



*Home of the Tualatin River National Wildlife Refuge*

**SHERWOOD CITY COUNCIL MINUTES  
22560 SW Pine St., Sherwood, Or  
September 20, 2011**

**REGULAR COUNCIL MEETING**

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 7:08 pm.
2. **PLEDGE OF ALLEGIANCE AND ROLL CALL:**
3. **COUNCIL PRESENT:** Mayor Keith Mays, Councilors Linda Henderson, Robyn Folsom, Bill Butterfield, Matt Langer, and Krisanna Clark. Council President Dave Grant was absent.
4. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Jim Patterson, Community Development Director Tom Pessemier, Police Chief Jeff Groth, Finance Director Craig Gibbons, Planning Manager Julia Hajduk, Planning Associate Michelle Miller, Economic Development Manager Tom Nelson, Police Captains Mark Daniel and Jim Reed, City Engineer Bob Galati, Community Services Director Kristen Switzer, Administrative Assistant Kirsten Allen and City Recorder Sylvia Murphy. City Attorney Paul Elsner.

Mayor Mays addressed the Consent Agenda asked for a motion.

5. **CONSENT AGENDA**
  - A. **Approval of August 16, 2011 City Council Minutes**
  - B. **Resolution 2011-077 Authorizing the City Manager to pay for and accept an Easement over real property owned by Union Pacific Railroad Company for the purpose of establishing, constructing, and maintaining an at-grade public road crossing along SW Oregon Street**
  - C. **Resolution 2011-078 authorizing the City Manager to enter into an Intergovernmental Agreement (IGA) between the cities of Sherwood and Wilsonville regarding adoption of an Interim Water Treatment and Supply Agreement including a methodology and related provisions for interim water treatment and production rates and wheeling rates for production / delivery of water to Sherwood following completion of the meter vault project and continuing until Segment 3 of the 48 inch transmission line is in place and is fully operational, and this agreement is replaced by a permanent water supply agreement between the parties**

**MOTION: FROM COUNCILOR LINDA HENDERSON TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR ROBYN FOLSOM. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (COUNCIL PRESIDENT GRANT WAS ABSENT).**

Mayor Mays addressed the next agenda item.

## 6. PRESENTATIONS

- A. Eagle Scout Recognition.** Nathan Claus came forward and described his Eagle project which was to construct two benches, plant five trees, add a sign and some general site work for the Tualatin Valley National Wildlife Refuge for an alternative Outdoor School program. Nathan's project took over 170 hours to complete, which he did with the help of approximately twenty volunteers. Mayor Mays congratulated Nathan and presented him with a Certificate of Achievement.
- B. Introduction of Adam Keesee, Sherwood School Resource Officer.** Chief Groth commented on the partnership between the School District and the City and introduced Sherwood School Superintendent Heather Cordie and asked Police Captain Jim Reed to come forward. Ms. Cordie discussed the process taken to have a School Resource Officer (SRO) in the schools and the impact it has already had to have Officer Keesee in the halls of the schools. Ms. Cordie stated the SRO will provide a police presence in all of the schools, investigate offenses on campus or at school activities, serve as a role model, collaborate with staff, and interact with students and parents. Ms. Cordie shared that Officer Keesee was raised in New York and has a degree in Fine Arts, has worked for the City since 2005 and is currently the head coach for the Sherwood Bowman Lacrosse team. Ms. Cordie thanked Council for their diligence in making the SRO a priority. Mayor Mays commented that the SRO was another great example of the City and the School District pooling resources for the betterment of the community. Captain Jim Reed shared with Council the type of Officer Mr. Keesee has been since coming to Sherwood, from his concern for the drug abuse issues to getting involved in Sherwood youth programs, making him a good selection for the SRO position. Chief Groth commented that Officer Keesee has already made an impact as the School Resource Officer and gave an example.
- C. Sherwood High School Student Recognitions.** Mayor Mays and Council members recognized Sherwood High School students who achieved a 4.0 GPA for the 2010-2011 school year and students who placed 1<sup>st</sup> in State in an athletic event as an individual or team sport. Members of the 5A State Championship teams in Track, Volleyball, Football and Baseball received Certificates of Achievement. School Superintendent Heather Cordie, Football Coach Lawrence and Baseball Coach Strohmaier were invited to participate in the student recognition. City Manager Jim Patterson commented that the citizens of Sherwood should be proud of our students, athletes, teacher, coaches and administrators. Mayor Mays agreed that Sherwood has a lot to be proud of.
- D. Music on the Green Sponsor Recognitions.** Community Services Director Kristen Switzer thanked Event and Volunteer Coordinator Denise Berkshire for the outstanding job she did with this year's Music on the Green concerts. Ms. Switzer commented that Music on the Green was held on Wednesday evenings in July and August. She informed Council Music on the Green received \$14,500 in sponsorships, and was able to reduce expenses by \$4600. Ms. Switzer stated attendance ranged from 1200-2000 guests per concert. Ms. Switzer thanked the following sponsors of this year's event: **Presenting Sponsor** Sherwood Dental Care; **Supporting Sponsors**; Pacific Family Dental, Fisher Roofing, Gardner Team Real Estate, The UPS Store–Sherwood, Sherwood Gazette, Community Newspapers Inc. & The Portland Tribune; **Contributing Sponsors**; Cedar Creek Assisted Living, Murray Smith & Associates Inc., United Studios of Self Defense, and Sherwood Dance Academy; and **Good**

