



Home of the Tualatin River National Wildlife Refuge

**SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
April 15, 2014**

WORK SESSION

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 6:11 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Krisanna Clark, Bill Butterfield, Matt Langer, Robyn Folsom and Dave Grant.
3. **STAFF PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, Public Works Utility Manager Rich Sattler and City Recorder Sylvia Murphy.
4. **OTHERS PRESENT:** Tualatin Valley Water District, CEO Mark Knudson and Todd Heidgerken Water Supply Program Director.

5. TOPICS:

A. TVWD Presentation, Willamette Water Supply Program

Mr. Knudson and Mr. Heidgerken presented information to the City Council (see record, Exhibit A) and explained the goal of the presentation. They recapped studies, history and milestones. Mr. Heidgerken spoke of coordination and implementation with the City of Sherwood and explained the preliminary design project and an opportunity with a transmission line to extend to SW 124th.

Council discussion followed. Mr. Heidgerken explained Public affairs and outreach, coordination and implementation and discussion occurred regarding partnerships and agreements, target date of 2026 for project completion and future costs to citizens.

6. ADJOURN:

Mayor Middleton adjourned the work session at 6:55 pm and convened to a regular Council meeting.

REGULAR SESSION

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 7:05 pm.
2. **PLEDGE OF ALLEGIANCE:**

3. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Krisanna Clark, Bill Butterfield, Matt Langer, Robyn Folsom and Dave Grant.
4. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, Police Captain Ty Hanlon, Community Development Director Julia Hajduk, Finance Director Julie Blums, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy. City Attorney Chris Crean.

Mayor Middleton addressed the Consent Agenda.

Prior to receiving a motion, the City Recorder informed of a scrivener's error on page 1 of the April 1st, 2014 City Council meeting minutes. She indicated an error in the meeting start time and an error in the Council members present.

Councilor Clark indicated she had an amendment to page 13 of the draft minutes and the motion made by Councilor Folsom. She said she did not vote for this and spoke against it and said the vote should reflect 5:2 with her voting in opposition. Councilor Clark made the following motion.

MOTION TO AMEND: FROM COUNCILOR CLARK TO AMEND THE DRAFT MINUTES TO INDICATE A VOTE OF 5:2, WITH CLARK OPPOSED, SECONDED BY COUNCILOR GRANT. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

5. **CONSENT AGENDA:**

- A. **Approval of April 1, 2014 City Council Meeting Minutes**
- B. **Resolution 2014-022 Appointing a Pro Tem Municipal Judge**

MOTION AS AMENDED: FROM COUNCILOR DAVE GRANT TO ADOPT THE CONSENT AGENDA AS AMENDED, SECONDED BY COUNCIL PRESIDENT LINDA HENDERSON, MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Middleton addressed the next agenda item.

6. **CITIZEN COMMENTS**

Michael Buffington Sherwood resident came forward and referred to the proposed language to change the City Council rules and said it was vague leaving space for misinterpretation, regarding Section D.2 where it states, "the Mayor in consultation with the Council President and City Manager shall prepare the agenda for City Council meetings" and asked what happens if that rule is broken.

Mr. Buffington referred to the language of, "an amendment to a published City council meeting agenda must be approved by the Mayor, City Manager and Council President", he asked what happens if this can't be done, and if people are out of town, there is nothing in here that states what happens if those rules aren't followed. He referred to the prior Council meeting and comments from Councilor Grant that the WCCC requires the Council to pass a resolution to appoint a liaison. He said the rules do not speak to this.

Council Grant responded that was his understanding at the time and right after he said it he was corrected by the City Recorder that it was a letter. He said he was incorrect and it was a request by them but it is not in their bylaws and said the Council made the correction at the meeting.

