



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, December 17, 2013

**Sherwood City Hall
22560 SW Pine Street
Sherwood, Oregon**

6:30 pm City Council Executive Session
(per ORS 192.660 (2)(f), Exempt Public Records)

7:00 pm City Council Regular Meeting

URA Board of Directors Meeting
(following the regular City Council meeting)



Home of the Tualatin River National Wildlife Refuge

6:30 PM EXECUTIVE SESSION

1. ORS 192.660(2)(f), Exempt Public Records

REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. CONSENT

- A. Approval of November 5, 2013 City Council Meeting Minutes
- B. Approval of November 19, 2013 City Council Meeting Minutes
- C. Approval of December 3, 2013 City Council Meeting Minutes
- D. Resolution 2013-063 Canvassing returns of the November 5, 2013 Washington County General Election, proclaiming results and directing the City Recorder to enter the election results into the record
- E. Resolution 2013-064 Authorizing the City Manager to execute a contract with AKS Engineering and Forestry for the design of the Columbia Street Regional Stormwater Facility

5. PRESENTATIONS

- A. Eagle Scout Recognition
- B. Recognition of TVFR Captain Dan Atkisson
- C. Code of Conduct (Joseph Gall, City Manager)

6. NEW BUSINESS

- A. Resolution 2013-065 Extending the Portland General Electric Company Franchise Agreement through June 30, 2014 (Joseph Gall, City Manager)

7. CITIZEN COMMENTS

8. COUNCIL ANNOUNCEMENTS

9. CITY MANAGER AND DEPARTMENT REPORTS

10. ADJOURN TO URA BOARD OF DIRECTORS MEETING

How to Find Out What's on the Council Schedule:

City Council meeting materials and agenda are posted to the City web page at www.sherwoodoregon.gov, by the Friday prior to a Council meeting. Council agendas are also posted at the Sherwood Library/City Hall, the YMCA, the Senior Center, and the City's bulletin board at Albertson's. Council meeting materials are available to the public at the Library.

To Schedule a Presentation before Council:

City Council Agenda
December 17, 2013
Page 1 of 2

AGENDA

**SHERWOOD CITY COUNCIL
December 17, 2013**

6:30 pm Executive Session

7:00 pm City Council Regular Meeting

**URA Board of Directors Meeting
(following the City Council meeting)**

**Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140**

If you would like to appear before Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder Sylvia Murphy by calling 503-625-4246 or by e-mail to: murphys@sherwoodoregon.gov



SHERWOOD CITY COUNCIL MINUTES
22560 SW Pine St., Sherwood, Or
November 5, 2013

EXECUTIVE SESSION

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 5:05 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Dave Grant, Robyn Folsom, Bill Butterfield and Krisanna Clark. Councilor Matt Langer was absent.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manger Joseph Gall, Assistant City Manager Tom Pessemier, Community Development Director Julia Hajduk, Police Captain Ty Hanlon, City Recorder Sylvia Murphy and City Attorney Pam Beery.
4. **TOPICS:**
 - A. Legal Counsel pursuant to ORS 192.660 (2)(h) and 192.660 (2)(f) Exempt Public Records.
5. **ADJOURN:**

Mayor Middleton adjourned the executive session at 5:25 pm and convened to a work session.

WORK SESSION

1. **CALL TO ORDER:** Mayor Bill Middleton called the meeting to order at 5:26 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Bill Butterfield, Dave Grant, Krisanna Clark and Robyn Folsom. Councilor Matt Langer was absent.
3. **STAFF AND LEGAL COUNSEL PRESENT:** Joseph Gall City Manager, Tom Pessemier Assistant City Manager, Craig Sheldon Public Works Director, Julie Blums Finance Director, Julia Hajduk Community Development Director, Kristen Switzer Community Services Director, Ty Hanlon Police Captain, Colleen Resch Administrative Assistant and Sylvia Murphy City Recorder. City Attorney Pam Beery.
4. **TOPICS DISCUSSED:**
 - A. **City Council Rules:** City Attorney Pam Beery facilitated the discussion of reviewing City Council Rules and explained the purpose of the review is to allow the Council to discuss concerns with the rules

and concerns with each other and to discuss how things should be in terms of the City government. She stated review of the rules has typically been done in January and this was not done this year. A copy of the rules was provided to the Council (see record, Exhibit A). She stated she has noted a few things as has staff in terms of agenda setting and things on how to make the system move smoothly. Ms. Beery referred to a document previously provided to elected officials (not provided at the meeting), *New Councilor Orientation Regarding Personal Conduct* and it being more detailed than the Council Rules, she said this document was from 2012 and said not all the Council members may have seen it. Staff explained that prior City Manager Jim Patterson provided the materials when he did new Councilor orientations and not everyone went through the orientations. Council President Henderson stated it was never adopted by the Council.

Ms. Beery asked if there were headings in the rules the Council wanted to discuss and said she would like to address a few areas. Discussion was held that the previous review of the rules ended on page 6 and Ms. Beery asked to go back and re-review some areas. She stated rules are adopted as dictated by the City Charter and the rules are those of the Council. She addressed the Council Meeting section and referred to things that other cities have done and mentioned Emergency Meetings, she said the Council has this authority under state law to hold emergency meetings and the rules don't have to refer to them but the Council can have the reference if they choose. She gave the example of a Council member going out of town and notifying staff so they know how to reach the elected official. She said she is not aware of a problem with this in Sherwood and it is helpful for the Council and staff to know a Council member is not attending a meeting and it's helpful for staff to be able to reach the elected in case of an emergency. Comments were received regarding current communications with staff and language in the rules may not be needed.

Ms. Beery referred to page 2 and attendance being expected and said there is nothing about paying attention during Council meetings or actively participating. She stated a lot of rules indicate no texting, no checking of email. She said she advocates for this language as it give the public a bad impression. She referred to the use of a tablet and this being ok and letting the public know. She said another concern is it appears disrespectful to the public and other Council members and said if people are suspicious and they see more than one elected texting they could have the impression the elected officials are texting to each other and not conducting business. She said if the Council feels there's an issue with this, there are language examples they can refer to. Discussion occurred regarding being against the language and needing to communicating with children and family members and leaving the room to do so would be more disruptive to the meeting. City Manager Gall referred to examples of language referring to not communicating via texting regarding meeting business and family communications being allowed. Council comments were received regarding having some simple language referring to this. Mr. Gall offered to review sample language. Council discussion occurred regarding Council members using their phones for business during a meeting to schedule events as information is being provided at the meeting. Further discussion occurred regarding dealing with complaints or comments towards use of phones and the Council conceded to delay moving forward with adding any language for now until it becomes an issue.

Ms. Beery referred to Section D-Agenda and said it's confusing and referred to the language of who sets the agenda and this falling to the Mayor. She stated what she finds difficult is when a Council member wishes to have something on the agenda, it provides for them to make suggestions but it doesn't say anything about how they would actually get something on the agenda if the Mayor did not want to put it on an agenda. She stated this happens and referred to the third sentence and said you can't do this now, you cannot reach consensus on agenda items because you're not in a meeting.

Councilor Henderson referred to the next page, item 3.L, *“if a council member wishes to discuss a major policy issue, it will be scheduled on a future agenda and not raised during a current agenda”*. Ms. Beery referred to the language and asked what a “major issue” is and said she believes the idea of this provision is not to bog down the Council with items that are not scheduled to discuss on that night's agenda when no one is prepared to discuss. Discussion occurred with Council member's ability to suggest future business items under Council Announcements and in the past asking to delay business as Councilor's would be absent from a meeting. Ms. Beery suggested making the language more flexible as it currently doesn't give the Council options. Discussion occurred regarding possible language of, “if a [certain number] of Council members contacted the City Manager requesting business to be scheduled”. Ms. Beery stated this is a usual practice with a minimum of two (2) Councilors. Mr. Gall added he has seen language indicating a timeline of 7 or 10 days in advance to allow the business to be scheduled. Discussion occurred regarding a set agenda and who has the authority to remove something and how that process would occur. Mayor Middleton stated he and Council President Henderson set business due to timelines and how large an issue may be. Discussion occurred regarding scheduling business and Ms. Beery mentioned a topic being political and how it can be brought forward and having rules in place. Discussion occurred regarding Council members being able to pull something from the agenda, their monthly meetings with the City Manager and trying to plan business and then having business pulled from an agenda within days of a meeting and what would be the recourse if the majority wanted to have the discussion. Ms. Beery stated right now, there is nothing and that is why this rule isn't working very well. Discussion occurred with the agenda approval process staying with the Mayor and the City Manager being able to propose business. Discussion occurred regarding requiring a Council majority to add something to the agenda and a majority to pull something from an agenda and this not working. Further discussion occurred regarding having a Council majority to remove something from an agenda. Brief discussion occurred regarding public noticing requirements. Discussion occurred regarding having discussions to remove agenda items in a public meeting setting and voting to make the amendment to remove something at that time and this allowing for public transparency. Discussion occurred regarding past practices of setting the agenda and the City Recorder explained prior practices. Ms. Beery stated she hears the Council having a consensus and adding to the rules language pertaining to removing something from the agenda would require a majority of the Council at a Council meeting. Concerns were expressed regarding some Council members not being aware of the potential amendment and spending time studying the packet materials and then being ambushed at a meeting. Discussion occurred with Council members requesting postponing of business as opposed to removal of business and this being approved by the Mayor with notification being sent to the full Council. Discussion occurred regarding having language provisions of agenda amendments and removal of business items. City Manager Gall and Ms. Beery stated option examples could be provided to the Council for their consideration. Discussion occurred regarding the full Council being aware of proposed amendments. City Manager Gall commented regarding the upcoming Council Agenda being part of his Friday Update Report and him changing his process to include a Council only update that includes this and highlighting changes to keep the Council informed as well as communicating reasons for the changes. The City Recorder commented regarding the weekly meetings with the Mayor and City Manager where the Council Agenda business is discussed and suggested she provide a “upcoming meeting agenda” to the full Council on Monday's after the weekly meeting with the Mayor, Council President and City Manager. Ms. Beery agreed this was a good idea and no objections were received from the Council, comments were received that this process doesn't dictate a change to the rules.

Ms. Beery addressed Section D-Agenda and stated there is an order issue. Comments were received that the Council has made changes to the order of business and suggestions were received to remove

this section from the Council Rules. Discussion followed and Ms. Beery provided reasons she has experienced for the order to be given; when to allow citizen comments or when there is a desire to hold a prayer before the meeting. No objections were received to remove this section of the rules indicating the Order of Business. A suggestion was made to discuss rules and code of conduct for Citizen Comments as well. Comments were received regarding the past practice of not allowing citizen comments on business that was on the agenda unless it was a public hearing and the Council not currently following this practice. Discussion occurred regarding the prior reasons for this and Ms. Beery stated it is in the discretion of the person running the meeting to allow it. She stated the Council needs to provide the Mayor with feedback on how he is doing as he is running the meeting. Discussion occurred regarding receiving comments of informative information and listening to citizen concerns or their support of the agenda business. Discussion occurred regarding verbal attacks to Council, staff and legal counsel and the Council addressing these types of comments. Ms. Beery stated there is typically a rule that doesn't allow attacks on staff. Discussion occurred regarding Council meetings that occurred earlier this year where verbal attacks went long into Council meetings. Ms. Beery explained the option available to Council of removing themselves from the dais with the Mayor and City Manager remaining. Ms. Beery stated this is her suggestion and similarly for staff to be able to leave. Discussion occurred with the Mayor or presiding officer remaining and the need to maintain a quorum. Ms. Beery stated a quorum is not required to continue a meeting but is required to take any action, therefore the Council will not be able to conduct business if they leave. Comments were received regarding helping the public understand the rules and the Council having the authority to set the rules within some limits and being mindful of the constitution. Discussion occurred with the Council not being required to receive citizen comments. Ms. Beery stated the Council should arrive at a consensus of what will be tolerated and understand the legal ramifications of that decision and empower the Mayor to enforce it. Discussion occurred regarding how to support the Mayor and the procedure of calling for a Point of Order and then having the Mayor respond. Comments were received regarding giving the public the perspective of this not being a right or privilege, it's an opportunity and providing the public with this information and following through by removing the opportunity. Ms. Beery stated the legal limitations to this are first amendment rights and it must be equally enforced. Discussion occurred regarding excusing the speaker, repeated warnings, and abuse to the system and enforcing the rules. Ms. Beery stated recent case law involves first amendments and said the rule that is in the 9th Circuit currently is that you are only allowed to stop testimony or eject them from the room if they are being disruptive and said there is a question on the meaning of what is "disruptive to the meeting". She said if the Council members leave the meeting and the Council is not able to conduct business then there is disruption and you have every right not to take that type of abuse. She stated this is an untested theory and the only cases where someone has been lawfully removed are for throwing chairs, brandishing a weapon and really frightening people. She said there are Council rules that City Manager Gall has examples of indicating no abusive or harassing language. She said there are rules to that effect and the Council may choose to have this in there, she stated she would support this and inform the Council of their risks. She said someone could challenge the Council when enforcing this rule but you may also have better compliance by having the rule.

Council discussed the current testimony form and current language of "not impugning the character of someone else, including but not limited to the members of the community, reviewing body, staff and the applicant". It further states, "Person who violates these rules may be asked to stop their comments by any member of the body. Comments beyond the four minute limit may not be included in the record. Persons who impugn the character of anyone will be required to stop immediately and comments will not be included in the record of the meeting and they will forfeit their remaining time". Comments were received that the Council has not been enforcing this. Discussion occurred and Ms. Beery suggested the

Council members call for a Point of Order and let the presiding officer handle it. The Council discussed reducing the language on the testimony form as it's lengthy and the people are not reading it. Comments were received that people are reading it as they have written comments on the forms stating they are not complying and abiding by the rules. City Manager Gall suggested drafting language for the Council's consideration. Comments from the Council were received regarding reviewing the form and condensing it and suggestions of having a Land Use Form and a Public Comment Form. Comments were received regarding if the form is not signed or has things written all over it, the Mayor would not call that person forward to speak. The City Recorder informed Ms. Beery a portion of the language on the testimony form was adopted by resolution. Ms. Beery confirmed they will present options to the Council for better decorum. Comments were received regarding not allowing citizens to give their time to others and having this language on the form, the Council conceded to include language pertaining to this rule.

Ms. Beery recapped the Council discussion: 1) the removal of the Agenda Order language, 2) provide language on how the agenda is set.

She asked if the Council wants City committee's to report during Council work sessions, no objections were received to remove this language.

Ms. Beery addressed page 2, Section E-Council Discussion and Decorum and said this is fairly generic language and she doesn't see any issues with the rules. She highlighted Item C on page 3 and *not speaking on the behalf of the Council unless authorized to do so*. She said this is important and Council members need to be clear when speaking on behalf of themselves or the full Council. It was asked if this is only at Council meetings and Ms. Beery stated this is not only at Council meetings its everywhere. Discussion occurred regarding Council members making decisions while serving as a representative on a regional board and being authorized to make these decisions.

Council discussed Item F and language of "extra-territorial" and what this means. Assistant City Manager Tom Pessemier added the following example of people asking the Council to take action on federal regulations or actions on things outside of our jurisdiction. Comments were received to amend this section of language to state *the Council will focus on City issues*.

Council referred to page 2 Section E.1 and discussed *Council members abiding by all Council decisions whether or not the member voted on the prevailing side*. Discussion occurred and Ms. Beery stated this is a traditional provision and it's important for Council members to accept a Council decision and move on. Comments were received regarding the text of "abiding by" and this indicating one will obey this, but can still badmouth. Comments were received regarding the Council members owing this to each other. Ms. Beery suggested language of "abiding by and not making adverse...about". Discussion occurred regarding language of "impugning the motives" and comments were received regarding disagreeing and the example of running in an election was provided and people voicing things they don't like and now they would be violating the rules. Discussion occurred regarding censure votes and the prior budget process not being respectful to all the Council, elected officials having personal opinions and publicizing them, and some elected officials feeling personally attacked. Reference was made to page 2 of the rules and not attacking people that come to the dais and reference was make to Item K and language of Council members will not criticize or attack each other, City staff or other persons. Comments were received regarding having a different perspective of what this looks like and feels like. Discussion occurred regarding prior events and actions of the Councilors and understanding the effects and realizing not to do that again. Comments were received regarding the effects of comments in the public

and recovering from the comments. Comments were received regarding the Council discussing decorum, respect and honor the fact they are not always going to agree, but owe each other respect in an appropriate environment of decorum. Comments were received regarding accepting a decision, agreeing with a decision, and abiding by a decision are different things. Discussion occurred and an example was provided of voting to place something on a ballot and the elected official as an individual voter does not have the right to voice their opinion that they are against it. Ms. Beery stated the Councilor doesn't give up that right. Discussion occurred regarding elected officials having personal opinions and how best to converse with citizens or communicating with the press. Ms. Beery commented using language of "not disparaging Council members that don't agree with you". She referred to City of Tigard rules, "this does not allow Council members to make belligerent, personal, slanderous, threatening, abusive or disparaging comments with one another". Discussion occurred regarding this language and what is considered "slanderous" and not using this term. Ms. Beery stated she liked disparaging and said the concept is not to be disrespectful of each other to third parties following a decision. Discussion followed regarding the rules applying during an election season and elected officials having opinions and having opinions on upcoming future issues. Discussion occurred regarding the Council Rules applying during meetings as well as outside of meetings. Comments were received regarding prior actions of elected officials during a budget process and Ms. Beery reminded the Council that no one Council member has authority to take any action and it's a majority rule empowered as a body and not as an individual councilor.

Mayor Middleton stated he works for the citizens and not the elected officials, he works with them and will talk with them as citizens, and commented regarding not being able to move on when he thinks something was wrong, he said some issues still may be close to his heart, but he would not come after the other council members, but if citizens ask him, he is going to tell them and give his opinion.

