



Home of the Tualatin River National Wildlife Refuge

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

EXECUTIVE SESSION

- 1. CALL TO ORDER:** Mayor Mays called the meeting to order at 5:08pm
- 2. COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Heironimus, Councilors Dave Grant, Linda Henderson, Robyn Folsom and Lee Weislogel. Councilors Elect, Bill Butterfield & Matt Langer.
- 3. STAFF AND LEGAL COUNSEL PRESENT:** City Manager Jim Patterson, Public Works Director Craig Sheldon, Finance Director Craig Gibons and City Recorder Sylvia Murphy. City Attorneys Chris Crean and Jack Hammond.
- 4. MEDIA PRESENT:** Oregonian Reporter Eric Florip and Ray Pitz with the Sherwood Gazette.
- 5. TOPIC DISCUSSED:** Water Supply Project, pursuant to ORS 192.660(2)(f), Exempt Public Records. City Attorney Hammond provided the Council with a memorandum and an update on the project (see record, Exhibit A).
- 6. ADJOURNED:** Mayor Mays adjourned the Executive Session at 6:00pm and convened to a Work Session.

WORK SESSION

- 1. CALL TO ORDER:** Mayor Mays called the Work Session to order at 6:10pm
- 2. COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Heironimus, Councilors Dave Grant, Linda Henderson, Robyn Folsom and Lee Weislogel. Councilors Elect, Bill Butterfield & Matt Langer.
- 3. STAFF AND LEGAL COUNSEL PRESENT:** Public Works Director Craig Sheldon, Finance Director Craig Gibons, Police Chief Jeff Groth, Police Captain Mark Daniel, Human Resource Manager Anna Lee and City Recorder Sylvia Murphy. City Attorneys Chris Crean.
- 4. MEDIA PRESENT:** Oregonian Reporter Eric Florip and Ray Pitz with the Sherwood Gazette.
- 5. TOPIC DISCUSSED:** Council conducted interviews of candidates for vacant City Council Seat 5. Applicants James Copfer, Dave Luman, Bill Millington, Daniel King and Krisanna Clark were interviewed. Candidates Ross Schultz and Dave Heironimus withdrew their applications.

6. **ADJOURNED:** Mayor Mays adjourned the Work Session at 6:45pm and convened to the regular Council meeting.

REGULAR COUNCIL MEETING

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 7:03pm.
2. **PLEDGE OF ALLEGIANCE AND ROLL CALL:**
3. **COUNCIL PRESENT:** Mayor Keith Mays, Councilors Dave Grant, Linda Henderson and Robyn Folsom.
4. **STAFF & LEGAL COUNSEL PRESENT:** City Manager Jim Patterson, Police Chief Jeff Groth, Finance Director Craig Gibbons, Public Works Director Craig Sheldon, Community Development Director Tom Pessemier, Economic Development Manager Tom Nelson, Community Services Director Kristen Switzer, City Engineer Bob Galati and City Recorder Sylvia Murphy. City Attorney Chris Crean.

Mayor Mays addressed the next agenda item.

5. NEW BUSINESS

A. Recognition of Outgoing Council Members

Mayor Mays recognized outgoing Council President Dave Heironimus and Councilor Lee Weislogel for their service to the community and presented them with Certificates of Appreciation.

Mayor Mays addressed the next agenda item.

B. Oath of Office Re-elected and New Council Members

City Manager Jim Patterson administered the Oaths of Office to reelected Mayor Keith Mays, Councilor Elect Bill Butterfield elected to Council Seat 3, Councilor Elect Matt Langer elected to Council Seat 1, reelected Councilor Dave Grant elected to Council Seat 1.

Mayor Mays addressed the next agenda item.

C. Appointment to Council Seat 5

Mayor Mays explained the City Council accepted applications for vacant Council Seat 5 and received 7 applications. The Council conducted 5 interviews during their work session earlier this evening, with 2 applicants withdrawing. Candidates interviewed were James Copfer, Dave Luman, Bill Millington, Daniel King and Krisanna Clark.

Mayor Mays stated the following motion:

MOTION: FROM MAYOR KEITH MAYS TO APPOINT DAVE LUMAN TO CITY COUNCIL SEAT 5, SECONDED BY COUNCILOR DAVE GRANT.

Prior to receiving a vote, Mayor Mays explained his criteria of selecting a candidate; service to the community and personal background. Mayor Mays stated Daniel King and Dave Luman were his top candidates due to their prior service on the City Council and their service to the community and his final selection of Dave Luman was due to his professional background and experiences.

Mayor Mays asked for Council comments on the motion.

Councilor Folsom stated she was impressed by Mr. Luman's interview and application and asked what was Mr. Luman's impediment at the November 2010 election that caused him to withdraw his candidacy. Councilor Folsom stated she was concerned with this impediment and Mr. Luman's current appointment to the Council.

Councilor Grant stated he agrees that candidates Daniel King and Dave Luman are the top applicants with their prior experience on Council and commented regarding the short term of the seat and the candidate not having a lot of time to learn the position.

With no other comments received the Mayor called for a vote on the pending motion.

VOTE: MOTION PASSED 4:2 (MAYS, GRANT, BUTTERFIELD AND LANGER IN FAVOR, HENDERSON AND FOLSOM OPPOSED).