**Neighbor Sponsors;** Attrell's Sherwood Funeral Chapel, Avamere at Sherwood, Bella Via, Blue Frogs Jump LLC Pre-Kindergarten, Jansen Chiropractic, Jose Avila Land Maintenance, Les Schwab Tire Center, Phoenix Children's Academy, Pride Disposal, Prudential NW Properties, Sawatdee Thai Cuisine, Sentinel Self Storage and Silver Tree Builders Northwest Inc.

Mayor Mays addressed the next agenda item.

## **7. CITIZEN COMMENTS**

Holly Sanborn, 22275 SW Orland Street, came forward and explained that she has lived in Sherwood for four and a half years and expressed concerns about chickens. Ms. Sanborn stated that she believes society is moving toward liking the idea of local resources, stating that chickens are an economical way to process food waste, get eggs for consumption, and provide compost. Ms. Sanborn recommended 3-6 chickens per residence and stated that she felt it was a reasonable thing to have backyard chickens and that it was not necessary to cut off an avenue of self-sufficiency. Mayor Mays stated that the City hasn't suggested banning chickens, but that a permit is required by law. Mayor Mays explained regarding the discussion in Planning Commission about allowing chickens, but that the commission did not make a recommendation to Council. The Mayor stated that Council did briefly discuss chickens in a work session that suggested there was not enough support to change the law. Mayor Mays stated that Council was concerned about neighbor to neighbor conflict and other reasons that prevented the issue moving forward with Council. Mayor Mays explained that there had been discussion about removing the current vehicle for farm scale operation for chickens. Mayor Mays stated that he appreciated Ms. Sanborn's advocacy and stated that if interest increases within Council more discussion will follow. Ms. Sanborn commented that a farm scale operation does not address the topic and observed that people keep doves as pets, why not backyard chickens as pets. Ms. Sanborn offered to do more research on the subject and to canvas to verify interest. Mayor Mays stated that laws evolve over time and he would not discourage Ms. Sanborn from advocating for her cause.

Amanda Stanaway, 16103 SW 2<sup>nd</sup> Street, told the Council that she worked in green and environmental living and was a chicken advocate. Ms. Stanaway stated that backyard birds were a friendly and sustainable way to provide for and teach children, and suggested 4-6 chickens. Ms. Stanaway stated that all of the surrounding areas allow chickens except for Tualatin. Ms. Stanaway stated that chickens create an organic way to provide food that creates a small ecosystem in back yards. Mayor Mays thanked Ms. Stanaway for her comments.

Mayor Mays addressed the next agenda item.

## **8. NEW BUSINESS**

### **A. Resolution 2011-079 Designating the Community Development Director Tom Pessemier City Manager Pro Tem**

City Manager Jim Patterson explained the resolution, stating that the City Charter calls for a City Manager Pro Tem when the City Manager is absent or the position is vacant which will happen after October 6<sup>th</sup>. Mayor Mays commented regarding the leadership and management skills that Tom Pessemier has demonstrated that makes him an outstanding choice for the City Manager Pro Tem position.

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

**MOTION: FROM COUNCILOR LINDA HENDERSON TO ADOPT RESOLUTION 2011-079, SECONDED BY COUNCILOR BILL BUTTERFIELD. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (COUNCIL PRESIDENT GRANT WAS ABSENT).**

Mayor Mays addressed the next agenda item.