Ms. Beery stated to try and improve the language and try and move forward and thanked Council President Henderson for bringing this topic forward and asked if there was anything else to cover.

Council President Henderson stated it's important how the Council conducts business, it's reflective on the Council as a professional body, an elected body. She said the bar should not be set lower in how we conduct business in public. She commented regarding people being confused and uninformed and gave an example of comments she has received from the public. She commented on why it is important to tell constituents why an elected voted in the certain manner and leaving it at that. Discussion occurred regarding revisiting decisions of elected officials.

Ms. Beery addressed Public Comment on pages 3 and 4 of the rules and comments were received to strike language of people having to provide name and address and having speakers indicate if they are a resident or not. Discussion occurred regarding the need or importance of indicating resident or nonresident. Comments were received regarding the elected officials not knowing if public comments are followed up on and Ms. Beery offered this as a suggestion; for the Mayor or City Manager for either of them to close the loop on the testimony and provide a reply that staff will look into the issue and bring back information to the Council, or the City Manager can reply that staff will get back to the citizen and follow up with the Council. Discussion occurred regarding not engaging in a conversation and putting staff in a position of answering questions at a meeting. Councilor Clark provided an example of a prior meeting with lots of questions and this filibustering the meeting and the Council needing to conduct the meeting and have staff respond rather than stopping the meeting. She suggested the City Manager can determine whether to address the questions. City Manager Gall commented regarding responding there at the meeting and other times the response may require research.

Ms. Beery stated there is an absence of language of decorum for the public and the Council discussing updating the sign in sheet. Discussion occurred regarding the rule language being in the Council Rules as well as on the form. Ms. Beery stated she would provide some language examples. Ms. Beery stated the Council spoke of elected officials feeling the need to leave a meeting and they having consensus on being able to do this. Discussion occurred regarding the elected officials calling for a point of order and the Mayor excusing individuals if needed and staff being authorized to leave. Ms. Beery spoke of the general impression the public has of Council meetings and how they are facilitated and conduct at those meetings. General discussion occurred with the public having concerns and issues and bringing those issues before the Council.

Ms. Beery addressed Section F-Motions and commented regarding the Council needing to get a second on a motion and the Mayor concluding the vote with a "motion passes" or "motion fails" and the Mayor asking if there is an opposing vote.

Ms. Beery addressed page 5, Item F-8 Reconsiderations and said this was a previous limit set by the Council and said the Council has never used it. Ms. Beery suggested removing this language, stated it's very limiting to Council members and it has never been used, no objections from the Council members were received.

Ms. Beery addressed Section G-Council Member Conduct and provided examples of elected officials testifying at the State legislature, not having support of the Council and speaking at other meetings such as Metro meetings. She stated the current language is sufficient. She addressed page 6 enforcing of rules, censure, violations and processes for handling. She stated the language is barebones and would like to see more process protection for the person who's being accused and would like to see more opportunity to be heard. She offered to provide language to the Council, Council conceded.

Ms. Beery addressed Section H-Confidentiality and stated the language is typical and she is not aware of Council members disclosing issues addressed in executive sessions and she doesn't have any concerns in this area.

Ms. Beery addressed Section I-Communications with Staff, and stated there is confusion from what she has seen in emails, confusing on how communications should be handled, how communication should get shared and with whom, and what the City Manager is supposed to do with communications from Councilor's. She stated currently the rule requires the City Manager to send all written materials requested by a Councilor to the entire Council, it does not state he has to forward all emails to the entire Council. Ms. Beery gave an example of a communication resulting from a request for a document and the City Manager responding to the requester as well as the entire Council, she stated this process is clear. What is unclear is what should be broadcasted. Councilor Folsom commented regarding appreciating the communication from the City Manager to the entire Council. Councilor Grant commented regarding accepting and knowing that emails will be shared and this being part of the Council process and part of the public record. He commented regarding the City Manager being required to send everything to everyone all the time might be too much. Comments were received regarding sharing emails with the entire Council with the opportunity to gather different perspectives. Councilor Clark stated she did not want her emails forwarded and will call the City Manager to avoid having her emails forwarded. She stated she doesn't like her emails being forwarded unless she is being told. Councilor Clark provided an example of a communication to the City Manager and the need to not share it with the full Council depending on the subject matter. Discussion followed regarding the

City Manager communicating with the elected official before an email is forward to eliminate the element of surprise. Councilor Clark stated if she wanted to share written communications with other elected officials, she would do so. Ms. Beery stated this is what is required currently to provide written informational materials. She asked if the Council wants the language to indicate, "it's in the managers discretion in all cases", or leave the rule and add that the manager may provide communications in his discretion. Councilor Grant replied he liked it this way. Discussion occurred regarding communications being public records and may be requested. Mayor Middleton commented that the City Manager should not be selective in his communications. Councilor Clark commented her issue was the result of the communication with multiple Councilors' responding and breaking state law and she was the person that started the discussion and now being part of it. Discussion occurred and Councilor Folsom stated she believes the City Manager should have the discretion depending on the content. Ms. Beery stated she will provide language that allows for discretion. Discussion occurred with the result of a communication from Councilor Clark being shared and the decision of the City Manager to share the communication and having a possible illegal meeting when a quorum of the Council is participating in the communication. Councilor Butterfield commented regarding the elephant in the room is people being worried about having a hidden agenda and other people not finding out about the agenda and secretly not sharing the information with the rest of the Council. Ms. Beery stated she will bring back language for the Council to consider to the extent that was covered.

Mayor Middleton reminded the Council of the timeline and need to conclude the work session. Council President Henderson noted the Council did not get passed page 6 of the rules.

5. ADJOURN

Mayor Middleton adjourned the work session at 6:55 pm and convened to the regular Council session.

CITY COUNCIL MEETING

- 1. CALL TO ORDER:** Mayor Middleton called the meeting to order at 7:03 pm.
- 2. PLEDGE OF ALLEGIANCE:**
- 3. COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Bill Butterfield, Dave Grant, Krisanna Clark and Robyn Folsom. Councilor Matt Langer was absent.
- 4. STAFF AND LEGAL COUNSEL PRESENT:** Joseph Gall City Manager, Tom Pessemier Assistant City Manager, Craig Sheldon Public Works Director, Julie Blums Finance Director, Julia Hajduk Community Development Director, Kristen Switzer Community Services Director, Ty Hanlon Police Captain, Michelle Miller Senior Planner, Colleen Resch Administrative Assistant and Sylvia Murphy City Recorder. City Attorney Pam Beery.

Mayor Middleton took a moment to acknowledge the loss of an officer from Oregon City and asked Captain Hanlon to say a few words and noted that they are all in our thoughts.

Police Captain Ty Hanlon stated Officer Robert Lybke was involved in an incident with the Oregon City Police Department where he served as a Reserve Officer. Captain Hanlon stated Officer Lybke was a Reserve Officer for years and he was shot Sunday afternoon and passed away yesterday at Emanuel

Hospital as a result of the injury. He stated Officer Lybke was married and his wife is currently in the hospital and is 5 month pregnant with their first child. He stated the memorial has not been set and we should have more information tomorrow. He stated that Sherwood has reached out to the Oregon City Police Department to offer assistance.

Mayor Middleton said it just shows how much our officers are willing to do to keep us safe. Council President Henderson clarified that he was responding to a house fire. Captain Hanlon stated the initial call was a house fire and during that response they learned there was an armed subject involved as well.

Prior to Mayor Middleton addressing the Consent Agenda City Attorney Pam Beery stated there is an item on the Consent Agenda that materials have not been previously distributed pertaining to the City Manager's evaluation. She asked the Council for permission to distribute the document (see record, Exhibit C). She said if the Council approves them this evening they will become part of the public record.

Mayor Middleton gave permission to distribute the document. Ms. Beery stated for the record, the document has been previously reviewed by the Council in Executive Session as authorized by law and the action taken this evening is the final step in the City Managers evaluation process for this year.

Council President Henderson asked now that you have entered this material into the record it will become part of the record and part of the City Manager's personnel file. Ms. Beery replied yes.

With no other comments from the Council, the following motion was received to adopt the Consent Agenda.

5. CONSENT AGENDA:

- A. Approval of October 15, 2013 Council Meeting Minutes**
- B. Resolution 2013-056 Appointing Ashley Korn to the Library Advisory Board**
- C. Resolution 2013-057 Appointing James A. Forsyth Jr. to the Parks and Recreation Board**
- D. Adoption of Memo, City Manager Annual Performance Evaluation**

MOTION: FROM COUNCIL PRESIDENT HENDERSON TO ADOPT THE CONSENT AGENDA, SECONDED BY COUNCILOR CLARK, MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR, (COUNCILOR MATT LANGER WAS ABSENT).

Mayor Middleton addressed the next agenda item.

6. PRESENTATIONS:

A. Eagle Scout Recognition

Mayor Middleton called forward Leo Urmini to be recognized for receiving his Eagle Scout Award. Leo explained his project consisted of building 7 benches for the 14 Stations at the Cross at St. Frances Catholic Church. He explained he made the benches so people can sit and reflect as they go through the Stations of the Cross. Mayor Middleton acknowledged the importance of this project and all Eagle Scout projects and presented Leo with a Certificate of Achievement.

Mayor Middleton addressed the next agenda item.

B. Recognition of Rotary Club of Sherwood

Mayor Middleton thanked the 2014 Rotary Club and noted they are celebrating their 20th anniversary. He referred to the thousands of dollars that they raise through their annual tree sale, where funds go back into the community in the form of scholarships. He commented on the contributions that Rotary has made over the past 20 years and noted that Rotary does local projects and project throughout the world. He stated that the Rotary of Sherwood has been looking for a significant project in the community and they have been saving up for the past 20 years and they were honored to support the City through granting of funds for the Murdock Park refurbishment and have offered to help with demolition and construction. Mayor Middleton thanked them and said it is nice to have these groups in the community to help fund some of these projects. He recognized the following Service Committee Members; President Kim Nelson, President Elect Doug Mueller, Renee Brouse and said that Renee wrote the grant and helped push it through. He also recognized Jason Kirkpatrick, Emily Smith, Mark Federspiel, Heather Brookhouse, Krissi Kizzair, Chuck Britton, Ben Bole, Wendy Wells, Gary Rychlick, Marilyn Yordy, Keith Mays, and Liz Patch. He asked the members to come forward and presented the Rotary Club of Sherwood a Certificate of Appreciation.

Mayor Middleton addressed the next agenda item.

7. NEW BUSINESS

A. Resolution 2013-058 Authorizing an Intergovernmental Agreements (IGA) with the Oregon Department of Transportation (ODOT) to assist in the allocation of Federal grant funds to plan, design and construct the Cedar Creek Trail

Senior Planner Michelle Miller came forward and presented a presentation (see record, Exhibit D) and stated the purpose of the presentation was to describe the Cedar Creek Trail project overall and the general timeline, review planning and engineering parts, as well as go over the intergovernmental agreements in the resolution and discuss the next steps for the project. She referred to the timeline and history of the Cedar Creek Trail, the work of the community and past Councils and approvals and the funds that have gone into planning the trail to get where we are. She said she had information as far back as 1992 receiving a small grant for the development of the trail. She stated there were bond measures in 1998 as well as 1994 indicating approval of a Cedar Creek greenway which is the idea of having a central trail or pathway through the center of the City and connecting to Hwy. 99W. She commented in 2005 the City Council approved funds for the Tonquin Trail Feasibility Study that was wrapped into the Master Plan providing the multiuse regional trail that connects Wilsonville, Sherwood and Tualatin. She noted in 2009 Park SDC's were used to conduct the Cedar Creek Trail Feasibility Study which provided an analysis of whether the trail was feasible in this environmentally sensitive area and also to get feedback. She said once that was completed the Council approved Resolution 2010-018 authorizing staff to seek funding for the trail. She noted in 2012 we were awarded the Regional Flexible Fund Grant for the Cedar Creek Trail for FY 2013-2015 which was a \$5.1 million dollar grant.

She referred to the exhibit and a map from 1998 showing the Cedar Creek Project Study Area and highlight the Cedar Creek Trail that starts at Roy Rogers Road to the north and extends through the Cedar Creek greenway corridor at Hwy 99W and said we will have a crossing at SW Meinecke and Hwy 99W intersection and then head back up to the Cedar Creek corridor southward and a connection with

the existing Stella Olson Park boardwalk and then into the Old Town area where it wind its way down using the existing street grid for Old Town and heading out to Oregon Street and the roundabout. She said from there it will connect with the proposed Tonquin Trail points toward Wilsonville and Tualatin providing the regional connection. She said we have a pretty good idea where the alignment will be south of 99W and that was not quite as determined on the north side of Hwy 99W, so we split up the project into two separate projects for the purposes of this grant award. She stated we will have a preliminary engineering phase for Project 1, which is south of Hwy 99W and a planning for the alignment north of Hwy 99W, which is called Project 2.

Michelle gave a brief timeline for the projects and stated Project 1 will begin the construction engineering and permitting phase which will take approximately 15 months, while Project 2 will begin work on finalizing the alignment planning to get to 30% construction design and that process will take about 9 months, and will go back and wrap into Project 1 and we will end up with construction occurring in about 15 months after the initial project which will take approximately 9 months to complete the construction and then finalize the project at the end of 2015.

She stated there are a lot of issues that still need to be resolved such as what type of surface material will be used, design elements of the trail, safety and security measures and if the trail will be lit. She said all of those decisions and the decision making structure was set up with the Parks Board to be advising the Council. She said in March we formed a local trail advisory committee with interested people to help with the alignment design as well as neighbors that live along the corridor especially on the Project 2 section to help finalize that alignment. She said they will help inform the project as it gets moving to the Parks Board. She said we will also have a technical advisory committee along with City staff and a project team to come up with the best resolution for what the community is interested in and will also involve a public involvement component.

She stated before the Council tonight is the Intergovernmental Agreements with ODOT and Washington County. She noted ODOT is acting as the agent for the federal grant and they will be administering the funds to the local agency which is the City of Sherwood and the Washington County IGA is necessary because there are parts of the trail that will cross Washington County roads, such as Roy Rogers and Edy Road. She said in the first resolution the Council will authorize the City Manager to enter into an IGA with ODOT and to manage the project and agree with the grant and agree that the City will provide the local match of 10.27% of the overall grant. She referred to Exhibit 1 and said it is the IGA for Project 1 and Exhibit 2 is the IGA for Project 2. She said the second resolution and exhibit is the IGA with Washington County.

Michelle stated the next steps could be to review the IGA's and authorize signatures. She said parallel to that is an RFP process to select our consultant to the project and work with the consultant to negotiate a firmer work order contract and parallel to that ODOT will be requesting the release of funds from the Federal Government and we will be holding our kick off meetings in the upcoming months once the contract is finalized and the design and planning work begins. Michelle offered to answer Council questions.

Councilor Butterfield stated as the liaison to the Parks and Recreation Board the board unanimously supports the project 100% and said it's been one of the top projects in the Parks Plan over the last few years.

Councilor Folsom said she was the Parks Board liaison before Councilor Butterfield and appreciated the data. She referred to the 2009 allocation of funds for the feasibility study, at the time system development charges were low and believes this depleted them, but they knew this was a priority because in 2006 when we had done the Parks Master Plan, she believes that walking trails were the number one priority from the statistically valid survey that the company we hired did.

Michelle said this is correct and over 80% of the people supported the trails and the number 1 priority was for greenways and park trails.

Councilor Folsom affirmed that we spent \$180,000 plus on the feasibility study. Michelle state is was \$191,000 of Parks SDC's.

Councilor Folsom said the project has been going on for 21 years if we look back to 1992. Michelle confirmed.

Councilor Folsom said it takes a long time and said she is excited and that was the first month of her tenure when they started this project. She asked if this is Federal money that is funding the grant. Michelle responded that it is Federal Highway Transportation dollars.

Councilor Folsom referred to connectivity also being high on the priority list and asked if that is why it was a funded project as well.

Michelle said it received a lot of attention because it was serving that necessary multimodal connection for connectivity that we were short on when it came to crossing at Hwy 99w and connecting the community through a trail system. She said recognizing that the community was supportive of a trail system, we put our dollars behind that with a feasibility study and that is one of the reasons it received so much support for receiving flexible funds.

Council Folsom commented that this has gone through an extensive process where the public has been participating and voicing their support for this project. Michelle said in preparing her presentation she saw the Tonquin Trail Master Plan received over 1000 comments region wide about the trail and participated in that process.

Councilor Folsom noted that one of the advantages that we can highlight in this situation is that the Urban Wildlife Refuge, which is only one of ten in the Nation, will be connected to Old Town by 2.1 miles of trails. Michelle commented this is correct and theoretically at Roy Rogers there is the west parking access to the refuge so using the Roy Rogers as an access point as you come into the City, people can come down the Cedar Creek greenway into Old Town from the Refuge.

Councilor Folsom commented that is could be considered an economic revitalization tool for our urban redevelopment area as well. Michelle responded that is correct. Councilor Folsom referred to the maintenance of the trail and asked if the maintenance of most of the trail, takes about 5 years before the initial maintenance fees kick in and asked if we have looked at how those are going to be funded over time,

Michelle said they have done some preliminary work with the feasibility study and estimated the cost there. She said annual maintenance fees run about \$4,000 per mile of trail created and that will part of the planning process as we move forward. What type of material will we need to account for in the

maintenance and it will be part of the planning efforts so people can weigh those costs and establish the best solution for the community. She said as far as a maintenance plan and who will be doing that, she trusts the efforts of the community in pulling together as we have a civic minded community and perhaps there are creative ways we can follow to create a maintenance plan that will work for the community over time.

Councilor Folsom asked if we do have maintenance costs associated with this, the system development charge that comes into the Parks Board coffers won't necessarily be able to maintain this so we will need to find another source. Michelle responded that is correct and it is her understanding that Park SDC's can only be used for new acquisitions of park land and maintenance would not fall into this realm.

