



Home of the Tualatin River National Wildlife Refuge

SHERWOOD CITY COUNCIL MINUTES
22560 SW Pine St., Sherwood, Or
July 19, 2011

WORK SESSION

1. **CALL TO ORDER:** Mayor Keith Mays called the meeting to order at 6:30 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Grant, Councilors Linda Henderson, Bill Butterfield, Matt Langer and Councilor-Elect Krisanna Clark. Councilors David Luman and Robyn Folsom were not present.
3. **STAFF PRESENT:** City Manager Jim Patterson, Finance Director Craig Gibons, Police Chief Jeff Groth, Community Services Director Kristen Switzer, Human Resources Manager Anna Lee, Municipal Court Administrator Lisa Layne, Accounting Supervisor Julie Blums, Economic Development Manager Tom Nelson, Police Officer Rich Rayniak, Finance Tech Brenda Graves, Finance Tech Melissa York and City Recorder Sylvia Murphy.
4. **OTHERS PRESENT:** Judge Jack Morris and TVF&R Division Chief Jim Davis.
5. **TOPICS DISCUSSED:**
 - A. **Photo Red Light Program:** Police Chief Groth explained the Photo Red Light Program with a Power Point Presentation, (see record, Exhibit A).

Judge Morris provided comments about the Municipal Court and explained the authority of the Municipal Court in Sherwood and how growth in Sherwood has changed the timing to process violations.
 - B. **Municipal Court Annual Report:** Finance Director Craig Gibons gave a Power Point Presentation on the change in activity in the Municipal Court (see record, Exhibit B).
6. **ADJOURN:** Mayor Mays adjourned the Work Session at 7:10 pm and convened to the regular Council Session.

REGULAR COUNCIL MEETING

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 7:15 pm.
2. **PLEDGE OF ALLEGIANCE AND ROLL CALL:**

3. **COUNCIL PRESENT:** Mayor Mays, Council President Dave Grant, Councilors Linda Henderson, Robyn Folsom, Bill Butterfield, Matt Langer, and Councilor-Elect Krisanna Clark. Councilor David Luman was not present.
4. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Jim Patterson, Finance Director Craig Gibons, Police Chief Jeff Groth, Community Development Director Tom Pessemier, City Engineer Bob Galati, Planning Manager Julia Hajduk, Community Services Director Kristen Switzer, Human Resources Manager Anna Lee, Economic Development Manager Tom Nelson, Senior Planner Heather Austin, Engineering Associate Jonathan Ingram, City Attorney Chris Crean, Administrative Assistant Kirsten Allen and City Recorder Sylvia Murphy.

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

5. CONSENT AGENDA

- A. **Approval of June 7, 2011 City Council Minutes**
- B. **Resolution 2011-055 Canvassing May 17, 2011 Election Results**
- C. **Resolution 2011-056 Reappointing Molly Woodbury to the Library Advisory Board**
- D. **Resolution 2011-057 Authorizing the City Manager to sign a successor collective bargaining agreement between the City of Sherwood and the Sherwood Police Officer's Association (SPOA)**
- E. **Resolution 2011-058 Authorizing the City Manager to Enter into a Contract with DKS Associates for On-Call Traffic Engineering Services**
- F. **Resolution 2011-059 Authorizing the City Manager to Award Contract to Brix Paving Company to Construct the FY 11-12 Pavement Maintenance Project**
- G. **Resolution 2011-060 Authorizing City Manager to sign IGA between the City of Sherwood and the Sherwood School District for the purposes of the School Resource Officer**
- H. **Resolution 2011-062 Initiating an Annexation of Urban Growth Boundary Expansion Area 54 and 55, also referred to as the Brookman Concept Plan Area, Located South of the Existing Sherwood City limits and north of Brookman Road**

MOTION: FROM COUNCILOR LINDA HENDERSON TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR ROBYN FOLSOM. ALL COUNCIL MEMBERS VOTED IN FAVOR. COUNCILOR DAVID LUMAN WAS ABSENT.

Mayor Mays addressed the next agenda item.

6. PRESENTATIONS

- A. **Relay for Life Proclamation:** Mayor Mays declared the City of Sherwood a Relay for Life Community. Relay for Life combines fundraising, cancer awareness, prevention activities, fellowship and support for cancer survivors. The Sherwood Chapter of Relay for Life is holding its 7th Annual Relay for Life on August 6-7 at the Sherwood High School. The Mayor urged the citizens to participate in the effort to eradicate cancer. The Mayor stated that the Relay for Life is a fantastic experience and recommends the event to everyone.

