



Home of the Tualatin River National Wildlife Refuge

**SHERWOOD CITY COUNCIL MINUTES
22560 SW Pine St., Sherwood, Or
February 15, 2011**

WORK SESSION

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 6:32pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Grant, Councilors Linda Henderson, Robyn Folsom, Bill Butterfield, Matt Langer and David Luman.
3. **STAFF PRESENT:** City Manager Jim Patterson, Community Services Director Kristen Switzer, Events Coordinator Denise Berkshire, Finance Director Craig Gibons, Economic Development Manager Tom Nelson, Planning Manager Julia Hajduk, Assistant Planner Zoe Monahan, Police Chief Jeff Groth, Public Works Director Craig Sheldon and City Recorder Sylvia Murphy.
4. **TOPIC DISCUSSED:** Special Events Permits. Kristen Switzer and Denise Berkshire briefed the Council on the subject and presented a power point presentation (see record, Exhibit A). Discussion followed. Staff provided a draft example of fees (see record, Exhibit B). Discussion followed and Council asked for more examples of potential fees. Staff to provide more information at a future date.
5. **ADJOURNED:** Mayor Mays adjourned the Work Session at 7:09pm and convened to the regular Council meeting.

REGULAR COUNCIL MEETING

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 7:15pm.
2. **PLEDGE OF ALLEGIANCE AND ROLL CALL:**
3. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Grant, Councilors Linda Henderson, Robyn Folsom, Bill Butterfield, Matt Langer and David Luman.
4. **STAFF PRESENT:** City Manager Jim Patterson, Police Chief Jeff Groth, Finance Director Craig Gibons, Community Development Director Tom Pessemier, Economic Development Manager Tom Nelson, Public Works Director Craig Sheldon, Planning Manager Julia Hajduk, Assistant Planner Zoe Monahan and City Recorder Sylvia Murphy.

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

5. CONSENT AGENDA:

- A. **Approval of February 1, 2011 City Council Minutes**
- B. **Resolution 2011-011 Reappointing Ivonne Pflaum to Budget Committee**

- C. **Resolution 2011-012 Appointing a Budget Officer for Fiscal Year 2011-12**
- D. **Resolution 2011-013 Designating the City Manager or designee to carry out labor negotiations on behalf of the City**
- E. **Resolution 2011-014 Authorizing an Intergovernmental Agreement for services between the City of Sherwood and the Sherwood Urban Renewal Agency**

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

6. PRESENTATIONS:

A. Recognition of Eagle Scouts. No scouts were present.

7. PUBLIC HEARINGS:

A. Ordinance 2011-001 Amending multiple sections of the Zoning and Community Development Code including Divisions II, III, V, and VIII

Mayor Mays stated the City Council held a public hearing at their previous meeting of February 1, 2011 on Ordinance 2011-001 and Ordinance 2011-002 to received testimony. Mayor Mays stated the Council discussed some changes to the legislation prior to receiving testimony and then closed the public hearings and continued the business to this meeting. Mayor Mays stated Council asked staff to bring back the legislation with modifications discussed by Council.

Mayor Mays asked for Council discussion or questions on the proposed ordinances.

Councilor Henderson referenced page 36 of the Council packet, Section 16.98.030 Material Storage and asked for clarification on "external" and asked if this means outside and not attached? Julia replied this is how she would interpret the language.

Councilor Luman asked for clarification; if trees are less than 5" in diameter and are removed they have to be replaced but all the others one don't, Mr. Luman asked if this is correct. Zoe replied they all need to be replaced unless they fall under an exemption.

Zoe informed the Council the proposed language does not include height limits on hedges and this is one of the discussions Council had at their previous meeting and staff left this language blank for Council to determine the height limits for the residential zones and the nonresidential zones.

(City Recorder Note: Ordinance 2011-001, Exhibit 1-A, Chapter 16.58.030, Section D.6 and Section E.3).

Mayor Mays stated the Council discussed 8' for residential and 12' for nonresidential and asked if Council was accepting to this standard. Council conceded unanimously to this standard.

With no other Council comments, Mayor Mays stated the following motion on Ordinance 2011-001.