Daniel King Sherwood resident came forward and stated that he attended the meeting two weeks ago and what he saw displayed was not his expectation or are the expectations Sherwood citizens should have. He said he used to serve on the Council and in all his years as a public servant he has never come across a situation where people were attacking each other. He referred to the Council rules and asks what happens. He said the rules are on the agenda tonight and he has read through the rules many times. He commented regarding the situation with James Copfer on the Planning Commission and said whether you are happy or not with someone's performance, never let it become personal and never express it publically in this forum or the newspaper. He said the process has broken down and said Councilor Grant focused on this at the prior meeting. He said he sees this Council has broken down and the process has shut down. He said in this forum or in the newspaper, you're battling ideas and winning the hearts and minds of people with ideas, you don't attack people in those forums. He said he is personally disappointed to see that there are people on this board who are attacking, whether it be a Planning Commission member, the YMCA or another Councilor. Mr. King provided an example of the Mayor's comments at the prior Council meeting and his comments regarding Councilor Langer. He said the Mayor made an accusation and there was nothing to back it up, he never said or heard of anything that would implicate Councilor Langer in any wrong doing whatsoever. Mr. King stated Councilor Langer is a private developer and is out there to make money and there is nothing wrong with that. He said we live in America and this is what people do with their property, they develop it and he doesn't see anything in the newspaper or elsewhere that Mr. Langer has done anything wrong. He said he is tired of the attacks and nothing happening and said it has happened at the Council meetings and in the newspapers and against organizations and said as a citizen of this community and a former member of this Council, he asked that the Council enforce their rules. Mr. King added and requested that the Council do a public reprimand of the Mayor.

Mara Broadhurst Sherwood resident came forward and stated the public workshop at the last Planning Commission was a civic joy. She stated the round robin approach presented by staff to promote discussion of the various issues currently under plan stimulated discussion from a wide variety of voices and it was a great demonstration of democracy in action. She said the open and transparent access to the staff's knowledge of the issues was an added luxury. She said in a mutually respectful atmosphere of creative problem solving the participation of the commissioners and Councilor Folsom connected the community with the benefit of their leadership and experience. She said it was a positive reaffirmation that those we have trusted to look out for Sherwood's future have been doing a thorough and conscientious job. She said the conclusion of the meeting represented the collective perspective and gave us an opportunity to evaluate and assess Sherwood's growing pains in a proactive approach mindful of our place in a broader picture. She said the respect given on our concerns and the value given on our thoughts will continue on the issues raised and work their way through the public process. Ms. Broadhurst thanked all those involved.

Mayor Middleton referred to the Planning Commission workshop and said that is the second time they have done this and the workshops are great.

Jan Hatcher Sherwood resident came forward and stated her brailing instructor Dan Arnold walked through the neighborhood with her and pointed out a few things. She said the bus stop at Gleneagle and Sherwood Blvd. is in the middle of an arborvitae bush. She said he suggested an audible signal for the

light at the schools for the children, seniors and people with disabilities. She said it would be nice to have sidewalk repairs on Sherwood Blvd. She referred to the Senior Center and asked if there could be tactile domes installed on the curbs and said they need to repaint the safety yellow as it is a liability issue.

Mayor Middleton asked if she was referring to the signal at the school by the Senior Center. She replied yes.

Councilor Clark asked regarding ownership of the sidewalks on Sherwood Blvd, and if they are owned by the School District or the City. Assistant City Manager Tom Pessemier said the sidewalks are most likely a City right away.

City Manager Gall asked about the instructor Ms. Hatcher referred to. Jan responded that his name is Dan Arnold and he is an instructor with the Department of Services for the Blind. Mr. Gall said that staff would follow up on this.

Mayor Middleton referred to a yield sign and if it was moved. She responded no but stated an audible signal would be better.

With no other citizen comments, Mayor Middleton addressed the next agenda item.

7. NEW BUSINESS

A. Resolution 2014-023 Transferring Budget Expenditure Appropriations between categories for budget year 2013-14

Finance Director Julie Blums explained the resolution and said they are requesting two budget transfers, one for the Street Capital and one for the Telecommunications Fund. She said the Street Capital is to cover our costs for Adams Avenue North and the TSP Update. She said when we put the budget together last year we anticipated having the TSP Update completed before year end and we didn't so this is a rollover from last year. She said with Adam's Avenue when we put it together the announcement regarding the development had not come out so it was not in the budget yet. She said under Telecommunication there are two items, one is a redundancy project which was originally budgeted last year and not completed so we need to move the money into this fiscal year. She said the other is to upgrade and replace our core equipment to support new customers that will add approximately \$100,000 of annual revenue to our telecommunication fund. Julie offered to answer Council questions.