Councilor Folsom asked how do we maintain some of our other facilities. Michelle stated that we use Public Works and she asked Public Works Director Craig Sheldon to comment.

Councilor Folsom noted that she is trying to answer the questions that she has heard in the community.

Craig replied that our trail maintenance is behind schedule if you look at the new plan that was given to the Budget Committee because we have had cuts in our trail maintenance. He referred to the estimate as stated by Michelle of \$4,000 per mile and said it is pretty close and could be up to \$5,000 at the highest per mile. Councilor Folsom asked if this starts day one. He said it is pretty close to the 5 year and said it is broken out over a 30 year life cycle and it's in the refurbishment, facility asset plan that was given to the Budget Committee a few weeks back. He said it talks about when to do slurry sealing and crack sealing, slurry seal trails and maintenance and repairs.

Councilor Folsom clarified that the initial maintenance does not begin until 5 years after the trail has been built. Craig clarified if you are talking surface stuff, if talking about trash and vegetation that starts immediately.

Councilor Folsom noted that was what Michelle was referring to a civic minded community, and referred to the Boy Scout troops. Councilor Folsom thanked staff and stated she supports this project and referred to the time she spent as the Parks Board liaison and what a high priority this is for our community.

Councilor Grant said he was concerned about maintenance along with the style of the trail and said we all have a challenge with overall park maintenance in the coming years and we know the number is something like \$250,000 a year and this is part of the challenge, but a worthwhile challenge for an asset that the public will value. He commented on the \$5 plus million dollar grant and said that the maintenance costs will come after the Urban Renewal District closes which will change the finances of the City. He said there are a lot of dynamics in place but it is a worthwhile challenge as it's a great project. He stated he is in support of the project.

Councilor Clark said that Councilor Folsom touched on a lot of the topics she was going to address. She said she is excited about the project and we are a walking community and we use our trail tremendously that we have and to be able to join Old Town to the Refuge will be a huge asset to our community and an economic development piece. She noted her biggest concern is maintenance and is glad that it is at the top of the list and we don't forgot about that to ensure that the Councils that follow us are not hit with this five years down the line. She said she is excited about the forward thinking and said she appreciates it and is in support of the project.

Council President Henderson clarified that this is part of a regional trail system. Michelle said that is correct.

Councilor Henderson confirmed we have a representative from Parks Board serving on the Tonquin Trail Advisory Committee. Michelle responded yes, Brian Stecher and said she has worked with Brian on the Master Plan project which started in 2008 or 2009 and said she wasn't sure when he was originally appointed to the Parks Board, but is still on the Parks Board.

Councilor Henderson noted the \$5 million that we have been allocated comes from a federal grant and asked if it is this unique and have we had a federal grant project before and is there increased oversight or scope that will factor in. She also made reference the comment that we are a civic minded community and asked how people could get involved in a project like this given the steps we are in right now.

Michelle stated part of the structure that we set up in March for having a local trail advisory committee help with that, and as we move forward and when we identify things that might need responses from the community as we build our maintenance plan for example, and we can proceed with outreach efforts. She gave various examples.

Julia Hajduk Community Development Director said she is not aware of a project other than the Sherwood Boulevard repaving project was federally funded and having the federal funds makes it a little more complex with more oversight. She asked Assistant City Manager Tom Pessemier if he knew of other projects.

Tom commented that this project was the only one in recent history, the repaving of Sherwood Boulevard which was funded through the American Recovery Act. He said essentially the money go from Federal Highways to ODOT so we have to follow ODOT contracting rules and process and there is a lot of oversight and we have to pay Davis Bacon wages among other things. He said there is certainly more process.

Michelle said that when we participated in the Ice Age Tonquin Trail master planning process that was a federal grant that we were part of and we provided some matching funds dollars but did not run that grant.

Mayor Middleton asked if it was funded from Hwy. 99 to the Wildlife Refuge. Michelle stated to the extent of our City boundaries to Roy Rogers and would include the Roy Roger crossing.

Mayor Middleton asked if it was all funded through the grant. He asked if the project will be completed with this money when we are done.

Michelle said the grant award is for the design and construction specifically allocated for Project 1 construction and Project 2 construction has not been determined yet and we won't know whether it is merely a planning phase for the project at this time but it has enough cushion so if the design gets done and there are other funds available we can move that and decide at that time what portions to construct, if any.

Mayor Middleton clarified that for now it is not funded from Hwy. 99 to the Wildlife Refuge. Michelle said that is correct.

Mayor Middleton noted that of all the money \$4,338,528 is for the trail and \$1,358,564 is for planning and engineering and that is almost ¼ of the project because of the guidelines from the federal government, Metro and all the other agencies and it seems like a huge chunk of money to sit and plan this out. He asked if we can make changes to the trail, such as from the circle up to Old Town is a 12 foot cement path going down there that already has sidewalks on one side but this would be a trail but almost more like a road.

Michelle said that some of the design decisions are possible to alter and at this point we know it is going on Oregon Street but the way the trail will connect with the Tonquin trail it is important for the connection and that is part of what the grant award was to allocate for.

Mayor Middleton said that the County has just started the planning but they have no money set aside for their section.

Michelle said she is not aware of what the County is planning at this phase but is aware they are working on their regional transportation plan and said she knows that Metro is working on acquisition along Tonquin Road for some parts of the trail. She said there are pieces in Wilsonville that are connected at this time as part of the Ice Age Tonquin Trail.

Mayor Middleton asked if it is too late to want to do the section from Old Town to the Wildlife Refuge and not do the other section, like not do the Oregon Street first and look for funding for it later. Michelle said it is too late for that.

Mayor Middleton said there is a lot of unanswered questions, especially the whole section that is not going to be built, but will be planned and plans are great and we have a lot of them. He said he wants the public to know that this is not free and referred to the County transportation study where the public said they want roads without realizing and accepting the cost. He said he wants the public to be aware that this will impact the City tremendously financially down the road. He said he would like this to go to the public for a vote and doesn't believe others would like to do that. He said the public needs to know that when we plan and build this they are going to pay for it down the road. He referred to his homeowner fees that pay for the maintenance of the trails in his area. He stated this is not a freebee and down the road we will have all these trails that we are going to have to take care of. He commented there is 18,000 people here and we are going to have to take care of this. He said he loves the public help, and he noted they will help to some extent. He referenced the trash in Stella Olsen Park that is not picked up by the public. He noted this is a huge community project and everyone needs to know what the future brings cost wise and said it is a great plan, but he does not like Metro's requirements on some of it. He suggested that we could do a substandard trail in some part, like the Wildlife Refuge where it is gravel, and that is what he would like to see because it brings you back to nature, not a 12 foot highway. He said he has been involved in Mazamas for years and they are always looking at the rural end and building their own trails and maintaining them, but not to the tune of over \$10 million, which is what it will cost when we do the other section. He referred to paying 10% and referred to street SDCs and URA funds and stated this project is going to be very expensive and he would like to see the public get a full list of what it is going to cost us and he suggested putting it on the ballot.

Councilor Henderson asked how do we know what the cost of the trail is if we haven't finished the design of the trail.

Mayor Middleton said that we need to know before. He commented you can do a maintenance plan and said Public Works Director Craig Sheldon can give us that and then you can look at the cost of what it will cost to cross Hwy. 99 to the Wildlife Refuge whether you go under or over. He asked what the cost was to go under Hwy. 99 and recalled it was \$11 million.

Council President Henderson said it was prohibitive.

Mayor Middleton said he wants everyone to know if you want this don't be surprised when we have to come back asking for money and cut other areas in the budget. He commented he does not like surprises and this is a great project and he loves the money involved but he wants all the answers before we start on it.

Councilor Henderson clarified before we start construction. Mayor Middleton replied before we start even planning which is going to cost 25% of the whole project.

Councilor Henderson asked whether the grant includes the design. Michelle confirmed it did.

Mayor Middleton stated once you start the design and accept the federal money, and if it turns out unfeasible you have to pay the \$1 million back because you have not complete the project according to the RFP.

Michelle replied per certain phases. She said we will have a first phase which is the design phase of Project 1 and when we get to the point where it is a go or a no go and then it allocates the construction money for phase 2 if we decide to go.

Mayor Middleton noted we still have to pay for the planning and engineering even if we don't put one bit of concrete down for the trail. He said once you start you have to pay the fees back to the federal government up to what you have spent. Michelle replied, for the phase.

Mayor Middleton stated if we spend 25% for the first phase, which is engineering and planning, and if we run into issues such as hazardous materials, that increase the cost, we still have to pay for that.

Michelle replied this is not her understanding.

Mayor Middleton stated it says once you start the program if you don't complete it you pay the government back the cost. Michelle clarified that means the construction.

Mayor Middleton asked if we go through the planning and engineering the government will just pay you if you find out it is too expensive to complete. Michelle replied, she believes so.

Mayor Middleton said that he does not believe that is true. Michelle offered to confirm and get back to the Council. Julia Hajduk replied she was not prepared for the question.

Councilor Butterfield asked, if the Mayor was finished, he would like to make a motion. The following motion was received.

MOTION: FROM COUNCILOR BUTTERFIELD TO ADOPT RESOLUTION 2013-058, SECONDED BY COUNCILOR FOLSOM, MOTION PASSED 5:1. (COUNCILORS GRANT, HENDERSON, FOLSOM,

**BUTTERFIELD AND CLARK VOTED IN FAVOR, MAYOR MIDDLETON VOTED AGAINST)
COUNCILOR MATT LANGER WAS ABSENT.**

Mayor Middleton addressed the next agenda item.

B. Resolution 2013-059 Authorizing an Intergovernmental Agreement (IGA) with Washington County to secure approval of the mid-block crossings for the Cedar Creek Trail

Michelle Miller stated the Washington County IGA is to approve that we submit to them the work on the midblock crossings and they approve that the trail will go across Edy Road and Roy Rogers and that we can design and work together to come up with a good solution.

With no Council comments heard, the following motion was received.

MOTION: FROM COUNCILOR BUTTERFIELD TO ADOPT RESOLUTION 2013-059, SECONDED BY COUNCILOR FOLSOM, MOTION PASSED 5:1. (COUNCILORS GRANT, HENDERSON, FOLSOM, BUTTERFIELD AND CLARK VOTED IN FAVOR, MAYOR MIDDLETON VOTED AGAINST). COUNCILOR MATT LANGER WAS ABSENT.

Mayor Middleton addressed the next agenda item.

8. CITIZEN COMMENT

Mara Broadhurst, 28440 SW Ladd Hill Road, came forward and thanked those who voted yes on the annexation. She said elections stress and test the character of the City and you had to be brave to stand up and be counted. She questioned whether the Founding Fathers could have withstood Facebook. She referred to organized social media animosity and said it can be daunting and relentlessly promoting misinformation and bragging about the power to ruin just because you can and then joking about it is just mean but it is America, or is it. She said hopefully not the new face of Sherwood. She stated we have to keep faith and give legitimate consideration of the issues and not bully scare tactic. She said we are all proud of the town next door and it is a great place for kids and commented on the #16 and #5 small town in America designation. She said getting builders to invest in Sherwood or getting people to move here did not used to be so easy. She referred to the Tannery smell behind Hopkins on a hot afternoon. She referred to the nude strip club on 99W and the Blue Mountain dog food plant and said builders spent a lot of money working with a positive minded community to create great family neighborhoods and the City protected the wetland environment and planned for the sustainability of our Sherwood vision, which always included Brookman Road. She said now what, draw a line, build a wall and everyone else keep out. She commented on the proud sense of bully control power that permeates Sherwood politics and should remember the watch your back or do whatever it takes to win regardless of the truth or consequences is not the right democratic lesson for the kids. She said local businesses fear economic boycotts and struggle under the no growth policy and asked if we want to be the #1 most negative town that shuns new business, new jobs, new houses, new people, and says no to everything. She stated Sherwood did not used to be that weird and could only be so big. She said the annexation land was needed when brought into the urban growth boundary 11 years ago, the line was drawn and the land was rezoned and restricted to FD20, future development. She stated after public involvement, school scrutiny and City study the Brookman concept plan further zoned and limited the land. She said for wanting to proceed with the plans they are referred to as being greedy speculator and asked who has been fooling whom. She commented on vindictive agendas, irresponsible recklessness, and said

when democracy speaks it should be about keeping the American dream alive for everyone and should include the Brookman Road annexation property owners and their rights. She noted the Brookman area includes 20 acres of pristine Cedar Creek wetlands and said what an opportunity for Sherwood citizens to add this gem to the park trails for all to enjoy. She stated the worst election experience was getting cussed out when putting up “yes” signs and commented on the intimidation. She noted the Sherwood Gazette and social media reported high density zoning fueling the frenzy that this land was zoned for apartments and this is not true and frustrating. She said reminiscing with old time businesses about the good old days about progress and prosperity made sense was the best. She said she hopes Sherwood is allowed to blossom and commented on principles that need to be at the heart of any election; be kind you are in God’s country, share, promote positive values, don’t discriminate, teach tolerance and recall bullies and set goals and see them through, welcome citizens, families, property owners, businesses, City officials, home owners, home builders and weirdo’s, we all love this town let freedom reign.

Nancy Taylor came forward and stated that she received her property tax bill and she looked at where the money was going and is not sure that this Council voted on everything that she paid for but said it is a lot of money. She said that in the future when citizen want to come forward with comments and they don’t agree with you she does not think that means that we don’t agree with a personality. She commented that she tends to disagree with people in their ideas, not personalities. She commented on the Council talking in the backroom and this disturbs her as you all want to be seen as one body and said they are not, they are all individuals with different personality types and agendas. She said when you are voting think about all of the citizens in Sherwood and said that they do not want to pay those bills. She commented that certain things on her tax bill disturbed her knowing that a large chunk was going towards Urban Renewal and that made her upset. She stated that Council made decisions that we all have to live with and she doesn’t appreciate it.

Susan Claus, 22211 SW Pacific Hwy., came forward and stated that Jim was out of town, otherwise he would be here and said this is a document from him for the Council regarding the property at 22065 SW Pacific Hwy. the graveling and the changing of the property without permits. She asked Council to read the document and said it has been going on for 18 months and is in the planning with a hearings officer now. She noted it is important to see how it got there, how long it took to get there and why it is where it is. She said they are requesting Council oversight on that. She commented about the Cedar Creek Trail that just passed and said when that was talked about, just in the conversation tonight, it has changed again. She said part of the administrative money that says it is going to planning and engineering the clarification that she wants and to ensure it runs to the ODOT documents, we have a policy in town and maybe Julie Blums can tell us, we are also taking and administrative override that goes into our general fund and said there was \$1.2 million in the last budget that was anticipating this \$5.2 million grant. She said if we are also having a separate administrative charge on that money that makes it more expensive and less for us to get improvements built on there. She commented on the City Manager evaluation and said we still don’t have the system set up and completed and said she does not where we are in that process and citizens have not had a time that the Council lets them approach the Council and talk about the City Manager evaluation. She said there is a partial criterion that was just made public and she could not get it earlier. She said the process is valuable to have staff input and Council input and extremely valuable to have citizen input when you are talking about the City Manager who is in charge of all the employees and interactions the community has with employees and it seems appropriate and we have done it in the past. She referred to the Cedar Creek Trail and said the other clarification that she had and said this is the first time she has heard we now have the north side of Hwy. 99 unfunded. She said there is piece of property they gave to the City with the stipulation that the trail would not go to the south of that property, next to their property, but the trail would extend to the north of that property and she

wants to make sure because we are using federal money and because that was part of the deal at the beginning that it still flows through and the trail goes to the north of that property.

Mayor Middleton said that staff will get back to her on that.

Eugene Stewart came forward and thanked the City of getting the ducts cleaned at the Senior Center and said hopefully we will set a schedule and not let that happen again. He said the City needs to get a better handle on what annual maintenance costs will be before we start spending money on new projects. He commented on the traffic on Hwy. 99W and said he doesn't see with what Washington County is spending that it will help anything. He said all you have to do is look at the other ends of our highways. He commented on the bottle neck at Tualatin Sherwood Road and referred to 99W towards Bull Mountain Road being a bottleneck. He commented regarding Trimet busses pulling over and the rear of the buses being in the middle of traffic allowing one lane of traffic to pass. He said we need to start looking to these things and start thinking about traffic for autos. He commented about getting more carpooling. He commented regarding getting 6000 people out of town on busses and finding money for the extra 400 buses and asked how routes will be create where cars travel that busses can't. He said we are in a rural community and it is time Metro looked at it and understood that we are different and we are not downtown Portland. He said hopefully we are not putting any businesses out of business, as roads become congested you can't meet your goal of 40% business in the Sherwood area. He said we need to take a better look at the other ends of our roads so we understand. He commented regarding the City of Portland and taking Barbur Boulevard down to 2 lanes and its congestion coming into and affecting Sherwood, commented regarding doing what Metro tells us to do without looking into things.