B. **Geography Awareness Week Proclamation**

The Mayor declared the first week of August Geography Awareness Week. The study of geography is essential to understanding our relationship with our environment and the work around us.

C. Certificate of Appreciation for Councilor David Luman

The Mayor had a Certificate of Appreciation for outgoing Council Luman who was unable to attend the meeting. Mayor Mays stated the Council will look to recognize outgoing Councilor Luman at a future meeting.

Mayor Mays addressed the next agenda item.

7. SWEARING IN CEREMONY

A. Councilor Elect Krisanna Clark to City Council Seat 5

Councilor Elect Krisanna Clark was sworn into office by City Manager Jim Patterson and then took her seat at the dais with the other council members.

Councilor Folsom asked to be excused from the Council meeting at 7:21 pm as she had another commitment.

The Mayor addressed the next item on the agenda.

8. CITIZEN COMMENTS

Kendra Kurtz, 22498 SW Dow Drive Sherwood, came forward and asked the Council to consider changing the codes to allow a limited number of hens in residential areas. Ms. Kurtz expounded on the benefits of raising hens, from teaching her children about where food comes from to the benefits of their fertilizer and insect control. Ms. Kurtz was aware that the Planning Commission has discussed the issue and asked the Council to let the Commission present the issue to Council for consideration.

Mayor Mays thanked Ms. Kurtz for her comments and stated the Council would get back to her on their decision to whether to have a Public Hearing.

Michael Thompson, 22338 SW Lee Drive Sherwood, addressed the Council about chickens and stated that under the current codes, a permit to raise hens would be almost \$5000. Mr. Thompson cited local cities that allowed the raising of hens with a permit fee of \$0-\$20 with limitations on the number of chickens, hens only, and distances from the property. Mr. Thompson asked Council to re-address the code about allowing hens.

Stephen "Skip" Booren, 15367 SW Sunset Sherwood, came forward as a resident and former employee of the City of Sherwood to express his concerns about the direction the City was heading for emergency management. Mr. Booren provided a copy of FEMA emergency management principles and explained that through his efforts the City has conducted several preparedness exercises and received over \$170k in federal grant money. Mr. Booren voiced his concerns that the City's progress towards Emergency Management would be lost because the Police Department did not have the time to manage the program, the collaborative efforts with the School District had been ceased, and the volunteer based Citizen Emergency Response Team, CERT, was not going to be properly utilized.

Mayor Mays thanked Mr. Booren for his comments.

Neil Shannon, 23997 SW Redfern Drive Sherwood, stated he wished to echo some of Mr. Booren's comments and added that he was pleased that the City had taken action toward emergency management, stating that previous programs were not sufficient. Mr. Shannon stated that he thought it was unfortunate that Emergency Management was currently the responsibility of the Police Department, stating that Emergency Management has not always been run by the Police department, that it was the responsibility of Public Works in the past and further explained that in neighboring communities Emergency Management is not commonly run by the Police. Mr. Shannon stated that the Police are great in an emergency, but in a disaster there may be nobody to answer 911. Mr. Shannon stated that the idea of a CERT program is neighborhood program intended to provide temporary help while the Police Department is busy in other areas and to provide support in an emergency after a disaster. Mr. Shannon explained that CERT volunteers are trained in Incident Command Structure (ICS) which is required by FEMA and their volunteer hours can be credited towards costs in an emergency. Lastly, Mr. Shannon explained that even businesses have to have an emergency plan and he feels the City needs a better emergency management program.

Mayor Mays thanked Mr. Shannon and other CERT members of the community for taking the time to advocate for the program. The Mayor stated that his commitment, and the Council's commitment to emergency management hasn't changed and that all understand its importance in light of recent activities across the Pacific.

Kim Nelson, 15991 SW Windrow Lane Sherwood, thanked the Council, supporting staff, and the community for supporting the Relay for Life. Ms. Nelson mentioned that this is a growing year for the Relay which has forty teams signed up to date including nine youth teams. The fundraising goal for Relay for Life is \$80,000. Last year's race made \$76,000.

Mayor Mays thanked Ms. Nelson and asked if there were any additional citizen comments.

Mayor Mays moved to the next agenda item.

