



Home of the Tualatin River National Wildlife Refuge

SHERWOOD CITY COUNCIL MINUTES
22560 SW Pine St., Sherwood, Or
September 18, 2012

CITY COUNCIL WORK SESSION

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 6:43 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Grant, Councilors Matt Langer, Bill Butterfield, Robyn Folsom and Krisanna Clark. Councilor Linda Henderson arrived at 6:50 pm.
3. **STAFF PRESENT:** City Manager Joe Gall, Community Development Director Tom Pessemier, Planning Manager Julia Hajduk, Finance Director Craig Gibons, City Engineer Bob Galati and City Recorder Sylvia Murphy.
4. **TOPICS DISCUSSED:**
 - A. **TSP Amendment Cedar Brook Way:** Julia Hajduk presented a power point presentation (see record, Exhibit A), discussion followed.
5. **ADJOURN:**

Mayor Mays adjourned the work session at 7:00 pm and convened to a regular Council session.

REGULAR CITY COUNCIL SESSION

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 7:05 pm.
2. **PLEDGE OF ALLEGIANCE:**
3. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Grant, Councilors Matt Langer, Linda Henderson, Bill Butterfield, Robyn Folsom and Krisanna Clark.
4. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joe Gall, Police Chief Jeff Groth, Public Works Director Craig Sheldon, Finance Director Craig Gibons, Community Development Director Tom Pessemier, IT Director Brad Crawford, Police Captain Mark Daniel, City Engineer Bob Galati, Civil Engineer Jason Waters and City Recorder Sylvia Murphy. City Attorney Paul Elsner.

Mayor Mays addressed the Consent Agenda and asked for a motion.
5. **CONSENT:**
 - A. **Approval of August 21, 2012 City Council Meeting Minutes**

B. Resolution 2012-047 Authorizing the City Manager to sign the 2012 IGA with Washington County for the purpose of continued participation in the Urban Area Security Initiative (UASI)

C. Resolution 2012-048 Appointing Bryce Keicher to the Library Advisory Board

MOTION: FROM COUNCILOR LINDA HENDERSON TO ADOPT THE CONSENT AGENDA, SECONDED BY COUNCILOR BILL BUTTERFIELD. ALL COUNCIL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

6. PRESENTATIONS

A. Proclamation Oregon Days of Culture

Mayor Mays read the proclamation proclaiming October 1-8, 2012 as Oregon Days of Culture and stated this marks the 10th anniversary. He stated the Oregon Cultural Trust has invested \$548,257.34 in Sherwood and Washington County.

B. Recognition of Robin Hood Festival Association Volunteers

Mayor Mays recognized Robin Hood Festival Association President Phil McGuigan and Vice President Alice Thornton for their leadership and dedication to the community through many years of volunteering and management of the organization. Mr. McGuigan came forward and thanked city staff, the public works department and Council President Grant for their participation and support of events.

Council President Grant commented regarding his participation as Liaison to the Association and commended the volunteers for their hands-on work and contributions to bringing events to Sherwood, including the Holiday Tree Lighting Ceremony.

Mayor Mays presented Certificates of Appreciation to Phil and Alice for their leadership and dedication to the Sherwood community and presented Certificates of Appreciation to other lead volunteers that oversee all aspects of the annual Robin Hood Festival and Holiday Tree Lighting event.

C. Swearing in of Police Officer

Chief Jeff Groth administered the Oath of Office to newly promoted Sergeant Nathan Powell and stated Sergeant Powell came to the City of Sherwood in 2001 as a Reserve Officer and was hired full time as a Police Officer in April 2002. Chief Groth stated Sergeant Powell has served in many capacities including FTO (Field Training Officer), Canine Handler, Taser Instructor and Major Crimes Detective. Chief Groth stated Nathan finished at the top in a competitive promotion process and was promoted to Sergeant on September 2, 2012. Chief Groth stated Sergeant Powell has an Associate's Degree in Criminal Justice and resides in Newberg.

Mayor Mays addressed the next agenda item.

7. CITIZEN COMMENTS

Lisa Thomas with Habitat for Humanity, 620 N. Morton, Newberg came forward and provided the Council with information on the organization and stated they serve Newberg, Dayton, Dundee, St. Paul and Sherwood. Ms. Thomas informed the Council they have built 18 houses since 1995 and they are a non-profit organization. Ms. Thomas explained their family selection process and reminded the Council of an invitation to all elected officials to participate in a Building Day Project to be held in Newberg on Saturday September 22nd at the Newberg Animal Shelter.

Mayor Mays addressed the next agenda item.

