



*Home of the Tualatin River National Wildlife Refuge*

**SHERWOOD CITY COUNCIL MINUTES  
22560 SW Pine St., Sherwood, Or  
October 4, 2011**

**CITY COUNCIL WORK SESSION**

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 6:33 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Grant, Councilors Bill Butterfield, Matt Langer and Krisanna Clark. Councilor Linda Henderson arrived at 6:38 pm and Councilor Robyn Folsom arrived at 6:45 pm.
3. **STAFF PRESENT:** City Manager Jim Patterson, Community Development Director Tom Pessemier, Public Works Director Craig Sheldon, Economic Development Manager Tom Nelson, Finance Director Craig Gibons and City Recorder Sylvia Murphy.
4. **OTHERS PRESENT:** Ray Pitz with the Sherwood Gazette.
5. **TOPICS DISCUSSED:**
  - A. **Sidewalk Repair Assistance Program.** Tom Pessemier and Craig Sheldon presented information regarding sidewalk repairs, repairs of pathways near schools and recapped prior Council discussion of collections of fees. Tom referenced the Municipal Code and responsibilities of property owners to repair sidewalks; he recapped funding and explained options for repairs. Tom explained the next steps needed regarding adoption of legislation supporting policy. Council discussion followed.
6. **ADJOURN:** Mayor Mays adjourned the City Council Work Session at 6:55 pm and convened to an Urban Renewal Agency Board meeting (see URA Records). Mayor Mays stated the City Council regular meeting would follow the URA meeting.

**REGULAR CITY COUNCIL MEETING**

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 7:06 pm.
2. **PLEDGE OF ALLEGIANCE:**
3. **ROLL CALL:**

4. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Grant, Councilors Linda Henderson, Robyn Folsom, Bill Butterfield, Matt Langer and Krisanna Clark.
5. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Jim Patterson, Community Development Director Tom Pessemier, Police Chief Jeff Groth, Finance Director Craig Gibbons, Public Works Director Craig Sheldon, Library Manager Pam North, Planning Manager Julia Hajduk, Planning Associate Michelle Miller, Economic Development Manager Tom Nelson, Police Captain Mark Daniel, City Engineer Bob Galati, Community Services Director Kristen Switzer, Program Manager Amy Burns, Administrative Assistants Tina Ouellette and Kirsten Allen and City Recorder Sylvia Murphy. City Attorney Paul Elsner.

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

## 6. CONSENT AGENDA

- A. **Approval of September 12, 2011 City Council Minutes**
- B. **Approval of September 20, 2011 City Council Minutes**
- C. **Resolution 2011-083 authorizing the City Manager Pro-Tem to sign a Leasing Agreement with Auto Leasing Specialists for the Leasing of Police Vehicles**
- D. **Resolution 2011-084 authorizing the City Manager to sign the 2011 IGA with Washington County for the purposes of continued participation in the Urban Area Security Initiative (UASI)**
- E. **Resolution 2011-085 authorizing the City Manager to enter into a contract with Environmental Science and Assessment, LLC (EA&A) for on-call Environmental Engineering Services**

**MOTION: FROM COUNCIL PRESIDENT DAVE GRANT TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR ROBYN FOLSOM. ALL COUNCIL MEMBERS VOTED IN FAVOR.**

Mayor Mays addressed the next agenda item.

## 7. PRESENTATIONS

- A. **Eagle Scout Recognition.** Eagle Scout recipient, Ian Taylor, was unable to attend, but provided information for Council regarding his project. Mayor Mays stated Ian's project was to erect a 35 foot flagpole along with benches and landscape in the City of Wilsonville in honor of Terry Lowrie a key figure in Wilsonville history. Ian took seven weeks to complete his project, utilizing thirty five volunteers with over 225 hours of service. The flag pole was dedicated on Flag Day, June 14, 2009. Mayor Mays commended Ian for the work on his project and stated his Certificate of Achievement would be mailed.

Mayor Mays addressed the next agenda item.

