



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, February 21, 2017

**Sherwood City Hall
22560 SW Pine Street
Sherwood, Oregon**

6:00 pm Work Session

7:00 pm City Council Regular Meeting



6:00 PM WORK SESSION

1. Tannery EPA Grant Project Update (J. Hajduk)

REGULAR SESSION

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF AGENDA

5. CONSENT AGENDA

A. Approval of February 7, 2017 City Council Meeting Minutes

B. Resolution 2017-009 forming a Technical Advisory Committee and a Community Advisory Committee for the Comprehensive Plan update process and establishing the appointment process for members on the committees (Connie Randall, Planning Manager)

C. Resolution 2017-010 Authorizing the City Manager to issue a Purchase Offer regarding the Willamette River Water Intake Facility (Josh Soper, City Attorney)

D. Resolution 2017-011 Authorizing the City Manager to execute an Intergovernmental Agreement (IGA) with Washington County for planning authority regarding the partition of parcel 2S1200002000 (Connie Randall, Planning Manager)

6. CITIZEN COMMENTS

7. PRESENTATIONS

A. Recognition of Eagle Scout Award Recipients

8. NEW BUSINESS

A. Resolution 2017-012 Recommending restoring Recreational Immunity Rights (Joe Gall, City Manager)

B. Resolution 2017-013 Directing City Manager to issue Request for Proposals (RFP) for Recreational and Aquatic Center Operations and Management Services (Joe Gall, City Manager)

C. Discussion Item – Possible Contract with Washington County Sheriff (Joe Gall, City Manager)

AGENDA

**SHERWOOD CITY COUNCIL
February 21, 2017**

6:00 pm Work Session

7:00 pm Regular Meeting

**Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140**

9. CITY MANAGER REPORT AND DEPT REPORTS

10. COUNCIL ANNOUNCEMENTS

11. ADJOURN

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SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
February 7, 2017

EXECUTIVE SESSION

1. **CALL TO ORDER:** Mayor Krisanna Clark called the meeting to order at 5:31 pm.
2. **COUNCIL PRESENT:** Mayor Krisanna Clark, Councilors Kim Young, Sean Garland, Dan King, and Jennifer Kuiper. Council President Jennifer Harris and Councilor Sally Robinson was absent.
3. **STAFF PRESENT:** Assistant City Manager Tom Pessemier, Finance Director Katie Henry, Public Works Director Craig Sheldon, and City Attorney Josh Soper.
4. **TOPICS:**
 - A. **Pursuant to ORS 192.660(2)(f) Exempt Public Records.**
5. **ADJOURN:**

Mayor Clark adjourned the Executive Session at 5:45 pm.

WORK SESSION

1. **CALL TO ORDER:** Mayor Krisanna Clark called the meeting to order at 6:03 pm.
2. **COUNCIL PRESENT:** Mayor Krisanna Clark, Councilors Dan King, Jennifer Kuiper, Kim Young and Sean Garland. Councilor Sally Robinson arrived at 6:10 pm. Council President Jennifer Harris was absent.
3. **STAFF PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, Police Chief Jeff Groth, City Attorney Josh Soper, Community Services Director Kristen Switzer, Public Works Director Craig Sheldon, Finance Director Katie Henry, Administrative Assistant Colleen Resch, and City Recorder Sylvia Murphy.
4. **TOPICS:**
 - A. **Recreation Center Feasibility Study**

Mayor Clark reminded the audience that the presentation was being provided in a work session and public comments are not accepted, she welcomed Ken Ballard with Ballard King and Associates.

Mr. Ballard presented information (see record, Exhibit A). He said he was addressing the high points of the study and the presentation will focus on Market Analysis, City Operations of the center, Current Operations by the YMCA and other options, and a recommendation from their firm moving forward.

Mr. Ballard addressed Market Analysis and said this has a lot of bearing on the financial performance of the center, but also looking ahead to the future at opportunities and constraints. He said they identified the *Primary Service Area* as it relates to the City as being the City and they looked at the demographics of the community and looked at a *Secondary Service Area* and said this area is much larger and was identified in consultation with the YMCA and represents for the most part where the YMCA is drawing a lot of their memberships and program users. He addressed the map in the presentation and said the dark green area represents the secondary area. He said the YMCA is dependent on drawing users from outside the City and is a regional facility. He said this is not unusual to service an area that is larger than your corporate boundaries.

He said they looked briefly at demographic characteristics and summarized the information on the chart (see exhibit). He said they looked at population, number of households, families, average household size which indicated number of children in the home, ethnicity, median age and median income. He said these criteria are prime determiners of participation in both sports and fitness types of activities, as well as cultural arts activities, and directly relates to purchases of passes and membership of a facility. He said when looking at the characteristics, they know that the population of both service areas is expected to grow and this is based on 2016 estimates and 2021 projections for the population. He said there are a large number of children in the households and this means a high number of members per households, and in looking at comparisons within the state of Oregon and nationally, Sherwood has a high number of children in the household. He said median age as a result is pretty young. He said in the coming years you will see a strong growth in senior age groups and this is not unusual. He said the median household income is very high, higher than the balance of the state and higher than the national numbers. He said we have to match this with the cost of living and your cost of living is higher than many other areas. He said this often relates to what they call "spending potential index" (SPI). He explained they looked at a comparison nationally based on 100 being the national norm on spending on recreational activities, and where you mark below the line or above the line, indicates the spending potential for recreation purposes and takes into account not only cost of living but the income levels as well. He said the SPI number for most activities is substantially in the 130's or more which is a very healthy SPI in many cases for disposable income for recreational purposes. He addressed diversity and said there is not a lot of diversity, and is mostly a white population.

He said another key thing they looked at was understanding what other opportunities citizens within the City and within the secondary market have in terms of similar types of facilities. He said they summarized and categorized into three areas: public facilities, which there are not a lot of and the two swim centers are pools and not full service types of facility that you currently have. He said Chehalem will have a new facility that should be opening next year, he added, it's a renovation and expansion of their existing facility.

He said on the private side, they separated that into comprehensive private clubs and some smaller boutique type facilities. He said they mapped all of these and said many of the providers are to the east and to the north of Sherwood, within and outside of Sherwood. He said in looking at this there are a number of facilities and opportunities that people have to utilize other types of facilities beyond the current recreation and aquatic center in Sherwood. He said although the market for different facilities are very different, both

public and nonprofit focused, and those that are in the for profit sector. He said there are differences in market appeal for those providers.

He addressed if the City were to operate the facility and recapped assumptions and said this information is important in terms of the numbers and said this is based on the City taking over operations in October 2018 when the current agreement with the YMCA ends. He said staffing numbers reflect a public recreation model for personnel, at City of Sherwood rates of compensation and benefit calculations. He said part time pay rates reflect the state of Oregon's minimum wage and in 2018 that will be at \$12 per hour and to almost \$15 by 2023. He said for the sake of comparison and for the sake of the study, they based it on not changing a lot of the parameters. He said the hours of operations and the fee schedule that is currently in place would remain the same. He said at some point the City may decide they want to go in a different direction, but for comparative purposes they left it as what it is right now. He said basic programming and services would remain somewhat constant to what it is now. He said they identified all costs that they think would be in a City's operation with the exception that they have not done any internal transfers for administrative services such as legal or finance. He said the presence of other providers in the market will remain the same and in all likelihood, there will be some changes in terms of existing providers. He said the issues we have is we can't really measure when, what or where that would be and what impact that would have. He said there are capital replacement dollars for equipment and we have not shown depreciation or any possible future debt service related to any extensive renovation or expansion of the building. He said these are the assumptions moving forward.

He said they took the existing budget categories that the YMCA uses for their budgeting for the existing center and used those for comparative purposes. He said in some instances they made some modifications to those and some of the budget categories either have very different expense numbers in this case or numbers showing up as zero depending upon how those different categories are being utilized. He said the big costs are personnel costs, full time and part time staff, and benefits based on 2018 compensation rates and benefit projections. He said they identified other categories and for the larger ones they show dollars for, such as contract services for custodial, mechanical system, alarm system, utilities, equipment maintenance and other things listed (see exhibit). He said they show dollars that are smaller, such as advertising and printing, and credit card fees for financial institutions. He said they show capital improvement of equipment at \$75,000 a year and this is ongoing to keep things status quo or above and this does not pay for extensive renovations or expansion of the facility. He said in this case we are at about \$2.7 million annually in operating expenses. He said on the revenue side, we utilized the revenue model in terms of fees and projected that the revenues in terms of the number of memberships sold, and other types of services would remain relatively constant. He said we did not change a lot of the numbers and indicated a scholarship program much like the program the YMCA currently has. He said the big dollars shown are coming from membership revenue and from programs and services. He said in terms of annual revenues we are at \$2.35 million. He said when we compare expenses and revenues, looking at comparative numbers, if the City operated the facility showing these expenses and revenues as identified in the previous slide, you would be looking at an operational shortfall of about \$350,000 per year. He said one thing they included in the study were benchmarks and best practices for other public facilities and we brought forward the financial performance of the Firstenberg Community Center in Vancouver, the Shark in Hillsboro, and Conestoga in Tualatin Hills Park & Rec District. He said they are all operating at a deficit of varying levels depending on what is included at those center. He said the fact is that most public recreation centers are not able to cover their costs for operations through fees and charges generated. He said they did some five year projections and explained (see exhibit).

Councilor King asked where do the funds for the deficit come from? Mr. Ballard said they usually come through the general fund or through allocating tax dollars for that purpose to make up the difference. Councilor King asked if this is what most facilities do, in using tax dollars. Mr. Ballard confirmed.

Record Note: Councilor Young asked a question regarding administrative fees, specific question was inaudible as microphone was off. She indicated she received information from the finance director that the projections she came back with were adding 40% to the personnel charges. She said this actually places the deficit at \$1.1 million each year. Mr. Ballard replied that may be, and they did not factor that in. He referred to the three benchmark facilities he mentioned and said he believes only one factors this in and said nationally about 25% or less of cities put an allocation back, although this number is rising. He said he did not know what this number would be, but it could be substantial depending on how they were allocated back into the budget.

Mr. Ballard addressed current operations by the YMCA (see exhibit). He said there are strong demographic traits they noticed in the demographic analysis for the YMCA or the City to be successful, especially with a focus on youth and families, regardless of who the operator is in the private or public sector, this is the primary market focus of the facility you currently have. He said they looked at the figures provided by the YMCA and in September of 2016 there were 2776 membership units, which fluctuates as people come and go. He said a membership unit in the case of a family, counts as one membership unit even though there may be multiple family members. He said there are 8190 individuals. He said 68% of the memberships sold are to Sherwood residents and this is a strong number when you look at the size of the City from a population perspective compared to the population base of the secondary market area. He said 52% of current members have children under the age of 18. He said the facility is open about 107 hours per week, and said these are strong hours of operation and compared to most public facilities, even slightly higher. He said the YMCA offers a large number of programs and a lot of diversity in terms of the types of programs and the areas that they offer programming. He said the Y is known as strong programmers in their facilities nationally and locally.

Mayor Clark asked about the 68% of the membership being Sherwood residents, and if that was the City of Sherwood proper, as we have residents that are not City proper residents. Mr. Ballard said he is not sure and would have to defer that back to the YMCA.

Mr. Ballard addressed operations and management and said the building currently, as we near 20 years of age, is serviceable and contains the basic components that you'll usually find in a YMCA and or a public recreation center. He said the building is in usable condition, but lacks an organizational flow, and this is a result of the addition to the back of the building, the enclosure of the gym space, and the addition of the teen center and other spaces. He said it's difficult to get around and there are three different levels and a number of other issues with movement within the building which translates into supervision and higher costs to maintain. He said they saw a number of areas where improvements could be made going forward, and said with the age of the building these are things that need to be looked at and some of the things they are bringing forward were not "big deals" when the building was built, such as the family changing rooms which were not as big of an issue as they are today. He said a lot of these issues have already been brought up by the YMCA as well as our observations and may not be new to the City. He said due to the age of the building it needs general remodeling and general upkeep, no different than your own home. He said adding additional weight/cardio space, this is the driver of utilization of public facilities, nonprofit or private. He said the more space you have for weight/cardio the better. He said this is usually the space that is in greatest demand. He said as part of that, another group exercise room, as currently you're having to use some of

the teen space and multipurpose area. He said he knows it has been spoken about for a long time, the need for a new 25 yard pool with more of a focus on traditional swimming, and this needs to be looked at as well. He said the facility you have is good, but is one body of water. He referred to the lobby and said it is pretty tight and they find in most, especially from a City perspective, community centers are the public “living room” of many communities, having some social space and gathering points is important and you’re constrained in terms of the area that is available. He referred to updating the locker rooms, removing the gang showers and installing individual showers and adding more family changing rooms, especially if you added more aquatics. He commented regarding the design and said there are more user-friendly designs available, and said converting the current space and adding more is critical. He referred to the need to expand the office space and said it is currently very undersized. He said these are the areas they identified for possible future renovations or expansions moving forward.

