other laws, such as for Social Security Disability related benefits.

The ADA defines a person with a disability as a person who has a physical or mental impairment that substantially limits one or more major life activity. This includes people who have a record of such an impairment, even if they do not currently have a disability. It also includes individuals who do not have a disability but are regarded as having a disability. The ADA also makes it unlawful to discriminate against a person based on that person’s association with a person with a disability.

For additional information, take a look at the following resources:

FAQ: [What does “regarded as” having a disability mean?](#)

FAQ: [What does a “record of” having a disability mean?](#)

[What is the Americans with Disabilities Act \(ADA\)?](#)

Can you give me an example of someone who is "regarded as" having a disability?

Sure. A man, who is in line for a promotion, has a history of cancer treatment, although his cancer is in remission. He is not given the promotion because his bosses are worried that, if his cancer returns, he won’t be able to do the job. He does not, at this point, meet the first part of the definition of disability because he does not have a physical or mental impairment that substantially limits one or more major life activities. However, based on his “record of” a disability, he is being discriminated against.

Title II (State and Local Government)

Nondiscrimination on the Basis of Disability in State and Local Government Services

Title II of the ADA prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities. It applies to all state and local governments, their departments and agencies, and any other instrumentalities or special purpose districts of state or local governments. It clarifies the requirements of section 504 of the Rehabilitation Act of 1973, as amended, for public transportation systems that receive federal financial assistance, and extends coverage to all public entities that provide public transportation, whether or not they receive federal financial assistance. It establishes detailed standards for the operation of public transit systems, including commuter and intercity rail (e.g., AMTRAK).

This title outlines the administrative processes to be followed, including requirements for self-evaluation and planning; requirements for making reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination; architectural barriers to be identified; and the need for effective communication with people with hearing, vision and speech disabilities. This title is regulated and enforced by the U.S. Department of Justice.

[More information and events related to ADA Title II \(State and Local Government\).](#)

Title III (Public Accommodations)

Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities

This title prohibits private places of public accommodation from discriminating against individuals with disabilities. Examples of public accommodations include privately-owned, leased or operated facilities like hotels, restaurants, retail merchants, doctor's offices, golf courses, private schools, day care centers, health clubs, sports stadiums, movie theaters, and so on. This title sets the minimum standards for accessibility for alterations and new construction of facilities. It also requires public accommodations to remove barriers in existing buildings where it is easy to do so without much difficulty or expense. This title directs businesses to make "reasonable modifications" to their usual ways of doing things when serving people with disabilities. It also requires that they take steps necessary to communicate effectively with customers with vision, hearing, and speech disabilities. This title is regulated and enforced by the U.S. Department of Justice.

[More information and events related to ADA Title III \(Public Accommodations\).](#)

All I want is to get air and use a tool if needed, all of your understanding still doesn't make it accessible for everyone without use of their body. My incomplete spinal cord injuries is something that profoundly affected my life. The city is not accessible!

Chris Billman

██████ NW Cox Road
Forest Grove, Oregon

97116-9128

[REDACTED]

[REDACTED]

Anna Ruggles

From: Chris Billman <[REDACTED]>
Sent: Monday, September 12, 2022 8:14 AM
To: City Councilors; Brenda Camilli
Subject: Disabilities discrimination

Hello everyone here are some examples that are related to the community with disabilities. The list is short but the amount of people who experience them it's long enough. Think about all of my issues are around accessing my community within the limits and dealing with my disability. Life is hard enough with my health issues then I have to deal with city projects that exclude people with mobility disabilities like me and many others from participating. The real hart breaker is the entire city council saying that they understand and nothing changes. We are working on it!

What does that mean? You have blueprints and a new location?

The chamber of commerce is a great location.

You mean the city is replacing the signs with proper bicycles infrastructure signs and removing all of the bollards so everyone can have access to the little off road route.

WHEN?