**B. Resolution 2011-080 authorizing staff to apply for a Washington County Community Development Block Grant**

Community Services Director Kristen Switzer explained that the resolution was the authorization for staff to apply for the Community Development Block Grant from Washington County. Ms. Switzer explained that grant funds would be used to upgrade the Senior Center restrooms and lobby area, areas which were identified in a recent feasibility study. The project estimate is \$220,000 and staff is hoping to apply for \$179,600, with the City pledging \$41,000. Ms. Switzer stated that if Sherwood receives the grant, staff will know in February and can budget the remainder for the following Fiscal Year.

Mayor Mays commented that the City owns the Senior Center and this is a great application to try to obtain money to expand and improve the Senior Center, explaining that the CDBG is a federal grant. Mayor Mays asked for Council questions.

Councilor Robyn Folsom asked Finance Director Craig Gibons if he could envision where the matching funds might come from. Craig answered that he could not, but that it becomes part of the budget process and should be attainable. Councilor Folsom asked if the fund for asset depreciation would be used. Mr. Gibons reminded Councilor Folsom that the Asset Depreciation Fund had been eliminated, but that the Capital Construction Fund might be where the money comes from. Councilor Folsom thanked Kristen and the steering committee at the Senior Center for their efforts and commented that she is aware of the need to upgrade the bathrooms.

With no other questions or comments, Mayor Mays asked for motion on the resolution.

**MOTION: FROM COUNCILOR ROBYN FOLSOM TO ADOPT RESOLUTION 2011-080, SECONDED BY COUNCILOR KRISANNA CLARK. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (COUNCIL PRESIDENT GRANT WAS ABSENT).**

Mayor Mays addressed the next agenda item.

**C. Resolution 2011-081 Adopting the Sherwood Broadband Business Plan**

IT Director Brad Crawford explained the resolution was for the Sherwood Broadband Business Plan as a utility, establishing a mission, some objectives, strategies for moving forward, performance, and a repayment plan to reimburse an inter-fund loan from 2009.

Mayor Mays commented that the community could learn more about the business plan and that Sherwood Broadband was a great asset to the community; providing a high level of

service at low cost for government facilities, connectivity for the schools, and an asset to support businesses in town.

Mayor Mays asked for Council discussion or a motion.

**MOTION: FROM COUNCILOR BILL BUTTERFIELD TO ADOPT RESOLUTION 2011-081, SECONDED BY COUNCILOR ROBYN FOLSOM. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (COUNCIL PRESIDENT GRANT WAS ABSENT).**

Mayor Mays addressed the next item on the agenda.

**D. Resolution 2011-082 of the Sherwood City Council approving a minor amendment to the Sherwood Urban Renewal Plan dated August 29, 2000 to allow for the acquisition of additional property**

Economic Development Manager Tom Nelson explained that the City needs to construct a storm water facility in the next five years that requires the purchase of property. Mr. Nelson stated that the purchase of property is a multi-step process that begins with City Council amending the Urban Renewal Plan and said the Urban Renewal Agency (URA) will also need to amend the plan by resolution, and the final step being the URA adopting a resolution to purchase the property.

Mayor Mays asked for Council questions. Mayor Mays explained that there will be more discussion later in the URA Board Meeting to follow the Council meeting this evening. With no questions from council the following motion was received.

**MOTION: FROM COUNCILOR LINDA HENDERSON TO ADOPT RESOLUTION 2011-082, SECONDED BY COUNCILOR ROBYN FOLSOM. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (COUNCIL PRESIDENT GRANT WAS ABSENT).**

Mayor Mays addressed the next agenda item and asked the City Recorder to read the required public hearing statement.

## **9. PUBLIC HEARING**

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

Associate Planner Michelle Miller came forward and provided handouts to the Council (see record, Exhibit A) explaining that the document was the same as received in the packet, but with the correct color code that was not evident in the original packet due to a technical issue. Michelle stated, in addition there was a graphic that is currently in the municipal Code that was requested by Council. Michelle stated the ordinance was part of the code clean up concerning multiple changes to the development code regarding land use applications, site plan modifications, and the land division process. Michelle explained the process included meeting with the Planning Commission, consulting with the City Engineering Department, and brown bag sessions with developers and consultants, resulting in the Planning Commission's recommendation. Michelle covered some of the substantive changes regarding site plan modifications, changes to public infrastructure requirements and roadway designs, when a transportation study was required, and proportions for land dedication. Michelle noted that there were additional charts and tables and a

request to move street renaming to another portion of the Municipal Code. Clarifications were made for platting and subdivisions for easier reference in a more chronological order. Michelle explained the allowance for lot averaging to allow for lots below the minimum lot size enabling developers some flexibility.