He said they looked at the YMCA’s budget, information that was provided by the YMCA. They looked at actual numbers starting in 2013 through 2016 and said these are roll up categories of the categories shown earlier for the City’s operations. He referred to the biggest numbers on the revenue side, membership and programming, this makes up about 2/3 more of the total budget for this facility. He said 71% of the operating budget is coming from membership. He commented regarding the importance of keeping membership and continuing to attract new users. He stated as the facility ages more, and is less relevant in the market place, this becomes more difficult. He said regardless of who operates the facility, it’s going to be important to make improvements to the facility to be able to generate the revenue shown here. He said programming is the second largest category at about 24% of the operating revenues. He addressed the expenses and said the greatest single cost is in staffing, including benefits and that accounts for 48% of the budget in 2016. He said when this is compared to a public facility, it’s a lower number, but there are some other numbers that are shown in this operating budget that drive down that percentage.

Councilor Robinson asked regarding staffing, if we know looking at these numbers whether there was an increase in staff or if staffing remained about the same for all four years. Mr. Ballard replied there have been some changes and changes that are taking place now. He said they looked on the revenue side and saw a decrease in revenues from 2009-2014 and in order to make the budget work the YMCA had to adjust on the expense side partially to reflect the downturn in revenue during that timeframe. He referred to other operating expenses, such as operating supplies, telephone, etc. and said this is about 20% of expenditures. He said occupancy which includes utilities, lease payment back to the City and insurance accounts for about 15%, and out of this total the rental/lease portion of the budget is nearly \$143,000 a year. About \$129,000 of that is coming to the City and the YMCA has made their final payment at the end of 2016 on the lease payment related to the debt service to the building. He said right now there is an approximate 13% association support payment that represents about \$325,000+ and that covers centralized services, the chargebacks, such as human resources, finance, legal, risk management etc. He said per the agreement they can charge up to 15% and have not always been at that number through the process. He said depreciation is shown in the operations budget and accounts for about \$117,000. He said this is a way to assign on an ongoing basis cost for additional replacement of equipment and improvements to the building.

Mayor Clark asked regarding the 13% association support payment and if this included staffing cost. Mr. Ballard replied, no, it’s a separate category and are for services that are not directly occurring at the center but are coming out of the Columbia Willamette’s Office. She stated, this is really a staffing cost, is it not? Mr. Ballard replied yeah, in this particular case. Mayor Clark said you could look at this and say staffing cost is 61%. Mr. Ballard said he did not know how much of this total amount was for human resources out

of that total. He said ordinarily even the way the YMCA budgets for their individual facilities is always on a system back to their central office for all services that are not immediately taking place at that particular YMCA location. He said this is not unusual and fits in a way that even public sector facilities, if they are charging back central charges, will show up as a separate line item for human resources and for things that are not directly related to that. He said the way that it is done, is not unusual for a YMCA or for a public operation. Mayor Clark asked how about for a private operation? Mr. Ballard replied, it depends on how they are doing it, if they are part of a larger chain and have some type of chargeback and he is not privy to how that is done, and if they are a single unit then there are known central charges and all within that one facility. He said there is a certain amount of that and certainly depreciation within a private facility as well.

Mr. Ballard said in looking at a comparison of revenues and expenditures over the last four years, 2013-2016 and looking at the inclusion of all the different areas that are currently shown within the operating budget, it is showing a slight loss of \$50,000 to \$100,000 over the last four years. He said this is the "all in", with depreciation, the lease payment and the support payment being shown. He said we factor those out, and a public sector facility would generally never show depreciation, it's just not part of the budgeting process for most public agencies. He said the lease payment really relates to a debt payment and is most often not shown in a public sector facility either, its recorded, but not part of an operating budget. He said when you start to back those out, you will see the financial performance looks different and much better.

Mr. Ballard said effective this year the \$129,000 in lease payments is up and asked what happens in the future going forward to that \$129,000 is open for discussion and as it relates to any new agreement needs to be talked about. He said what happens going forward will be critical. He stated long term stability whether it's the YMCA or any other public operator is in the membership sales over the next five years and protecting and growing that over time as costs go up.

Mr. Ballard said the City's role currently with the way the agreement is set up, is reasonably small from a financial standpoint. He said the City pays for general maintenance of the grounds area that are outside the immediate confines of the building and the parking lot, and this is about \$8000 per year. He said property insurance is about \$17,000 and the City is responsible for repair to the structure itself, being exterior walls, roof, etc., this being about \$50,000 per year. He said financially the City's obligation is minor for the size of the facility and what it is doing in the market place. He said for all the agreements they see across the country, the City is in pretty good shape in terms of not having a lot of financial obligations up to this point.

Mr. Ballard addressed YMCA staffing and said they have 11 full time employees divided between three different areas: membership/development, administration and programming. He said from the YMCA's side, they are responsible for all internal building maintenance, upkeep, cleaning of the building, grounds and parking lot. He said the YMCA has a strong marketing effort and has done well in that, especially over the last couple of years. He said this is an important and a big aspect to try and keep the current membership and attract new ones. He said the YMCA provides over \$300,000 in scholarships annually to folks that need financial assistance. He said the exhibit notes their current rate structure as it relates to rates to utilize the facility. He said as part of the agreement, there is a discount for residents of the City.

Councilor Young asked if they find with private health clubs or government run facilities, that they offer similar types of scholarships. Mr. Ballard replied, not in the private sector and rarely if there are scholarships, they are very small, and in the public sector it varies and depends on the market they are in. He said as we have seen historically, where rates for a lot of public facilities across the country often times have been pretty low, that hasn't been as big of an issue. But as we've seen rates increase, then scholarship

programs become more of a necessity. He said \$300,000 in scholarships is a big number and even most public facilities probably wouldn't be that high.

Mr. Ballard addressed the operating agreement and said what they see if the City were to negotiate a new contract, are basic big picture recommendations: They think any new agreement should reduce the term below 20 years; some of the ambiguous portions of the existing agreement, dealing with capital improvements, maintenance and finance issues and accounting in terms of reporting back, need clarification. He said 20 years ago when this was done, there were not a lot of examples of how to formulate this type of an agreement. He said in the last 20 years there has been a lot more of these agreements and things have progressed, so updating the agreement and some of the requirements are going to be important. He said this is if you have an agreement with anybody. He said an exit clause is very important and needs to be in the agreement no matter how punitive it may be. He said this is not a non-performance clause, it's what if one of the two entities decides they no longer want to do this. He said there needs to be a way out. He said there needs to be an increased level of City representation on the Board. He said this is tied to how active and involved the City will be in future renovations, expansions, major maintenance issues and those types of things. He said if the City wants to have a role in that, then presence on the Board needs to be increased. He said moving forward maintenance becomes more critical and needs to be an important aspect of any agreement to state and ensure the building is maintained to an adequate level to ensure its long term viability as a structure, and financially as well. He said the issue of how excess revenue will be determined will be important in any agreement going forward. He said this was one of the things that came out of the TKW report, to address additional revenues. He said they believe the recommendations in the TKW report need to be moved forward and should be undertaken as part of this process and be part of any agreement as well.

Mr. Ballard addressed comparisons of public and YMCA operations. He addressed philosophy of operation; He said the YMCA does a great job meeting the needs of the community and in a sense moving the mission and servicing the community through scholarships and other services. However, there is a different level of expectation with a publically operated facility where you just have to do more. He said it has greater emphasis on access, access to people that may or may not have the ability to pay in other forms beside straight membership. He said because it is a public facility there are expectations within the market place from taxpayers as well as consumers. He said generally speaking, public facilities have a higher cost for staffing and often times a higher level of staffing. He said YMCA's are known for being "lean and mean", and this is how they survive and ensure they cover their costs. He said Y's cannot operate at a deficit as they have no real form to make up the difference beyond what they are generating in revenue from their own facilities and through contributions. He said they have to be more concerned with managing costs and maximizing the revenues. He said we see a higher rate of staffing from public facilities as a result. He said from a fee standpoint, public facilities have a broader range of opportunities to utilize the facility, from daily fees to extended visits, to annual passes. He said people can come and go more in terms of how they access the facility from a drop-in use standpoint. He said as a result of this, that is what lowers the cost recovery ratio, because we are not just a membership, we are a pass-based facility. He addressed capital and said most public facilities do not include capital debt or depreciation in an operating budget. He said it may be somewhere or is somewhere within the City's budget or partnership, but it is not detailed backed to that individual facility. He said from a budget perspective most public facilities, especially in the Pacific Northwest operate at a deficit when you look at expenses and revenues. He said generally in public facilities you might see more community rooms for meetings. He said hours of operation are often very similar and the Y might be slightly longer. He addressed programming and said in terms of activities and services provided they are often very similar with the YMCA being a bit heavier on programming than public

providers. He said there is a focus on pass sales and membership, and this is the major driver from a revenue perspective.

Mr. Ballard addressed other operating agencies beyond the City and YMCA. He said Boys and Girls Club, is a great organization, with a narrow market focus, not running nearly as large and dynamic in terms of varying types of program services and facilities. He addressed “special districts” and said there are two options, establish a new special district that would be larger than the City and more closely represent the market place for the facility. He said this isn’t necessarily a bad idea, but as it relates to getting something in place by October of 2018, we don’t believe you can get there. He said it also requires voter approval, it’s another layer of government, and at this point in time today, they don’t believe this is a viable avenue from a time perspective. He said long term it could be but takes a lot of work and many things need to be looked at. He said another option is either contract with an existing special district or to be absorbed by an existing district. He said this may be possible and you would have to find a willing district and would require some changes in terms of operations. He said trying to get another neighboring City to be a contracted operator of the facility or another type of partner. He said it would need to be a City in very close proximity to the City, if not touching the City. He said there are not a lot of cities that are operating facilities of this size and magnitude that are close to you and this becomes difficult. He said there is reluctance in many cases for a City to take on that type of responsibility where you’re looking at servicing your own community’s particular needs. He said the other option that has come to the forefront in the last 4-5 years, is a private management company. He said there are not a lot of them, nationally there are 3-4 and they are a for profit company that will manage your facility and it would require unique operating agreements. He said private management companies are in it to make money and you would have to balance the community good with that aspect.

He said with an assessment of those different options, we are recommending: He said the important thing is regardless of which direction you go, we think it’s important for the City to issue an RFP for future management operation of the Sherwood Recreation and Aquatic Center. He said unless the City is ready to take on the center, and as they have shown, this needs a strong assessment. He stated with any other option, an RFP should be done, to provide anyone the opportunity to submit a proposal. He said the RFP should be issued this spring within the next 2-3 months with the idea of having a future operator in place a year before they would actually take over to deal with the required transition if it’s a different operator than the YMCA that is currently there. He commented regarding having a special district or City or other organization operate the center and said the City needs to have frank discussions to find out if there is any interest before getting too far into this. He said he believes the opportunities are limited in those particular regards and trying to understand the City position before moving forward with expectations that are not in line with the market. He said one important thing on this is, where does the City see themselves as it relates to future financing of maintenance and capital improvements and which may include expansion of the facility. The City will need to determine as a role, whether you issue an RFP or anything else, where the City wants to be with that. He said regardless of who operates the center, the facility will need an influx of additional dollars for maintenance and upkeep. He said where that comes from and how it’s allocated through the process is going to be very important and the City needs to be very exact in terms of what they expect out of a contract operator in terms of capital investment as well as ongoing maintenance and custodial. He said they think the City will receive maybe 2-3 proposals for actual operation and those may come from the YMCA, a private operator and maybe an existing special district. He said the City should think about potentially submitting their own proposal so that it can be evaluated beyond what they did for this study if the City wants to consider that as a viable option. He said they have seen this where the City bids on their own management and operation. He said if the City decides to change operators regardless of who takes it on, the transition will be tumultuous and will impact revenues and operations for 6-12 months,

and the City will need to be ready to deal with the transition, even if things, which they highly recommend stay basically the same, regardless of the operator, through the first 6-12 months. He said even the transition of the management will be tough during that process. He offered to answer Council questions.