- B. **Proclamation, Oregon Days of Culture.** Mayor Mays read the proclamation declaring October 1-8<sup>th</sup>, 2011 as Oregon Days of Culture. Cynthia Kirk a member of the Cultural Coalition of Washington County thanked Council for their support stating that the Cultural Coalition re-grants money from the Oregon Cultural Trust. Ms. Kirk stated that the coalition has distributed \$224,597 since 2005 and \$15,000 has been to non-profit groups from Sherwood. Ms. Kirk stated there are seven eligible non-profit organizations in Sherwood and gave examples of some of the cultural activities that take place in Sherwood. Ms. Kirk asked

June Reynolds from the Sherwood Historical Society and a recipient of grant funds to come forward and share information on programs supported by grant funds. Ms. Reynolds explained her involvement with a week long history camp each summer through the Sherwood Historical Society for the past nine years. Ms. Reynolds stated that she has received funding from the coalition for seven of those years and explained some of the activities.

Ms. Kirk asked Pam North Sherwood Library Manager to come forward and provide information on grant funding received by the Sherwood Library. Pam stated that money received from the coalition helped bring members of the Oregon Symphony to Sherwood to work with the storyteller. Pam stated that they had to limit the participants because the program was so popular and thanked Council and the coalition for their support.

Mayor Mays addressed the next agenda item.

**C. Sherwood Library Survey Summary Presentation.** Library Manager Pam North thanked Mayor Mays for being a participant in the 35<sup>th</sup> Anniversary of the We Are Readers Campaign and pointed out that the Mayor's photograph was on a bookmark being circulated throughout the County. Pam thanked City Manager Patterson for his support of the library and gifted him with a lifetime membership to the Friends of the Sherwood Library. Pam discussed the patron satisfaction survey conducted this summer. Pam stated that the most important feature of the Sherwood Library as indicated in the survey was for people to borrow library materials; the second being the WCCLS website that enables patrons to place items on hold and borrow from other libraries; and third to talk to library staff. Pam informed the Council of the things patrons would like at the library, being more new materials, more activities for kids and teens, increased hours, more public access computers and more quiet spaces in the library. Pam stated that circulation is up 10% with over a hundred new patrons registered monthly, explaining that the library could not do it without the growing volunteer program.

Mayor Mays thanked Pam and asked for council questions or comments.

Councilor Henderson asked regarding expanded hours if there were certain days that were asked for. Pam answered that they did not ask specifically, but anecdotally Sundays are very busy, also earlier on weekdays and later on weekends, basically expanding on current hours.

Councilor Langer commented that he remembered the library when it was located in the old senior center and commended the library staff on the accomplishments made at the new location.

Mayor Mays addressed the next agenda item.

## **8. CITIZEN COMMENTS**

Marian Martin, 24100 SW Ladd Hill Rd, came forward and stated that she was representing some of the residents in the Brookman Road area. Ms. Martin stated that she feels they haven't been addressed and said they had questions and informed the Council of a letter that was sent to the City and wasn't sure if it had been received. Mayor Mays confirmed that staff had received the letter and was preparing a response and offered to have staff forward the reply to Ms. Martin or offered to set up a meeting with interested residents to address their questions. Ms. Martin replied she would like to request a meeting.

Mayor Mays asked Tom Pessemier to coordinate a meeting with Ms. Martin, her neighbors and interested parties. Ms. Martin stated she appreciated the efforts and wants to make an informed decision and doesn't feel they have all the information.