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

MOTION: FROM COUNCIL PRESIDENT HENDERSON TO ADOPT RESOLUTION 2014-023, SECONDED BY COUNCILOR FOLSOM. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Middleton addressed the next agenda item.

B. Resolution 2014-024 Approving Amendments to City Council Rules Pertaining to Agenda Creation and Committee Appointments

City Manager Gall explained the resolution and said these are proposed amendments based on the resolution adopted at the last meeting and at the direction of the Council. He stated he is not sure the language is exactly what the Council desires, but it is the decision of the Council. He commented on the agenda creation and said when Mayor Middleton first came on as the Mayor, he had the Council President participate on the agenda creation during the weekly meetings with himself, the City Recorder and the Assistant City Manager. He said this worked very well and believes the proposed language in the proposed rules tries to get back to that process. He said it is up to the Council as they are their rules.

He said the other issue is regarding bringing back mayoral appointments and said when the Mayor makes appointments to both City Boards and Commissions and non-City Boards and Commissions, to have this brought back to the Council in a resolution for the Council to approve. He said part of this is to create a record which is important for some of these boards and commissions. He said this was the intent of the language and said the Mayor still has the responsibility to make those appointments and it's just consent of the Council through a more formal resolution process. He said language was added to refer to both City and non-City Boards and Commissions. He said previous rules did not address non-City. He stated City Attorney Chris Crean took the language suggested by staff and made it clearer and said the language is up for discussion.

City Attorney Chris Crean stated he would like to respond to the public comments received about the Council rules being violated and he reiterated that these are not a constitution, a statute or an ordinance but are in the nature of a gentle person's agreement and these are only enforceable to the extent the Council wants to enforce them. He noted that there are a number of the rules that are routinely not enforced for reasons that everyone agrees with. He provided the example and referred to Paragraph K that the rules state that a meeting has to have a motion and a second and approved to adjourn, he said we routinely adjourn because people want to go home. He said you don't have to enforce rules when there is no need to even if they are being violated, he said these are guidelines the Council can follow or not follow and bend at their will.

He referred to the second question about what happens and referred to the new language under Section D.2 regarding an amendment to a published City council meeting agenda and said they decided to leave the word *published* as we know that means put out to the public such as on the website and it is synonymous with published. He said once it is available to the public and changed, changes should be made with sufficient time to allow the public notice of the change, and asked what happens if that is not possible. He said at that point you defer to the language under 2.a. which allows a Council member to propose an amendment to the agenda by motion under "Approval of Agenda". He said they added this category to the list of categories. He noted that if something comes up at the last minute and you want to add it to the agenda have someone move to add it to the agenda, get a second and have it approved. He said the last set of changes is to the appointment process to be appointed by the Mayor with the consent of the Council.

Councilor Grant asked if it was a violation of Roberts Rules to put the Approval of Agenda category under consent or is it something they have to vote on every time. Mr. Crean said yes and referred to the lead in line to Section D.1 and noted that these are agenda headings and business has to fit into one of these headings. He said the order of the agenda can be rearranged.

Councilor Butterfield commented on the current process of filling vacancies and asked how this would change it. Mr. Gall responded that the current process involves the commissions recommending a candidate to the Mayor and the Mayor decides whether to make the recommendation. He said the

Mayor is now not part of the interview process but generally accepts the recommendations and it goes on the agenda as a resolution.

Mayor Middleton said that now he takes the recommendations and the City Recorder drafts the resolution to go before the Council. He said he has always accepted the recommendations and said this process will not change.

Mayor Middleton asked Mr. Crean about the agenda setting process and asked does the language need to state the City Manager or the City Manager's designee can help set the agenda because that could hold up the process. Mr. Crean responded that it infers that the three of you have to decide amongst yourselves what the agenda will be. Mr. Gall said the practice is the Assistant City Manager is also part of the process and he can step in for the City Manager if needed and if he is out of town the Assistant City Manager will be designated to be the City Manager in his absence. He commented on how well it worked before when Mayor Middleton introduced the idea. Mayor Middleton noted that the City Recorder is also involved in the process and it will work well again.