Councilor King commented about Mr. Ballard's suggestion to shorten the contract and asked what length the City should be looking at. Mr. Ballard said it depends on what the City will be asking the operator to do as it relates to long term capital replacement. He said the more the City is asking them to do, the longer the agreement will need to be. He said if the City will be taking on some of that, the agreement can be shortened, if it's a simple operations, it can be shorter. He said in the 10 year range with some options for a 5 year extension potentially to get to 15 years, but not a straight 15 year agreement. He said 10 years is about the shortest you would want to go and 15 years would be the longest. He said this would be part of the process in terms of what the City is expecting from the operator.

Councilor Young stated if the City puts out the RFP and we get a few bids, one being from the City, and this is the proposal we go with and the Y vacates, they take all the equipment with them so the amount of theMr. Ballard interjected and said these are the questions of that transition, regardless of who operates, what will happen to the equipment, all that will have to be negotiated as an exit out of the contract and that will depend on what the Y's position is and also what the new operators position is. He said this is why they are suggesting whoever the new operator will be, you want them in place by October of 2018 to figure out all the transition. He said there is going to be a lot of things that people have not thought of and a lot of assets that will have to be determined in terms of ownership.

Councilor Robinson said Mr. Ballard mentioned in a recommendation to have a City staff be on the YMCA Board. Mr. Ballard replied, not necessarily staff, it has to be a representative of the City, it could be council members or a combination of council and staff. He said determining how many, qualification, and how you're going to assign those people, even on the City's side, will need to be determined as part of that process.

Councilor Robinson clarified and said between now and in the year, would it be essential to have that City representative on the Board to determine what the maintenance and repair needs are in order to pick one of the three types of candidates. Mr. Ballard confirmed on the actual Y Board, and said anything you can do in the next 18 months would be fine and anything on a new agreement would absolutely need to be the case. He said the more you can get the issue of representation on the board taking place even before the end of the contract is advisable. He said depending on the direction they go, there may not be a lot of motivation to do it, if it's a short term situation concluding in October 2018.

Councilor Robinson asked how do we know as a City Council what needs to be done on that building if City staff or a representative is not on the board and we don't have access to the building. Mr. Ballard replied, one thing they recommended moving forward is that the City probably needs to get an architect or architect engineer to do some assessments, from a physical plant standpoint as an independent third party that prioritizes what needs to be done. He said the YMCA has an asset management program in place and it kind of identified some of the terms, that as far as he can tell, have not been fully implemented, but there is existing data, and an existing system that looks at the life span of the amenities, operating systems, mechanical systems within that building. He said bringing in an independent third party that has expertise in building systems and other things to access what needs to be done and what the priorities are, may be wise.

Mayor Clark referred to the independent third party and asked if our public works department could go in and make an assessment of the facility. Mr. Ballard commented regarding the expertise of the public works department and said it is tough to comment.

City Manager Gall replied he would probably bring in someone with expertise to work with the staff and Public Works Director Craig Sheldon knows the building well, but thinks someone from the outside would be good. He said no matter where we go, as the consultant stated and as we all know, the building is 18 years old and showing wear and tear. He said this is a concern he has heard from the Council, what's going to happen in 5-10 years with the building. He suggested bringing in someone to work with staff. Mr. Ballard said this happens all the time and is done routinely on structures that are getting older, to look at the long term financial obligation to know what is out there. He said there are different levels in terms of what you can do, but it is not unusual to do especially with older buildings. Mr. Ballard said even if the City continues with the operating agreement he suggested an assessment to still be done, independent of the operating agreement regardless of who will be responsible.

Councilor Kuiper referred to page 73 of the report (see record, Exhibit B) and language of, "the City only has limited representation on the board, prior to 1999 there was an equal number of City and YMCA representatives, now there are only four City members". She asked who are those, are they City representatives or at large members that live in the City. Mr. Ballard replied his understanding is those are actual positions that you can, the City, assign whoever they feel. He said he is assuming that is someone within the City, either a representative from the community at large, or staff or others. He said he doesn't know if the City has the full four representatives right now, and doesn't believe the City is currently fully utilizing all four positions.

Councilor Kuiper referred to square footage comparisons of different facilities, and said she did not see the total square footage for the YMCA recreation center. Mr. Ballard said it is in about the 50,000 range.

Councilor Kuiper referred to page 8 of the report and language of, "for most cities to have an opportunity to cover all of their operating expenses with revenues, they must have a service population of at least 50,000". She asked if that is 50,000 in the primary service area or secondary service area? Mr. Ballard replied it's a bit of semantics, but is 50,000 in your primary market area. He said in this particular case, it would be the secondary, the market you're going to pull from, what you have. He clarified, the primary area are your City residents, tax payers and the secondary market, which is really from where the facility is drawing from, and this is secondary from a City perspective because those people are not residents of your community. He said, but when you talk about market, it's the primary market.

Councilor King said based on your report, the YMCA runs the meanest and the leanest out of all the operations. Mr. Ballard replied, the City's financial obligation up to this point on that facility has been minimal in terms of what you had to do. Mr. King asked out of the different organizations they [Ballard King & Associates] looked at, which one has the most donations as far as contributions from public or private. Mr. Ballard clarified "contributions" and said nonprofits are going to have much higher contributions by their very nature of being nonprofit and the YMCA has a rich history in this country of being able to raise funds. Mr. King replied that's a huge component that will be missing with any other operator. Mr. Ballard replied, even when you look at their operating budget, the dollars that are coming from contributions into the operating budget are not, not to minimize the amount of dollars, but in the grand scheme of things, they are not a major source of income for this facility. He said it's a major source of income for the Y in general as it relates to this particular budget, that's not a major revenue source for them. Mr. King said he did not see

what the percentage was. Mr. Ballard referred to the contribution line item and said it's reasonably small. He stated on page 65 of the report, the first line item is contributions, amounting to \$70,000-\$100,000. He said when you compare this to the dollars coming out of the membership and the programs this is the big money. Mr. King said a lot of that money goes to subsidizing people that can't afford. Mr. Ballard replied they show the revenue and the expense in the revenue side out of the scholarship side. Mayor Clark replied to offset the scholarships.

Councilor Kuiper referred to page 96 of the report where they draw conclusions and said the final sentence states, "There is also a higher staffing level to improve on operations, customer service and maintenance", and asked if that would be for any operator, the YMCA, the City, parks & recreation? She asked if this is for overall operations in the building as they currently exist and in the future? She said you're concluding that there is a higher staffing level to improve on operations? Mr. Ballard replied and said on page 96 that refers to City operations, and said on the other side, independent of this sentence and stated in other places, regardless of who the operator is, there needs to be more focus on the maintenance side of the building, regardless of the operator. He said they built this into the budget aspect here as it relates to City operation, understanding we need to up the game on this. He said this is going to be important for whoever the operator is.

Councilor Young asked staff regarding the building maintenance and the City's ownership of the building and said she assumes we have an asset management maintenance schedule. City Manager Gall replied yes, we have a basic schedule for that building prepared by Craig Sheldon and it's available.

Mayor Clark referred to the original 20 year agreement and asked if that was the City's responsibility or a joint responsibility, or the Y's responsibility. Mr. Gall replied it was not as clear as it could be.

With no other questions, the Council thanked Mr. Ballard for the presentation.

5. ADJOURN:

Mayor Clark adjourned at 7:08 pm and convened to a regular session.

REGULAR SESSION

- 1. CALL TO ORDER:** Mayor Clark called the meeting to order at 7:20 pm.
- 2. COUNCIL PRESENT:** Mayor Krisanna Clark, Councilors Kim Young, Jennifer Kuiper, Sally Robinson, Dan King and Sean Garland. Council President Jennifer Harris was absent.
- 3. STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Police Chief Jeff Groth, Police Captain Mark Daniel, Community Development Director Julia Hajduk, Public Works Director Craig Sheldon, Finance Director Katie Henry, Community Services Director Kristen Switzer, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.
- 4. APPROVAL OF AGENDA:**

MOTION: FROM COUNCILOR YOUNG TO APPROVE THE AGENDA, SECONDED BY COUNCILOR GARLAND. MOTION PASSED 5:1. (MAYOR CLARK AND COUNCILORS YOUNG, KUIPER, ROBINSON, GARLAND VOTED IN FAVOR, COUNCILOR KING VOTED AGAINST) COUNCIL PRESIDENT HARRIS WAS ABSENT.

Mayor Clark addressed the next item on the agenda and asked for a motion.

5. CONSENT AGENDA:

- A. Approval of January 17, 2017 City Council Meeting Minutes**
- B. Resolution 2017-004 Appointing Justin Kai to the Sherwood Planning Commission**
- C. Resolution 2017-005 Authorizing the City Manager to sign three year on-call planning contracts with selected firms**
- D. Resolution 2017-006 Appointment of City Council Liaison Assignments**

MOTION: FROM COUNCILOR ROBINSON TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR KUIPER. MOTION PASSED 5:1, (MAYOR CLARK AND COUNCILORS YOUNG, KUIPER, ROBINSON, AND GARLAND VOTED IN FAVOR, COUNCILOR KING VOTED AGAINST) COUNCIL PRESIDENT HARRIS WAS ABSENT.

Mayor Clark addressed the next item on the agenda.

6. CITIZEN COMMENT:

Tess Keis, Sherwood resident referred to the Recreation Center Feasibility Study discussed at the work session and said there are many options from the YMCA continuing to run the facility which she supports as well as other options. She said it is important that the citizens are aware of what is going on and the choices they have to make. She stated she would like the choice to be on the ballot and in order to do that they need 1500 signatures. She said it needs to be a community decision like it was 20 years ago and commented on the number of businesses and citizens that support the YMCA with money and in-kind services. She said in fairness the decision should be before the citizens and not just the City Council.

Nancy Taylor, Sherwood resident commented on the YMCA and said 20 years ago most of the people in this room did not live in Sherwood. She said citizens that have moved to Sherwood since have paid for the YMCA through their taxes. She said the cost of the YMCA has been socialized and the YMCA is privatizing the profits even though they give out money it is a selective gift. She referred to the study and said it did not mention the option to make a profit off this and sell the building and get out from under the stress. She commented that the YMCA does not have an Olympic size pool. She said selling the building should be an option.

Jim Claus, Sherwood resident came forward and discussed the history of the YMCA and said it is good the City Council is studying the issue. He said he contributed money to the YMCA. He stated the YMCA tried to get a longer lease and should have. He said the City has a great staff and commended them for studying the issue.

Alan Pearson, Sherwood resident approached the Council and said it is the responsibility of the elected body to negotiate contracts for the use of its property and never in a representative government do you

have citizens vote on contracts. He said if this petition goes on the ballot it will be unconstitutional and will lose in court. He referred to the comments to sell the building and said the study showed that the building will become a big money pit and the City will be held responsible. He agreed that the City should consider the option of selling. He said the YMCA is a business and there to make money. He said the City should put out an RFP. He stated the Council's responsibility is to represent the financial interests of the citizens of Sherwood.

Susan Claus, Sherwood resident came forward and referred to Tess Keis comments about the petition and said the petition is for the benefit of the YMCA and not any operator and there is very specific language. She recommended that citizens not sign the petition. She said the petition is trying to subvert the responsibility of the City and the elected officials. She commented on the "Keep our Y" efforts during the election season and said it was disingenuous. She referred to the City's number of volunteers and commented on the consultant's idea that the City should be more involved on the YMCA Board and she recommends the City Budget Committee also be involved. She said she is not anti YMCA and noted that she has contributed a lot of money to the YMCA. She encouraged the Council and put together a task force with representation from the City and the Budget Committee.

Justin Kai, Sherwood resident, came forward and thanked the Council for his appointment to the Planning Commission. He said he is looking forward to the opportunity to serve the community.

Mayor Clark addressed the next item on the agenda.