Patricia Claus Sherwood resident came forward and read a document provided by her parents. She read as a City Council, for the sake of the citizens, I believe it is time to confront some of the structural flaws in city operations. Council has been seated long enough to know that some problems have become chronic. Senior staff in our town are very well paid with excellent benefits and are by and large non-citizens of the town. We pay them well. I believe it is not too much to ask that our city become legally, not politically based in its application of the local and state rules and regulations. We have supposedly paid Beery, Elsner and Hammond attorneys to watch our codes, give us advice as supposed "municipal law" experts and provide an employee handbook to move our town away from cronyism, favored citizen status, and other unprofessional behaviors. Hopefully we have not also paid for a "get out of jail free" card to the former mayor's political backers. I believe the recent and current activities of the senior staff are serious enough breeches of the employee handbook that these senior staffers should be terminated. As a town, we need to clean house with professional civil servants concerned with the process, not control of land use regulation for political manipulations. If our senior staff cannot abide by our codes and our employee handbook, we need to replace them. Controlling of individual life and property without due process and equal treatment is a step out of democracy towards dictatorship and more. The case I bring to City Council is one that the Councilors are already familiar with, the illegal graveling of about 3/4 of an acre grassy areas located at 22065 SW Pacific Highway in Sherwood. I do not believe this is an isolated incident, however, will just focus on the events surrounding the illegal actions by a political backer of the former Mayor. Let me briefly analyze in my opinion and belief what happened here that if not stopped now, can lead to a lawsuit. In October 2011, Mr. Doyel bought taxation land #2100 located at 22065 SW Pacific Highway specifically to utilize to provide additional parking for the dental offices in the Cedar Brook Professional Building next door. Mr. Doyel worked with two licensed businesses in Sherwood and the State of Oregon to excavate large amounts of dirt from a one-half acre on the property which has only one acre developable and put in large amounts of gravel and then began to park his vehicles on the property, the fill dirt could have been used

inexpensively to help fill the Cedar Brook Way right of way. At least five dentists and their staffs operating out of the Cedar Brook Professional Building began parking their vehicles on the illegally excavated and graveled areas. The city continued to allow the dentists leasing from the Doyels property to use this illegally excavated and graveled grassy area. The city also allowed Mr. Plat, who alleges that he is not operating a construction office out of this site, to use another converted grassy area to store heavy construction equipment. This is a property that has no history of that use. Nancy and Al Williams used this house as a residence. She also had a small hair salon that she operated in a room attached to the garage area. They sold their highway access to ODOT. The Sherwood Transportation System Plan requires that this property's legal access is to enter off of Cedar Brook Way.

Josie Claus came forward as a Sherwood resident continued reading: Initially Tom Pessemier as interim city manager and then Joe Gall as city manager and Tom Pessemier as assistant city manager refused to have the City contract attorney pursue legal sanctions with the enforcement penalties associated with the illegal activity. They allowed the illegal parking and the illegal use to continue. Why no investigation? Activities are occurring here that if my wife and I did this we would be taken to court, fined and have anything else done to us the City can think of to do. This illegal activity would still be occurring except that the State Police were going to be brought in to enforce the codes or take action against the local officials who refused to enforce the code. The city manager according to Chapter 15.28.030 has the duty and responsibility to investigate complaints and conduct inspections to enforce the codes. Under the penalties section of this code it states: A. unless specifically limited elsewhere in the Sherwood Municipal Code, the city manager is authorized to seek a civil penalty from any violator in an amount of up to one thousand dollars for each violation of any of the provisions of the Sherwood Municipal Code. B. When determining the amount of the civil penalty, the city manager if appealed, shall consider at a minimum, the following factors and set out the notice or determination those believed to apply to the situation: 1. Prior violations and whether those violations were remedied in a timely manner; 2. The magnitude of the violation; 3. Whether the violation was repeated or continuous; and 4. Whether the violation was intentional or otherwise. The city manager and his senior staff are violating the employees manual. This must also be stopped. The latest changes made to our employee handbook were in June of 2012 after the current city manager was hired. Under Section 3.4.3 Notice, Mr. Gall has not notified the employee(s) that they could be fined for allowing the illegal use of parking and they could be fired. There this no way Beery Elsner and Hammond and Mr. Gall do not have access to the staff report on the Doyel application. Yet he has not done anything. Ask yourself: Why would Gall not be stopping this illegal activity rather than aiding and abetting the application in continuing his illegal activities for 18 months. Look at Section 3.7.2 and Section 3.7.3 you may have an answer that gives reason to dismiss Gall. In part it reads: No city employees may actively work for, or against, or attempt to influence the election or defeat any of the candidates for Mayor or Council, or the election to defeat of any other political candidate or ballot measure. Look at 3.8.2 Prohibited Activities. Clearly allowing someone to proceed to excavate 3/4 of an acre of land, change drainage, etc. is giving a financial advantage to someone who was a political supporter of the ex-Mayor. If it stopped there it would be fine, but it appears to be even more of a cover up. If you read Section 3.18.1 it is clear that neither Gall or the City contracted attorney has reprimanded as required, Bob Galati, Tom Pessemier, and/or Julia Hajduk or Jeff Groth for failing to stop what they themselves label as an illegal use. If you then look at Section 3.18.3 Termination of Employment, Gall has violated all of the following: 1 careless, inaccurate, unreliable or otherwise unsatisfactory work performance or productivity. 2 interfering with or impeding other city employees work.

Naomi Belov Sherwood resident came forward and continued reading the document provided by Josie Claus. 2. Interfering with or impeding other city employees work. Bill Collins should have started

enforcement against Mr. Doyel. The city contract attorneys have aided and abetted the city manager. 3, there is a breach of trust. These are Gall's employees and he has failed to force them to act consistently and violated his fundamental trust responsibilities to the citizens. Number 4 has violated any conduct that is illegal under, federal state law. The state building code has been violated, the local engineering code and zoning code have been violated and clearly they are ignoring major differences in Doyel's conduct vs. code provisions. Also under this section of the Handbook, Gall additionally has violated, Section 3.18.3 Major Infractions, bringing discredit to yourself or the City, dishonesty of any type conduct in the course of employment that could result in legal action against the city, failure or refusal to cooperate in an investigation or interfering with an internal investigation. Ms. Belov thanked Ray Pitz and Fenit from the Gazette and the Oregonian for the articles that helped reflect the care and love that people have of Sherwood and she is happy that people have taken the time to comment on Facebook and put signs in their yards to save the small farms south of town and have voted against the annexation. She said this a great place and started out as a small town and we need to keep it that way, there is only so much this ecosystem can handle between Parrot Mountain and the Tualatin River and you can only fit so many people in this space. She stated if we want to expand the City limits at some time she is glad it will always be brought to a vote and people will have a say. She referred to the recent awards recognizing the City and said we want to keep Sherwood a great place.

Mayor Middleton addressed the next agenda item.

9. COUNCIL ANNOUNCEMENTS

Councilor Dave Grant commented regarding the comments made by Nancy Taylor and seeing a line item on our taxes indicating Urban Renewal and said urban renewal is very confusing to a lot of people and asked staff if the Urban Renewal District had not been created would that mean that line item would not be there and our property taxes would be less on that line item.

Assistant City Manager Tom Pessemier replied no and said the reality is nobody's tax is changed because of urban renewal, there is a tax increment freeze that happens when the urban renewal's district is formed, they look at the amount of the increment of tax, it goes over inside of the urban renewal area and then the County in the way they divide the County up, divides it up over everybody's taxes over the City. He said, nobody's taxes go up, no taxes in the urban renewal area go up, nor taxes in other areas of the City go up, it remains the same. That increment gets redistributed to other places and this is why it shows up on the taxes.

Councilor Grant clarified that it is just a line item on our tax bill for reasons of their accounting and our tax bill would be the same either way. Tom said that is correct.

Councilor Bill Butterfield thanked staff for all the hard work they are doing and will be doing and said he know that everyone that voted for him supports staff. He said he wants staff to know they are supported, loved and encouraged them to keep up the good work. Councilor Grant echoed the support comment.

Councilor Robyn Folsom thanked the Sherwood School District for our great partnership that we had to provide 80 children the opportunity to participate in Beauty and the Beast Jr. which was held over two weekends and they had over 1600 people attend which was a record of attendees. She said they hit their licensing restriction and did not have to turn people away. She noted those who attended Saturday night stayed and put away their chairs and the cleared the gym in about 90 minutes. She thanked

Heather Cordie, Marianne Funderhide and Jeanette Godfrey and said they are fabulous to work with and she appreciates them greatly.

Mayor Middleton commented regarding a recent article in the newspaper and his work with citizen volunteers on a dog park, he said he has spoken with staff and they are on board with it, but they have not finalized anything. He said the response he has received is great and should not cost the citizens anything. He stated we are starting another partnership with the School District and asked the City Manager to briefly explain and said it's very important how closely we work with the School District.

Councilor Krisanna Clark thanked those that attended the Sherwood Bowman Auction and said Councilor Butterfield was also there and it was a great event and it helps to provide scholarships for students to further their college education.

Mayor Middleton addressed the next agenda item.

10. CITY MANAGER REPORT

City Manager Gall reported on growth issue and facility planning in the City and informed the Council that City staff, including himself, Julia Hajduk and Tom Pessemier met with the Sherwood School District senior staff to start a discussion and try to help them with their planning. He said their last facility plan was in 2008 and said we are very happy as we have expertise and knowledge that maybe wasn't done in the past that will help them plan facilities in the short term and long term. He said eventually that presentation will be made to the Council and to the School Board and we have discussed a joint work session. He said Superintendent Cordie has indicated that the Ridges schools continue to feel pressure as there are more students at those campuses than they expected and there are subdivisions being built around those schools and Archer Glen is under capacity.

Mr. Gall reminded everyone of the Veteran's Day ceremony at the Sherwood High School that begins at 11:00 am. He stated Mayor Middleton is the keynote speaker and Representative John Davis will be speaking. He stated Rose's Restaurant was partnering with the City to host refreshments.

Mayor Middleton thanked Kristen Switzer for distributing the document that recognized our City staff members that are veterans.

Mayor Middleton adjourned to a URA Board of Directors Meeting at 8:25 pm.

Submitted by:

Sylvia Murphy, MMC, City Recorder

Bill Middleton, Mayor



SHERWOOD CITY COUNCIL MINUTES
22560 SW Pine St., Sherwood, Or
November 19, 2013

CITY COUNCIL MEETING

1. **CALL TO ORDER:** Mayor Bill Middleton called the meeting to order at 7:04 pm.
2. **PLEDGE OF ALLEGIANCE:**
3. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Dave Grant, Matt Langer, and Krisanna Clark. Councilor Bill Butterfield arrived at 7:08 pm. Councilor Robyn Folsom was absent.
4. **STAFF AND LEGAL COUNSEL PRESENT:** Joseph Gall City Manager, Tom Pessemier Assistant City Manager, Jeff Groth Police Chief, Ty Hanlon Police Captain, Craig Sheldon Public Works Director, Julie Blums Finance Director, Kristen Switzer Community Services Director, Bob Galati City Engineer, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy. City Attorney Chad Jacobs.

Mayor Middleton addressed the Consent Agenda and asked for a motion.

5. **CONSENT AGENDA:**
 - A. **Resolution 2013-060 Authorizing the City Manager to sign a successor Intergovernmental Agreement between the City of Sherwood and the Sherwood School District for the purposes of the School Resource Officer**
 - B. **Resolution 2013-061 Appointing members to the Charter Review Committee**

MOTION: FROM COUNCILOR CLARK TO ADOPT THE CONSENT AGENDA, SECONDED BY COUNCIL PRESIDENT HENDERSON, MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR, COUNCILOR ROBYN FOLSOM WAS ABSENT.

Mayor Middleton addressed the next agenda item.

6. **PRESENTATIONS:**
 - A. **Recognition of Julian Thornton**

Mayor Middleton recognized Julian Thornton and provided him with a Certificate of Appreciation for his service to the Sherwood Community, his contribution of countless volunteer hours and support to the Robin

Hood Festival Association over the past 30 years. He commented on all the roles Julian has played and said it is an honor to recognize him for everything he has done for the City.

B. Human Rights Proclamation

Mayor Middleton read the Human Rights Proclamation and stated the General Assembly of the United Nations approved the Universal Declaration of Human Rights on December 10, 1948, declaring the “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family for justice and peace throughout the world. Whereas the United States to the principles and ideas of universal declaration of essential for its promise to ensure equal justice for all. He said the basic human rights addressed in the universal declaration include economic, social, and cultural rights, as well as civil and political rights, all considered to be equally important in fostering human dignity and freedom and the Universal Declaration calls for all people and governments to promote and respect recognized rights, while providing standards of achievement for governments throughout the world. He said each year the national community commemorates this event and recommits itself to a broader achievement of human rights. Numerous communities, civic and religious and nonprofit organizations such as the Human Rights Council of Washington County and all other organization and individuals work to ensure equal rights and protections for all residents. He said the government of the City of Sherwood and the Human Rights Council of Washington County share the commitment of civil and human rights for all. Mayor Middleton resolved that December 8–14, 2013 to be Human Rights Week, and December 10, 2013 as Human Rights Day.

Mayor Middleton addressed the next agenda item.

C. Metro Presentation

Metro Councilor Craig Dirksen representing District 3, which comprises Sherwood as well as central Beaverton down through Wilsonville, provided the Council with a general update and a presentation on Metro projects (see record, Exhibit A). He said updates will be given on transportation planning and projects, land use planning updates, community investment initiative, climate smart communities program, natural areas program, Willamette Falls Legacy Project, and happenings at Metro venues.

He said in the area of Transportation Planning there was an agreement on the Southwest Corridor Plan and the shared investment strategy. He stated he is on the steering committee with Mayor Middleton and the committee approved the plan in July and all the jurisdictions and Metro have approved it and that moves it into the next phase which is to focus on the transit elements and do the refinement study on high capacity transit in the corridor. He said recently Metro approved \$68 million in Regional Flexible Funds, allocation to be distributed throughout the region. He said they have been working on the draft Active Transportation Plan and that is moving forward for refinement and they are looking at folding that into the RTP (regional transportation plan) which the update is due next year.

Mr. Dirksen commented on Land Use Planning and stated the urban growth management process is underway and said Metro is required to review the urban growth management process on a regular basis and they are required by the timeline to ramp it up in 2014 and do an analysis of the area as it stands and by the end of 2015 some up with a plan to deal with the anticipated growth that we expect in the next 20 years. He said they also did some grants in the area of community planning and development and said they recently awarded Sherwood a grant for the West Sherwood Concept Plan.

Mr. Dirksen discussed Climate Smart Communities Program which is a mandate from the State legislature and said in 2009 they adopted a resolution to require all urban areas in the state to reduce carbon emissions from cars and small trucks by 20% by 2035 and they tasked the Metro government with doing the plan for the metropolitan area and have a plan in place by the end of 2015. He said that plan is moving forward and they are taking a multi phasing approach and they are required to come up with two different scenarios of ways that it could be achieved. He said they came up with three; What would we achieve if we move forward with current policy; What could we achieve if all the regions governments were able to implement their adopted land use plans and adopted transportation system plans; Assuming these two are not adequate, what other things would we reasonably do to meet the 20% reduction. He said they recently received a report and it's not going to take any extra things to do and said if we in the regional are able to actually implement and achieve our planned and adopted land use plans and transportation system plans we will achieve the 20% reduction with a bit to spare. He said this doesn't mean that this is automatically going to be the plan, we anticipate that the adopted plan, which we will resolve over the next year, in cooperation with all stakeholders, including Sherwood, we will come up with the regionally approved plan which we assume will have pieces from all three different scenarios. He said we know there already needs to be some changes to the plan, and gave this example and said the adopted plan includes the Lake Oswego street car which as fairly sure is not going to happen within the timeframe and it also does not include the Southwest Corridor Plan, as it was not yet an adopted plan. He said some changes will have to be made to come up with the approved plan.

Mr. Dirksen referred to Community Investment Initiative which is a group of business community and public sector leaders that have come together to talk about the needs in the regions infrastructure and setting priorities from the private sector point of view in anticipation of which things should be done first and to identify funding. He said they have created and developed a strategic plan this last summer and they are recommending that we create the Regional Infrastructure Enterprise which would be a council made up of members of the private sector and non-voting members from Metro and the Port of Portland because that is where the public funds would come from. He said this is all still in discussion and the process is moving forward and believes this has a potential of creating the kind of partnership between local government and local business community that can really put some strength and power behind the need for infrastructure improvements and how to accomplish those.

Mr. Dirksen stated Metro has a Natural Areas Program and said they had two bond measures to raise money to purchase parks and open space land and last year they passed a 5-year levy that would give us operating funds to do improvements and restorations for natural areas across the region. He said a lot of the areas they have purchased do not have public access and many are environmentally degraded with invasive species. He stated the five year levy with \$10 million a year if they get what they expect from it, will provide money to work on those areas and provide public access, parking, trails and do clean up and environmental improvements. He stated that some of the money will be set aside for conservation education and restoration for local providers as well and said they are seeking application from local park providers and other groups that would qualify for those grants and encouraged Sherwood to look into that.

Mr. Dirksen discussed the Willamette Falls Legacy Project and said although located in Oregon City, it has regional ramifications. He said the Willamette Falls is a regional asset that has not been very well utilized for the last 100 years and said unless you worked in the paper mills or were a steelhead fisherman you did not have an opportunity to see the falls. He said it is the second largest falls in North America by volume, exceeded by Niagara Falls. He said if this can be turned into an area that we have access for public viewing and open space and redevelop the area around the paper mills, we can turn it into a vibrant commercial and residential mixed use area that can be used by the public. He said the City of Oregon City

is taking the lead on this will help from Clackamas County and Metro intends to be a minor partner in this as well as we can use pen Space Bond Measure money to purchase open space and ensure we have public access into the area. He encouraged people to check out the website www.rediscoverthefalls.com. He said there are consultants involved that are looking at different concept plans and a meeting was recently held with Councilor Collette (spelling) and she said the proposals coming from the consultants are very exciting and people are very enthused.

Mr. Dirksen referred to Metro Venues and commented regarding discussions of the Oregon Convention Center Hotel moving forward and the idea of a 600 room hotel adjacent to the Convention Center and said at present the Convention Center cannot hold large conventions because there are inadequate hotel rooms close enough to be considered an anchor hotel.

