



Home of the Tualatin River National Wildlife Refuge

**SHERWOOD CITY COUNCIL MINUTES
22560 SW Pine St., Sherwood, Or
June 7, 2011**

WORK SESSION-Joint session with Planning Commission

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 6:05 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Grant, Councilors Robyn Folsom, Bill Butterfield, Matt Langer, Linda Henderson and David Luman.

PLANNING COMMISSIONERS: Chair Patrick Allen, Lisa Walker and Brad Albert. James Copfer arrived at 6:30pm.
3. **STAFF PRESENT:** City Manager Jim Patterson, Community Development Director Tom Pessemier, Planning Manager Julia Hajduk, Finance Director Craig Gibons, Community Services Director Kristen Switzer, Senior Planner Heather Austin, Economic Development Manager Tom Nelson and City Recorder Sylvia Murphy.
4. **TOPIC DISCUSSED:**
 - A. **Comprehensive Plan Update:** Community Development Director Tom Pessemier and Planning Manager Julia Hajduk briefed the Council and presented a power point presentation (see record, Exhibit A). Questions and discussion followed.
 - B. **Code Cleanup:** Community Development Director Tom Pessemier and Planning Manager Julia Hajduk briefed the Council and presented a power point presentation (see record, Exhibit B). Questions and discussion followed.
5. **ADJOURN:** Mayor Mays adjourned the Work Session at 7:02 pm and convened to the regular Council Session.

REGULAR COUNCIL MEETING

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 7:10 pm.

Mayor Mays called for a moment of silence in memory of Cecilia Buckley an 11 year old Sherwood resident who recently passed away.
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 David Luman.

4. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Jim Patterson, Police Chief Jeff Groth, Community Development Director Tom Pessemier, Finance Director Craig Gibbons, Economic Development Manager Tom Nelson, Accounting Supervisor Julie Blums, Engineer Associate Sandrine Ganry and City Recorder Sylvia Murphy. City Attorney Chris Crean.

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

5. **CONSENT AGENDA**

- A. **Approval of May 17, 2011 City Council Minutes**
- B. **Resolution 2011-046 adding a Continuing Disclosure Policy to the existing set of City Financial Policies**
- C. **Resolution 2011-047 authorizing the City Manager to sign an Intergovernmental Agreement with Washington County on behalf of Washington County Cooperative Library Services (WCCLS)**
- D. **Resolution 2011-048 authorizing the City Manager to sign an Intergovernmental Agreement for the Washington County Community Development Block Grant Program for program years 2012-2014**
- E. **Resolution 2011-049 certifying the provision of certain municipal services in order to qualify the City to receive State Revenues**

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.

6. **PRESENTATIONS**

A. **Recognition of 2011 Robin Hood Festival Maid Marian Court**

Mayor Mays introduced Maid Marian Court Chaperone Kristine Mulkey. Ms. Mulkey called forward the 2011 Robin Hood Festival Court members, read a brief bio for each member and the Mayor and City Council members presented the Court members with Certificates.

2011 Maid Marian, Noel Bayles, Sr. Court members Hailey Eby, Samantha Krusemark and Belle Shippy. Junior Court members, Brooke Allison, Paige Block, Rachel Doyel, Sophia Mulkey and Lily Starling.

B. **Presentation from Dave Nelson, CIS Public Safety Manager**

Dave Nelson, CIS Public Safety Manager came forward and provided the Council with a letter and report of a Best Practices Review for the Sherwood Police Department (see record Exhibit C). Mr. Nelson informed the Council in 2009 the CIS Board decided to conduct Best Practice Reviews in house and he is responsible for conducting reviews. Mr. Nelson stated he has produced a Risk Management Plan for Sherwood and distributed the plan to the Council (see record). Mr. Nelson informed the Council reviews of other Police Departments indicate as many as 50 recommendations and the Sherwood Police Department' review had 4 recommendations. Mr. Nelson stated he met with Chief Groth and his command staff at the Police Department on April 21, 2011. As a result, the four recommendations were addressed. Mr. Nelson stated Chief Groth has already addressed two of the issues. Mr. Nelson stated the program is a three year program

with a physical review of the site and meeting with command staff to see what changes have occurred. Mr. Nelson informed the Council that his review of the Sherwood Police Department was excellent and the best he has done in his tenure with CIS. Mr. Nelson stated part of his review is to look at claims and the number of claims are very low which resulted in a very good claim review. Mr. Nelson informed the Council that in 2012-13 CIS will begin a 7 part bonus program, and part of that program for Police Departments who score 95% or better in their review for Best Practices will receive a \$1000 credit on their premium and said Sherwood has exceeded the 95%.