Melvin Taylor, 16464 SW Brookman Rd, commented on the process for the Brookman Road annexation and stated that he felt left out of the process because he owns property on Brookman Road, but resides and votes in Eugene. Mr. Taylor stated that he and his wife intend to live on the property after his wife retired. Mr. Taylor stated that he pays taxes on the property and the City did not make efforts to contact him. He stated there was a sign posted on the side of the road but he thought it was for the annexation of his neighbor's property and said there was nowhere to pull off the side of the road to read the sign. Mr. Taylor commented regarding the notification letter and said he had not received the letter that went out to homeowners. Mr. Taylor stated that he didn't feel like his opinion mattered as he is not a Sherwood registered voter and wanted the Council to know how he felt as he is not able to vote. Mr. Taylor stated he's sure the process is legal but it has left him upset. Mr. Taylor stated their dream for the property is annexation and hopes that someday it will be annexed and they could sell high, but can't in the current real estate economy. Mr. Taylor said before they purchased the property he read through the Concept Plan and said it made a lot of sense, but doesn't believe the timing is right. Mr. Taylor stated he contacted City staff and discussed annexation processes and said he found staff to be helpful and responsive but doesn't understand the timing as he doesn't see the need for 250 acres and doesn't believe it's going to develop overnight. Mr. Taylor said usually a City brings property in when needed and doesn't see the need to impose restrictions on his property when it won't be developed for years. Mr. Taylor stated he believes it was a money issue. Mayor Mays answered that it was not a money issue, that taxes are being phased in over ten years with almost no increase for the first five years. Mayor Mays stated that development is expected to be slow and property owners will be empowered to develop when they wanted to. Mayor Mays stated that non-conforming or farm deferral uses today will continue to be that way if the property owners elect to continue in this manner. Mayor Mays stated that the City is trying to be a good neighbor with Urban Growth Boundary (UGB) expansions using the same process with all of them to date in reaching out to the community and doing master plans/adopting concepts plans and coordinating with Metro and Counties in the region and the final step of seeing if property owners and Sherwood residents want to vote on the annexation. Mayor Mays stated this process has worked so far and offered to invite Mr. Taylor to the same meeting to be set up for Ms. Martin so his questions could be addressed.

Tim Goodman, Manager of Government Affairs for Comcast Cable, 9605 SW Nimbus Ave. Beaverton, came forward and stated he wanted to introduce himself to Council as the franchise agreement manager. Mr. Goodman stated he has met with staff and wanted to explain new Comcast programs to the Council. Mr. Goodman explained the Comcast Internet Essentials Program which is intended to provide broadband for low income individuals and families based on eligibility for the school free lunch program. Mr. Goodman stated that as part of the program these families can obtain a voucher to purchase a laptop for \$150. Mr. Goodman stated that the program is intended to bridge the divide for families that cannot afford internet.

Mayor Mays thanked Mr. Goodman and addressed the next agenda item.

## 9. NEW BUSINESS

### A. Resolution 2011-086 Resolution for City Manager Pro Tem to receive Out of Class Pay

City Manager Jim Patterson stated that as the City Manager Pro Tem, Tom Pessemier will be working out of class and explained that it was standard practice for an employee working out of class to receive compensation, citing examples from the Police Department.

Mayor Mays asked for questions or comments from the Council. Having none, the Mayor asked for a motion.

**MOTION: FROM COUNCIL PRESIDENT DAVE GRANT TO ADOPT RESOLUTION 2011-086, SECONDED BY COUNCILOR LINDA HENDERSON. ALL COUNCIL MEMBERS VOTED IN FAVOR.**

Mayor Mays addressed the next agenda item.

## 10. PUBLIC HEARING

### A. Ordinance 2011-011 Amending multiple sections of the Zoning and Community Development Code including Divisions III, V, VI, and VII

Mayor Mays stated at the September 20<sup>th</sup> Council meeting the Council opened the public hearing and received testimony and closed the hearing and with comments from Council members, the ordinance was continued to this day to allow staff to provide feedback based on Council comments. Mayor Mays stated the Council can choose to reopen the public hearing based on the information received tonight.

Michelle Miller Associate Planner directed Council to Attachment 1 in the Council meeting packet with the proposed changes suggested by Council with respect to lot averaging. Michelle stated staff has provided the Council with alternative language, scenarios and provided Council with tables of information giving Council an idea of how residential zoning would be applied depending upon the zone and some adjustments with respect to the minimum or maximum lot size and how that is applied to the infill standards as well as possibly having a maximum lot average size in order to ensure there are no large lots in correlation with the smaller minimum lot size. Michelle stated staff has provided proposed code language and offered to answer Council questions.