9. NEW BUSINESS

A. Resolution 2011-061 Accepting the Dedication of Certain Real Property Necessary to Construct, Install, and Thereafter Maintain Street and Utility Infrastructure Related to the Extension of SW Adams Avenue between SW Tualatin-Sherwood Road and Highway 99W

Tom Pessemier, Community Development Director explained that the resolution was accepting land from Portland General Electric adjacent to the substation. This land will be used to become an extension of Adams Avenue to extend from Tualatin Sherwood Road, around the substation, to the stop light adjacent to Home Depot.

Mayor Mays asked PGE representative, Mark Frieberg if he had comments, which he did not, and asked if Council had any questions for Mr. Pessemier. The Mayor added that he hoped the road would be completed in 18 to 36 months, which would greatly improve the circulation

in the community, providing some congestion relief at the Tualatin Sherwood Road and Highway 99 intersection.

Mayor Mays asked for questions or a motion to the resolution.

MOTION: FROM COUNCIL PRESIDENT DAVE GRANT TO APPROVE RESOLUTION 2011-061, SECONDED BY COUNCILOR BILL BUTTERFIELD. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. COUNCILOR ROBYN FOLSOM WAS ABSENT.

Mayor Mays informed that agenda item 8b, *Resolution 2011-063 Referring to the Voters of Sherwood a Proposed Revision of the City Charter*, was to be continued to the next meeting. With no objections from the Council, Mayor Mays addressed the next agenda item and asked the City Recorder to read the public hearing statement.

10. PUBLIC HEARING

A. **Ordinance 2011-008 Amending Title 12 (Streets, Sidewalks, and Public Places) of the Sherwood Municipal Code by Adding a New Chapter (12.17) Establishing Limitations on Excavations and Cuts in Newly Improved Public Street Pavement Surfaces**

Bob Galati, City Engineer came forward and explained that the ordinance is intended to maintain the condition and service life of newly paved and constructed streets by limiting work that can be done on the street. Mr. Galati explained that cutting into a street reduces its life by nearly half. Mr. Galati stated this ordinance creates time limits and a review process for developers to be able to cut into streets.

Mayor Mays opened the public hearing to receive testimony regarding Ordinance 2011-008. With no comments received, the Mayor closed the public hearing and asked for Council questions.

Councilor Henderson asked if the surrounding communities have similar ordinances.

Mr. Galati explained that the City of Portland has moratorium streets that prohibited any cutting of certain streets and Tualatin had a review process for cutting into streets with a maintained list of streets that require a review process. Mr. Galati stated, the City will not ban development but control how development impacts street life to a greater degree.

Councilor Butterfield asked if the ordinance will cause an increase in permit fees.

Mr. Galati responded that a fee has not been established because street construction is handled under the use of a right of way permit. He further explained that there may be additional cost in the work required from the contractor depending on the review and resulting recommendation.

Mr. Butterfield asked if that meant the contractor will receive engineered documents on how to repair the street.

Mr. Galati stated that the contractor will receive additional requirements in addition to the standards.

Mayor Mays asked if there was a way to get all the work done on a road at once to avoid cutting a street later.

Mr. Galati proposed that a list be established, maintained and published on the City website with a list of construction limited streets and the duration of the limitations. Mr. Galati clarified the purpose would be to control maintenance costs, but to also make developers think about collaborative efforts and to open communication within the development community.

Councilor Langer asked how slurry sealing is affected by the ordinance.

Mr. Galati said that a slurry seal is a surface treatment whereas the limitations were intended for treatments like pavement overlays that increased the structure of the street.

Tom Pessemier clarified that by definition the slurry seal would be included.

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

MOTION: FROM COUNCIL PRESIDENT DAVE GRANT TO READ CAPTION AND ADOPT ORDINANCE 2011-008, SECONDED BY COUNCILOR LINDA HENDERSON. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. COUNCILOR ROBYN FOLSOM WAS ABSENT.

Mayor Mays addressed the next agenda item.

B. Ordinance 2011-009 Amending Multiple Sections of the Zoning and Community Development Code to Require Parks and Open spaces in New Subdivisions and Including Divisions I, II, VII, and VIII

City Senior Planner Heather Austin stated that the ordinance is the next phase of the code clean-up process. Ms. Austin explained that in a new residential subdivision, 5% of the land will be dedicated to the city or privately maintained as parks or open space, but will not reduce the requirements for lot sizes. Ms. Austin proposed that a sentence be removed from the proposed ordinance to clarify the intent of the section pertaining to System Development Charges. Section H of Exhibit A.4, the last sentence of this section.

Mayor Mays opened the public hearing to receive testimony on the proposed ordinance. With no public comments received, the Mayor closed the public hearing and asked for Council questions.