Mayor Mays thanked Mr. Nelson for the report and CIS for having the Best Practices Program.

Chief Groth and Mr. Nelson also stated this Best Practices review is the first review Sherwood has ever had.

C. Proclamation recognizing Early Day Gas Engine & Tractor Association

Mayor Mays read the proclamation and Frank Webber, Vice President of Sherwood Branch 15 came forward as did Dan Suttle a 15 year member of Sherwood Chapter 15. Mayor Mays thanked Mr. Webber and Mr. Suttle for attending and presented them with the original proclamation.

Mayor Mays addressed the next agenda item.

7. NEW BUSINESS

A. Resolution 2011-050 Authorizing the City Manager to award a contract to Construct the Brookman Area Sanitary Sewer Extension – Phase 1 Project

Sandrine Ganry, Engineering Associate came forward and recapped the staff report. Staff provided the Council with contractor and bid information staff received from bid openings which occurred on June 6th. Staff provided the Council with an amended resolution which included this information, (see record, Exhibit D).

Mayor Mays asked for Council questions, with none heard he asked for a motion.

MOTION: FROM COUNCILOR LINDA HENDERSON TO ADOPT RESOLUTION 2011-050, SECONDED BY COUNCILOR BILL BUTTERFIELD. ALL COUNCIL MEMBERS VOTED IN FAVOR.

Prior to addressing the next agenda item, Public Hearings, Mayor Mays asked Council to address Citizen Comments which was listed on the agenda after public hearings. Council conceded.

8. CITIZEN COMMENTS

Lisa Jo French with Raindrops 2 Refuge came forward and gave a brief history of the City's relationship with Raindrops 2 Refuge, indicating that the recent award, received by the City from Clean Water Services was, in part, from trees planted by Raindrops 2 Refuge. Ms. French gave Council a copy of the organization's budget and a memorandum (see record), suggesting that the relationship between the City and Raindrops 2 Refuge be clarified through a resolution. Mayor Mays agreed with the suggestion to move forward with creating a

resolution of understanding. City Manager Jim Patterson shared that he would be willing to work with Ms. French in drafting legislation.

Ron Karchergius, 17042 SW Stellar Drive Sherwood, came forward and informed the Council of his law enforcement and military background and his past experience on City Boards and Commissions as well as his participation on the Sherwood Chamber of Commerce Board. Mr. Karchergius expressed his concerns about the dark curbs at the intersection of Tualatin Sherwood Rd and 99W, in evening hours and when it's raining, and suggested that the City paint the curb white for easy noticeability. Secondly, Mr. Karchergius stated his concern with the walking paths in Woodhaven. He would like to initiate the naming of the paths to enable emergency personnel to find persons who are on the paths and in danger. Chief Groth commented that the naming of trails has been a point of discussion recently and said the Police Department will follow up on both items mentioned by Mr. Karchergius.