Michelle stated in reference to the construction bond, an alternative recommendation was made by the City attorney to increase this to 125%.

Mayor Mays asked if the graph was options to modify the language.

Michelle confirmed and said this is a 20% reduction of what this would look like with respect to the five separate zones that the City has. Michelle explained that Medium Density Residential Low through High Density already have a minimum lot size of 5000 and one of the concerns raised at the previous meeting was not going below the 5000 minimum lot size, so the impact to the lot averaging would be primarily for Low Residential. Michelle stated that Council could consider adding that language to include the 5000 square foot lot minimum or add a smaller proportion of change to lot averaging.

Mayor Mays asked for feedback from Council on the five options.

Mayor Mays stated he felt the 20% makes the minimum too low and has major concerns with this and said 10% or 15% is more palatable as part of the averaging.

Councilor Henderson stated she would agree with 15% explaining when reviewing the graph and the thought of a small lot development on a corner lot with a setback and having it next to a 4000 square foot lot, she said these are so small and expressed concern with this.

Councilor Langer stated that he believes the proposed language in alternative number 1 added a provision to take care of this to put a floor on the 5000 square foot lot.

Councilor Folsom stated she liked the language and the floor in the first one as well.

Mayor Mays stated we would probably see more duplexes and triplexes in some neighborhoods.

Council President Grant stated he is in support of 15% and agrees a 20% reduction is too small and gave examples of other neighborhood developments and said he believes it can be successful.

Councilor Clark stated she is supportive of 15%.

Councilor Butterfield agreed with 15%.

Councilor Henderson said she is not ok with 20% and would like to remain at 15% as a maximum.

Mayor Mays stated the general direction from the Council is a minimum of 15% of infill and under that scenario, you'll need to change the provision, if this was the case, too...

Michelle referenced section E and language of "no lot created under this provision shall be no less than 85% of the minimum lot size allowed in the underlying zoning district" and number 3, included the language of the minimum lot size cannot fall below 5000 square feet.

Michelle asked if the Council would like language that pertains to a maximum of 15% as well.

Mayor Mays replied, since we have some Councilors that want to keep it at a 5000 square feet and others at 15%, he suggested to the Council, it be 10 and 10 making the reduction no less than 90% of the minimum lot size and the maximum lot size not greater than 10% of the minimum lot size and removing provision 3 that no minimum lot can fall below the 5000 square foot. Council members conceded.

Mayor Mays asked Michelle about the performance bond change from 100% to 125%.

Michelle confirmed and stated that an "irrevocable standing letter of credit" was also added to the wording of the ordinance. City Attorney Paul Elsner clarified that it was an "irrevocable standby letter of credit".

Mayor Mays asked if Council wanted to re-open the public hearing, Council members indicated no.

With no other Council comments, Mayor Mays made the following motion.

**MOTION TO AMEND: FROM MAYOR MAYS TO AMEND ORDINANCE 2011-011 ON ITEM E OF LOT AVERAGING, CHANGE NUMBER 2 TO READ “NO LOT CREATED UNDER THIS PROVISION SHALL BE NO LESS THAN 90% OF THE MINIMUM LOT SIZE ALLOWED IN THE UNDERLYING ZONING DISTRICT”, ITEM 3 WILL BE DELETED WHICH STATES “NO LOT SIZE MAY FALL BELOW 5000 SQUARE FEET”, AND ITEM 4 WILL BECOME ITEM 3 AND STATE “THE MAXIMUM LOT CANNOT BE GREATER THAN 10% OF THE MINIMUM LOT SIZE”. IN ADDITION MODIFY UNDER D IMPROVE GUARANTEES ITEM 2 CHANGE THE PERCENTAGE EQUAL TO “125% OF THE ESTIMATED COST” AND AT THE END, MODIFY TO STATE “STATE OF OREGON, A CASH DEPOSIT, OR IRREVOCABLE STANDBY LETTER OF CREDIT”. MOTION SECONDED BY COUNCILOR BILL BUTTERFIELD. ALL COUNCIL MEMBERS VOTED IN FAVOR.**

Mayor Mays asked for discussion on the amended ordinance. None was heard.