7. PRESENTATIONS:

A. Recognition of Sherwood High School Student Athletes-1st Place Girls Soccer State Championship

Mayor Clark presented the Sherwood High School Girls Soccer team members with certificates and the Council congratulated them on their 1st place victory.

Mayor Clark addressed the next item on the agenda.

8. NEW BUSINESS:

A. Resolution 2017-007 Transferring Budget Expenditure Appropriations between Categories for Fiscal Year 2016-17

Finance Director Katie Henry explained the budget process and said about half way through the budget year staff evaluates the budget to see if any changes need to be made. She referred to page 26 of the packet and said the overall total requirements have not changed. She said this resolution is proposing budget transfers in order to meet the requirements. She said the first type of adjustment is more of a clerical adjustment regarding the Metro Community Enhancement grants which were previously entered into fund 3 which is the general construction fund which is normally reserved for major capital projects. She said this proposal will move those funds to the general fund. She said the proposal will also true up revenues and expenses. She stated the second type of adjustment will deal with emergency or completely unanticipated costs. She said the first adjustment has to do with the water main breaks and is asking to move the authority out of contingency. She said the second adjustment relates to the legal costs incurred regarding the Tualatin

Sherwood Road which was not anticipated. She stated the proposal is asking for the authority to spend those funds to cover the legal costs. She noted the third type has to do with projects that were approved in the budget and ongoing but there were some unavoidable costs. She said first is the Woodhaven Park project which had some changes having to do with permitting and planning. She said the second project is the Financial System Update and said there is a piece of it related to time for the Community Development Department work order system. She said there was a one-time expense for licensing and an ongoing small annual fee which allowed them to move all of their time tracking into a system that Public Works currently uses and it will enhance Community Development. She stated the final type of adjustment has to do with the debt service fund. She discussed how the City accounts for tax revenues related to debt service and said in the past the entire amount of the debt service levy was put into the debt service fund. She noted that not all taxes are paid on time and there is a percentage of on time taxes that should go into the debt service fund and a percentage that goes into the general fund. She said once that was trued up it showed over the last two years there was a deficit in the debt service fund and this adjustment moves some funds from the general fund to the debt services fund to bring it back up to where it needs to be.

Councilor Robinson referred to park signage and said the staff report states that park signage is \$20,000 plus and an additional \$10,000 moved from the City Manager's budget and also referred to the Park's budget list of priorities for this year include signage referenced through the CEP grant for \$12,000 and asked what the difference is. Ms. Henry said her understanding is that the park signage received \$20,000 from the CEP grant and during budget discussions last year the decision was made that if a grant was approved for the Robin Hood Association then the \$10,000 in the City Manager's budget for the Robin Hood Association would be reallocated for park signage.

With no further questions from Council the following motion was received.

MOTION: FROM COUNCILOR KUIPER TO APPROVE RESOLUTION 2017-007 TRANSFERRING BUDGET EXPENDITURE APPROPRIATIONS BETWEEN CATEGORIES FOR FISCAL YEAR 2016-17, SECONDED BY MAYOR CLARK. MOTION PASSED 6:0. ALL PRESENT MEMBERS VOTED IN FAVOR. (COUNCIL PRESIDENT HARRIS WAS ABSENT).

Mayor Clark addressed the next item on the agenda and the City Recorder read the public hearing statement.

9. PUBLIC HEARING:

A. Resolution 2017-008 Providing for automatic annual inflation-based adjustments to certain fees and rates

City Attorney Josh Soper recapped the staff report and said the nature of this resolution is to consider a system to automatically index certain fees to inflation. He stated that typically City Councils consider fee adjustments on an annual basis and when it doesn't happen annually then there are fees that are out of sync and require large increases every 3 to 5 years rather than a small increase on an annual basis. He said this resolution is modeled after other cities in Oregon and the purpose is to automatically adjust certain fees based on inflation on an annual basis. He said the resolution will adjust certain fees on the same schedule and using the same inflation figure that is used in the collective bargaining agreements for cost of living adjustments for employees. He added that because of the recently passed ballot measure a 2% cap has been imposed. He stated the resolution has an Exhibit A attached which is a list of the fees staff is

proposing that this would apply to and he said he assembled that based on the recommendations from various departments.

With no questions from the Council, Mayor Clark opened the public hearing. With no public testimony received, Mayor Clark closed the public hearing.

City Manager Joseph Gall asked if this resolution is adopted when would the first increases go into effect.

Mr. Soper said July 1, 2017 and the first day of each fiscal year. He said the figure for July 1, 2017 which is based on the CIP from 2016 is 1.6%.

Mayor Clark said she supports this resolution because there has been concern about the cost increases that ebb and flow. She said from her discussions she has concluded that citizens would prefer small incremental increases in order to budget their finances.

Mr. Gall noted that this resolution does not affect garbage rates and stated there will be a proposal in the future similar to the City of Tigard.

Mr. Soper stated that proposal will be an ordinance rather than a resolution.

With no further discussion, Mayor Clark asked for a motion.

MOTION: FROM COUNCILOR ROBINSON TO APPROVE RESOLUTION 2017-008, SECONDED BY COUNCILOR KUIPER. MOTION PASSED 6:0. ALL PRESENT MEMBERS VOTED IN FAVOR. (COUNCIL PRESIDENT HARRIS WAS ABSENT).

Mayor Clark addressed the next item on the agenda.

10. CITY MANAGER REPORT:

Mr. Gall reported that the deadline for the Citizen's University version 2 has passed and he will communicate with the applicants by Friday. He noted the course starts in March and will be 7 weeks long. He reported that he will be joining Finance Director Katie Henry and Mayor Clark in Salem tomorrow for City Hall Day.

Mayor Clark said it is good opportunity to meet our legislators and Mayors from throughout Oregon. She said she will be attending the League of Oregon City Board Meeting the following day.

Councilor Robinson asked about the status of repairing the monuments. She understands there was a delay. Assistant City Manager Tom Pessemier said there have been some weather delays and there was a kickoff meeting two weeks ago with the contractor and some of the traffic controls should be up this week.

Chief Groth reported that there was a fire hydrant significantly damaged at the end of the weekend. He said they are continuing to pursue every avenue to find the persons responsible. He said at the very least if it was done with a vehicle that will be property damage hit and run and potentially criminal charges related to criminal mischief.

Mayor Clark addressed the next item on the agenda.

11. CITY COUNCIL ANNOUNCEMENTS:

Mayor Clark announced that she just returned from the Smart Growth Conference in St. Louis along with Councilors Kuiper and Harris and Planning Commissioners Griffin and Flores and Community Development Director Julia Hajduk. She said the City received a grant to pay for most of the expenses of the Planning Commissioners. She commented that Sherwood is beginning to update the Comprehensive Plan and this was a great opportunity to implement some of the ideas. She commented on the expense of the trip and noted the importance of education as opposed to ignorance. She provided examples of information she has gleaned from other conferences she has attended and recommended a book by Jim Hunt titled "Amazing Cities" which includes a quote she provided. She said she attended the Career and Technical Educational showcase at Sherwood High School and said Sherwood is the only school in the region with this program. She announced the Chamber will have the February meeting on the 14th at Our Table Cooperative.

Councilor Kim Young said she attended the Willamette River Water Coalition in the Mayor's absence, the LOC Ethics Training and Municipality Budgeting 101. She said she enjoyed attending the Friends of the Refuge meeting and said they are partnering with Sherwood Middle School and Laurel Ridge for their Outdoor School Program.

Councilor King said he appreciated being invited to the Police Awards dinner and expressed his support for the Sherwood Police Department.

Councilor Robinson said she attended the Parks Board meeting and said they discussed the Cannery Square bathrooms, Cedar Creek Trail, Dog Park 2 and uniform park signage. She said she will be participating in interviews for the High School student representative for the Library Board and the Board will meet next Wednesday at 6:30 pm. She said she attended the Police Awards dinner. She announced that Council will have a goal setting session next Saturday and encouraged citizens to attend or contact a Council with concerns or interests in future projects. She reported that Edy Ridge rescheduled Biz Town for February 20 and she will be volunteering and commented on the value of the program.

Mayor Clark reminded citizens to support the local businesses that were effected by the incremental weather.

Councilor Garland stated he attended the Police Awards dinner and was honored to be invited and commended the Police Department. He said he attended the Regional Water Providers Consortium Board and provided an update. He stated he will attend the Sherwood Main Street meeting this Thursday. He mentioned the Sherwood Foundation of the Arts Jigsaw Puzzle competition is Saturday February 18 and said spots are filling up quickly. He said local businesses have donated prizes and encouraged people to attend.

Councilor Kuiper commented on the YMCA discussion in the work session and added that Police Captain Mark Daniel and Police Chaplain Wilson Parrish are both on the YMCA board. She discussed her experience at the Smart Growth Conference and said she learned about the importance of community vision. She said her goal as a Council for the next two years is to help our Council and the community form a vision for moving forward. She encouraged the citizens to be involved in the Comprehensive Plan process. She announced that the Cultural Arts Commission has been working on plaques that will be placed throughout the community. She encouraged citizens to attend the Sherwood Center for the Arts Gala on

April 15. She said she joined Council President Harris and Mr. Gall and attended the Vision Action Network and commented on affordable housing issues.

Mayor Clark said the City is always accepting application for all the City Boards and Commissions and encouraged everyone to consider serving.

Council Robinson announced that Wood Haven Park Phase II is nearly complete.

Mayor Clark adjourned at 8:35 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Krisanna Clark, Mayor

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Connie Randall, Planning Manager

Through: Julia Hajduk, Community Development Director and Joseph Gall, ICMA-CM, City Manager

SUBJECT: Resolution 2017-009, Forming a Technical Advisory Committee and Community Advisory Committee for the Comprehensive Plan Update Process, and Establishing the Appointment Process for Members of the Committees

Issue:

Shall City Council approve the recruitment, appointment process and establishment of a Technical Advisory Committee and Community Advisory Committee for the Comprehensive Plan Update process?

Background:

The City of Sherwood's current Comprehensive Plan was completed in 1991. The Planning Department has established a need, supported by the FY2016-17 Sherwood City Council Goals, to update the Comprehensive Plan.

Through approval of this resolution, the City Council would be approving the formation of a Technical Advisory Committee made up of representatives from other city departments and governmental agencies that have a stake in the project area, and a Community Advisory Committee that would be made up of landowners, citizens and representatives from various community interests within the City. The resolution also outlines how the appointments would be made to the committees. The Comprehensive Plan Update project is expected to be complete within three years.

Financial Impacts:

There are no additional financial impacts as a result of approval of this resolution.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2017-009, Forming a Technical Advisory Committee and Community Advisory Committee for the Comprehensive Plan Update Process, and Establishing the Appointment Process for Members of the Committees.



RESOLUTION 2017-009

FORMING A TECHNICAL ADVISORY COMMITTEE AND A COMMUNITY ADVISORY COMMITTEE FOR THE COMPREHENSIVE PLAN UPDATE PROCESS AND ESTABLISHING THE APPOINTMENT PROCESS FOR MEMBERS ON THE COMMITTEES

WHEREAS, the City Council has established the following Livability Goal: “The City of Sherwood will provide opportunity for responsible community development and growth;” and

WHEREAS, the City Council has established as Action Item 2 under Goal 3 of the FY2016-17 Sherwood City Council Goals: “Begin update of Comprehensive Plan;” and

WHEREAS, the City Council wishes to encourage public involvement for the project that is representative of the community as a whole and provides an opportunity to address specific concerns of property owners, Sherwood residents, and other agencies with jurisdictional interests within the study area; and

WHEREAS, it has been determined that the most efficient structure to ensure public input is to establish a:

- Community Advisory Committee (CAC) comprised of representatives that live or own property within the Comprehensive Plan area, and
- Technical Advisory Committee (TAC) comprised of agency representatives with technical expertise in their area of interest; and

WHEREAS, the CAC and TAC will be charged with reviewing technical information, considering input from the general public, and making a recommendation to the Planning Commission on specific elements of the ultimate Comprehensive Plan Update; and

WHEREAS, the Planning Commission will consider the CAC and TAC recommendations prior to making final recommendations to the City Council; and

WHEREAS, the TAC involvement is based on other department and agency cooperation and willingness to participate in the process, therefore it is understood that it is most efficient for TAC representation to be made by the respective department or agency; and

WHEREAS, to ensure CAC representation consists of a broad range of interests and viewpoints, made up of people willing to commit to reviewing materials, collaborating on issues with potential conflict, being open-minded and respectful while providing opinions on the plan, a selection and recruitment process is needed prior to appointments being made.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. A Community Advisory Committee (CAC) is established. The CAC shall be comprised of up to 18 people representing the local interests of those that are affected by future development within the area. The City shall strive to recruit members to serve on the CAC from the following groups:

- 8 Community Members at Large (2 members from each elementary school area)
- 2 Members from the Urban Growth Areas
- 2 Members representing Senior Services and/or American with Disabilities Act (ADA) interests
- 3 Members of the Business Community
- 1 Member of the Development Community
- 1 City Council Liaison
- 1 Planning Commission Liaison

Section 2. A Technical Advisory Committee (TAC) is established. The TAC shall be comprised of agency-designated representatives to ensure that the Comprehensive Plan Update process adequately considers the needs of the respective interests, and may coordinate and include the following agencies and organizations in the membership:

- City of Sherwood Community Services Department
- City of Sherwood Engineering Department
- City of Sherwood Police Department
- City of Sherwood Public Works Department
- Clean Water Services
- Metro
- Oregon Department of Fish and Wildlife
- Oregon Department of Transportation
- Sherwood School District
- Tualatin River National Wildlife Refuge
- Tualatin Valley Fire and Rescue
- Washington County

Section 3. The CAC will be appointed no sooner than March 1, 2017 and selected after review of applications from potential applicants by a selection committee made up of the City Council liaison to the Planning Commission, the Chair of the Planning Commission, and the City Planning Manager.