8. NEW BUSINESS

A. Resolution 2012-049 Authorizing the City Manager to award a construction contract for the SW Gleneagle Drive Pavement Rehabilitation Project

Jason Waters Civil Engineer came forward and stated the project is to build Gleneagle Drive to full depth, cement treating the base and putting in four inches of new asphalt. Jason stated funding will come from the street maintenance fees that are in the utility bills. Jason informed the Council the road is in poor condition and it's a priority to get it done this year. Jason said the City solicited bids and received five bids, which are attached to the staff report. Jason said the bids came in well under the engineers estimate and there's funds left to go towards another project next year. Jason said staff will be working on 12th street to possibly get it done next year. Jason informed Council the city has completed the seven day protest period and notification has been sent to the residents and notices will be sent in the form of door hangers this week in hopes that the project can begin next week.

Mayor Mays thanked Jason and commented regarding the favorable bid being below the engineers estimate and the importance of reinvesting in our community.

With no Council questions or comments, Mayor Mays asked for a motion.

MOTION: FROM COUNCILOR LINDA HENDERSON TO ADOPT RESOLUTION 2012-049, SECONDED BY COUNCILOR KRISANNA CLARK, ALL COUNCIL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

B. Resolution 2012-050 Authorizing the City Manager to execute a construction contract for the Ladd Hill Storm Restoration Project

Jason Waters Civil Engineer stated this project is a top priority as we have flooding issues in the area. Jason informed the Council the city has received the DSL work permit and staff is working to expedite the contract award before the wet weather arrives. Jason informed the Council the staff report and legislation was prepared before the bids were opened and the city opened four bids on September 13 and all bids came in over the engineers estimate. Jason explained staff had \$140,000 estimated for the base bid and \$173,000 estimated to include the swale on the east side of Ladd Hill Road. Jason stated we have not issued a notice of intent to award, as indicated in the staff report. Jason said currently we are negotiating with the contractor and per ORS we are allowed to negotiate with the apparent low bidder, if all the bids come in over the estimate, as long as we are not affecting the field of competition. Jason stated we received a low bid from

C&M Excavation Utilities, LLC, formally C&M Construction in Sherwood, they submitted the lowest responsive bid at \$195,950.50 for the base bid and \$223,315.50 for the work including the work on the east side of Ladd Hill Road. Jason stated staff investigated the discrepancies in the bids and found that the plantings alone in the water quality pond, the wetlands and vegetative corridor had bids ranging from \$54,000 to \$95,000. Jason stated our engineers estimate was at \$33,000 for the planting alone and there was a misinterpretation of the planting bid item. Jason explained staff concluded that all the discrepancies that put us over the estimate were related to those three bid items. Jason stated before staff negotiated with C&M they compared and removed these three items from the bids to allow staff to compare all the possibilities of fairness and we still determined that C&M Construction was still the apparent low bid without those items at \$101,000 and in staff's analysis we took the lowest bid prices for each of those and looked at all the possibilities and with each scenario C&M was still the apparent low bid, we then determined that we could proceed with negotiations with C&M without initiating any protest.

Jason stated after determining staff could negotiate with C&M, staff spoke with the Public Works Director and he confirmed there was \$173,000 available in the storm system replacement repair fund. Public Works Director Craig Sheldon stated the funds are out of the Operations Maintenance Capital Fund in the operations budget of the storm section. Craig stated staff is considering this to be a flooding issue, with about \$40,000 in savings in repair and catch basins along Gleneagle, and between this and pipe repairs, we would like to bump this up from \$150,000 to \$173,000 for construction with another \$17,000 in contingency to be able to complete the Ladd Hill project.

Jason informed the Council staff is proposing in the resolution to amend in three locations the dollar amount of \$140,000 to read \$173,000 and in the location indicating \$10,000 for this to be changed to \$17,000.

Mayor Mays state he appreciated staffs work in negotiating and asked for Council questions.

Councilor Butterfield asked if staff took the planting out of the bids and Jason replied staff compared all four bids without the planting items and we also compared them with the lowest bid item price submitted. In each scenario of comparison, C&M was still the apparent low bidder. Mr. Butterfield confirmed the planting will still be provided, Jason explained and stated the plantings would still be provided.

Mayor Mays confirmed with Jason the proposed amendments to the resolution as changing all the references to \$140,000 to indicate \$173,000 (in three locations) and changing the reference of \$10,000 to indicate \$17,000 (in one location). Jason confirmed this was correct.

Mayor Mays asked City Attorney Paul Elsner if he was ok with this, Mr. Elsner replied yes.

With no other Council questions or comments, Mayor Mays asked for a motion to amend.