**MOTION: FROM MAYOR MAYS TO READ CAPTION AND ADOPT ORDINANCE 2011-011 AS AMENDED, SECONDED BY COUNCILOR HENDERSON. ALL COUNCIL MEMBERS VOTED IN FAVOR.**

Mayor Mays addressed the next agenda item.

## **11. CITY MANAGER REPORT**

City Manager Jim Patterson stated he had nothing to report.

Mayor Mays addressed the next agenda item.

## **12. CITY MANAGER FAREWELL PRESENTATIONS**

Mayor Mays expressed appreciation for Jim's leadership and gave a brief synopsis of Jim's leadership with the City and in the community. Mayor Mays stated he's sorry to be losing Jim and yet very proud of what Jim has done for the community and his commitment. Mayor Mays stated Jim is leaving the City in good hands and said whenever there's been a change in staff, staff has grown to new levels and Jim has made a point of promoting from within and recognizing achievements. Mayor Mays commended Jim for getting the Council focused on self-improvement and having the city in good financial shape. Mayor Mays commended Jim for his leadership and oversight of the Cannery project, Community Center project, Langer Farms Parkway project and the tennis courts atop of the water reservoir. Mayor Mays presented Jim with bottles of wine and a framed Certificate of Appreciation from the City.

Mayor Mays asked to receive other Council comments.

Council President Grant commended Jim on his availability to him as a Council member and commented on his community service in youth coaching and announcing Sherwood youth sporting events.

Councilor Bill Butterfield commended Jim for his leadership and commented regarding supporting and following Jim.

Councilor Linda Henderson commented on Jim's integrity and his ability to think outside of the box citing an example of the Sherwood Cannery Square project and his willingness to allow her to be part of the process.

Councilor Robyn Folsom commented that she had learned from Jim since meeting him ten years ago when he was volunteering with SURPAC. Councilor Folsom presented Jim with a basket of cookies.

Councilor Matt Langer stated he's worked with Jim for a short period of time and commended him for his availability and thanked him for all his time in the community and wished him luck in Corvallis.

Councilor Krisanna Clark commended Jim on his community service and leadership. Councilor Clark thanked him for his support in the community as well as to her and her family and the tribute to her late husband at a football game.

Sherwood Police Chief Jeff Groth commended City Manager Patterson for his leadership style and expressed his appreciation for Jim's support of the police department and staff. Chief Groth presented Jim with a plaque.

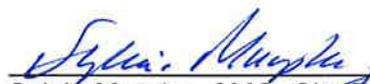
Tualatin Valley Fire and Rescue Chief Michael Duyck and Captain Jim Davis came forward and commended City Manager Patterson for his public accessibility, partnership and support of the relationship between TVFR & the City. Chief Duyck presented Jim with a trophy of a bronze fire hat.

Sherwood School Superintendent Heather Cordie and School Board Chair Andy Pihl came forward and thanked Jim for his passion for children, his friendship and partnership and collaboration with the school district and the hiring of a School Resource Officer. Board Chair Pihl commended Jim for this leadership and participation in the community with coaching and announcing youth sporting events and all the personal things he has done in the community that many people may not have knowledge of. Superintendent Cordie and Mr. Pihl thanked Jim for his service on behalf of the School Board and presented him with a gift basket.

### 13. ADJOURN

Mayor Mays adjourned the Council meeting at 8:15 pm and welcomed the public to stay for City Manager Patterson's farewell reception.

Submitted by:

  
Sylvia Murphy, CMC, City Recorder

  
Keith S. Mays, Mayor