Mayor Mays asked for clarification on the density calculation for lot sizes on single family detached lots.

Ms. Austin answered that the ordinance does not allow the minimum lot size requirements per zoning to be reduced.

Mayor Mays thanked Ms. Austin and asked for questions or discussion from Council. With none heard, the following motion was received.

MOTION: FROM MAYOR KEITH MAYS TO READ CAPTION AND ADOPT ORDINANCE 2011-009, DELETING THE LAST SENTENCE OF SECTION H., SECONDED BY COUNCIL PRESIDENT DAVE GRANT. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. COUNCILOR ROBYN FOLSOM WAS ABSENT.

City Manager Jim Patterson informed the Council that tonight would be Heather's last Council meeting as she was leaving her employment with the City. City Manager Patterson thanked Ms. Austin on behalf of City Staff and the Council for her professionalism, and commitment with the City as the Senior Planner.

Mayor Mays addressed the next agenda item.

11. CITY MANAGER REPORT

Mr. Patterson commented on the use of illegal fireworks in Sherwood and asked Police Chief Jeff Groth and TVF&R Chief Jim Davis to provide a report to the Council on the recent holiday.

Chief Groth came forward and introduced Central Division Chief with Tualatin Valley Fire and Rescue. Chief Groth explained that, at a County level, local law enforcement wanted to show a unified front in cooperation with our fire service provider by providing education and enforcement in regards to illegal fireworks. The education consisted of officer outreach to block parties, neighborhoods, and public places with road signs and pamphlets. Enforcement was done by observation and calls to dispatch, with a zero tolerance for illegal fireworks (see record, Exhibit C). Chief Groth described a new court diversion program for offenders developed by the Police Department as well as the measures some will go through to avoid detection. Chief Groth felt it was unfortunate that some of the officers received negative comments and unpatriotic insults for enforcing the law. In response, Chief Groth had some recommendations that will come to council.

Chief Davis thanked Chief Groth for the cooperation of the Police Department on one of the busiest night that TVF&R has throughout the year. Like the Police Department, TVF&R also campaigned for safe fireworks for the Fourth of July. TVF&R Fire Deputies rode with Police officers in Beaverton, Tigard, Sherwood and Wilsonville, with three fire investigators on call. Chief Davis mentioned structure fires in the area, one in Sherwood, caused by the improper disposal of fireworks (see record, Exhibit D). Chief Davis stated that there were over thirty calls for service on the night of the fourth, and that there was a clear difference in the number of calls in areas with police cooperation and education.

Mayor Mays thanked Chief Groth and Chief Davis on behalf of the City Council and staff, expressing his disappointment in those who felt a need to insult the officers.

Council Henderson asked when the law was changed classifying illegal fireworks.

Chief Groth said he was unsure, but that it had been a long time. Chief Groth mentioned that possession of illegal fireworks is a Class B Misdemeanor, meaning that offenders could have been jailed instead of cited per the City Municipal Code.

Mayor Mays addressed the next agenda item.

12. COUNCIL ANNOUNCEMENTS

Mayor Mays thanked Phil McGuigan and all of the volunteers of the Robin Hood Festival Association for a fantastic time and congratulated them on a tremendously successful event.

Council President Grant commented that he participated in the Robin Hood Festival as a vendor and found the volunteers to be friendly and well organized.

Councilor Langer stated he also enjoyed the Robin Hood Festival. Councilor Langer updated the Council on BOOTS activity, indicating that all the committee vacancies had been filled. He stated BOOTS is accepting suggestions for branding and they are hoping to put murals up in the downtown area. Councilor Langer reported that his family has property close to the Adams Avenue road construction and they are allowing the contractors to stockpile materials on the property and said anyone who has concerns can call him or contact either the City Manager or the Mayor.

Councilor Henderson commented regarding her concerns about open pit burning and a visit by TVF&R to her neighborhood. Councilor Henderson asks if staff would be able to research how other jurisdictions deal with open pit burning inside the city limits.

Mayor Mays announced that, through Metro and Washington County, \$5.1 million in Federal Flex Funds will be granted to Sherwood to construct the Cedar Creek and Tonquin Trail in 2014. He stated this was accomplished by submitting projects, created by staff, to the County meeting the specific criteria. Mayor Mays said a presentation will be shown at the next Council meeting.

With no other announcements received, Mayor Mays adjourned the meeting.

13. ADJOURN

Mayor Mays adjourned the meeting at 8:45 pm.



Keith S. Mays, Mayor

Submitted by:



Kirsten Allen, Administrative Assistant II