Councilor Clark clarified that under Section D. 2 it states that *The Mayor, in consultation with the City Council President and City Manager* and said that is a great idea but asked why the next sentence states the agenda must be approved and asked why are we having the City Manager approve the agenda when the agenda is here for the people and we represent the people and he is our support staff and agreed that it is appropriate for him to be part of the process for consultation but it is inappropriate for him to be part of the approval process for the public body. She stated that the agenda is for the people and the City Manager is staff. She asked how the Council felt.

Councilor Grant asked if that meant the City Manager could decline the agenda.

Mr. Gall and Mr. Crean agreed that it was not the intent and it is the Council's agenda. The following motion was received.

MOTION TO AMEND: FROM COUNCILOR CLARK TO AMEND THE SECTION UNDER AGENDA D.2 TO REMOVE *AND CITY MANAGER* AND REPLACE IT WITH *APPROVED BY THE MAYOR AND COUNCIL PRESIDENT*, SECONDED BY COUNCILOR GRANT. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

MOTION AS AMENDED: FROM COUNCILOR GRANT TO APPROVE RESOLUTION 2014-024 AS AMENDED, SECONDED BY COUNCILOR FOLSOM. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Middleton encouraged the Council if they have agenda items they want added to the agenda the sooner they get them in the better in case they need clarification.

Mr. Gall reminded the Council the agenda forecast is always included in his weekly updates and that is a good time to review that and make suggestions. He said the constant communication with the whole Council is important.

Councilor Folsom noted that the agenda forecast is many weeks out and communication is important.

Council President Henderson reminded Council that if they feel strongly about something they need to let Mr. Gall know and he can put it on the agenda forecast and then staff will have time to prepare.

Mayor Middleton addressed the next agenda item.

C. Resolution 2014-025 Appointing Primary and Alternate Representatives to Washington County Coordinating Committee

Mr. Gall reminded the Council that this was in response to a motion that was made at the last meeting for a point of clarity for the record. He said the Mayor will continue to be the WCCC representative and the WCCC is the Washington County Coordinating Committee which is made up mostly of Mayors, but not all Mayors can attend all meetings and because there are votes that take place having an alternate and a second alternate is important. He said the intent was to do this formally and determine who the alternates are and if there will be one or two alternates.

Mayor Middleton stated he has no problem with one or two alternates. He referred to a situation when the Mayor and Council President Henderson were both unavailable and said adding a third would not hurt. He noted that you can only vote if you have been appointed.

Councilor Folsom clarified that the documentation we already have states that Mayor Middleton is the primary, Council President Henderson is the alternate and Councilor Clark is the second alternate and this resolution is just affirming that. She referred to an email she received that states the committee requested that we do this by resolution.

Mr. Gall stated that they want to know that the Council is approving whomever is representing the Council but they did not say by resolution but in terms of clarity and for the record it does hurt to do a resolution reaffirming what was done before. He said it is an important board that Sherwood needs to be represented and there are important votes.

Mayor Middleton noted that he has only missed one meeting and stated that Community Development Director Julia Hajduk also attends the meeting but cannot vote.

Councilor Folsom asked if the resolution needs to be amended to fill in the blanks before approval.

Mr. Crean stated that the resolution needs to be amended to add names.

MOTION TO AMEND: FROM COUNCILOR FOLSOM TO AMEND RESOLUTION 2014-025 TO MAKE MAYOR MIDDLETON THE PRIMARY, COUNCIL PRESIDENT HENDERSON THE FIRST ALTERNATE AND COUNCILOR CLARK THE SECOND ALTERNATE, SECONDED BY COUNCILOR GRANT. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

MOTION AS AMENDED: FROM COUNCIL PRESIDENT HENDERSON TO APPROVE RESOLUTION 2014-025 AS AMENDED, SECONDED BY COUNCILOR CLARK. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Middleton addressed the next agenda item.