Mayor Mays asked what the maximum allowance was for a lot to be below the minimum lot size.

Michelle replied that it was 20%. Michelle explained that a process was created for platting, replatting, and vacating lots that was not previously in the code, and smaller subdivisions between four and ten lots would be allowed as a staff process. Michelle identified a few Scribner's errors and asked Council if they had any questions.

Before any questions from Council were received, Mayor Mays opened the Public Hearing to receive testimony from the public.

Holly Sanborn, 22275 SW Orland Street, came forward and expressed concern regarding the time frame for public input on upcoming planning and development and it being shortened and stated she believes this time frame has come and gone. Mayor Mays replied he is not aware of any alterations in Council actions.

Mayor Mays thanked Ms. Sanborn and asked for any additional testimony. With none received, Mayor Mays closed the Public Hearing and requested staff return to the table.

Mayor Mays stated that he has a tremendous problem with lot averaging, specifically going below 5000 square feet lot minimum that has been established in the community. Mayor Mays stated he can support lot averaging in less dense zoning types to have a good effect, but for a single family detached, he is a big proponent of keeping the floor at 5000 for that zone.

Mayor Mays stated he appreciates a lot of the language such as the private streets section and commended staff for the language.

Mayor Mays asked for Council comments or questions of staff.

Councilor Bill Butterfield asked if the lot size determines the roadway size. Michelle answered no; the street size is determined by local street standards. Michelle commented about the lot size issue, and said that PUD's utilize lot averaging and this proposed modification allows developers to use lot averaging without a PUD. Michelle gave the example of the Woodhaven area.

Councilor Matt Langer asked and said, in the manner this is worded, if somebody could take advantage of lot averaging by creating one large lot and many small lots. Mayor Mays answered that the proposed ordinance would allow 80% of the lots to go below the minimum and compensate with larger lots. Mayor Mays stated that there was a lot of thought in support of subdivisions with varying lot sizes. Michelle referenced section E-1 and added that the average lot size is determined by the zoning district and a lot size could only be 20% below the minimum lot size, but there is no maximum lot size so it might be possible.

Councilor Linda Henderson referenced page 120 of the meeting packet and asked about the additional setback requirement that would increase the setback based on the street size. Michelle verified and stated that it was corresponding with the Transportation System Plan. Michelle

directed Council to the neighborhood routes map on page 113 of the packet that showed the impacted streets.

Councilor Robyn Folsom asked for a synopsis of the difference between the collector and neighborhood streets. Michelle explained that there is one principle arterial, which is 99W; the arterials are major internal streets like Sherwood Blvd and Tualatin Sherwood Rd. Michelle explained that the size of the streets determine the driveway drops and on street parking all the way down to the local or neighborhood streets.

Mayor Mays stated that he has significant concerns about lot averaging and going below 5000 for the highest density of single family lot zoning and asked Michelle or City Attorney Paul Elsner for a recommendation of language to put a floor on lot averaging. City Attorney Paul Elsner stated that he could provide language but not tonight and would work on drafting language for staff. Mr. Elsner said he had other issues in regards to the performance bond being insufficient.

Mayor Mays asked if Mr. Elsner was suggesting a continuance of the ordinance to allow for amended language. Mr. Elsner stated relevant to the performance bond, current language in the code, he would suggest we increase the amount currently stated. Mr. Elsner referenced page 131 of the meeting packet and said the performance bond is to make sure the work is actually done and said if the city were to take over the project it then becomes a public project and the costs associated with the public actually doing the work are increased due to the bid process and prevailing wage. Mr. Elsner stated 100% of the performance bond will not cover the city's cost associated with putting in the infrastructure. Mr. Elsner suggested increasing this bond number to a minimum of 125-150% and stated this has been his recommendation to other jurisdictions.

Mayor Mays stated that he will be requesting the ordinance be continued to the next City Council meeting and request staff return with language options for Council's consideration.

Mayor Mays asked for other concerns from the Council on the proposed language.