Mayor Mays called Mr. Luman forward to be sworn in. City Manager Jim Patterson administered the Oath of Office and Mr. Luman was seated to City Council Seat 5.

Mayor Mays addressed the next agenda item.

D. Selection of Council President

Mayor Mays explained the Council President presides in the Mayor's absence and on occasion performs more duties in comparison to other Councilors and said the term of Council President is for one calendar year. Mayor Mays asked for nominations.

MOTION: FROM COUNCILOR BILL BUTTERFIELD TO NOMINATE COUNCILOR DAVE GRANT AS COUNCIL PRESIDENT, SECONDED BY COUNCILOR DAVE LUMAN. COUNCILOR GRANT ACCEPTED THE NOMINATION. ALL COUNCIL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

6. PRESENTATIONS

A. Student Achievement Recognition

Mayor Mays explained the City Council recognizes high school students that achieved a perfect 4.0 GPA for the entire school year and said the Council will be recognizing approximately 92 students who achieved this accomplishment in the 2009-10 school year. Mayor Mays with the assistance of City Manager Patterson called forward each student and presented them with a Certificate of Achievement.

Mayor Mays addressed the next agenda item.

7. CONSENT AGENDA

- A. Approval of November 16, 2010 City Council Minutes**
- B. Approval of December 7, 2010 City Council Minutes**
- C. Approval of December 16, 2010 City Council Minutes**
- D. Resolution 2011-001 Reappointing James Boscole to the Cultural Arts Commission**
- E. Resolution 2011-002 Appointing Cydney Corl Hill to the Cultural Arts Commission**
- F. Resolution 2011-003 Appointing Jim Haynes to the Cultural Arts Commission**
- G. Resolution 2011-004 authorizing City Manager to enter into an Intergovernmental Agreement with the City of Wilsonville regarding construction, ownership, and operation of meter vault service connection of the Boeckman Road to Grahams Ferry Road water transmission line (segment 5a) with Sherwood transmission line segment 6 and a transmission pipeline connection (segment 5b) from the meter vault to water transmission segment 5a**
- H. Resolution 2011-005 authorizing the City Manager to enter into a temporary Water Supply Agreement between the City of Wilsonville and the City of Sherwood for pressure testing, flushing and provisions for refresh water for a newly constructed Sherwood 48 inch diameter transmission line (segment 6–9 - 18,000 lf)**

Prior to asking for a motion to approve the Consent Agenda, Mayor Mays stated there were a few errors and made the following motion to amend the Consent Agenda.

MOTION: FROM MAYOR MAYS TO AMEND THE CONSENT AGENDA, ITEM G, SECTION 1 OF RESOLUTION 2011-004 TO INCLUDE EXHIBIT B, SHARED ESTIMATED COSTS AND AMEND THE DOLLAR FIGURE THROUGHOUT THE IGA OF \$8,138,043 TO \$6,854,043 SECONDED BY COUNCILOR LINDA HENDERSON. ALL COUNCIL MEMBERS VOTED IN FAVOR.

MOTION: FROM COUNCILOR LINDA HENDERSON TO ADOPT THE CONSENT AGENDA AS AMENDED, SECONDED BY COUNCILOR ROBYN FOLSOM. ALL COUNCIL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item and asked if any Council member had anything to declare.

Councilor Matt Langer declared a potential conflict of interest as the project is adjacent to his upcoming development project and because of the development agreement the Langers have with the City. Mr. Langer excused himself and sat in the audience.

8. NEW BUSINESS

- A. Resolution 2011-006 Awarding a contract to construct the SW Oregon Street – SW Adams Avenue Improvements Project (Bob Galati, City Engineer)**

City Engineer Bob Galati came forward and recapped the staff report.

Mayor Mays thanked Bob and asked for Council questions.

Councilor Bill Butterfield asked if there was a reason for stating construction in the winter. Bob replied we have an ODOT Rail Order for the railroad crossing and it has a limited narrow timeframe in which we can construct and this begins in January and must be completed by March. Bob explained it would not be conducive to split up the project and do the railroad portion without continuing with the Adams Ave. portion and the bid prices would be different.

Councilor Folsom asked in regards to the Rail Order expiring and not getting it renewed and Bob explained if the City missed this window it would be very unlikely the City would get another chance to have the Rail Order approved.

Councilor Butterfield asked if the contractor was aware of this and asked if there are penalties in their contract. Bob replied the contract for the Rail Order will be a separate contract run by the Rail Company and the City will pay for that through this process.

Councilor Folsom asked Bob to explain how the project will be funded. Bob stated there are several funding sources, an MSTIP fund that we obtained from the County for \$4 million and we have TIF funding which is a percentage of it, SDC funds from different portions of infrastructure, which includes water, sanitary, storm and transportation and a URA grant for \$1 million.

With no other questions from Council, Mayor Mays asked for a motion.

MOTION: FROM COUNCIL PRESIDENT DAVE GRANT TO APPROVE RESOLUTION 2011-006, SECONDED BY COUNCILOR LINDA HENDERSON. MOTION PASSED 6:0 (COUNCILOR MATT LANGER DID NOT PARTICIPATE).

9. ADJOURNED:

Mayor Mays adjourned at 7:50pm


Sylvia Murphy, CMC, City Recorder


Keith S. Mays, Mayor