Section 4. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 21st of February, 2017.

Krisanna Clark, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Josh Soper, City Attorney
Through: Joseph Gall, ICMA-CM, City Manager

SUBJECT: **Resolution 2017-010, Authorizing the City Manager to issue a Purchase Offer regarding the Willamette River Water Intake Facility**

Issue:

Shall the City Council authorize the City Manager to issue a Purchase Offer regarding the Willamette River Water Intake Facility?

Background:

The City of Sherwood, the City of Wilsonville, and the Tualatin Valley Water District (TVWD) each currently own interests in the Willamette River Water Treatment Plant, which includes raw water intake facilities (“Intake”). Currently, the City’s ownership capacity in those facilities is 5.0 million gallons per day (MGD).

It is necessary for the City of Sherwood to secure a long-term source of water that is safe and has adequate water quantity and quality to meet the City’s needs. TVWD has offered to the City an opportunity to purchase a portion of TVWD’s existing ownership interest in the Intake, and to participate in an expansion project which would increase the total nominal capacity of the Intake to an estimated 150 MGD, together resulting in a total City capacity share of 9.7 MGD.

Prior to finalizing the purchase of TVWD’s existing ownership interest and participation in the improvements to the Intake, a mutually agreed Purchase and Sale Agreement, setting forth the terms of the purchase transaction, and an Intergovernmental Agreement, setting forth the terms of the expansion project and subsequent management of the facility, would both need to be brought back to Council for approval, as well as receive approval from the governing bodies of TVWD and other interested parties.

The City is currently in negotiations with TVWD and other interested parties concerning the terms of these agreements. In the meantime, TVWD has requested that the City and other interested parties provide purchase offers no later than February 28, 2017 in order to meet certain contractual and project timeline requirements. This resolution would authorize the City Manager to prepare and issue such a purchase offer, subject to appropriate conditions to protect the interests of the City.

Financial Impacts:

The amount to be offered in the purchase offer, for the acquisition of a portion of TVWD’s existing capacity, is \$238,443. This will be funded from remaining unused bond proceeds from the 2011

issuance of Water Bonds. If the transaction is finalized, this payment would be due by January 20, 2018. Additional costs in amounts still to be determined would be incurred in relation to the expansion project. This information will be provided to Council prior to finalizing the transaction.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2017-010, Authorizing the City Manager to issue a Purchase Offer regarding the Willamette River Water Intake Facility.



RESOLUTION 2017-010

AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE OFFER REGARDING THE WILLAMETTE RIVER WATER INTAKE FACILITY

WHEREAS, the City of Sherwood (“City”), the City of Wilsonville, and the Tualatin Valley Water District (TVWD) each currently own interests in the Willamette River Water Treatment Plant, which includes raw water intake facilities (“Intake”); and

WHEREAS, the City desires to purchase from TVWD a portion of TVWD’s existing ownership interest in the Intake, and to participate in improvements to the Intake to increase the total nominal capacity to an estimated 150 million gallons per day (MGD), together resulting in a total City capacity share of 9.7 MGD; and

WHEREAS, TVWD has provided a cost figure of \$238,443 for the purchase of the necessary portion of TVWD’s existing ownership interest in the Intake; and

WHEREAS, prior to finalizing the purchase of TVWD’s existing ownership interest and participation in the improvements to the Intake, a mutually agreed Purchase and Sale Agreement setting forth the terms of the purchase transaction and an Intergovernmental Agreement setting forth the terms of the expansion project and subsequent management of the facility would both need to be approved by the respective governing bodies of TVWD and the City, as well as other interested parties; and

WHEREAS, the City is currently in negotiations with TVWD and other parties concerning the terms of those agreements; and

WHEREAS, TVWD has requested that the City and other interested parties provide purchase offers no later than February 28, 2017 in order to meet certain contractual and project timeline requirements;

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The City Manager is hereby authorized to prepare and issue a purchase offer, subject to appropriate conditions to protect the interests of the City, to TVWD relating to acquiring a portion of TVWD’s existing ownership interest in the Intake, in the amount of \$238,443, and expressing the City’s interest in participating in the above described improvements to the Intake.

Section 2. This Resolution is and shall be effective upon its approval and adoption by the Council.

Duly passed by the City Council this 21st of February, 2017.

Krisanna Clark, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Connie Randall, Planning Manager

Through: Julia Hajduk, Community Development Director and Joseph Gall, ICMA-CM, City Manager

SUBJECT: Resolution 2017-011, Authorizing the City Manager to Execute an Intergovernmental Agreement (IGA) with Washington County for Planning Authority Regarding the Partition of Parcel 2S1200002000

Issue:

Shall the City Council approve a resolution authorizing the City Manager to execute an Intergovernmental Agreement (IGA) with Washington County for planning authority regarding the partition of parcel 2S1200002000?

Background:

The owner of an approximately 47-acre parcel, 2S1200002000, located at 20015 SW Pacific Highway, approached the City about annexing a portion of the lot into the City so that it can be developed under City rules. The parcel is split by both the City and Washington County jurisdictional boundary as well as Metro's Urban Growth Boundary (UGB), resulting in a portion of the property inside the City of Sherwood; a portion in Washington County, inside the UGB; and a portion in Washington County, outside the UGB.

After consulting with County staff, it was agreed that the property owner should partition the parcel along the UGB boundary line prior to seeking annexation. Due to the location of the UGB boundary, such a land division would result in a parcel that does not meet the minimum lot size for the applicable rural zoning. The City does not have authority to process a land division that would create a parcel smaller than that allowed by the rural zoning. Washington County has adopted regulations, pursuant to ORS 215.263, to allow land divisions for parcels that are split by the UGB boundary where the remaining parcel size would be smaller than that allowed by the rural zoning. As a portion of the property is located with the city limits, the City needs to grant planning authority to the County to process the land division.

Financial Impacts:

There are no additional financial impacts as a result of approval of this resolution.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2017-011, authorizing the City Manager to execute an IGA with Washington County for planning authority regarding the partition of parcel 2S1200002000.



RESOLUTION 2017-011

AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT (IGA) WITH WASHINGTON COUNTY FOR PLANNING AUTHORITY REGARDING THE PARTITION OF PARCEL 2S1200002000

WHEREAS, the owner of parcel 2S1200002000, an approximately 47 acre site located at 20015 SW Pacific Highway has contacted City staff and Washington County staff regarding annexing a portion of the lot into the City of Sherwood; and

WHEREAS, the parcel is split by the jurisdictional boundary between the City and County, so that portions are located in each jurisdiction and the parcel is also split by Metro’s Urban Growth Boundary (UGB), and the property owner would like to annex the portion inside the UGB into the City; and

WHEREAS, City and County staff agree that a land division of the property should be completed prior to annexation to separate the portion of the lot within the UGB from the remainder of the lot; and

WHEREAS, the City does not have the authority to approve a land division of a property that would create a parcel smaller than that allowed by the rural zoning; and

WHEREAS, pursuant to ORS 215.263, the County has adopted regulations to allow land divisions for parcels that are split by the UGB where the remaining parcel size would be smaller than that allowed by the rural zoning; and

WHEREAS, an IGA has been developed with input from County and City staff and legal counsel.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. That the City Manager is authorized to execute an IGA with the County for planning authority regarding the partition of parcel 2S1200002000 (see attached Exhibit 1).

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 21st of February, 2017.

Krisanna Clark, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

INTERGOVERNMENTAL AGREEMENT
BETWEEN WASHINGTON COUNTY AND THE CITY OF SHERWOOD
FOR PLANNING AUTHORITY REGARDING THE PARTITION OF PARCEL
2S1200002000

THIS AGREEMENT is entered into by and between Washington County, a political subdivision of the State of Oregon, acting by and through its elected officials, hereinafter referred to as "COUNTY"; and the City of Sherwood, a municipal corporation, acting by and through its City Council, hereinafter referred to as "CITY," collectively referred to as the "PARTIES."

RECITALS

WHEREAS, ORS 190.010 authorizes agencies to enter into intergovernmental agreements for the performance of any or all functions and activities that a party to the agreement has the authority to perform; and

WHEREAS, the owner of a property located at 20015 SW Pacific Highway north of SW Langer Farms Parkway, Washington County Map and Tax Lot number 2S1200002000, hereinafter referred to as "Parcel," contacted both the COUNTY and CITY regarding annexation of a portion of the Parcel into the CITY;

WHEREAS, the Parcel is split by the CITY and COUNTY boundary, so that abutting portions are located in each jurisdiction;

WHEREAS, the Parcel is also split by Metro's Urban Growth Boundary hereinafter referred to as "UGB";

WHEREAS, the property owner would like to annex the portion inside the UGB to the City;

WHEREAS, COUNTY and CITY are in agreement that a land division of the property should be completed prior to CITY annexation to separate the portion of the parcel inside the UGB and currently within or proposed to be annexed to the CITY from the portion of the parcel outside the UGB to remain under COUNTY jurisdiction;

WHEREAS, the CITY does not have the legal authority to approve a land division of a property that would create a parcel smaller than that allowed by the rural zoning;

WHEREAS, pursuant to ORS 215.263, the COUNTY has adopted regulations to allow land divisions for parcels that are split by the UGB where the remaining parcel size would be smaller than that allowed by the rural zoning;

Exhibit 1

WHEREAS it is the mutual desire of the COUNTY and CITY to enter into an agreement to cooperate in the land division of the Parcel with the allocation of responsibilities detailed below.

AGREEMENT

NOW, THEREFORE, the premise being in general as stated in the foregoing recitals, and in consideration of the terms and conditions set forth below, the Parties hereto agree as follows:

1. PROJECT DESCRIPTION AND PROJECT PLANNING

- 1.1 The subject parcel is approximately 48 acres in size as shown in Exhibit A. Of which 36.4 acres is located in the COUNTY outside the UGB with a COUNTY rural land use designation of Exclusive Farm Use (EFU). A 5.4 acre portion of the parcel is located in the County inside the UGB with a COUNTY land use designation of R-15. The remaining 5.5 acre portion of the parcel is located in the CITY, zoned Light Industrial.
- 1.2 The property owner is interested in partitioning the property into two lots, an urban parcel consisting of land within the UGB and a rural parcel consisting of land outside the UGB, with the intent of annexing the urban portion into the CITY.
- 1.3 The CITY has no legal authority to partition lands located in the COUNTY or to create lots that are smaller than that allowed by the rural zoning. The CITY therefore grants planning authority to the COUNTY, limited to the land division process for the Parcel required to partition the property along the UGB, pursuant to ORS 215.263.
- 1.4 The COUNTY agrees that the CITY retains planning jurisdiction in all other matters pertaining to the portion of the Parcel that is currently in the city limits of Sherwood.
- 1.5 Planning authority for the portion of the parcel currently in the county within the UGB remains with the County until an approved annexation of this area is completed, at which time the jurisdiction for this area will transfer to the CITY.
- 1.6 Planning jurisdiction for the portion of the parcel located outside of the UGB, designated as EFU, remains with the COUNTY.