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

**MOTION: FROM MAYOR MAYS TO CONTINUE THE PUBLIC HEARING FOR ORDINANCE 2011-011 TO THE OCTOBER 4<sup>TH</sup> CITY COUNCIL MEETING AND ASK STAFF TO OFFER SUGGESTIONS FOR LANGUAGE THAT COUNCIL CAN CONSIDER TO ADDRESS CONCERNS ABOUT HAVING LOTS IN OUR MOST DENSE SINGLE FAMILY DETACHED NEIGHBORHOODS GOING BELOW THE 5000 AS WELL AS NEW LANGUAGE ADDRESSING PAUL'S CONCERN ON BONDING OF PROJECTS.**

Prior to receiving the second to the motion and calling for a vote, Michelle Miller suggested adding language regarding a minimum lot size regardless of the zone.

Mayor Mays stated this staff suggestion was great and commented regarding PUD's.

Mayor Mays noted that the public testimony portion of the Public Hearing has already been closed, but may be re-opened at Council's discretion.

**MOTION SECONDED BY COUNCILOR LINDA HENDERSON. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (COUNCIL PRESIDENT GRANT WAS ABSENT).**

Mayor Mays addressed the next agenda item.

## **10. CITY MANAGER REPORT**

City Manager Jim Patterson commented on the challenge that the Police Department has in maintaining a vehicle fleet in good working order, and asked Police Chief Groth to provide comments. Chief Groth stated that a lease opportunity has been found that will enable the City to lease four vehicles for the price of one, and informed the Council this decision was time sensitive. Chief Groth offered to bring legislation forward at a future meeting for Council consideration.

City Attorney Paul Elsner added that many jurisdictions use lease agreements, but require a letter from council, written by the City attorney, showing that there is authority to perform the lease.

Mayor Mays asked if the lease was for four vehicles now, to be paid for over the next four years. Chief Groth confirmed. Mr. Elsner added that the funds are budgeted.

Mayor Mays asked Council for concerns with the request. As no concerns were raised or comments received, Mayor Mays informed Chief Groth to move forward.

Mayor Mays addressed the next agenda item.

## **11. COUNCIL ANNOUNCEMENTS**

Councilor Robyn Folsom commented on the activities from BOOTS and thanked Tom Nelson for his efforts. Ms. Folsom announced a junior musical, Into the Woods, to be performed at Sherwood Middle School by the Voices for Performing Arts (VPA) and thanked the Sherwood School District for allowing the VPA to use their facilities after school. Ms. Folsom stated that over a hundred kids are involved in after school programs through the VPA.

Councilor Matt Langer commented regarding the crowd drawn to the BOOTS branding event and stated that more volunteer opportunities will be available. Mr. Langer stated BOOTS is working on a paver project using the old pavers from the road in old town and placing them in the plaza. Mr. Langer informed Council that the Chamber has moved around the corner to Washington Street with the BOOTS offices located in the back. Mr. Langer stated BOOTS meetings are held on the third Monday at 8 am and 4 pm and Chamber breakfasts are usually the second Tuesday of the month at the Police Facility.

Councilor Linda Henderson commended staff for their support at the Music on the Green concerts this year. Ms. Henderson commented that it was the best Music on the Green series and she heard only positive feedback, giving praise to Community Services and Public Works.

With no other announcements Mayor Mays adjourned the Council meeting and convened to a URA Board meeting.

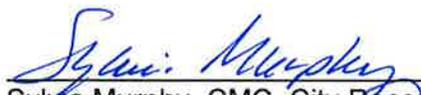
## **12. ADJOURN**

Mayor Mays adjourned the Council meeting at 8:50 pm to convene to a URA Board of Directors meeting (See URA Board Meeting record), to be followed by a Council Executive Session.

## CITY COUNCIL EXECUTIVE SESSION

1. **CALL TO ORDER:** Mayor Mays called the Executive Session to order at 9:07 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Councilors Linda Henderson, Robyn Folsom, Bill Butterfield, Matt Langer and Krisanna Clark. Council President Dave Grant was absent.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Jim Patterson, City Recorder Sylvia Murphy and City Attorney Paul Elsner.
4. **OTHERS PRESENT:** Sally Ho with the Oregonian.
5. **TOPIC DISCUSSED:** Exempt Public Records, pursuant to ORS 192.660 (2)(f).
6. **ADJOURNED:** Mayor Mays adjourned the Executive Session at 9:50pm.

Submitted by:

  
Sylvia Murphy, CMC, City Recorder

  
Keith S. Mays, Mayor