MOTION TO AMEND: FROM COUNCIL PRESIDENT DAVE GRANT TO AMEND RESOLUTION 2012-050 TO CHANGE IN THREE LOCATIONS THE \$140,000 TO \$173,000 AND IN SECTION 2, CHANGE \$10,000 TO \$17,000. SECONDED BY COUNCILOR LINDA HENDERSON, ALL COUNCIL MEMBERS VOTED IN FAVOR.

MOTION: FROM COUNCILOR LINDA HENDERSON TO ADOPT RESOLUTION 2012-050 AS AMENDED, SECONDED BY COUNCILOR BILL BUTTERFIELD, ALL COUNCIL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

C. Resolution 2012-051 A Resolution in support of changing the name of the Tonquin Trail to Ice Age Tonquin Trail

City Manager Joe Gall stated he would provide some background and we had guests available in the audience to answer any questions. Mr. Gall stated this request came to us from Tualatin and he received an email from Tualatin City Manager as we are partners in the Tonquin Trail project and said there are materials and support letters that were received after the Council meeting packet was produced and said they want to add the term "Ice Age" to the Tonquin Trail, (see record, Exhibit B) .

Joe stated Paul Hennon, Tualatin's Community Services Director and Yvonne Addington from the Tualatin Historical Society are present tonight to answer questions. Joe informed the Council other partnering jurisdictions have done this, including Washington County, Tualatin and he believed Wilsonville and Tigard.

Mayor Mays asked if the Council had questions, no questions were asked.

City Manager Gall informed the Council he received an email late this afternoon from Michelle Miller asking for a change in the resolution and said it's too late to have this resolved for the Master Plan and to have some flexibility, both Washington and Clackamas County Board of Commissioners adopted the tag line:

"We support adding the word Ice Age somewhere in the trail name, including the possibility of using those words as a byline or tagline that would follow the existing Tonquin Trail Name".

Mayor Mays confirmed this would be a change to Section I of the resolution. City Manager Gall replied yes. Mayor Mays asked for Council discussion, with none received, he made the following motion.

MOTION TO AMEND: FROM MAYOR MAYS TO AMEND RESOLUTION 2012-051, TO REPLACE SECTION 1 WITH THE STATEMENT FROM JOE AS *"We support adding the word Ice Age somewhere in the trail name, including the possibility of using those words as a byline or tagline that would follow the existing Tonquin Trail Name"*. SECONDED BY COUNCIL PRESIDENT DAVE GRANT, ALL COUNCIL MEMBERS VOTED IN FAVOR.

Councilor Henderson asked if we should amend the resolution title, Mayor Mays replied we can but it's not necessary. City Manager Gall confirmed.

MOTION: FROM COUNCILOR LINDA HENDERSON TO ADOPT RESOLUTION 2012-051 AS AMENDED, SECONDED BY COUNCIL PRESIDENT DAVE GRANT, ALL COUNCIL MEMBERS VOTED IN FAVOR.

Mayor Mays thanked the guests from Tualatin for their attendance and support and addressed the next agenda item.

D. Resolution 2012-052 Ratifying the Sixteenth Amendment to the Sherwood Urban Renewal Plan to amend Plan Goals and update zoning in the Plan area

Tom Pessemier Community Development Director explained this resolution is to ratify a decision made earlier this evening by the Urban Renewal Board and said the sixteenth amendment to the Urban Renewal Plan is to add and clean up language in regards to residential uses inside the Urban Renewal, specifically in regards to the Cannery property and addressing PUD, density transfers and other things. Tom stated that was adopted by the Urban Renewal Board and this resolution is to ratify the decision made by the Board.

Mayor Mays asked for Council questions.

Council President Grant confirmed this is the same thing we have been discussing and there's nothing new. Tom Pessemier confirmed and said there's a few items in regards to housing and the Urban Renewal Board may have other discussion tonight, but this is only in regards to density's allowed in the residential pieces.

MOTION: FROM COUNCIL PRESIDENT DAVE GRANT TO ADOPT RESOLUTION 2012-052, SECONDED BY COUNCILOR BILL BUTTERFIELD, ALL COUNCIL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

E. Resolution 2012-053 A Resolution authorizing the City Manager to sign the Fiber Optic Access Agreement with the Oregon Department Of Transportation for the purpose of sharing fiber resources and connectivity of facilities

IT Director Brad Crawford came forward and explained the agreement will allow the city to share fiber resources between the two agencies, and for Sherwood this means connectivity to WCCCA, which is something we've been working on for quite a while. Brad stated ODOT will get some improvements to traffic control signals in town and they will use our asset to do that.