MOTION: FROM MAYOR MAYS TO READ CAPTION AND ADOPTED ORDINANCE 2011-001, NOTING THE HEIGHTS OF THE HEDGES BEING 8' FOR RESIDENTIAL AND 12' FOR COMMERCIAL, SECONDED BY COUNCILOR BILL BUTTERFIELD. ALL COUNCIL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed Ordinance 2011-002 and stated the Council held a public hearing at their February 1, 2011 meeting and the hearing was closed. Mayor Mays asked for Council comments, with none heard he asked for a motion.

B. Ordinance 2011-002 Amending Title 12.12 and 12.20 of the Municipal Code relating to trees on other public property and Homeowner's Association authorization to review tree removal

MOTION: FROM COUNCIL PRESIDENT DAVE GRANT TO READ CAPTION AND ADOPTED ORDINANCE 2011-002, SECONDED BY COUNCILOR DAVID LUMAN. ALL COUNCIL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

8. CITIZEN COMMENTS

Lori Randel 22710 SW Orcutt, Sherwood came forward and commented regarding damage to her yard and landscape by a subcontractor of Capstone. Ms. Randel stated they were installing the utility lines under the street and through her yard to a pole in her yard. Ms. Randel stated this section of utility lines were for the section 8 housing being put in on Willamette across from her house. Ms. Randel stated no one from the City contacted her asking if she was ok with the work. Ms. Randel stated she checked with her title company and they confirmed there are no recorded easements on her property. Ms. Randel stated she checked with PGE and they stated they did not ask the trench be dug as part of their plan of replacement of the pole in her yard, Ms. Randel said if she had been asked they would have found that the pole was being moved two feet closer to the street and if the trench still needed to be dug it could have been placed as to not remove her bushes. Ms. Randel stated she believes this was a vindictive move on behalf of staff, Capstone and the City. Ms. Randel stated she heard back from Capstone and they offered to replace her butterfly bushes and she said there is a law against replanting this type of bush. Ms. Randel stated neighboring properties have trenches dug and restitution has not been offered to them. Ms. Randel speaking on behalf of a neighbor stated he was not notified of the digging and a trench was dug next to a children's swing set. Ms. Randel stated she called several departments at the City informing staff the trenches were not safe and her trench has now been filled but the trenches and holes on Willamette are still open. Ms. Randel stated the contract workers were working in her neighbor's yard without seeking permission and working on an unstable bench and her neighbor feared someone could get hurt and then sue him as the property owner. Ms. Randel commented regarding section 8 housing and hearing that current residents would not experience parking issues with the development and this is not proving to be true based on the contractors. Ms. Randel stated they have to ask the contractors to move their vehicles from in front of their homes and driveways and stated she did not received mail for a few days and wondered if it was due to the blocked mailbox. Ms. Randel stated several of residents who reside along Willamette would like to meet with staff to see what the plan is for Willamette.

Mayor Mays confirmed with City Manager Patterson that a contractor would contact the property owner even if working in the right of way, Mr. Patterson replied correct. Mayor Mays asked if the contractor or subcontractor failed to notify the property owners of the work that needed to be done. Mr. Patterson said he can't speak as to whether or not they failed to notify a property owner and said Tom Pessemier visited the site today and he asked Tom to inform the Council of his findings.

Tom stated he visited the site and the plans show the hydrant and the pole Ms. Randel is referring to are in the right of way and the plans also show a trench that should go in the right of way back to that pole in order to connect the utilities to it. Tom stated it appears that they bent behind the hydrant to avoid utility conflicts and it possibly could have strayed out of the right of way, but if it did it was for a few inches if at all.

Mayor Mays stated the challenge with some of our older streets is not everyone realizes what represents the right of way on a home site or easements. Mayor Mays stated we want our contractor to be safe and communicate with property owners and work with them to avoid surprises.

City Manager Patterson said concerns raised by Ms. Randel about contractor parking and blocking of driveways is something the City can speak to the contractor about. Mr. Patterson stated Ms. Randel is probably correct that there are no easements on her property and said after viewing an aerial the section of the property that is being worked on is public right of way. Mr. Patterson said in older neighborhoods where private property is adjacent to right of way, there are property owners that have been caring for the landscape and in some case where the City has not cared for the property, it's easy for the property owner to start considering ownership on this land. Mr. Patterson stated if we have done something that has infringed upon a property owner the City will make it right, whatever that is and said it's not the intention of the City, our consulting engineering, Capstone or staff to do that. Mr. Patterson stated staff can do a better job with communicating the property owners on defining right of way and will do this. Mr. Patterson stated the contractor is not responsible for replacement of shrubs in right of way and in this case his understanding is the contractor has offered to replace the shrubs. Mr. Patterson said he appreciates Ms. Randel' comments on the issues and bringing this to our attention as others may have the same concerns.