Robert Eddy, 16819 SW Stellar Drive Sherwood, came forward and said he has been a resident since September and said he has had questions on his first two utility bills and stated he did not receive acceptable answers from the billing department. He stated he had reviewed past Council minutes and noticed comments regarding installation and conversion of the system. Mr. Eddy stated he sent an email to the Mayor in December outlining questions and discussions he had with the billing department and suggesting that someone independent of the billing department look into the operations of the system and staff. Mr. Eddy stated his email was forwarded to Craig Sheldon and he in turn exchanged emails with Mr. Sheldon. Mr. Eddy informed the Council of his observations, questions and suggestions. He quoted email communications with Mr. Sheldon regarding his goals of not changing much when the City took over the service from TVWD. Mr. Eddy stated one change was the bills displaying meter readings and said Sherwood's bills do not display meter readings. He said the TVWD bill displayed 10 months of usage history and Sherwood's bill show 2 months of history. The TVWD bills shows the meter reading dates, and Sherwood's displays service dates which are not meter reading dates. The TVWD billing period is bimonthly and Sherwood's is monthly. Mr. Eddy commented regarding the cost associated with this change and asked who decided to make the change which varies from Mr. Sheldon's stated goals. Mr. Eddy continued to quote email communications he had with Mr. Sheldon regarding meter reading dates and service dates. Mr. Eddy stated Mr. Sheldon communicated back in December that the City was working on getting meter readings on the bills and expected this to occur in 2-3 months and as of May, 5 months later this has not yet occurred. Mr. Eddy continued and stated in review of prior Council minutes it appears the City's IT staff was not very involved in the process of the installation of the new system and the majority of the tasks were managed and performed by outside contracted individuals and asked who is now responsible for the technical support. Mr. Eddy stated Council minutes from March indicated a request from Councilor Henderson asking for a report from staff on utility billing to come before the Council in a work session to include what went well, what wasn't anticipated and what was learned in this process. Mr. Eddy stated he would like to know if this report was produced and if so asked if a copy was available for residents. Mr. Eddy referenced Council minutes and comments made by Councilor Luman regarding the new audit firm and helping the City become more efficient. Mr. Eddy stated he did not expect answers to his questions this evening but would expect them in the near future.

Mayor Mays thanked Mr. Eddy for his time, as did Councilor Folsom.

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

9. PUBLIC HEARING

A. Resolution 2011-051 declaring the City's election to receive State Revenues

Craig Gibbons Finance Director came forward and explained the resolution.

Mayor Mays opened the public hearing to received testimony. No testimony was received and he asked for Council questions or discussion. With none received he asked for a motion.

MOTION: FROM COUNCIL PRESIDENT DAVE GRANT TO ADOPT RESOLUTION 2011-051, SECONDED BY COUNCILOR LINDA HENDERSON. ALL COUNCIL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

B. Resolution 2011-052 adopting a Schedule of Fees as authorized by the City Zoning and Community Development Code, establishing fees for miscellaneous City services and establishing an effective date

Craig Gibbons Finance Director and Julie Blums Accounting Supervisor came forward and explained the resolution and specific changes to the Fee Schedule as outlined in the staff report.

Mayor Mays opened the public hearing to receive testimony.

Eugene Stewart, PO Box 534 Sherwood, came forward and asked the Council if the fees to build in the city were holding back the commercial development in the city, citing an incident where a tenant was unable to occupy a space because of fees from System Development Charges. Mr. Stewart suggested a commission to study the numbers and develop a model to avoid the need to raise fees, stating that he would be willing to be on said commission.

With no other testimony received the Mayor closed the public hearing and asked for Council questions.

Councilor Langer asked for an explanation of how the Construction Cost Index increased. Community Development Director Tom Pessemier cited the sources for the Index and indicated that while many costs have gone down the construction costs have increased 3.9%.

Councilor Folsom asked Mr. Pessemier if there has been any construction in the City. Mr. Pessemier answered that there has been some, but that it has been relatively slow.

Councilor Henderson referenced Section 8 of the Fee Schedule and asked who would need a 4" water meter. Mr. Pessemier answered that it would have to be some sort of industrial use, but that the City works with developers to help them chose the appropriate size of meter.

Councilor Folsom expressed that while she understands the need for growth to pay for itself, she is concerned that the System Development Charges (SDC) are prohibitive to development. Ms. Folsom stated she wishes there was time to have the discussion suggested by Mr. Stewart.

Craig Gibons explained there are plans to reanalyze some of the water SDC methodology that would involve the discussion suggested.

Council President Grant asked if approving the budget would preclude the review of methodology and prevent changes to the budget.

Mayor Mays stated that a budget is valid on the day it is approved and that changing fees would have some issues.

Mr. Pessemier commented that the review of SDC methodology is a fairly involved and an expensive process that is typically done with Master Plan updates. Mr. Pessemier stated that the Community Development Department discusses SDC fees with developers and potential tenants early in the process. He expounded that when there is a change of use (when a new tenant wants to use an empty space for a new purpose) and the new use is at a higher SDC rate there has been some need for education.