2. COUNTY OBLIGATIONS

- 2.1 COUNTY shall, upon execution of this Agreement, work with the applicant on the processing of the Land Division application.

- 2.2 COUNTY shall perform all actions necessary to process the Land Division of the Parcel to divide the parcel along the UGB.
- 2.3 COUNTY shall notify the CITY of any land division application submitted for the Parcel and shall provide the CITY with the opportunity to comment on said application. County agrees to consider CITY comments that address the COUNTY's approval criteria for Land Divisions.

3. CITY OBLIGATIONS

- 3.1 CITY shall participate in the land division process in a manner including, but not limited to, submission of testimony during the COUNTY's land division process, particularly related to the portion of the parcel currently located within the CITY and particularly on the matters related to the consistency between CITY and COUNTY land division regulations.
- 3.2 CITY shall notify the COUNTY of future annexation of the Parcel and shall provide the COUNTY with the opportunity to comment on said application.

4. COMPENSATION

- 4.1 There will be no exchange of compensation between CITY and COUNTY regarding the land use processes for the parcel described herein.

5. GENERAL PROVISIONS

- 5.1 LAWS OF OREGON
The Parties shall comply with all applicable laws and regulations regarding the handling and expenditure of public funds. This Agreement shall be construed and enforced in accordance with the laws of the State of Oregon. All relevant provisions required by ORS Chapter 279A and 279C to be included in public contracts are incorporated and made a part of this Agreement as if fully set forth herein.
- 5.2 DEFAULT
Either party shall be deemed to be in default if it fails to comply with any provisions of this Agreement. The non-defaulting party shall provide the other party with written notice of default and allow thirty (30) days within which to cure the default.

5.3 INDEMNIFICATION

This Agreement is for the benefit of the Parties only. Each party agrees to indemnify and hold harmless the other party, and its officers, employees, and agents, from and against all claims, demands and causes of actions and suits of any kind or nature for personal injury, death or damage to property on account of or arising out of services performed, the omissions of services or in any way resulting from the negligent or wrongful acts or omissions of the indemnifying party and its officers, employees and agents. To the extent applicable, the above indemnification is subject to and shall not exceed the limits of liability of the Oregon Tort Claims Act (ORS 30.260 through 30.300). In addition, each party shall be solely responsible for any contract claims, delay damages or similar items arising from or caused by the action or inaction of the party under this Agreement.

5.4 MODIFICATION OF AGREEMENT

No waiver, consent, modification or change of terms of this Agreement is binding unless in writing and signed by both Parties.

5.5 DISPUTE RESOLUTION

The Parties shall attempt to informally resolve any dispute concerning any party's performance or decisions under this Agreement, or regarding the terms, conditions or meaning of this Agreement. A neutral third party may be used if the Parties agree to facilitate these negotiations. In the event of an impasse in the resolution of any dispute, the issue shall be submitted to the governing bodies of both Parties for a recommendation or resolution.

5.6 REMEDIES

Subject to the provisions in paragraph 5.5, any party may institute legal action to cure, correct or remedy any default, to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation of this Agreement. All legal actions shall be initiated in Washington County Circuit Court. The Parties, by signature of their authorized representatives below, consent to the personal jurisdiction of that court. In the event of any controversy or claim arising out of or relating to this agreement, or the breach thereof, the Parties may use all available remedies. In the event of mediation or arbitration, the costs shall be shared equally by the Parties to the dispute. Each party shall be responsible for its own costs and attorney fees for any claim, action suit or proceeding, including any appeal.

5.7 EXCUSED PERFORMANCE

In addition to the specific provisions of this Agreement, performance by any party shall not be in default where delays or default is due to war, insurrection, strikes, walkouts, riots, floods, drought, earthquakes, fires,

casualties, acts of God, governmental restrictions imposed or mandated by governmental entities other than the Parties, enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulation, litigation or similar bases for excused performance that are not within the reasonable control to the party to be excused.

5.8 SEVERABILITY

If any one or more of the provisions contained in this Agreement is invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions of the Agreement will not be affected or impaired in anyway.

5.9 INTEGRATION

This Agreement is the entire agreement of the Parties on its subject and supersedes any prior discussions or agreements regarding the same subject

6. TERMS OF AGREEMENT

6.1 The term of the Agreement shall be from the date of execution until the completion of the land division and annexation of the Parcel, but not to exceed five (5) years.

6.2 This Agreement may be amended or extended for periods of up to one (1) year by mutual consent of the Parties. It may be canceled or terminated for any reason by either party. Termination or cancellation shall be effective thirty (30) days after written notice to the other party, or at such time as the Parties may otherwise agree.

IN WITNESS WHEREOF, the Parties hereto acknowledge that they understand the terms and conditions of this Agreement and agree to be bound to those terms and conditions.

Washington County

City of Sherwood

Signature

Signature

Title

Title

Date

Date

APPROVED AS TO FORM
Washington County

Signature

Title

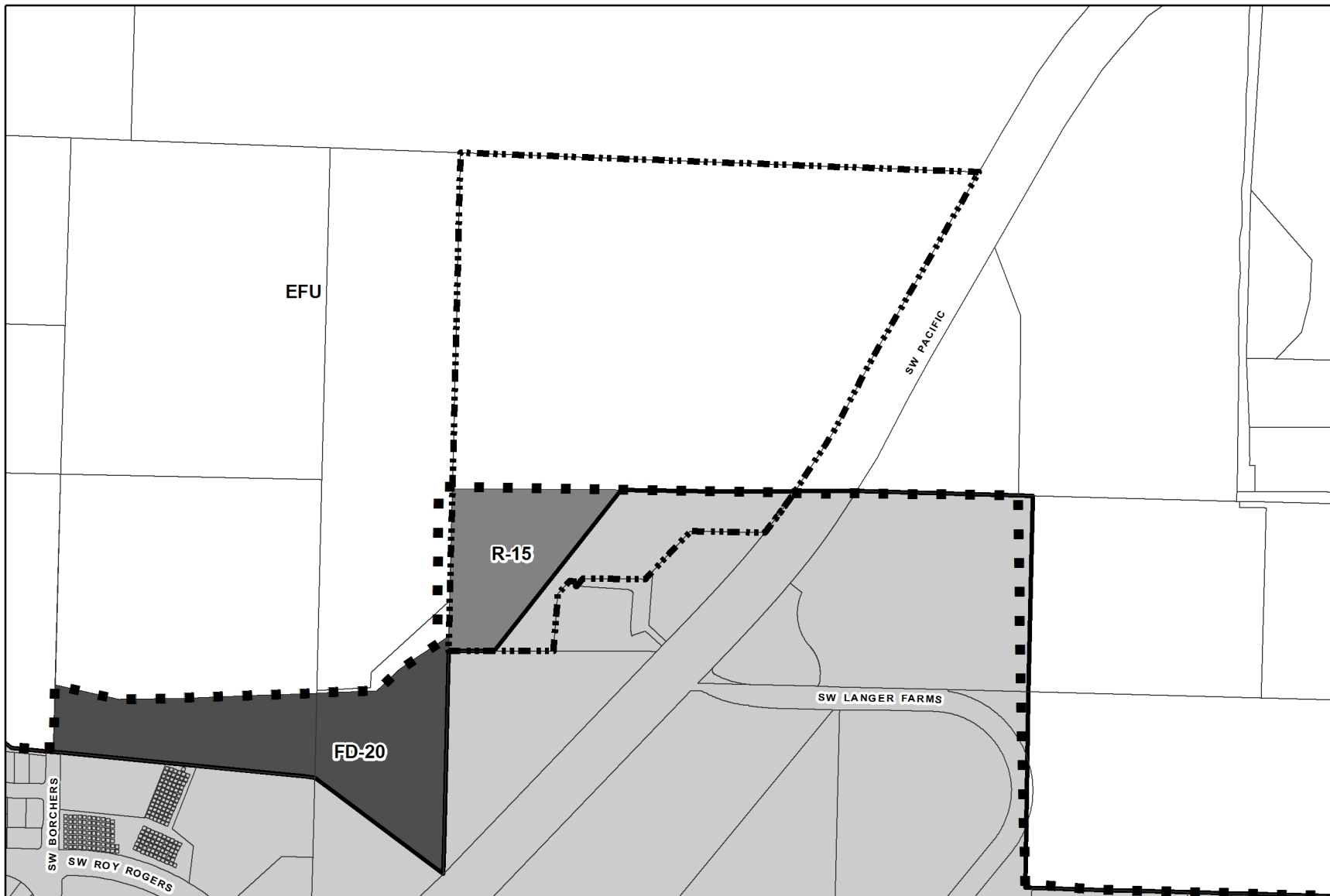
Date

APPROVED AS TO FORM
City of Cornelius

Signature

Title

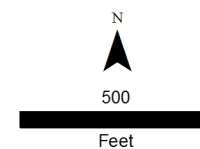
Date



Intergovernmental Agreement on the Planning Authority for Parcel 2S1200002000

Legend

-  Subject Area
-  Urban Growth Boundary
-  Sherwood
-  Exclusive Farm Use
-  Future Development - 20 acre minimum (FD-20)
-  Residential District - 15 units per acre (FD-20)



TO: Sherwood City Council

FROM: Joseph Gall, ICMA-CM, City Manager
Through: Josh Soper, City Attorney

SUBJECT: Resolution 2017-012, Recommending Restoring of Recreational Immunity Rights

Issue:

Shall the City Council approve a resolution recommending the restoration of Recreational Immunity Rights?

Background:

The Oregon Public Use of Lands Act encourages public and private owners of land to make their land available to the public for recreational purposes by providing landowners immunity from tort liability. However, a recent Oregon Supreme Court decision undermined the immunity guaranteed in the Act, which could result in a severe reduction of land available to Oregonians for their recreational use and enjoyment. Both the Oregon Recreation and Parks Association and the League of Oregon Cities are actively pursuing the legislation to restore Recreational immunity to both public and private landowners. In fact, restoring recreational immunity rights is one of the top legislative priorities of the League of Oregon Cities during this current session.

According to the Public Use of Lands Act, recreational purposes “include, but are not limited to, outdoor activities such as hunting, fishing, swimming, boating, camping, picnicking, hiking, nature study, outdoor educational activities, waterskiing, winter sports, viewing or enjoying historical, archaeological, scenic or scientific sites or volunteering for any public purpose project, gardening, woodcutting and for the harvest of special forest products.”

The Public Use of Lands Act has increased the availability of land for free recreation by limiting liability to cities, counties, parks, schools and a wide range of private owners, including farmers and timber companies that allow hunters, anglers, hikers, mountain bikers and other members of the public to use or traverse their lands at no charge.

This decision impacts all public and private lands in Oregon that are available to the public free of charge to recreate on. This includes areas like state forests/parks, county/city parks, open space, playgrounds, recreational facilities, irrigation district easements, public docks, gifted or undeveloped property used for hiking, biking, hunting etc., lakes/reservoirs used for boating and swimming, as well as farms, ranches and private forest lands. For more than twenty years the Public Lands Use Act had been broadly interpreted. However, a 2016 Oregon Supreme Court decision, Johnson v. Gibson, undermined the immunity by ruling that when the Legislature passed

the Public Lands Act it only immunized the actual landowner and did not extend the immunity to employees, agents, volunteers and the like who act on behalf of the landowners. This ruling effectively undermines a public land-owners recreational immunity from tort liability under the Act because public employers are statutorily required to represent and indemnify their employees, agents and volunteers who are acting within the course and scope of their duties. It also exposes private land owners to similar liability because they will likely be ultimately found responsible for their employees' negligence.

As a result of this ruling both public and private landowners will likely face substantially increased insurance premiums for this new risk exposure, thereby forcing them to reduce recreational opportunities or services or to limit access or entirely close their property to recreational use. The bill clarifies that a landowner does not owe a duty to inspect and maintain the land in a safe condition for entry or use by the public for recreational purposes. Therefore, the landowner does not extend any assurance that the land is safe for any purpose and does not assume responsibility or incur liability for injury, death or loss to any person or property.