He said currently the Convention Center generates \$110-130 million in direct business benefit to the region from conventions and aside from the income that Metro gets from using the facility. He said they anticipates larger conventions the center could get with this type of a hotel, allow that figure to increase to \$500-600 million a year and create new jobs for construction and to operate the hotel. He mentioned the Oregon Zoo has won two national awards this year and one last year and said that is unusual to win awards from the International Zoo and Aquarium Association two years in a row. He said they have a zoo bond to raise money to do construction at the zoo and are working on the elephant exhibit by increasing the outdoor space from 1 ¼ acre to 6 acres and provide more open habitat and choices for elephants to roam and enhance the viewing opportunities. He said they have three new lion cubs and said they are doing well.

Mr. Dirksen offered to answer questions and encouraged the Council and community members to do an opt-in program on line at Oregonmetro.gov.

Council President Linda Henderson asked who is running the website www.rediscoverthefalls.com. Mr. Dirksen replied he believes it's the City of Oregon City. She asked if the intent of that project is to try to redevelop the land on the east and west side of the falls. Mr. Dirksen said primarily on the east side. He said he is aware the City of West Linn has plans for the area on the west side as well and this is a separate process and project. He said what we are talking about for this legacy project is the side of Blue Heron paper mill on the Oregon City side. Councilor Henderson shared an experience of an opportunity she had to view the falls close up.

Mr. Dirksen commented regarding Portland being a tourist attraction and said they believe the falls could create more tourism.

With no other questions, Mayor Middleton thanked Mr. Dirksen and addressed the next agenda item.

7. PUBLIC HEARING

A. Resolution 2013-062 Adjusting Solid Waste Collection Rates

Mr. Gall introduced Chris Bell from Bell and Associates and said if this is adopted it would adjust the solid waste rates as of January 1, 2014, and said the current rates are from 2009. He stated Council had a work session in October to explain this information and Chris Bell was there and explained why the rate adjustment is necessary per our code.

Chris Bell came forward and referred to the work session to review the rate request and reports submitted by Pride Disposal. He provided a brief background and said that he is a CPA and works with jurisdictions to review garbage costs and rates and operations. He stated annually Pride Disposal submits reports to the City of Sherwood, City of Tigard, Washington County and other jurisdictions it operates in. He said in this case the report submitted to the City of Sherwood was reviewed and Mr. Gall contracted him to review the results of the cost report. He stated in reviewing the report they determined there is a need for a rate increase and 2009 was the last adjustment and said a lot has changed since then, specifically the disposal costs which have increased 15.8%. He said the dynamics of the recycling market have decreased this year as in the past and will be soft in the future. He noted the equipment needs to be replaced and the one thing that has offset the cost is the increase in growth. He said upon looking at the rates and operations currently being provided they determined a need for a rate increase of 4.7% for residential and a small increase associated with commercial collection as well as drop box collection. He offered to answer Council questions.

With no questions received, Mayor Middleton opened the public hearing.

Jim Claus, 22211 SW Pacific Hwy, approached the Council and said the garbage leaves Sherwood and goes to Arlington where there is a large landfill and he commented about Arlington's attempts to try to cut costs. He stated that is a case of trying to change and expand and said that we are not. He stated this is a franchise and he dislikes franchises because they are monopolies and any time you have a monopoly there is someone padding their pockets and even in NY unions had to give up the garbage collection because of too much scratching of political backs. He stated that we have never put this out to bid to find a system that lowers the rates. He commented on Newberg and their collection center and asked why we can't have a collection center. He asked why do you give somebody the right to collect this and then collect these exorbitant fees. He said nobody is concerned about holding down costs and referred to the water rates. He said we have Bull Run and then you have the same situation with garbage. He suggested getting somebody to bid on it and letting the citizens who want to transfer like they do in Newberg and stop the collection. He stated we keep talking about doing these things but it will never happen. He referred to a huge budget and a staff of 105 people and said we have PERS and property taxes and it is all sent to Salem and nobody looks at ways to stay within the budget. He asked if you are going to hand someone a monopoly why don't you try to find something innovational. He stated we are a village and suggested looking at that before the citizens react.

Naomi Belov came forward with comments not related to the Public Hearing. Mayor Middleton informed her this was a public hearing regarding Resolution 2013-062 and to please come forward during Citizen Comments.

Eugene Stewart, commercial resident in Sherwood approached the Council and stated he also has an office in Portland and compared the garbage rates in Portland and noted that we pay about \$70 every two months and it is about \$22 every two months in Sherwood, but said the container may be smaller. He stated they also get a number of surcharges for fuel and other things. He said from the commercial side if they can do it for that amount it is worth it.

With no further public comments, Mayor Middleton closed the public hearing.

With no other Council questions or comments, the following motion was received.

MOTION: FROM COUNCIL PRESIDENT HENDERSON TO ADOPT RESOLUTION 2013-062, SECONDED BY COUNCILOR CLARK, MOTION PASSED 5:1. (COUNCILORS HENDERSON, GRANT, BUTTERFIELD, LANGER AND CLARK VOTED IN FAVOR, MAYOR MIDDLETON VOTED AGAINST) COUNCILOR FOLSOM WAS ABSENT.

Mayor Middleton addressed the next agenda item.

B. Ordinance 2013-008 Amending the Municipal code to add Chapter 9.54 Regulating Camping in Areas Open to the Public

Mayor Middleton reminded everyone that the Public Hearing was held and was previously closed on this ordinance and this would be an opportunity for Council comments.

With no questions or comments from the Council, the following motion was received.

MOTION: FROM COUNCIL PRESIDENT HENDERSON TO READ CAPTION AND ADOPT ORDINANCE 2013-008 TO AMEND THE MUNICIPAL CODE TO ADD CHAPTER 9.54 REGULATING CAMPING IN AREAS OPEN TO THE PUBLIC, SECONDED BY COUNCILOR BUTTERFIELD, MOTION PASSED 6:0. (ALL PRESENT MEMBERS VOTED IN FAVOR, COUNCILOR FOLSOM WAS ABSENT).

Mayor Middleton recognized Councilor Grant who left the meeting due to another commitment and addressed the next agenda item.

8. CITIZEN COMMENT

Mara Broadhurst, 28440 SW Ladd Hill Road, approach the Council and said she owns about 4 acres of general commercial land next to the Elks Club on 99W and said her topic is Cedar Brook Way. She stated the 4 acres was part of 10 acres, the remainder which was zoned residential. She said they brought Renaissance homes to Sherwood to build on the top part and assumed the burden of the commercial land and have been paying high property taxes ever since. She said this was 13 years ago when they began to participate in the Cedar Brook Way and ODOT bought the one access on 99W that they could not use and still have another access easement. She referred to bringing Centex to Sherwood who paid towards improving the 99W intersection and donated the wetlands like all developers do. She said their property is bare land while others with existing homes and grandfathered businesses have the advantage of being income producing during this transportation dilemma. She stated the traffic circle on Elwert is needed now and could be possible with progress and referred to the effects of no growth on transportation plans and referred to the companies that have looked at commercial property in Sherwood for years and said even though her property is zoned general commercial and could have a big box store, the property is too steep and level land is the most desirable. She commented that the Langer family has meticulously cared for their century plus old farm and have been a benevolent force in Sherwood. She welcomes the City's extensive study, presentations, and public meetings and commented on Cedar Brook Way being designated a collector and eligible for SDCs credits which will be great for everyone. She stated the surprise was it now bisects their land and connects to Elwert which means more land for roadway and divided their land into two parcels but said progress must be made. She commented on Doyle's parking lot and said it is development that spurs Cedar Brook Way and consistent ODOT and City policy for 99W improvements is needed and if no one else has to do them than neither should they. She referred to justice and process which ensures that Sherwood does not belong to any man and recalling Councilors will not solve decades of old problems. She referred to people being chased off over the years. She said

Sherwood is a place people want to live and should focus on keeping our character as we grow and continue to have high standards but not forget the rights to pursue happiness.

Selma Broadhurst, 21786 SW Sherwood Blvd., approached the Council and said as the current Citizen of the Year she felt it was her duty to come and speak. She stated she is tired of the bickering and the resolutions before us can be resolve in a more amicable way. She referred to her academic and professional experience with helping organizations not oust, not recall, not fire, not remove, but try to solve the problems from within. She encouraged people not to listen to hearsay and not to take someone's word about what should or should not transpire in this City but research and find out the facts. She commented about being asked for a signature and she asks why and the reasons she hears are not valid. She said she wants to bring the dignity back to Sherwood.

Mayor Middleton asked the citizens not use names in their comments, and refrain from name calling and to keep comments generic.

Nancy Taylor Sherwood resident came forward. She stated the last time she came before the Council she talked about her taxes and said she did research and read her tax statement, UR Sherwood Department of Transportation. She said it does not say county wide or state wide, but Sherwood so she is not taking the answer she got last time as 100%. She said the increase that it caused is not a happy increase for her and she has to pay more every month on her mortgage to keep the reserve there for the bank. She resents that it is there and said she believes it is there because certain developers did not and will not contribute to this and they expect us to pay. She commented on the rights in America to say what we want as we have the 1st, 2nd and 3rd Amendments and a Bill of Rights and through this we can do things that other countries don't allow. She mentioned a website called Salon which captures a lot of good news and they reported that certain big box stores will have a NLRB complaint filed against them soon. She said this means that the federal government feels that a certain big box store violates the law on a nationwide basis.

Naomi Belov, Sherwood resident, came forward and said she emailed Councilor Folsom to ask her if she was trying to get rid of Mayor Middleton and said Councilor Folsom would not return her emails. Ms. Belov stated she saw Councilor Folsom at the Veteran's Day event and asked if she received her emails and stated Councilor Folsom said she had not and when asked if she would meet with Naomi, she responded the best place to talk to her was at City Council. She asked Councilor Folsom, who was not present, if this was true. Ms. Belov said she has a number of questions she wants answers too. She said she received an unsolicited email from Dave Grant which said he has a business related to food processing and she asked if he has any connections or contracts with the new Langer development. She referred to a URA binder and a missing page in the public record with the date they voted to have \$500,000 go towards the Century Drive Extension and asked that the record be found. She asked if Councilor's Langer and Grant voted yes for that. She asked Julie Blums how many employees the City has and what is the average salary of each one and said the budget should have this information and asked what the average PERS is for each employee per year. She asked how much each employees receives in other benefits such as take home vehicles, mobile phones, gas allowance and said this is something that should be accessible to the residents. She said we need to know how you're making money past the \$12 million you receive from the state from our property taxes. She said her assumption is you are coming up with new development projects and bringing in money that way and whether that is what you're relying on to cover your expenses. She asked if Councilor Grant emails her, he does so from the City email account and not from his personal email account. She commented regarding not wanting emails unless she knows them and are friends with them.

Mayor Middleton asked Julie Blums to follow up and asked when the next budget meeting was. Julie said either December or January.

Jim Claus, 22211 SW Pacific Hwy. approached the Council and thanked Mara Broadhurst for commenting on a subject that needs to be monitored closely, the so called east extension of Cedar Brook Way. He commented about transferring enormous resources and the cost of building and 50% is government fees and regulations and if you take those costs off you have given advantage to that person of giving the land away. He said the advantages you can do with government regulation are obscene. He said there is not land economist he has heard that has said if you move away from due process or equal treatment you can't not influence and drive development. He referred to participating as an expert witness in a number of suits and elaborated on the suits. He told the Council what they better look at is the staff is not bringing some issues to Council that will guarantee litigation. He referred to putting conditions on people without telling them and put restrains against alienation on the land there is a point where that restraint goes from being a Title 42 to a crime because you are conspiring to do it. He referred to selling the apartments 2 ½ years before without a public hearing. He commented regarding Planning Commission Chair Patrick Allen actions and restraining trade and we gave the land away and said the only people that benefited was Mr. Gall's staff who took \$3 million and stole 40% later. He said they are moving toward encouraging bounty hunting and is a straight civil rights violation. He stated Cedar Brook Way will buy a lawsuit because of restrained trade and commented regarding not being able to talk to staff.

Eugene Stewart, came forward and spoke about the Sherwood Senior Center and said he knows the City is in the process of doing an agreement with Meals on Wheels and said he sees as lacking is the City has no goals or policies for the Senior Center. He said we need to set these and find out what the people that are using it and what they want. He commented on not knowing the negotiations with Meals on Wheels and the City and it being limited without much input as to where we are and what can be improved and what has been done better. He said when the Council passes judgment on the agreement what basis do you have to deciding if it is a good agreement or not. He said we need to take the time and find out what the needs are and the Council can set goals and adopt policies and then negotiate the contract. He said as it is going to be presented to you at this point he does not believe the City has any goals or policies they can point to. He encouraged the Council direct staff to move forward and have an open discussion of the needs of the seniors and what is being accomplished and what can be done to help them in the future.

Patti Spreen SW Lavender Place Sherwood came forward and said she is here tonight because she has concerns. She said she is here to show support for Mayor Middleton who the people voted into office. She said he was voted in due to his ability to properly represent his constituents and his accountability to the voters. Ms. Spreen commented regarding accountability for some people being a difficult noun for some to wrap their spoon fed, gold digging minds around. She commented regarding running for a Council seat unopposed and this being satisfying. She said the people are asleep and an alarm was sounded on May 6, 2013, the Sherwood Town Center Walmart alarm. She said a dream killer was coming to town on the backs of a family that had much to do with the founding of this City, the residents have been duped. She asked who do we trust and this being unfortunate. She said this lack of accountability has corroded the public respect for the majority of this council. She said concerning is the continuance of the cronyism style of attitude that has blanketed the Sherwood City paid staff and volunteer council. She reference the term good o'boy and this being an American slang term that has both positive and negative meanings. She said the term can be used for well socialized men and if he is humble and well thought of he can be referred to as a good o'boy. She said it is commonly applied to men with a family or generational wealth or prestige or overall moral and trustworthy behavior. She said Sherwood is dealing with a deep rooted case of cronyism and stated the phrase "Fool me once, shame on you, fool me twice, shame on me" and said Sherwood

residents have been fooled and are here to make sure it doesn't happen again. She stated remember why this entirety has begun, why so many local residents have their hands up in disbelief, sadness and frustration. She said Walmart was given a welcome mat not on behalf of the residents but on behalf of certain council members as well as by City staff. She said this is a shame, balancing a budget both efficiently and humbly seems like a better option. She said now we have to rely on corporate disgraceful crooked money to pay for a woe of soon to be bounced checks signed by the City of Sherwood. She said the citizens are taking a stand and communicating and they did not ask for this and trusted that City staff and Council would have their best interest at hand, not personal gain. She stated we do not wanting Walmart and not finding it acceptable that so much of the zoning and rezoning, as well as the incorporation of the Urban Renewal was completed quite graciously, due to undeniable Councilmen influence. She stated the City of Sherwood residents are watching.

Amanda Stanaway, 2nd and Washington Street, Sherwood, approached the Council and said she has been traveling since September 1, from Sherwood to New York City in an ice cream truck doing a performance and art journey. She said they did 55 concerts in 60 days in 13 states across the US and she commented on her journey and her visiting a Walmart on her trip for pharmaceutical needs. She commented that it was a snapshot of American and some of it was really depressing and some was wonderful. She commented regarding a bad economy with lots of displaced and homeless families. She stated she was in a documentary for energy for a Tesla car company. She commented regarding their performances and getting a view of what is really happening in our communities and said there is a Walmart in almost every town and the towns without a Walmart were exceptional places. She said there is a grassroots movement of people who have an understanding of how economic systems work, also happening alongside that. She announced that they will probably be doing a reception in town in January and invited the Council. She said it is called the Indian Summer Tour. She said it has been a neat and educational process for all of us.

Mayor Middleton addressed the next agenda item.

9. COUNCIL ANNOUNCEMENTS

Councilor Butterfield stated the Sherwood Bowman football team for advancing to the semi-finals and they will be playing on Saturday in Eugene.

Councilor Henderson said she has been asked by staff and on behalf of the Sherwood Band Boosters Club to announce the bands would like to do a concert in Cannery Square on Friday, December 13. She said they plan on doing an outside Christmas concert. She said she has their application and the event is from 6-10 pm including setup and said they have completed a Special Events Permit which accompanies a noise ordinance variance which they have not filled out yet and if we move forward, she would ask Code Enforcement to work with them. She said the Club has requested from staff and staff is not allowed to waive fees, therefore they have requested the City Council waive the fee of \$225, which includes \$150 for the Cannery Square rental and \$75 for a special events permit. She said the event will be free to the public and they will have two booths setup for selling hot chocolate and cookies and selling of band apparel. She said they completed their events permit on October 26th and believes they plan on making this an annual event. She said one of the great benefits of being in the square is it is not wet and muddy, it's well lit and visible and in old town. She said she believes they are bringing their own audio and visual and they will be taking care of their own trash. She asked Council if they would consider waiving the fee as requested and offered to answer questions.

Mayor Middleton said he is in favor of waiving the fee and asked what staff needs from Council.

Mr. Gall stated that the code doesn't allow him or staff to waive a fee like this and the only authority is with the Council and they can choose to waive the fee or reduce it.

Councilor Clark disclosed that her daughter is on the Sherwood Middle School band, but she would support this event regardless because it gives a service to the community, playing for free in celebration of the community and she supports this.

Mayor Middleton stated that he supports waiving the fee and the other Council members agreed.

Mr. Gall asked City Attorney Chad Jacobs for direction. City Attorney Chad Jacobs recommended that the Council take a formal vote.

MOTION: FROM COUNCIL PRESIDENT HENDERSON FOR THE YEAR 2013 WAIVE TO DIRECT WAIVE THE SPECIAL EVENTS AND RENTAL FEE FOR A TWO HOUR CONCERT THAT SHERWOOD BAND BOOSTERS CLUB WOULD LIKE TO HOLD FOR THE FIRST TIME ON DECEMBER 13, 2013 IN CANNERY SQUARE, SECONDED BY COUNCILOR BUTTERFIELD, MOTION PASSED 5:0, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (COUNCILORS FOLSOM AND GRANT WERE ABSENT).