Councilor Folsom commented that she has seen growth in neighboring cities and wants to witness that kind of growth in Sherwood.

Mr. Pessemier said that there has been some activity here in Sherwood that may come through soon.

Mayor Mays said there have been discussions about incentives to encourage industrial growth that need to be continued.

City Manager Patterson commented staff has done a good job of being up front about SDC fees, but that the difficulty comes when the building owner does not communicate to a new tenant that there may be additional SDC fees due because of a change in use.

Councilor Butterfield commented that he would appreciate flexibility that would encourage businesses to come to the City.

Tom Pessemier commented that the rules for the City, as adopted by ordinance in 2007, control the SDCs. To change the SDC's would mean to change them by ordinance.

City Attorney Crean replied and referenced case law that stated a municipality must adopt a fee schedule and that the fees cannot be negotiated on a case by case basis, doing so would open the City up to litigation. Furthermore, all jurisdictions have SDC's, so the question is where does the City stand in that spectrum. Mr. Crean also stated that the development community will go where there is good service and the City does a good job at providing that.

Councilor Langer commented and gave examples of vacant spaces and fees and asked if all communities charge SDC's. Mayor Mays confirmed and Mr. Gibons stated SDC's are for infrastructure improvements and explained how SDC's work.

Mayor Mays commented that a developer can gain SDC credits by building infrastructure to lower the fees.

Tom Pessemier remarked that to the SDC restructure in 2007 did create a way to credit developers and where some jurisdictions only give partial credit in some instances the City will give one hundred percent credit.

Councilor Henderson asked if credits given to a builder would be considered an incentive. The Mayor answered yes. Councilor Henderson then asked how the credits would be applied.

Mr. Pessemier stated that in the case of street credits, they were dollar for dollar and could give a developer enough credit to cover the entire transportation fee.

Councilor Luman asked Mr. Gibons if he thought the Water SDC rates would change substantially. Mr. Gibons said he did not know.

Councilor Folsom asked if the SDC rate change in 2007 was to make up for the lack of fees previous to its passing.

Council President Grant stated that it was not permitted to do so. Mayor Mays clarified that fees were for future use and development.

Councilor Folsom asked if the Seattle Construction Cost Index had to be followed because many recent projects have come in with lower bids. Tom explained that the index includes the Portland area. He concluded that the decision was up to Council, but in the past SDC rates have followed the Seattle Index.

City Manager Patterson asked if 3.9% was not added what the impact would be.

Tom Pessemier replied that it was dependent upon the amount of development the City had. However, it would not only impact this year, but cumulatively in years to come. Failing to keep up with the Index will result in a lack of fees for future infrastructure construction.

Craig Gibons explained that SDC fees are a part of what pays for the infrastructure of the City. The budget is a closed system, reducing one source of revenue means increasing another source.

Councilor Henderson asked how fees are used compared to System Development Charges. Tom Pessemier explained that the fees, like the street fee, are used for ongoing maintenance or repair, whereas SDC fees are designated specifically for future growth.

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

MOTION: FROM MAYOR MAYS TO ADOPT RESOLUTION 2011-052, SECONDED BY COUNCILOR LINDA HENDERSON. ALL COUNCIL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

C. Resolution 2011-053 adopting the 2011-12 Budget of the City of Sherwood, making appropriations, imposing and categorizing taxes, and authorizing the City Manager to take such action necessary to carry out the adopted budget

Craig Gibons Finance Director came forward and stated the Budget document was approved by the Budget Committee.

Mayor Mays opened the public hearing.

Neil Shannon, 23997 SW Redfern Drive Sherwood, came forward and said he attended most of the Budget Committee meetings. Mr. Shannon expressed concerns that the City intends to spend more than it brings in. Mr. Shannon urged Council to maintain a sustainable budget.

Jean Simson, 22466 SW Nottingham Ct. Sherwood, came forward and provided Council with two documents (see record) and stated that she knew that her comments would not change the passing of the budget, but asked Council to consider how they were spending the money, and if citizen involvement could be facilitated by a less intimidating process, such as smaller work groups or informal work sessions.

With no other testimony received, Mayor Mays closed the public hearing and asked for Council discussion.