Financial Impacts:

There are no additional financial impacts as a result of approval of this resolution.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2017-012, recommending restoring of recreational immunity rights.

Attachment:

- Legislative Summary Sheet from League of Oregon Cities



Recreational Immunity

Priority

Ensure that employees, officers and other agents of landowners, including cities, are exempt from liability under Oregon’s recreational immunity law.

Background

Landowners in Oregon are immune from civil liability in the event a person is injured on their property provided that they were recreating and that the property owner did not charge a fee for access to their land. However, the Oregon Supreme Court has ruled that the employees or other agents of the landowner may be liable if a person is injured as a result of their actions. For public agencies that are required to indemnify and defend their employees against such claims, recreational immunity has been stripped away.

Without effective recreational immunity, cities will expose themselves to unwarranted risks if they expand recreational opportunities in their community. Indeed, some have been forced to close parks. Oregon’s recreational opportunities are utilized to a high degree by its citizens, contribute to quality of life and should not be compromised by the possibility of such lawsuits.

Outcome

Restore the civil immunity landowners and their employees had against tort actions for injuries sustained while recreating.



RESOLUTION 2017-012

RECOMMENDING RESTORING RECREATIONAL IMMUNITY RIGHTS

WHEREAS, in 1995, the Legislative Assembly declared it to be the public policy of the State of Oregon to encourage landowners to make their land available to the public for recreational purposes by limiting their liability toward persons entering thereon for such purposes; and

WHEREAS, recreations purposes includes, but are not limited to, outdoor activities such as hunting, fishing, swimming, boating, camping, picnicking, hiking, nature study, outdoor educational activities, water sports, winter sports, viewing or enjoying historical, archaeological, scenic or scientific sites or volunteering for any public purpose project, including the above aforementioned activities, as well as: gardening, woodcutting and for the harvest of special forest products; and

WHEREAS, the Public Use of Lands Act has increased the availability of land for free recreation by citizens and visitors alike by limiting liability to cities, counties, park districts, irrigation districts, schools and private landowners, including property-owner associations, farmers and timber companies that, by virtue of this act, allow members of the public to use or traverse their lands at no charge for recreation purposes; and

WHEREAS, for twenty years, the Public Use of Lands Act has been broadly interpreted to extend this immunity from liability to apply not only to landowners but also to the landowner's employees agents, and volunteers; and

WHEREAS, in Johnson v. Gibson, the Oregon Supreme Court held that when the Legislature passed the Public Use of Lands Act, it intended to immunize only the landowner, otherwise the Legislative Assembly would have included employees, agents and volunteers in the Act; and

WHEREAS, this ruling effectively undermines a landowner's recreational immunity from tort liability under the Act because public employers are statutorily required to represent and indemnify their employees and most, if not all, landowners who allow access to their lands free of charge will ultimately be responsible for the negligence of their employees that results in injury to a member of the public or property; and

WHEREAS, landowners will likely face substantially increased insurance premiums for this new risk exposure and/or have to close their property or amenities to Oregonians trying to recreate due to the result of this decision.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The City of Sherwood supports legislation in the 2017 Oregon Legislative Assembly promulgated to restore recreational immunity to landowners and their officers, employees, agents or volunteers who are acting within the scope of their employment or duties so to allow Oregonians to access their lands for recreational use and enjoyment;

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 21st of February, 2017.

Krisanna Clark, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Joseph Gall, ICMA-CM, City Manager

Through: Josh Soper, City Attorney

SUBJECT: Resolution 2017-013, Directing City Manager to Issue Request for Proposals (RFP) for Recreational and Aquatic Center Operations and Management Services

Issue:

Shall the City Council direct the City Manager to Issue Request for Proposals (RFP) for Recreational and Aquatic Center Operations and Management Services?

Background:

As a result of the upcoming completion of the original 20 year operating agreement between the City of Sherwood and the YMCA of the Columbia-Willamette in 2018, the City Council has been interested in additional options (besides automatically renewing with the current operator) for operating and managing the city-owned Sherwood Recreational and Aquatic Center. With the recent completion of the feasibility study performed by Ballard*King and Associates, one of the key recommendations of the study is for the City to issue a Request for Proposals (RFP) for operations and management services for the time period after the current operating agreement expires in October 2018.

An important requirement within the existing operating agreement is that, if either the City of Sherwood or the YMCA of the Columbia-Willamette does not wish to extend the operating agreement beyond the above expiration date, it must provide a one year notice to the other party by October 31, 2017. In order to allow for adequate time to conduct the RFP process and evaluate any of the options presented by qualified proposers for the operations and management of the city-owned recreational and aquatic center, the issuance of the RFP is time sensitive. In order to meet the above time constraints, the RFP needs to be issued on or before March 17, 2017 with a due date for proposals on or before May 1, 2017.

It is important to note that based upon our ongoing discussions with senior leadership of the YMCA of the Columbia-Willamette organization, a proposal from the current operator of the city-owned facility is likely to be submitted in response to such an RFP.

Financial Impacts:

There are no additional financial impacts as a result of approval of this resolution.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2017-013, Directing City Manager to Issue Request for Proposals (RFP) for Recreational and Aquatic Center Operations and Management Services.



RESOLUTION 2017-013

DIRECTING CITY MANAGER TO ISSUE REQUEST FOR PROPOSALS (RFP) FOR RECREATIONAL AND AQUATIC CENTER OPERATIONS AND MANAGEMENT SERVICES

WHEREAS, the City of Sherwood built and owns an existing recreational and aquatic center that has been operated through an operating agreement with the YMCA of the Columbia-Willamette since 1998; and

WHEREAS, the existing operating agreement with the YMCA of the Columbia-Willamette is scheduled to expire in October 2018; and

WHEREAS, an important requirement within the existing operating agreement is that, if either the City of Sherwood or the YMCA of the Columbia-Willamette does not wish to extend the operating agreement beyond the above expiration date, it must provide a one year notice to the other party by October 31, 2017; and

WHEREAS, the City of Sherwood recently contracted with Ballard*King and Associates, a nationally-recognized recreation consulting firm that specializes in recreation center feasibility studies, and a feasibility study for the existing recreational and aquatic center was completed in January 2017; and

WHEREAS, one of the key recommendations of the feasibility study is to proceed expeditiously with issuance of an RFP for operations and management services for the time period after the current operating agreement expires in October 2018; and

WHEREAS, in order to allow for adequate time to conduct the RFP process and evaluate any of the options presented by qualified proposers for the operations and management of the city-owned recreational and aquatic center, the issuance of the RFP is time sensitive; and

WHEREAS, in order to meet the above time constraints, the RFP needs to be issued on or before March 17, 2017 with a due date for proposals on or before May 1, 2017.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The City Manager shall issue a Request for Proposals (RFP) for Recreational and Aquatic Center Operations and Management Services;

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 21st of February, 2017.

Krisanna Clark, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder
Resolution 2017-013
February 21, 2017
Page 1 of 1

Sherwood Field House Monthly Report January 2017

<u>January-17</u>	<u>Jan-17</u>		<u>YTD</u>		<u>Dec-16</u>
Usage		People		People	People
	<u>Count</u>	<u>Served*</u>	<u>Count</u>	<u>Served*</u>	<u>Served*</u>
Leagues	6	518	10	2831	564
Rentals	64	960	395	5640	1484
Other (Classes)					
[1] Day Use	9	75	52	455	163
Total Usage		1553		8926	2211
Income FY 16 17	<u>Jan-17</u>	<u>YTD</u>			
Rentals	\$4,180	\$26,706			
League fees (indoor)	\$4,751	\$36,760			
Card fees (indoor)	\$20	\$1,115			
Day Use	\$243	\$1,402			
Advertising					
Snacks	\$1,351	\$5,322			
Classes					
Total	\$10,545	\$71,305			
Income FY 15 16	<u>Jan-16</u>	<u>YTD</u>			
Rentals	\$6,978	\$29,075			
League fees (indoor)	\$7,951	\$46,904			
Card fees (indoor)	\$103	\$2,116			
Day Use	\$430	\$2,115			
Advertising					
Snacks	\$900	\$2,791			
Classes					
Total	\$16,362	\$83,001			

*Estimated number of people served.



Fields and Gyms

- Youth basketball held their girls Tournament on January 21st and 22nd. This consisted of 87 games during the weekend; involving 43 teams from all over the Portland Metro area.
- Despite losing two weekends and a weeknight of games due to snow, youth basketball played 29 classic or competitive games and 59 recreational games, for a total of 175 games in the gyms.
- Youth Soccer continues to practice at both Snyder Park and the High School.
- Youth lacrosse is taking registrations and gearing up for evaluations and tryouts.
- Both Youth baseball and Youth softball are taking registrations for the spring season.

Field House

- The first youth session just finished a week late due to weather.
- Numbers for the second youth session are way down. Word is that teams are already starting to play outside.
- Three adult leagues are still running.
- There is a new drinking fountain (Thanks Public Works).

Respectfully Submitted

Lance Gilgan

February 2, 2017

Sherwood Public Library
Monthly Management Report
August 2016



Submitted by: Adrienne Doman Calkins, Library Manager

Contents:

- 1) Statistics
- 2) Programs & Activities
- 3) Service Stories

Statistics



We had nearly **23,000 visits in August**
 —an over **5% increase** compared to August, 2015.

Visits last month	This month	% Change from last month	Visits this month last year	% Change from last year	Open hours this month	Open days	Visits per hour	Visits per day	Avg physical checkouts & renewals per hour
23,481	22,970	-2.2%	21,854	5.1%	276	31	83	741	110

Note: August & September 2016 door counts are weighted estimates, due to gate malfunction.

Monthly Patrons	Last month	This month	This month last year	% Change from same month last year	% Change from last month
New library cards	152	114	119	-4%	-33%
Total registered users	11,341	11,459	11,581	-1%	1%
Active this month	3,020	3,096	3,106	0%	2%
% of patrons active this month	27%	27%	27%	1%	1%
Estimated % of service area with library card	50%	50%	51%	-1%	1%

NOTE: Annual database purge March 6, 2016. Pre-purge total 12,203. Purged 1,398 accounts inactive for 3 years.



Half of the people in our service area have a library card; 27% of those used it in August.

Collection Development	Last month	This month	This month last year	% Change from last year	% of budget available	% of ordering window for FY left
Count of items added	354	549	490	12%	75.8%	80%
Count of items withdrawn (including periodicals)	394	420	984	-57%		
Total collection size	47,510	48,364	48,722	-0.7%		

WCCLS currently has over 16,000 e-books available through Library2Go and Cloud Library (was 3M Cloud Library)



Digital checkouts rose 29% compared to August, 2015. Total checkouts (digital & physical) stayed level. The **local collection is over 48,000 items**, with 1.6 million available countywide.