Councilor Luman asked if they are putting up door hangers informing of the work on individuals properties. Mr. Patterson replied no. Mr. Luman said the contractor should be ensuring there are no open hazards. Mr. Patterson replied he is aware of the areas being taped off, and in some cases the tape is being removed and no longer there. Mr. Patterson said he will ask Tom to get together with the contractor to mitigate these things from happening in the future.

Mayor Mays stated he doesn't believe there was any vindictiveness as mentioned and as a community we want to follow best practices on whatever the issue is and stress the same for our contractors.

Councilor Folsom asked who is responsible for communicating with a neighborhood in this type of situation, Tom's (community development department) or the contractor or who? Mr. Patterson replied in this particular situation of redevelopment the consultants that are hired by Capstone Partners are going to be responsible for the public communication. Mr. Patterson stated Tom Nelson has regular communications with Capstone and the contractor.

Mayor Mays asked to receive other citizen comments.

Christa Trepte 22557 Verdant Terrace Sherwood came forward on behalf of the Woodhaven Home Owner's Association and asked in regards to the proposed language of the corner lots and 8' easements and the reasoning behind this easement and setbacks as this impacts quite a few homes in their association and asked if the Council has voted on this language.

Mayor Mays stated he would ask staff to get together with Ms. Trepte to understand the reasoning behind the language and confirmed that the Council had voted and approved the proposed language this evening.

With no other comments received, Mayor Mays addressed the next agenda item.

9. CITY MANAGER AND STAFF REPORTS

City Manager Jim Patterson stated Police Chief Groth had a report to provide to Council, Chief Groth distributed the Sherwood Police Department 2010 Year End Report (see record, Exhibit C). Chief Groth stated the report did not make it into the Council meeting packet therefore was being provided tonight.

Mr. Patterson provided Council with information on Oregon Street road closure and established detour routes during construction of the Oregon Street Improvements project and said information

can be found on the City's website. Mr. Patterson thanked Jason Water's from the City's Engineering Department for the information.

Mr. Patterson stated there's a meeting scheduled for February 16th at 5pm to be held at the Rebekah Lodge to discuss work that Kodiak Pacific Construction is doing on pavers in the Old Town area.

Mr. Patterson informed Council that staff would be participating in an Emergency Management initiative on February 22nd, called "Stop Traffic 2011" and said the tabletop exercise will be facilitated by Jeff Ruben with TVF&R and said there will be participants from TVF&R, City of Tualatin, WCCCA and the Sherwood School District.

10. COUNCIL ANNOUNCEMENTS

Councilor Langer reported as the Council Liaison to the BOOTS organization that they had recently met and discussed the coordinator position and BOOTS is currently seeking a person for this position. Mr. Langer stated the BOOTS organization is seeing strong growing momentum business wise, locally and statewide. Mr. Langer stated the 2012 St. Patrick's Celebration was being brainstormed and said Clancy's was working on their Special Events Permit for this event.

Mr. Langer stated information on BOOTS can be found on Facebook.

Councilor Folsom thanked Finance Director Craig Gibbons for the financial report in the Council meeting packet.

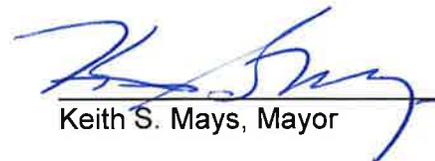
Councilor Henderson reported the Cultural Arts Community Center Steering Committee met this week with the consultant hired to produce the Community Center Business Plan. Ms. Henderson stated this is a very fast tracked project and the consultant may be contacting community groups in the coming weeks seeking input on how their organization would use the center.

With no other Council announcement, Mayor Mays adjourned to a URA Board of Director's meeting.

11. ADJOURNED: Mayor Mays adjourned at 7:50pm.

Submitted by:


Sylvia Murphy, CMC, City Recorder


Keith S. Mays, Mayor