Council President Grant commended staff for their work on the budget and commented how difficult it was and the challenges with reductions in staff. Mr. Grant commented regarding his vote against the budget at the Budget Committee meeting and accepting the decision of the Budget Committee's and approving the budget tonight.

Mayor Mays commented regarding challenges of the budget process. The Mayor stated that he expected the budget balance at the end of the year to improve because the Census revealed an 8% increase in population which entitles the City to additional funds from shared revenue.

Councilor Folsom thanked the citizen members of the Budget Committee for their commitment and thanked staff.

The following motion was received.

MOTION: FROM COUNCILOR BILL BUTTERFIELD TO ADOPT RESOLUTION 2011-053, SECONDED BY COUNCILOR DAVID LUMAN. ALL COUNCIL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

D. Resolution 2011-054 adding new services to the Pride Disposal Franchise Agreement and modifying the rate structure

Craig Gibbons, Finance Director explained the resolution and stated there is no rate increases proposed only changes in services proposed by Pride Disposal.

Mike Leichner and Kristin Leichner with Pride Disposal came forward and explained the proposed changes, which are to offer food waste services to recover organic waste, and a bookkeeping change regarding recycling that does not change the fees.

Mayor Mays opened the public hearing to receive testimony.

Neil Shannon, 23997 SW Redfern Drive Sherwood, came forward and asked regarding the \$4 recycling credit and asked how much recycling is done in Sherwood. Mayor Mays informed Mr.

Shannon that currently 85% of Sherwood recycles. Mr. Shannon questioned if that percentage would drop if the \$4 recycling credit was removed.

Eugene Stewart, PO Box 534 Sherwood, came forward and thanked Pride Disposal for their service and commended the Leichner's for supporting the Sherwood community. He stated an 85% recycling rate is good and said we are fortunate and believes Sherwood takes recycling serious.

No other testimony was received and the public hearing was closed.

Mayor Mays asked how our recycling participation rate compares to other jurisdictions. Mr. Leichner replied that Sherwood is comparable with other areas that Pride Disposal services. Mr. Leichner further explained that they compare the weight of the recycling to the weight of the garbage concluding that roughly 58% of the total weight comes from recycled materials.

Mayor Mays asked Mr. Leichner if he thought the removal of the recycling credit would impact the recycling effort of the citizens. Mr. Leichner stated that in his opinion, habits have been formed and children have been taught to recycle, so he does not foresee a drop in participation. Ms. Leichner mentioned that other cities where Pride collects garbage do not have recycling credit and still maintain a high recycling rate.

Mayor Mays commented on the wisdom of recycling. He commended Pride Disposal for improving efficiency, in being proactive in offering new services, and that the rates have not been increased in three years despite the increase in fuel costs.

Mr. Leichner informed the Council of emissions issues they are dealing with and said they are looking at trucks that run on compressed natural gas.

Councilor Henderson thanked Pride for their community support and the recycling depot at their facility.

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

MOTION: FROM COUNCILOR LINDA HENDERSON TO ADOPT RESOLUTION 2011-054, SECONDED BY COUNCILOR ROBYN FOLSOM. ALL COUNCIL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

10. CITY MANAGER REPORT

City Manager Jim Patterson congratulated Coach Strohmaier and the Sherwood High School Baseball Team for the 1st place state victory over Wilsonville. Mr. Patterson stated this year Sherwood has placed first in state in Baseball, Football, and Volleyball and had a member of the Snowboarding team also place first.

11. COUNCIL ANNOUNCEMENTS

Mayor Mays thanked staff and the Sherwood Police Department staff for their professionalism with the recent events that have occurred in Sherwood.

Councilor Folsom congratulated the graduating Sherwood Senior High Class of 2011.

Councilor Butterfield thanked staff for their work with community groups and specifically their communications with the youth baseball league.

Councilor Langer congratulated the Sherwood Baseball Team and reminded of Sherwood Cruis'in to be held Saturday June 11th in Old Town and reminded of the Sherwood Chamber Annual Awards Dinner on June 23rd to be held at Sherwood Regal Cinema.

12. ADJOURN

Mayor Mays adjourned the meeting at 9:27 pm and convened to a URA Board of Directors meeting

Submitted by:


Kirsten Allen, Administrative Assistant II


Keith S. Mays, Mayor