Monthly Circulation	Last month	This month	This month last year	Sparkline Chart	% Change from same month last year	% Change from last month
Total check outs (includes digital)	31,309	32,527	32,760		-0.7%	3.9%
Physical check outs & renewals	29,219	30,386	31,095		-2.3%	4.0%
Self-checkouts only	9,133	9,243	8,426		9.7%	1.2%
% @ self-check	31%	30%	27%		12.3%	-2.7%
Digital checkouts (Library2Go)	1,299	1,263	1,213		4.1%	-2.8%
Digital checkouts (Cloud Library)	791	878	452		94.2%	11.0%
Total digital checkouts	2,090	2,141	1,665		28.6%	2.4%
% of total checkouts	6.7%	6.6%	5.1%		29.5%	-1%
Check ins	20,629	21,790	23,094		-5.6%	5.6%
Service Area population	22,485	22,754	22,485		1.2%	1.2%
Checkouts per capita	1.39	1.43	1.46		-1.9%	2.7%
Checkouts per card holder	2.76	2.84	2.83		0.3%	2.8%
FTE	10.08	10.08	10.08		0.0%	0.0%
Checkouts per FTE	3,106	3,227	3,250		-0.7%	3.9%

Volunteers	August Hours	Equivalent FTE	# of volunteers
Checkin (returns)	86.25	0.50	15
Checkin (tasket processing & holds)	56.75	0.33	9
Summer Reading Program Asst	13.5	0.08	6
Requests to fill	19.75	0.11	4
Youth Services Asst	3.75	0.02	2
Shelving	11	0.06	3
Clerical/office asst	10.25	0.06	1
Outreach	13.5	0.08	5
Grand Total	214.75	1.24	40
Last month	247.25	1.43	41
% change	-15%	-15%	-3%
This month last year	196.00	1.13	34
% change from last year	9%	9%	15%



Programs & Activities

Programs & outreach	Aug-16
# of Adult Programs/Outreach	3
# of Teen Programs/Outreach	3
# of Youth Programs/Outreach	36
<i>School-aged</i>	17
<i>Storytimes</i>	25
# of Programs/Outreach for All Ages	3
TOTAL # of Programs/Outreach	43
TOTAL Participation	2,336
Participation per FTE	231.75
Participation per capita	0.10
<i>Participation: adult programs</i>	590
<i>Participation: teen programs</i>	124
<i>Participation: youth programs</i>	1,499
<i>Participation: all age programs</i>	268
<i>Participation: school-aged</i>	903
<i>Participation: storytimes</i>	990



Library programs help bring the community to the library and the library to the community, because **life-long learning is also about hands-on experiences and connecting with community.**

Outreach:

- Movies in the Park—62 interactions
- Music on the Green—156 interactions
- Helping Hands Library Newsletter distribution (Liz Myer)

All Age Programs:

- Thank You, Miss Teresa Party (with NW Panman steel drums)—50 participants

Youth & Family Programs:

- Paperback Pals—9 participants
- Ninja Camp—148 participants
- Mad Science Olympics—206 participants
- Read to the Dogs—18 participants (3 sessions)
- Larger than Life Games—15 participants (2 sessions)
- Coders Academy—8 participants
- Storytimes. August was Teresa Klepinger’s last month of delivering storytimes* after 20 years. This service has been brought in-house and starting in September, delivered by Youth Services Librarians.
 - Baby Time*: 99 participants (5 storytimes)
 - Toddler Storytimes*, Tuesdays & Thursdays: 520 participants (9 storytimes)
 - Preschool Storytimes*, Tuesdays & Thursdays: 283 participants (9 storytimes)
 - STEM Family Storytime –9 participants
 - Storytime in the Park (bilingual English & Spanish)— 79 participants

Teen:

- Fiction Friends—9 participants
- En Taiko workshop—96 participants
- Woo-hoo Wii-U—9 participants

Adult Programs:

- Adult Summer Reading book reviews—574 submissions
- Advanced Google Searching—4 participants
- Introduction to Mushrooming—12 participants

Other Activities:

- Displays: Guns in America, Big Books, Olympics/Sports, Adult Summer Reading
- Tour: Gladstone Library advocacy group—10 participants
- Painted Plate family activity for Thank You, Miss Teresa party.
- Hosted Sherwood High School chess club for summer sessions.
- Recruitments for Librarian I (Youth Services), 0.5 FTE, and Librarian I (Adult Services), 1 FTE. Pinn Crawford gave notice after 9 years.

- Internet Filtering evaluation with City Administration
- Submitted Ready to Read grant application. Successful! Awarded \$3,000+ for summer reading.
- Washington County Cooperative Library Services Meeting attendance:
 - Policy Group (Adrienne)
 - Adult Services Committee (Pinn Crawford)
 - Publicity Committee (Jenny Swanson)
 - WCCLS Users Group (Jenny)
 - Acquisitions (Mary Madland)
 - CircUs (Jenny)
- Other meetings (abbreviated):
 - Hosted joint Clackamas & Washington County Library Directors meeting (Adrienne)
 - Annual Information Services retreat
 - City Council (Adrienne)
 - Community Enhancement Program grant review (Adrienne)
 - Chamber of Commerce, School District presentation (Adrienne)
 - Records Management (Adrienne)
 - Main Street meeting (Adrienne)
 - Rotary Peace Committee (Adrienne)
 - Library Advisory Board (Adrienne)
 - Oregon Library Association Executive Board session—presentation of strategic plan (Adrienne)
- Trainings:
 - Document Locator (Adrienne)
 - Training new on-call Library Assistants, Rose Taylor and Jessica Otto, and volunteers. (Jenny)

Service Stories

We were awarded a Community Enhancement Project grant through Metro and City of Sherwood for \$10,605 to build an interactive house “kiosk” for children to play with a variety of objects to twirl, move and manipulate—all with early learning in mind. The kiosk is made by Burgeon Group, specialists with public library interactives for youth. It is custom made and expected in November. Dimensions are 72”x66”x57”h, made out of baltic birch. (Colors and panels will be slightly different than pictured.)



Respectfully submitted,

Adrienne Callery

Sherwood Public Library
Monthly Management Report
September 2016



Submitted by: Adrienne Doman Calkins, Library Manager

Contents:

- 1) Statistics
- 2) Programs & Activities
- 3) Service Stories

Statistics



We had 79 visits per hour in September, with 222 more visits compared to last year.

Visits last month	This month	% Change from last month	Visits this month last year	% Change from last year	Open hours this month	Open days	Visits per hour	Visits per day	Avg physical checkouts & renewals per hour
22,970	19,532	-15%	19,310	1.1%	248	29	79	674	107

Note: August & September 2016 door counts are weighted estimates, due to gate malfunction.

Monthly Patrons	Last month	This month	This month last year	% Change from same month last year	% Change from last month
New library cards	114	117	100	17%	3%
Total registered users	11,459	11,576	11,681	-1%	1%
Active this month	3,096	2,922	2,901	1%	-6%
% of patrons active this month	27%	25%	25%	2%	-7%



117 new library card accounts were created in September—a 17% increase from last year.

Collection Development	Last month	This month	This month last year	% Change from last year	% of budget available	% of ordering window for FY left
Count of items added	549	719	680	6%	76%	70%
Count of items withdrawn (including periodicals)	420	527	930	-43%		
Total collection size	48,364	48,364	48,472	-0.2%		
% of items "in" on first of the month	72.5%	72.6%	n/a			



The value of the entire physical local collection is **\$1,050,000**. With the average unit price being **\$21.55**, that's an estimated value of nearly **\$570,000** for total checkouts for the month.

Monthly Circulation	Last month	This month	This month last year	Sparkline Chart	% Change from same month last year	% Change from last month
Total check outs (includes digital)	32,527	28,450	30,067		-5.4%	-12.5%
Physical check outs & renewals	30,386	26,449	28,438		-7.0%	-13.0%
Self-checkouts only	9,243	8,131	7,731		5.2%	-12.0%
% @ self-check	30%	31%	27%		13.1%	1.1%
Digital checkouts (Library2Go)	1,263	1,162	1,164		-0.2%	-8.0%
Digital checkouts (Cloud Library)	878	839	465		80.4%	-4.4%
Total digital checkouts	2,141	2,001	1,629		22.8%	-6.5%
% of total checkouts	6.6%	7.0%	5%		29.8%	7%
Check ins	21,790	19,235	20,522		-6.3%	-11.7%
Service Area population	22,754	22,754	22,485		1.2%	0.0%
Checkouts per capita	1.43	1.25	1.34		-6.5%	-12.5%
Checkouts per card holder	2.84	2.46	2.57		-4.5%	-13.4%
FTE	10.08	10.78	10.08		6.9%	6.9%
Checkouts per FTE	3,227	2,639	2,983		-11.5%	-18.2%

Volunteers	September Hours	Equivalent FTE	# of volunteers
Checkin (returns)	70.5	0.41	15
Checkin (tasket processing & holds)	57.5	0.33	8
Requests to fill	22.5	0.13	4
Shelving	14.5	0.08	3
Clerical/office asst	11.25	0.06	1
Outreach	7.25	0.04	2
TeenLAB	3	0.02	3
Summer Reading Program Asst	0.25	0.00	1
Grand Total	186.75	1.08	35
Last month	214.75	1.24	40
% change	-15%	-15%	-14%
This month last year	185.50	1.07	34
% change from last year	1%	1%	3%



Programs & Activities

Programs & outreach	Sep-16
# of Adult Programs/Outreach	6
# of Teen Programs/Outreach	4
# of Youth Programs/Outreach	30
<i>School-aged</i>	12
<i>Storytimes</i>	25
# of Programs/Outreach for All Ages	4
TOTAL # of Programs/Outreach	42
TOTAL Participation	1,646
Participation per FTE	153
Participation per capita	0.07
<i>Participation: adult programs</i>	432
<i>Participation: teen programs</i>	387
<i>Participation: youth programs</i>	659
<i>Participation: all age programs</i>	538
<i>Participation: school-aged</i>	922
<i>Participation: storytimes</i>	608



Life-long learning is also about hands-on experiences and connecting with community.
 September kicks off a new season of focused adult programming

Outreach:

- Multicultural Night At Sherwood Middle School—20 interactions
- Saturday Market Outreach—36 interactions
- Helping Hands Library Newsletter distribution (Liz Myer)

All Age Programs:

- Art Walk, Peace Flags—65 participants
- Guessing Jar (passive program)—417 participants

Youth & Family Programs:

- Paperback Pals—12 participants
- Read to the Dogs—9 participants (3 sessions)
- Storytimes—New schedule and a new storytime, delivered by Youth Services Librarians.
 - Baby Story Time—89 participants (4 sessions)
 - NEW! Fun for Ones—92 participants (4 sessions)
 - Twos Together—156 participants (8 sessions)
 - Preschool Storytime—261 participants (8 sessions)
 - STEM Family Storytime —10 participants

Teen:

- Fiction Friends—9 participants
- TeenLAB—5 participants

Adult Programs:

- Best Outdoor Adventures Near Portland with Adam Sawyer—10 participants
- Presidential Debate Showing, #1—5 participants
- Conflict Resolution 101—9 participants
- Writing Workshop—14 participants
- Signing for Early Literacy—49 participants
- Alter Wiener, Holocaust Survivor—345 participants

Other Activities:

- 40th Anniversary with WCCLS proclamation @ City Council. “Your Passport to WCCLS” countywide activity launches.
- Displays: Banned Books Week, Constitution Week, Big Books, National Hispanic Heritage Month, Writing, Creative Thinking, Red Books, Nobel Peace Prize winners
- Rotary partnership: International Peace Month—Peace Pole temporary installation, Peace Flags @ Art Walk, Origami cranes display, Alter Wiener event.
- Hired Shay Glass, Librarian I (Youth Services), 0.5 FTE. Recruitment for Librarian I (Adult Services), 1 FTE.
- Submitted Internet Filtering recommendations to City Administration

- Submitted conference session proposal for Oregon Library Association’s April conference (Jenny Swanson, Jaime Thoreson, Adrienne)
- Citizens University prep
- Washington County Cooperative Library Services Meeting attendance:
 - Policy Group Retreat (Adrienne)
 - Executive Board (Adrienne)
 - CircUs (Jenny)
 - Art of the Story (Jenny)
 - Publicity Committee (Jenny)
 - Multicultural Inclusion (Crystal Garcia)
 - Adult Services Committee (Crystal)
 - InterLibrary Loan (Crystal)
 - Adult Summer Reading Wrap-up (Crystal)
 - Joint Policy Group & Youth Services Committee (Adrienne, Jaime)
 - Cataloging (Mary Madland)
 - Young Adult (Jaime)
- Other meetings (abbreviated):
 - City Council (Adrienne)
 - Records Management (Adrienne)
 - Main Street meeting (Adrienne)
 - Rotary Peace Committee (Adrienne)
 - Staff meeting (all)
- Trainings:
 - New volunteer, new Youth Services Librarian I.
 - 40+ New Revenue Sources webinar (Adrienne)

Service Stories

The *Alter Wiener, Holocaust Survivor*, presentation was superb. It was our third program with Mr. Wiener and by far the best with 345 attendees at the Center for the Arts. Mayor Clark welcomed the attendees. Rotary was instrumental in orchestrating details of the day, including borrowing live plants from Al’s Garden Center for the stage, promotion, and incorporating the event in their Day of Peace activities. A filmmaker friend of Mr. Wiener’s filmed the event and shared clips which were broadcast on KOIN News that night. At the end of the presentation, we all sang Happy Birthday to Mr. Wiener, as his 90th birthday was coming up in a few weeks.

Ravleen Kaur of Pamplin Media interviewed Mr. Wiener as a way of promoting the program and sharing his story. <http://portlandtribune.com/sg/77-news/322943-202649-holocaust-survivor-storyteller-returns-to-sherwood-sept-24>

Respectfully submitted,