Privileged university has a facelift and the people in wheelchairs and mobility devices get a tool hub on private property and is not accessible , access is blocked by people using the parking lot and the wall or curb. And no one is really interested in changing it!

Ask for a copy of the contact I would love to read it. You can't enter into agreements that violate the ADA. Everyone or no one. Simple!

But Forest Grove did it and has not changed anything to correct it.

This is what DMV says about disabilities. Disabled Person Parking Permits are available at no charge to drivers with disabilities - or drivers who transport people with disabilities - including but not limited to:

- Severely limited mobility;
- Substantially reduced or loss of vision; and
- Conditions that prevent walking more than 200 feet, including but not limited to:
 - A chronic heart condition;
 - Emphysema;
 - Arthritis;
 - Rheumatism; or
 - Ulcerative colitis or related bowel disorder.

Disabled Person Parking Permits are:

- For use by and belong to the individual for whom DMV issues the permit regardless of age.
- Not associated with a particular vehicle.
- Only for use when the person with the disability is traveling in the vehicle.

Remember the old parking for people with disabilities. In back sharing wit the firs ev charging . I got the only two spot in downtown on the street installed.

Photo below.

Definition of Disability

For all individuals applying for disability benefits under title II, and for adults applying under title XVI, the definition of disability is the same. The law defines disability as the inability to engage in any substantial gainful activity (SGA) by reason of any medically determinable physical or mental impairment(s) which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.

<https://en.wikipedia.org/wiki/Disability>

Disability is any condition that makes it more difficult for a person to do certain activities or effectively interact with the world around them (socially or materially). These conditions, or impairments, may be cognitive, developmental, intellectual, mental, physical, sensory, or a combination of multiple factors. Impairments causing disability may be present from birth or can be acquired during a person's lifetime. Often, disabled people are "unnecessarily isolated and excluded from full participation in society."^[1]

The United Nations Convention on the Rights of Persons with Disabilities defines disability as:

long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder [a person's] full and effective participation in society on an equal basis with others.^[2]

Disability is a contested concept, with shifting meanings in different communities.^[3] It has been referred to as an "embodied difference,"^[4] but the term may also refer to physical or mental attributes that some institutions, particularly medicine, view as needing to be fixed (the medical model). It may also refer to limitations imposed on people by the constraints of an ableist society (the social model); or the term may serve to refer to the identity of disabled people. Physiological functional capacity (PFC) is a measure of an individual's performance level that gauges one's ability to perform the physical tasks of daily life and the ease with which these tasks are performed. PFC declines with age and may result to frailty, cognitive disorders, or physical disorders, all of which may lead to labeling individuals as disabled.^[5] According to the [World Report on Disability](#), 15% of the world's population or 1 billion people are affected by disability.^[6] A disability may be readily visible, or invisible in nature.



Be nice to seniors and people with disabilities. Build the infrastructure so it included them .

Anna Ruggles

From: Al Stu [REDACTED] >
Sent: Monday, September 12, 2022 2:19 PM
To: City Councilors
Subject: McMenamins Noise Pollution; Public Comment for City Council Meeting 9/12/2022

Public Comment for City Council Meeting 9/12/2022

McMenamins Noise Pollution

The concerts held at McMenamins subject Forest Grove residents to inappropriate and disturbing low frequency and infrasound noise pollution within their homes.

"Low-frequency noise (LFN) may have serious health effects like vertigo, disturbed sleep, stress, hypertension, and heart rhythm disorders" [1]. I have personally experienced health related effects from this and am confident other fellow residents, including children, have as well. It would be naive to think they have not.

The city's dBA based noise ordinance is not effective and not appropriate for low frequencies and infrasound because the dBA curve rolls off sharply below 1 kilohertz.

"Therefore, for assessing low-frequency noise, other standards than dBA are required. The dBC-standard might be considered for this purpose, or the more recent dBG standard. The dBG weighting is an ISO-standard [2] and is especially designed for assessing low-frequency sounds" [1].