Brad indicated City Recorder Sylvia Murphy is providing the Council with a document (see record, Exhibit C) indicating an amendment to the agreement that was recently received that the City attorney's office was working with ODOT on. Brad stated the amendment references indemnification and is highlighted in the amended copy, Section 4 through Section 7 under General Provisions. Brad informed the Council this additional language required by ODOT was jointly agreed upon and is something they put in all their contracts and was agreed upon by CIS and the League of Oregon Cities and said it is standard language.

Mayor Mays commended Brad and said this is a great example of partnering with other agencies and providing additional benefits to our community and better utilizing resources. Mayor Mays stated there is no cost to the city as it is part of our federal public safety grant we received a few years ago and this will allow us to put in higher capacity, sophisticated radio antennas for our public safety people and give us more interoperability for our fiber network and ODOT is investing resources to make our signals function better.

Mayor Mays asked for Council questions, with none received he asked Brad for the time line. Brad replied he wasn't sure and said ODOT was going out to bid on the project and we will get our piece done within the next month or two.

Mayor Mays asked what staff needed from the Council as far as an amendment. The City Recorder replied the Council needed to motion to amend and accept the new exhibit provided (see record, Exhibit C). Brief discussion occurred regarding legal review of the exhibit and City Attorney Elsner stated the agreement was reviewed by Nancy Werner with his office and City Manager Gall stated Nancy was satisfied with the agreement.

MOTION TO AMEND: FROM MAYOR MAYS TO AMEND RESOLUTION 2012-053 to REPLACE EXHIBIT A AS PROVIDED BY SYLVIA (City Recorder), SECONDED BY COUNCIL PRESIDENT DAVE GRANT, ALL COUNCIL MEMBERS VOTED IN FAVOR.

MOTION: FROM COUNCIL PRESIDENT DAVE GRANT TO ADOPT RESOLUTION 2012-053 AS AMENDED, SECONDED BY COUNCILOR ROBYN FOLSOM. ALL COUNCIL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

9. CITY MANAGER REPORT

Mayor Mays commented regarding city bonds and City Manager Joe Gall asked Finance Director Craig Gibons to provide a report on bond opening and sale and the results of the refinancing. Craig stated we had a state loan and a bank loan, one was to help construct this building and one for the streets, these were from 2003 and 2006. Craig stated these loans had interest rates between 3-5.4% and we had five bidders and the winning bidder had a true interest rate of 1.67%. Councilor Henderson asked what's the value of the two loans, Craig replied 5.2 million and said we will save about \$60,000 a year in debt service, which is about 10% of the debt service on these loans.

Mayor Mays and Council commended Craig and his department for the hard work performed.

City Manager Gall asked Craig if the City has any other debt we wanted to refinance. Craig replied the financial advisor the city has worked with has reviewed all our debt and nothing else is "ripe" to be refinanced at this time.

Craig Gibons stated we have repaid a lot of loans and refinanced a number of loans and have compacted the city's portfolio.

City Manager Gall reminded the Council of the Annual LOC Conference and stated he would be out of the office attending the LOC Board meeting as a Board member and attending the conference from Wednesday through Saturday, as was Mayor Mays through the Oregon Mayor's Association.

Mayor Mays addressed the next agenda item.

10. COUNCIL ANNOUNCEMENTS

Councilor Langer reminded of the 26th Annual Onion Festival to be held on October 13 at Archer Glen Elementary, 9am to 4pm and said the Firemen's Chicken will be served and ran by Old Town Rotary. Councilor Langer stated the Chamber was looking for sponsors and volunteers.

Councilor Langer reminded of the upcoming Chamber Golf Tournament on September 27th and said people can register with Nancy at the Chamber. Councilor Langer said the Chamber was working on a poster map project that will identify businesses on the map and said people can sponsor and advertise on the map. He said the Chamber will be accepting input, sponsorships and any data for the map between November and January. Councilor Langer reminded that the Chamber offers a lot of big benefits to its members as well as phone service, which many may not be aware of.

Councilor Butterfield reminded the Council of the partnership between the City of Sherwood and the Sherwood High School Booster Club, a partnership for the last seven years with the Booster Club paying the City \$5000 a year for lighting that was installed on the high school football field and they made their last payment last week. Councilor Butterfield congratulated the Booster Club and the City for allowing the partnership.

With no other business to address, Mayor Mays adjourned the Council meeting and reconvened to the URA Board of Director meeting.

11. ADJOURN

Mayor Mays adjourned at 8:00 pm.

Submitted by:



Sylvia Murphy, CMC, City Recorder



Keith S. Mays, Mayor