Councilor Clark reminded everyone about the Give & Gobble which is on Thanksgiving Day and is a 5k or 10k. She said 7 years ago Cindy Aggson came to her late husband with this idea and they set it up. She started since that time they have raised over \$110,000 to support our Helping Hands in Sherwood and over 20 tons of food have been collected. She said it supports a Back Pack Program for students who are on the food assistance program at school to be able to bring food home on the weekends. She said it supports our local families and has for many years. She said if you do not like to run or walk they need volunteers and all volunteers get a T-shirt. She said they expect over 2,000 people this year and it starts at the High School and people can register online.

Mayor Middleton thanked the City, City Manager Gall and Kristen Switzer for planning the Veteran's Day Event, thanked everyone that attended and thanked Rose's for catering and donating the food. He said the attendants were very happy to be recognized.

Council President Henderson said that she brought both of her children to the event and commented on those who were recognized. She said she highly recommends people attend and thanked Kristen and Rose's.

Mayor Middleton stated there were 5 World War II veterans there.

Mayor Middleton addressed the next agenda item.

10. CITY MANAGER REPORT

City Manager Gall reminded the Council their next meeting is Dec 3rd and there are no agenda items scheduled as its the annual City Boards and Commissions Appreciation Dinner and Annual Reporting. He said it's a public meeting. He also reminded that City Hall will be closed on November 28-29 for the Thanksgiving holiday.

Mr. Gall recognized Police Chief Jeff Groth who just finished a continuing education program called the Local Government Management Certificate Program. He said certificates are given to those who have completed a minimum of 140 hours of training in 10 core areas that provide knowledge and skills critical for success in local government management. He said the program is designed to enhance leadership and problem solving capabilities of Oregon local government officials. He said educational sessions are offered on legal issues, budgeting, governance, personnel, open meeting law and much more. He noted that Chief Groth has just completed this program and wanted to acknowledge him publically. He said this program was optional for Chief Groth and not required as part of his position. Mr. Gall stated he has other staff members going through this program.

11. ADJOURN

Mayor Middleton adjourned the regular session at 8:18 pm and reconvened to the URA Board of Directors Meeting.

Submitted by:

Sylvia Murphy, MMC, City Recorder

Bill Middleton, Mayor



SHERWOOD CITY COUNCIL MINUTES
22560 SW Pine St., Sherwood, Or
December 3, 2013

CITY COUNCIL WORK SESSION with City Boards & Commissions

1. **CALL TO ORDER:** Appreciation Dinner began at 6pm, no formal call to order was conducted.
2. **CITY COUNCIL MEMBERS, CITY BOARDS & COMMISSION MEMBERS AND STAFF PRESENT:**
See sign in sheet, (not everyone in attendance signed in).
3. **BUSINESS:** No formal business was conducted, copies of the Annual Reports from City Boards and Commissions were available at the meeting for discussion (see record, Exhibit A). A brief verbal report from each City Board and Commission was given.

4. ADJOURN:

There was no formal adjournment to the meeting, dinner concluded at approximately 7:30 pm.

Submitted by:

Sylvia Murphy, MMC, City Recorder

Bill Middleton, Mayor

TO: Sherwood City Council

FROM: Sylvia Murphy, MMC, City Recorder
Through: Joseph Gall, ICMA-CM, City Manager

SUBJECT: RESOLUTION 2013-063 CANVASSING RETURNS OF THE NOVEMBER 5, 2013 WASHINGTON COUNTY GENERAL ELECTION, PROCLAIMING RESULTS AND DIRECTING THE CITY RECORDER TO ENTER THE ELECTION RESULTS INTO THE RECORD

ISSUE:

Should the City accept the November 5, 2013 general election results as provided by Washington County Election Division for Ballot Measure 34-209 Brookman Area Annexation?

BACKGROUND:

In accordance with ORS 255.295 a jurisdiction must determine the election results and confirm acceptance of said results by notifying the County Elections Division.

Via this Resolution 2013-063 the City Recorder/City Elections Official is seeking City Council approval of Exhibit A to the resolution, the Abstract of Votes from the November 5, 2013 General Election.

FINANCIALS:

N/A

RECOMMENDATION:

Staff respectfully requests approval of Resolution 2013-063 canvassing returns of the November 5, 2013 Washington County General Election, proclaiming results and directing the City Recorder to enter the election results into the record.



RESOLUTION 2013-063

CANVASSING RETURNS OF THE NOVEMBER 5, 2013 WASHINGTON COUNTY GENERAL ELECTION, PROCLAIMING RESULTS AND DIRECTING THE CITY RECORDER TO ENTER THE ELECTION RESULTS INTO THE RECORD

WHEREAS, there has been duly and regularly certified by the City and the Washington County Clerk, the results of the election held in the City of Sherwood on November 5, 2013; and

WHEREAS, the City Elections Officer consistent with the duties imposed on that office will canvass the votes and notify the Washington County Elections office of receipt of the election results. Election results are attached hereto as Exhibit A.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The official results of said election are shown as Exhibit A to this Resolution.

Section 2: The City Recorder is hereby directed to enter a copy of this Resolution in the record of the proceedings of this Council and to canvass the votes by signing the canvass letter and submitting it to the Washington County Elections office.

Section 3: This Resolution is and shall be effective from and after its adoption by the City Council.

Duly passed by the City Council this 17th day of December 2013.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder



WASHINGTON COUNTY

OREGON

November 20, 2013

City of Sherwood

NOV 21 2013

Recorder's Office

City Recorder
City of Sherwood
22560 SW Pine St
Sherwood, OR 97140

Enclosed you will find a copy of the Abstract of Votes for City of Sherwood relating to the Special Election held on November 5, 2013. In accordance with ORS 255.295, please canvass the votes and notify the Washington County Elections Division within thirty (30) days of receipt by signing and returning the bottom portion of this letter to:

Washington County Elections Division
3700 SW Murray Blvd. Suite 101
Beaverton OR 97005

Thank you very much.

Sincerely,

Mickie Kawai
Elections Manager

MK/tk



I have canvassed the votes for City of Sherwood, relating to the Special Election on November 5, 2013. By signing this canvass letter, I concur with the final results.

AUTHORIZING SIGNATURE

DATE

NUMBERED KEY CANVASS

Washington County, Oregon
Special Election
November 5, 2013

Official Final

RUN DATE:11/18/13 11:57 AM

REPORT-EL52 PAGE 0008

34-209 City of Sherwood - Annexation

VOTES PERCENT

VOTES PERCENT

VOTE FOR 1

01 = Yes

02 = No

1,389 39.52

2,126 60.48

03 = OVER VOTES

04 = UNDER VOTES

0

3

01 02 03 04

0424 424	605	890	0	2
0435 435	509	909	0	1
0457 457	275	327	0	0

City of Sherwood

NOV 21 2013

Recorder's Office



SUMMARY REPORT

Washington County, Oregon
 Special Election
 November 5, 2013

Official final

Run Date:11/18/13 11:56 AM

	VOTES	PERCENT
PRECINCTS COUNTED (OF 66)	66	100.00
REGISTERED VOTERS - TOTAL	103,179	
BALLOTS CAST - TOTAL	32,433	
VOTER TURNOUT - TOTAL		31.43
34-205 Cornelius Library - GOB		
VOTE FOR 1		
Yes	666	47.30
No.	742	52.70
Over Votes	0	
Under Votes	2	
34-206 Hillsboro School District - GOB		
VOTE FOR 1		
Yes	9,492	45.48
No.	11,379	54.52
Over Votes	1	
Under Votes	24	
3-434 Lake Oswego School District - LOL		
VOTE FOR 1		
Yes	20	62.50
No.	12	37.50
Over Votes	0	
Under Votes	0	
34-207 City of Tigard - Charter Amendment		
VOTE FOR 1		
Yes	5,231	75.47
No.	1,700	24.53
Over Votes	0	
Under Votes	8	
34-208 Cornelius Rural Fire Protection - LOL		
VOTE FOR 1		
Yes	311	77.56
No.	90	22.44
Over Votes	0	
Under Votes	1	
34-209 City of Sherwood - Annexation		
VOTE FOR 1		
Yes	1,389	39.52
No.	2,126	60.48
Over Votes	0	
Under Votes	3	



CERTIFIED TO BE A TRUE AND
 CORRECT COPY OF THE ORIGINAL
 Date November 18, 2013
 WASHINGTON COUNTY
 ELECTIONS DIVISION
 BY [Signature]

NUMBERED KEY CANVASS

Washington County, Oregon
 Special Election
 November 5, 2013

Official Final

RUN DATE:11/18/13 11:57 AM

REPORT-EL52 PAGE 0001

01 = REGISTERED VOTERS - TOTAL	TOTAL	PERCENT	03 = VOTER TURNOUT - TOTAL	TOTAL	PERCENT
02 = BALLOTS CAST - TOTAL	103,179				31.43
	32,433				

	01	02	03
0303 303	831	274	32.97
0304 304	2766	788	28.49
0307 307	1638	596	36.39
0308 308	161	65	40.37
0309 309	4207	1481	35.20
0310 310	272	110	40.44
0313 313	5	2	40.00
0314 314	191	86	45.03
0315 315	911	395	43.36
0316 316	763	301	39.45
0317 317	642	276	42.99
0318 318	2456	836	34.04
0319 319	1095	269	24.57
0322 322	269	102	37.92
0323 323	2972	755	25.40
0325 325	3	1	33.33
0326 326	296	109	36.82
0327 327	3291	987	29.99
0328 328	1326	502	37.86
0329 329	3509	1113	31.72
0330 330	1171	356	30.40
0332 332	1926	776	40.29
0333 333	275	50	18.18
0334 334	118	51	43.22
0335 335	4387	1720	39.21
0336 336	2680	936	34.93
0337 337	3802	1174	30.88
0338 338	4357	1410	32.36
0341 341	183	86	46.99
0343 343	4246	1622	38.20
0344 344	3877	1186	30.59
0345 345	28	12	42.86
0346 346	279	141	50.54
0347 347	50	18	36.00
0348 348	31	12	38.71
0356 356	935	241	25.78
0358 358	1299	398	30.64
0370 370	2179	801	36.76
0373 373	310	104	33.55
0374 374	10	4	40.00
0394 394	139	20	14.39
0398 398	51	17	33.33
0400 400	2822	641	22.71
0402 402	1029	244	23.71
0403 403	3788	993	26.21
0404 404	2623	639	24.36
0405 405	4361	1194	27.38
0406 406	3039	763	25.11
0408 408	4263	1390	32.61
0409 409	2654	545	20.54
0410 410	10	1	10.00
0416 416	1656	403	24.34
0422 422	16	5	31.25
0424 424	4113	1497	36.40
0426 426	249	113	45.38
0427 427	22	4	18.18

NUMBERED KEY CANVASS

Washington County, Oregon
Special Election
November 5, 2013

Official Final

REPORT-EL52 PAGE 0002

RUN DATE:11/18/13 11:57 AM

	TOTAL	PERCENT		TOTAL	PERCENT
01 = REGISTERED VOTERS - TOTAL	103,179		03 = VOTER TURNOUT - TOTAL		31.43
02 = BALLOTS CAST - TOTAL	32,433				
(CONTINUED FROM PREVIOUS PAGE)	01	02	03		
0430 430	1622	691	42.60		
0431 431	210	86	40.95		
0435 435	3677	1419	38.59		
0439 439	102	53	51.96		
0440 440	1407	310	22.03		
0450 450	69	14	20.29		
0452 452	556	141	25.36		
0454 454	688	109	15.84		
0457 457	2127	602	28.30		
0460 460	2139	393	18.37		



CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL

Date November 18, 2013

WASHINGTON COUNTY
ELECTIONS DIVISION

BY M. Kowski

TO: Sherwood City Council

FROM: Jason Waters, Civil Engineer
Through: Julia Hajduk, Community Development Director and Joseph Gall, ICMA-CM, City Manager

SUBJECT: **Resolution 2013-064 authorizing the City Manager to execute a contract with AKS Engineering & Forestry for the Design of the Columbia Street Regional Stormwater Facility**

ISSUE:

Should the City obtain permits, complete the design, and produce bid documents for a regional stormwater facility identified in the capital improvement plan?

BACKGROUND:

Since 1993, City master plans have identified the need for a stormwater management facility in the vicinity of SW Columbia Street to treat runoff from existing residential development prior to entering Cedar Creek. In 1995, the City hired a consultant to identify potential sites for the regional facility, with one being located at 22939 SW Main St. The City has since acquired this property as well as the adjacent property and performed a property line adjustment so the residential property can be sold and the regional storm facility constructed on the interior parcel.

In addition, the City has generated sufficient storm funds to design and construct the regional facility. The project will use the standard design-bid-build process prescribed by state law, which means the next steps are to design the facility, obtain permits and prepare bid documents prior to soliciting a general contractor.

In order to encourage efficiency, reduce costs and promote the local business economy, staff selected a professional engineering & land-surveying firm from Sherwood (AKS Engineering & Forestry) with experience working on projects in the same vicinity. The selection of AKS met state and local contracting rules by following the *Direct Appointment Procedure* established under ORS 279C.115 and OAR 137-048-0200 for professional service contracts under \$100,000.

City staff negotiated a scope of work and fee of \$24,900 for the initial design and environmental permitting work within the design-bid phase of the project. The impacts of the overall project will be refined over the next two months during the environmental permit stage in order to generate an accurate scope of work and fee for the remaining work, which involves acquiring the permits and producing final plans, specifications, cost estimate and bid documents. Once the scope and fee is refined for the remaining work it will be amended into the base contract for a total contract amount of not-to-exceed \$100,000 including contract contingency. All contracts, contract amendments, scopes of work and fee estimates will become public record upon execution.

FINANCIALS:

Revenue for this contract is identified in the adopted budget for Fiscal Year 2013-14 (Job 8069, revenue code 7-42, storm replacement and repair funds). Staff expects design to be completed in July 2014 and construction to occur from August to October 2014. Funds for construction have been budgeted and will be authorized at a later day. The construction cost estimate is \$500k-\$600k.

RECOMMENDATION:

Staff respectfully requests approval of Resolution 2013-064 authorizing the City Manager to execute a contract with AKS Engineering & Forestry for the design of the Columbia Street regional stormwater facility.



RESOLUTION 2013-064

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH AKS ENGINEERING AND FORESTRY FOR THE DESIGN OF THE COLUMBIA STREET REGIONAL STORMWATER FACILITY

WHEREAS, the project is identified in the City's Capital Improvement Plan and Stormwater Master Plan; and

WHEREAS, City staff utilized a consultant selection process meeting state and local contracting rules for the procurement of professional services; and

WHEREAS, AKS Engineering & Forestry of Sherwood, Oregon has been selected to design the project and produce bid documents; and

WHEREAS, the anticipated cost for the environmental permit phase is \$25,000; and

WHEREAS, the anticipated cost for the final design and construction bidding will not exceed \$75,000 for a total maximum contract amount not-to-exceed \$100,000 including contingency.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The City Manager is authorized to execute a contract with AKS Engineering and Forestry for a total amount not-to-exceed \$100,000 to complete the design and bidding for the project.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 17th day of December 2013.

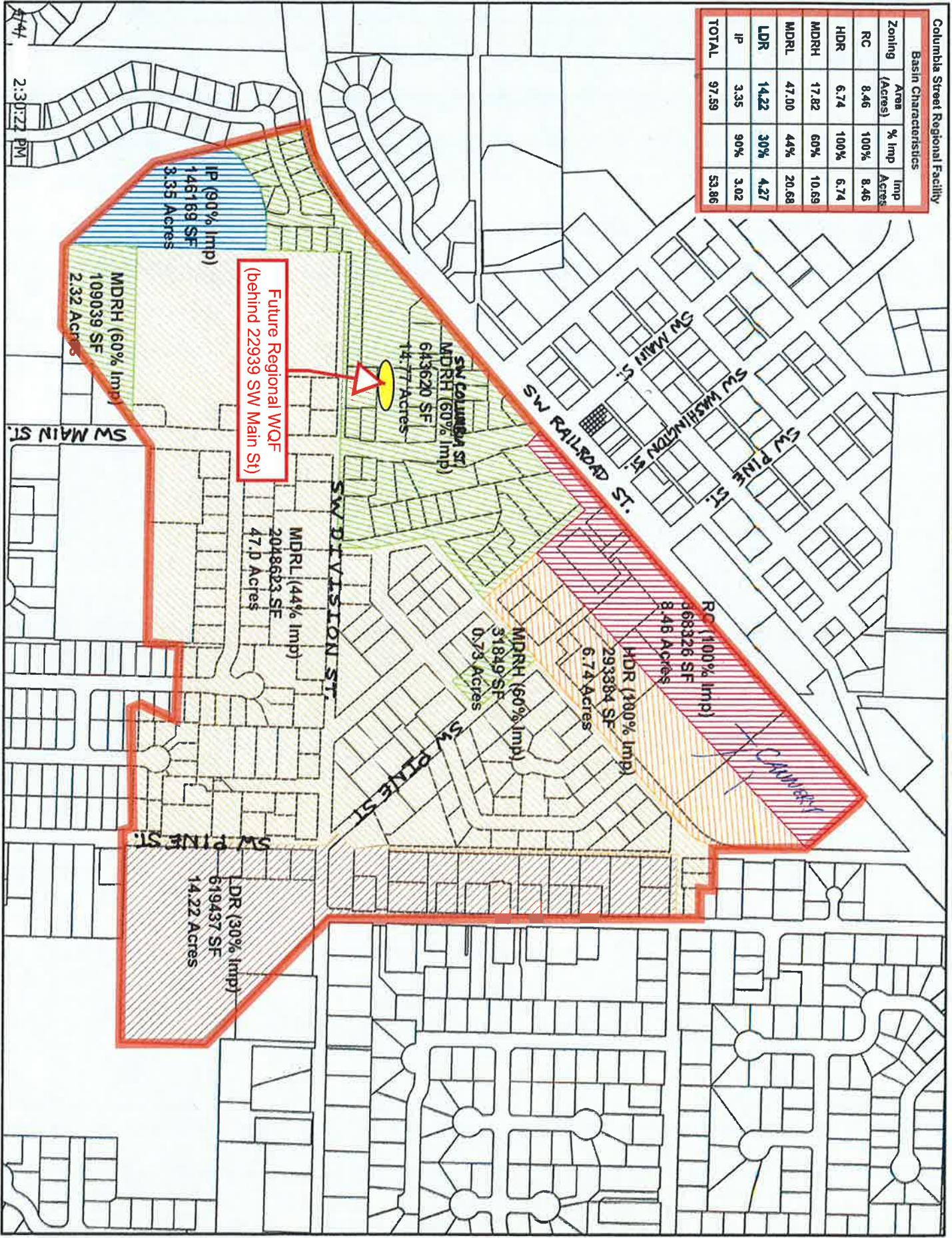
Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Columbia Street Regional Facility

Basin Characteristics			
Zoning	Area (Acres)	% Imp	Imp Acres
RC	8.46	100%	8.46
HDR	6.74	100%	6.74
MDRH	17.82	60%	10.69
MDRL	47.00	44%	20.68
LDR	14.22	30%	4.27
IP	3.35	90%	3.02
TOTAL	97.59		53.86



2:30:22 PM

TO: Mayor and City Council

FROM: Joseph Gall, ICMA-CM, City Manager
Through N/A

SUBJECT: Resolution 2013-065 extending the Portland General Electric Franchise Agreement through June 30, 2014

ISSUE:

The City's franchise agreement with Portland General Electric (PGE) expires on December 31, 2013.