What actions will the city take to protect residents from low frequency and infrasound pollution? I request, and am confident that many of my fellow residents would concur, that the city enact an ordinance that is effective for low frequency and infrasound pollution? Especially in regard to music venues.

Al Stu

References

[1]

Low-frequency noise: a biophysical phenomenon

M. Oud (medical physicist / consultant)

https://docs.wind-watch.org/Oud_NAG2012.pdf

[2]

ISO 7196:1995

Acoustics — Frequency-weighting characteristic for infrasound measurements

http://www.iso.org/iso/catalogue_detail.htm?csnumber=13813

Statement for the Forest Grove September 12, 2022 council meeting

beth Mathiesen

17 Ave

OR 97116

September 12, 2022

Re: B street homeless camp

I attended the community meetings regarding homelessness and the B street camp last May. I went to the city website to read the minutes of meetings around the B street camp. And I can see that the community comments have been documented and that good progress has been made by cleaning the camp and moving it.

I also see that the original 8-10 campers has increased to 10-20. And I understand there is some pressure to expand the numbers even more. I am adamantly opposed to a larger camp on B street. I am opposed to more than 10 camps. There are several reasons. One is the fire hazard. I was worried about the recent windy and dry conditions because of the fire hazard. Yes, there has been some fire mitigation work done but that does not eliminate the threat because there are dry fields all around that go up the hill to a lot of trees and my property and also across to the trees along the creek bank. The photos of the old camp showing the large burnt area suggests there already has been a fire that had gotten out of hand. And with the cooler nights it isn't unreasonable to assume that they will have fires again. And it isn't unreasonable to assume that if they feel a need they will then find their fuel where they found it before - in the woods by the creek which affects that protected natural area.

Secondly, the camps need to be closely monitored in order to address many of the concerns the community has expressed such as thefts, trash, and fire hazards. Larger camps are more difficult to monitor and control and lend themselves to more violations. And lastly, I believe the campers themselves feel less safe in a larger camp where there are more people coming and going that they don't know.

When we had the citizens meetings we were given a view of this camp as being very small and temporary. Temporary because the city had not yet had the opportunity to look for a replacement. Temporary was meant as until the end of the year, for example. They hoped to find another place by then.

I feel as if the promise of a small camp has been ignored with the increase to 10-20 camps as posted in the minutes. And now I am concerned that the promise of a temporary camp is also being ignored. I read that there are plans to install sanitary facilities. I sincerely hope this meant port-a-potties and washing stations and not permanent bathrooms and showers. But there is no indication in the minutes of what this refers to. I want to know that this is a temporary camp and that temporary means that it is being replaced soon as it was represented during those community interactions. And I want to see what measures are being taken to find the replacement camp and when the camp on B street will be moved to the new location.

Forest Grove citizens made a lot of comments, questions, and concerns during the community meetings. The council admirably reached out to build trust with the community by engaging us in this very important issue that affects us. The council does not normally do a very good job in communicating and engaging with the community in their decision making process. It has been my experience to go to meetings and provide input. Decisions are then made without any reference to the input given. I raised this as a concern this time around too. So this is an opportunity for the city to build trust. I was encouraged to see the documentation of our comments. However, I have seen nothing in the minutes of any of the meetings that shows

that the committee or council has discussed any of our input. In fact, it seems that we have again been ignored. Why has the committee not discussed these? Why have we not gotten any answers to our questions and concerns? We don't want a permanent camp there. We don't want a large camp there. Where does it say in any of your minutes that you are stating that this is a small temporary camp as it was presented to us?

Community involvement is important and you found that a lot of people were willing to take the time to provide input respectfully. We need to see that our input is being taken seriously and this wasn't just a PR stunt so the city can say they involved the community. Unless our input is shown to have been respectfully used to devise and implement a plan then there has been no community involvement.