ACTION REQUESTED:

Staff is requesting that Council extend the current PGE Franchise Agreement for an additional six months by enacting Resolution 2013-065. The PGE Franchise Agreement will be extended through June 30, 2014.

BACKGROUND:

The current PGE Franchise was enacted 20 years ago, adopted via Ordinance 92-951 in July of 1992. It was originally set to expire at the end of July 2012, but was extended to allow time for renegotiation to December 31, 2012 by adoption of Resolution 2012-037. It was extended again to June 30, 2013 by adoption of Resolution 2012-056. Although we are nearing completion of the negotiations, one additional six month extension is needed.

Staff has been meeting with representatives from PGE to create a new authorization for the use of City Right of Way. The City Attorney's Office is also involved. The attached resolution extends the existing Franchise Agreement through June 30, 2014, which will allow time for a new authorization to be put in effect.

RECOMMENDATION:

City staff respectfully recommends approval of Resolution 2013-065 extending the Franchise Agreement with PGE to June 30, 2014.



RESOLUTION 2013-065

**A RESOLUTION EXTENDING THE PORTLAND GENERAL ELECTRIC COMPANY
FRANCHISE AGREEMENT THROUGH JUNE 30, 2014**

WHEREAS, the Franchise Agreement (the “Existing Agreement”) between the City of Sherwood (“City”) and Portland General Electric Company (“PGE”), set forth in Ordinance 92-951, adopted July 22, 1992 shall expire by its terms on August 1, 2012; and

WHEREAS, the City Council adopted resolution 2012-037 on July 17, 2012, resolution 2012-056 on December 18, 2012, and resolution 2013-031 on June 18, 2013 extending the agreement to allow for negotiations and the parties have not yet finalized a new agreement in all of its particulars; and

WHEREAS, the parties wish to extend the agreement another six months to June 30, 2014.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. That the Sherwood City Manager is authorized to sign Exhibit A to this Resolution, an agreement between the City and PGE to extend the existing agreement through June 30, 2014.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the Sherwood City Council this 17th day of December 2013.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Exhibit A

**PORTLAND GENERAL ELECTRIC COMPANY AND CITY OF SHERWOOD
FRANCHISE TERM EXTENSION AGREEMENT**

WHEREAS, the Franchise Agreement (the “Existing Agreement”) between the City of Sherwood (“City”) and Portland General Electric Company (“PGE”), set forth in Ordinance 92-951, adopted July 22, 1992 shall expire by its terms on August 1, 2012; and

WHEREAS, the City Council adopted resolution 2012-037 on July 17, 2012, resolution 2012-056 on December 18, 2012 and resolution 2013-031 on June 18, 2013 extending the agreement to allow for negotiations and the parties have not yet finalized a new agreement in all of its particulars, and;

WHEREAS, the City and PGE have been negotiating in good faith to replace the Existing Agreement with a new authorization for use of the right of way (the “New Authorization”); and

WHEREAS, the parties have not yet finalized a New Authorization in all of its particulars; and

WHEREAS, the parties wish that the Existing Agreement remain in place until the New Authorization is finalized.

NOW, THEREFORE, The City and PGE agree that the Existing Agreement shall not terminate on December 31, 2013 but shall remain in full force and effect, including but not limited to the payment provisions there under, until such time as a New Authorization is submitted to and approved by the City, and becomes effective in accordance with its terms, in no event later than June 30, 2014.

For the City of Sherwood Oregon:

For Portland General Electric Company:

Joseph P. Gall, City Manager

Bill Nicholson, Senior Vice President,
Customer Svc, Transmission & Distribution

Date: _____

Date: _____

Attest:

Sylvia Murphy, MMC, City Recorder

Sherwood Field House Monthly Report November 2013					
<u>November-13</u>	<u>Nov-13</u>		<u>YTD</u>		<u>Nov-12</u>
					Est.
<u>Usage</u>		People		People	People
	<u>Count</u>	<u>Served*</u>	<u>Count</u>	<u>Served*</u>	<u>Served*</u>
Leagues	10	871	14	2102	689
Rentals	89	1780	222	4120	1886
Other (Classes)					
[1] Day Use	8	69	17	111	56
Total Usage		2720		6333	2631
<u>Income</u>	<u>Nov-13</u>	<u>YTD</u>			
Rentals	\$4,995	\$13,815			
League fees (indoor)	\$17,070	\$36,467			
Card fees (indoor)	\$1,781	\$2,211			
Day Use	\$237	\$453			
Advertising					
Snacks	\$647	\$1,145			
Classes					
Total	\$24,730	\$54,091			
FY 12 13					
<u>Income</u>	<u>Nov-12</u>	<u>YTD</u>			
Rentals	\$5,015	\$15,624			
League fees (indoor)	\$14,803	\$28,319			
Card fees (indoor)	\$1,576	\$1,856			
Day Use	\$182	\$665			
Advertising					
Snacks	\$669	\$1,102			
Classes					
Total	\$22,245	\$47,566			

*Estimated number of people served based on all rentals have a different # of people. Along with each team will carry a different # of people on their roster.



PRB report for November 2013:

Sports Fields and Gyms

Youth soccer continued to practice through November at Snyder Park with their playoff teams.

Youth Football practiced the first couple of weeks as they had three teams in the youth football championship games.

Basketball practice is in full swing.

All of the fall sports have been invoiced.

Field House

We started our first Youth session on November 16th when it all shook out we have 34 new youth teams playing on Saturdays.

We have both of our local baseball and softball clubs renting time on Sundays at the Field house for clinics.

Our two temporary seasonal employees have started and are working weekends.

Respectfully Submitted

December 2nd 2013

Lance Gilgan



Sherwood Public Library – November 2013 Monthly Management Report

	<u>Current Year</u>	<u>Past Year</u>	<u>% Change</u>
Check out	29,639	32,472	- 8.72% (21% Self-check)
Check in	21,241	22,635	- 6%

- New Library cards 77
- Volunteer hours 160.5 hours; equivalent to .93 FTE (24 volunteers)
- New Library2Go users 1
- Library2Go check outs 753

Monthly Activities

- Twenty-six Baby, Preschool and Toddler Storytimes (527 attendees total)
- Two Read-to-the-Dogs programs
- Magazine Monday (free magazine giveaway)
- 11/02 & 11/16 Pinn Crawford and Adam Carlson present Library2Go training sessions (8 & 10 attendees)
- 11/03 & 11/17 Marie Buckley's Writing Workshops for Adults continue (9-12 attendees)
- 11/05 Mary Madland & Crystal Garcia host Serials training for WCCLS member library staff
- 11/06 Interviews for On-Call Library Assistant I positions
- 11/06 Oregon author, Bob Welch, visits for two presentations (3 & 0 attendees)
- 11/07 Teen Advisory Board Meeting for 6-12 graders (5 teens)
- 11/07 Friends of the Library Meeting
- 11/09 Tualatin River National Wildlife Refuge program (8 children, 7 adults = 15 attendees)
- 11/11 HOLIDAY

- 11/13 Pajama Time Storytime (17 children, 10 adults = 27 attendees)
- 11/15 Library Staff Meeting
- 11/20 DIY Craftshop: Personalized Metal Bookmarks (8 teens, 4 adults = 12 attendees)
- 11/21 Swiss Travel presentation with Jonathan Larsen (16 attendees)
- 11/23 Saturday Family Storytime (9 children, 7 adults = 16 attendees)
- 11/28-29 HOLIDAYS
- Volunteer recruitment & training continues / New volunteers started shifts
- Library staff attended various regional, City and WCCLS meetings: Safety, Policy Group/Core Services, Oregon Library Directors, OLA/PLD Board, Circulation, Acquisitions, Adult Services, Publicity, WUG and YALL (Young Adult)

CITY OF SHERWOOD POLICE DEPARTMENT

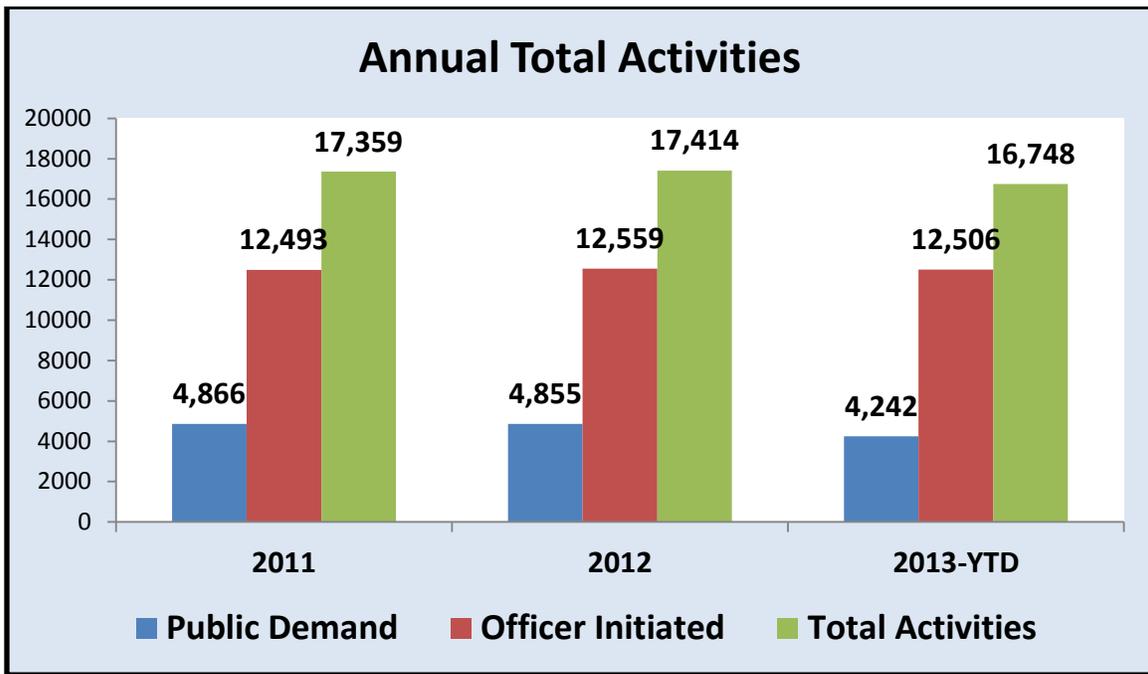
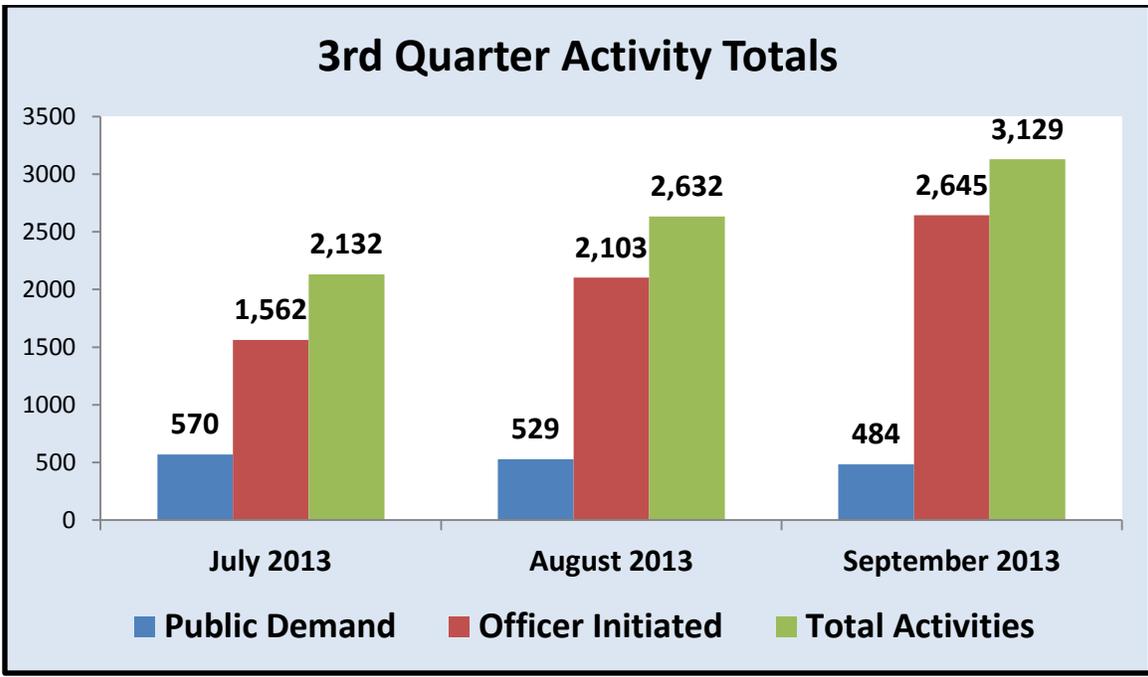
2013 UPDATE REPORT

3rd Quarter: *July-August-September*



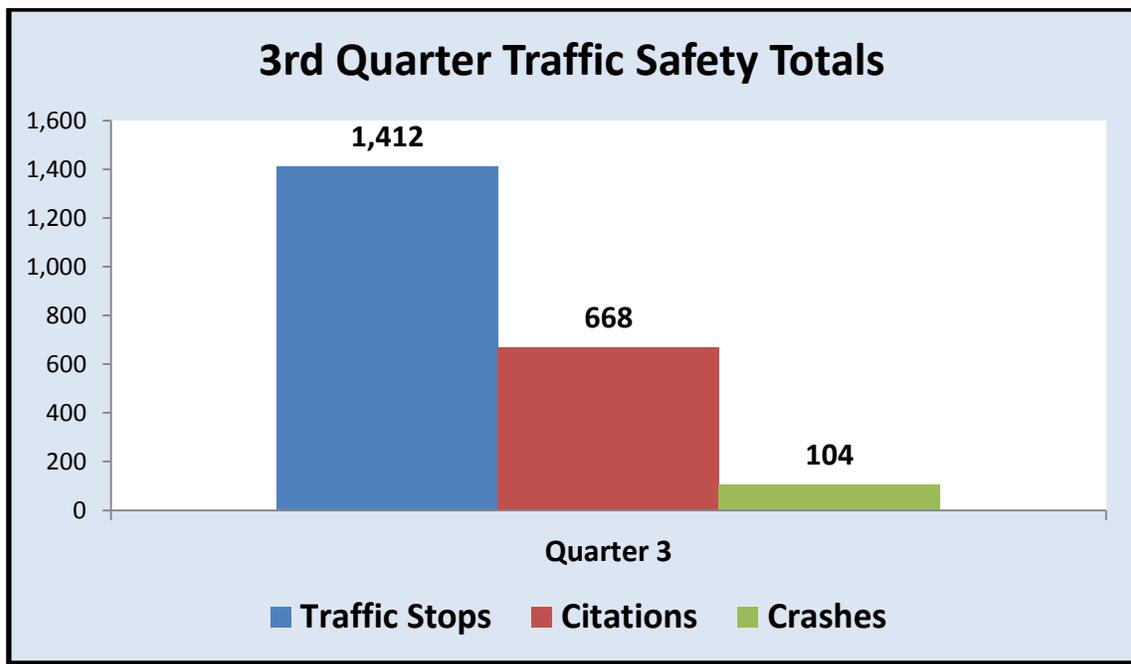
2013 Patrol Calls For Service & Activities

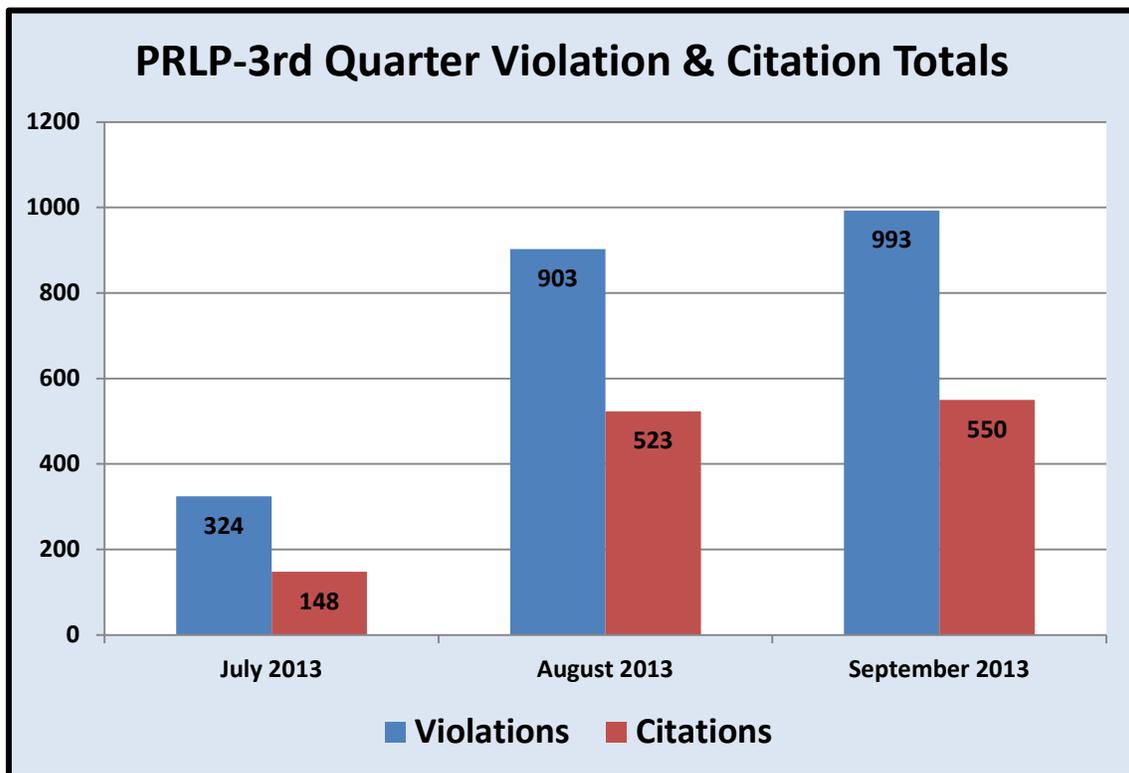
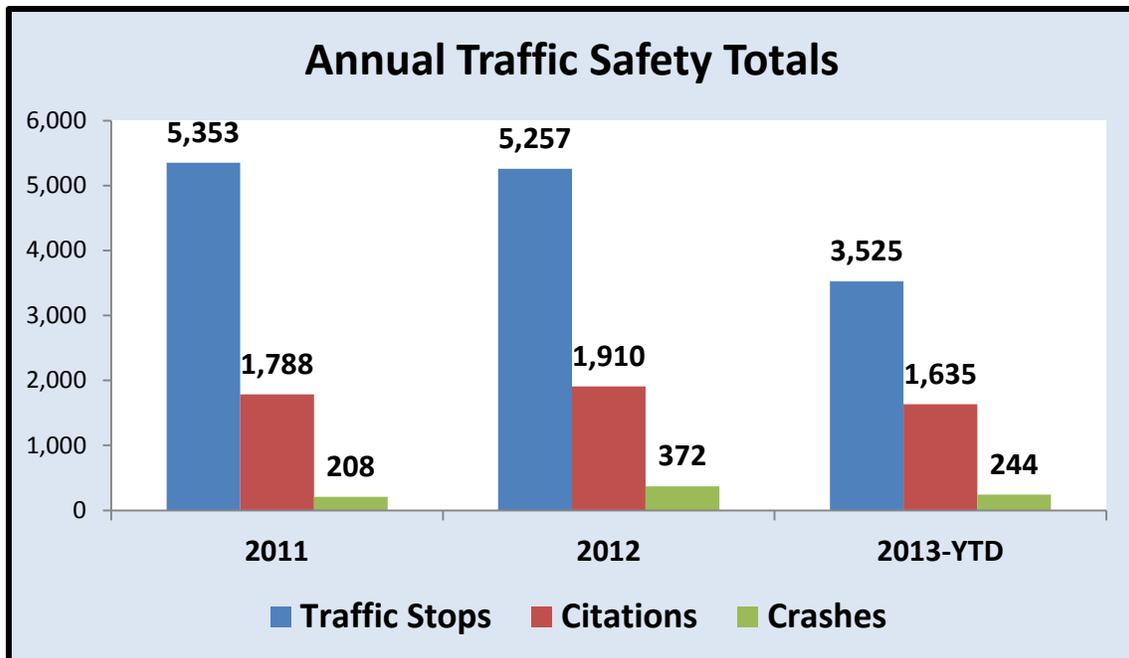
Activity Highlights	2012 Totals	Q1	Q2	Q3	Q4	2013 Totals
Premise checks for security	1,626	401	460	644		
Assistance provided to public	1,222	331	328	533		
Suspicious Vehicles	697	163	160	192		
Subject Stops/contacts	467	69	80	143		
Suspicious Circumstances	351	39	89	107		
Animal Complaints	173	53	75	74		
Alarms	215	53	55	45		
Juvenile Problems	381	64	118	100		
Thefts	305	58	69	118		
Suspicious Persons	213	37	42	46		
Welfare Checks-People	220	49	64	64		
Harassment	144	34	42	32		
Noise Complaints	164	33	50	35		
Incomplete 911 calls	148	20	19	26		
Warrant Service	110	30	29	24		
Fraud	108	21	26	23		
Domestic Disturbance	157	47	32	41		
Criminal Mischief	146	55	53	53		
Drug Complaints	91	15	15	22		
Burglaries	41	12	12	12		
Suicide Threats	19	6	5	4		
Suicide Attempts	9	0	3	0		
Mental Intervention	22	2	5	4		
Case Follow-Up	1,441	333	436	528		
Robberies	5	0	2	2		
Assaults	52	10	11	4		
Disturbances	144	35	35	40		
Assist Fire/Other PD	214	46	83	68		
Sex Offenses	20	5	3	1		
Missing Persons	18	4	1	2		
Arson	0	0	0	1		



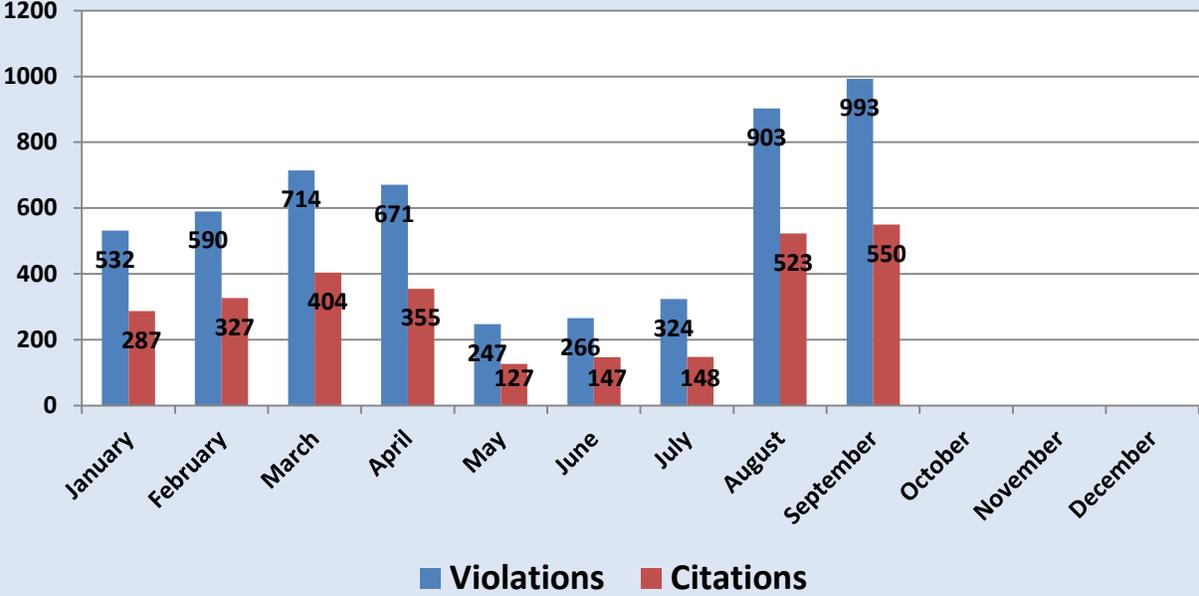
2013 Traffic Safety

Traffic Safety Call/Activity	2012 Totals	Q1	Q2	Q3	Q4	2013 Totals
Traffic Crashes	372	61	79	104		
Traffic Stops-Street	5,257	1092	1021	1412		
Citations-Street	1,910	490	477	668		
PRL Violations	9,507	1836	1184	2220		
PRL Citations	4,063	1018	629	1221		
Extra Patrols	3,296	744	770	2315		
Parking/City Ordinance Complaints	194	47	101	126		
Motorist Assists	254	52	51	56		
Hazards	196	30	67	74		
Att. to Locate Driver (DUI-Reckless)	315	68	85	112		
Driving Under the Influence	124	27	34	16		
Traffic Complaints & Directed Patrols	112	27	57	725		



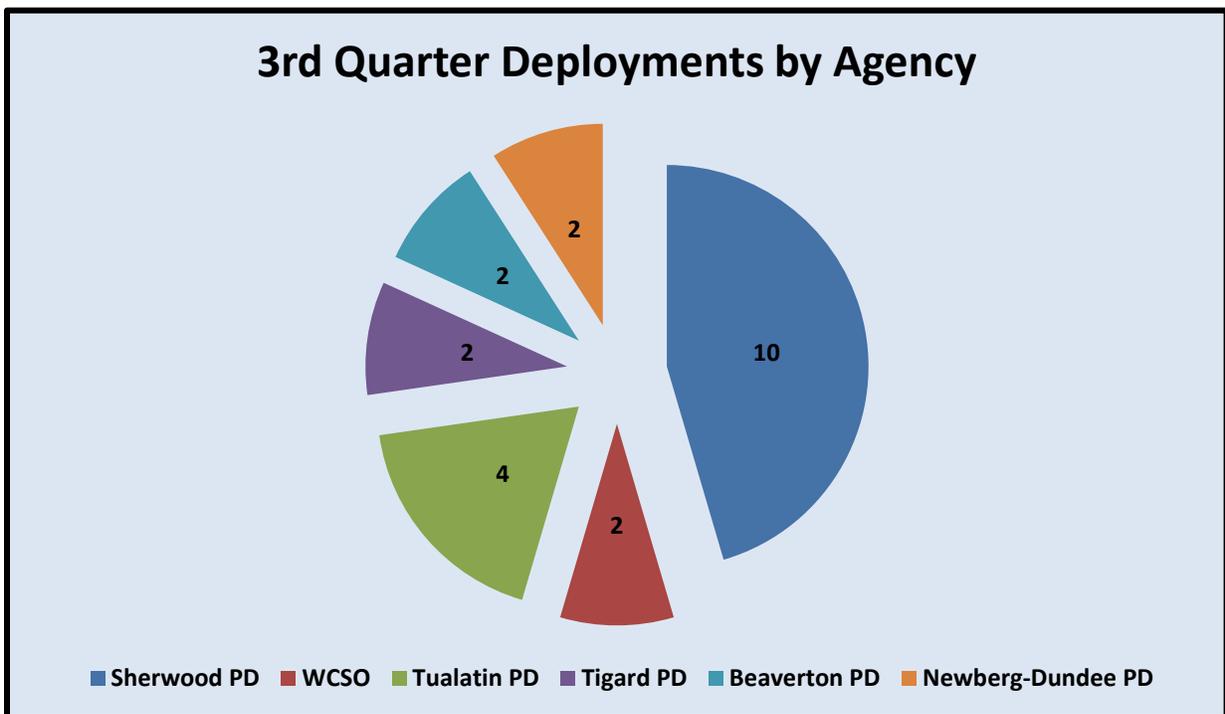
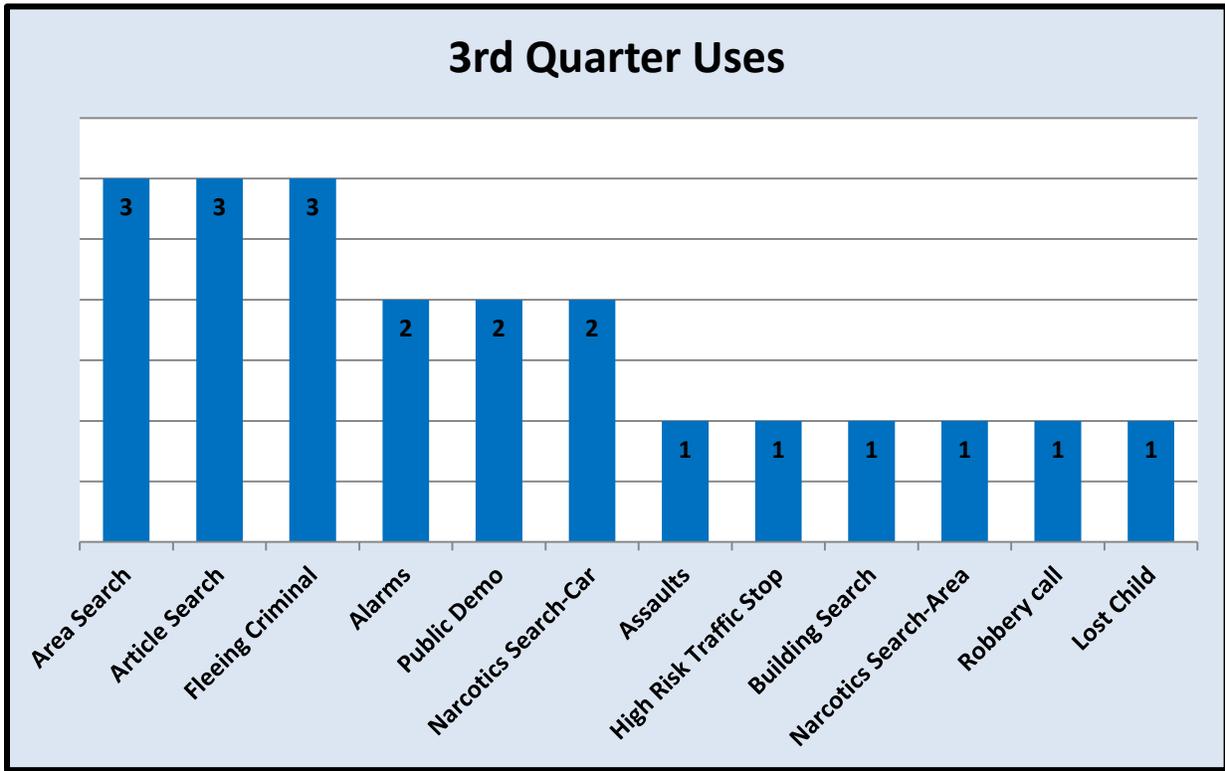


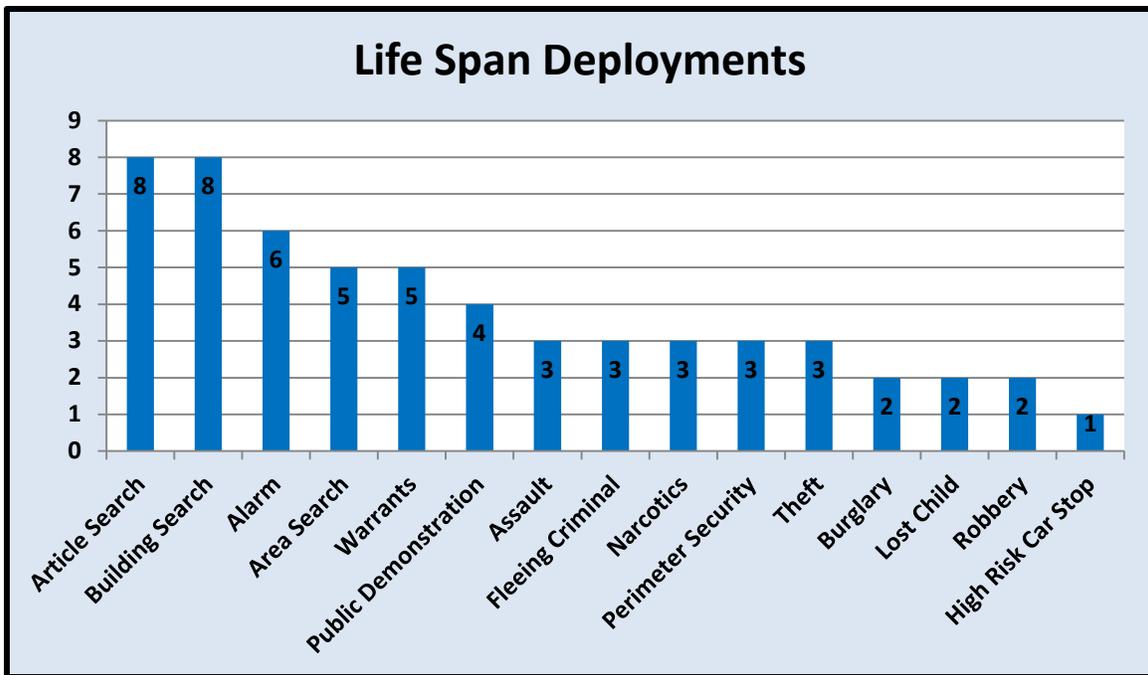
PRLP-2013 Violation & Citation Totals



ODOT 99W paving project caused a portion of the system to be down May-July

3rd Quarter K-9 Update





3rd Quarter K-9 Highlights

On September 03, 2013 K-9 Irma located hidden marijuana in Stella Olsen Park while searching for other possible evidence.

On September 20, 2013 K-9 Irma assisted Tualatin PD and located drug paraphernalia during one of their investigations.

On September 24, 2013 K-9 Irma assisted Tigard PD on a hit and run with 2 suspects who fled on foot. Irma located one of the suspects hiding in the brush and he was taken into custody. The suspect had warrants out for his arrest and was actually an individual that Sherwood PD had dealt with several months ago when he hid from police.