D. Ordinance 2014-009 Approving the Addition of Chapter 12.13, Rules of Conduct on City Property to Sherwood Municipal Code

Mr. Gall introduced the topic and said the City Attorney's office was critical in putting this together and may answer some questions as well as Captain Hanlon. He reminded the Council that they discussed this in a work session with Dave Nelson from CIS and they made a presentation for the need for an additional tool when on the rare occasion, when someone is beyond a level of behavior that is threatening and abusive to staff. He said many jurisdictions have this tool and said we used City of Tigard as a model. He commented that with this code of conduct if someone is beyond control they will be warned and could be excluded from the property ranging anywhere from 24 hours to a longer period of time. He said this is a proposed ordinance to adopt additional measures where on these rare occurrences they can make those decisions. He stated this does not happen very often but it has happened and referred to the tension in the community over the last year and a half over issues and there have been time when people have been threatening and abusive to staff and his job is to make sure we do not have a hostile work environment and referred to civility and said this is an attempt to address that. He said if he had the capability on the rare occurrence it would be nice to utilize it. He commented on the process of appeals and said if someone felt they were removed from City property in a wrongful manner they have the right to appeal to the courts. He noted that it is an ordinance and they do not have to adopt it tonight. He asked if Mr. Crean had anything to offer.

Mr. Crean said he agreed with Mr. Gall and said he is familiar with only one instance in 7 or 8 years where they had to take the step of excluding someone. He stated he works with a number of jurisdictions noted that there have been problems in libraries and at planning counters and public works departments and there needs to be something in place. He noted that Chief Groth previously stated that what they do now with someone is warn them to stop or they will have to get serious and usually that works. He said if it doesn't then they issue an exclusion order and it would typically be for 30 days.

Mr. Gall clarified that we have an existing exclusion policy for the library because we have had situations that we have had to address.

Mr. Crean added that the notion of a warning is written into the ordinance under Section 090 Enforcement and Exclusion under paragraph G it states "before issuing an exclusion order the police officer or authorized employee shall first give the person a warning and reasonable opportunity to desist" and said it is written right into the rules.

Mayor Middleton asked about the exclusion policy for the library.

Mr. Gall said it is an internal policy and has never been adopted as an ordinance and it is similar in sense but doesn't go as far as defining an appeal process. He said if the Council would like to see it he can bring it back at another meeting.

Councilor Henderson said she thought the library exclusion policy was a warning and then they are excluded for 30 days and if they return within the 30 days they can be cited for trespassing and said they have used it twice that she recalls.

Councilor Folsom asked if we got this from a neighboring community.

Mr. Gall said yes this is based on the City of Tigard's ordinance that they adopted in 2008. He commented on civility and said that this is a problem nationwide and we are not unusual in considering this. He said there are a lot of exclusion policies and Captain Hanlon has experience with City of Beaverton's policy. He stated they don't get used too often but as Chief Groth said it would be nice to have that extra tool. He said he looks at it from a safety standpoint for his employees. He commented that it has been a tough year for some of the employees dealing with frustrated residents and he understands the frustration but it has gone beyond that level. He said he does not believe that just because you are a public employee that you can get abused verbally because of some issue.

Mayor Middleton commented that he sees a lot of duplication and that we already have laws on the books so we are adding to the code and referred to littering and fraud. He said he would like to see it trimmed down and remove the duplications and make it a more streamlined policy. He said something smaller would be easier to enforce and could still meet the needs which is mainly in City Hall and Parks. He asked if some of the things were considered infractions or misdemeanors. Mr. Crean responded violations.

Council President Henderson referred to Section 12.13.090 and asked Mr. Crean is there was a reason why they listed those chapters, which is page 4 and 5. Mr. Crean said the primary reason is to put people on notice that those activities too may also be grounds for exclusion. He stated that beyond the public notice element it says those activities that fall with any of those categories can be enforced by a police officer, which the Mayor is correct and that is existing law, or authorized employee. He commented that if any of this is going on at Public Works, Director Craig Shelton could have them removed. He said it extends the persons authorized and enforces violations and puts the reader on notice. He stated the Mayor is right to the extent that those are already prohibited and stated that if Craig called Captain Hanlon they could have the person excluded, but this extends that authority to authorized person as well.

Mayor Middleton stated that he would rather have our police enforcing that. Mr. Crean added by bringing these under the umbrella of conduct you don't have to issue a citation for violation, you could just exclude the person for these activities listed, offenses against state and public justice, fraud deception, offences against public health, controlled substances, and stated that you could issue an exclusion order now because they are in this chapter. He stated that now if you call a police officer for one of these violations the only option now is to issue a violation or citation.

Mayor Middleton said in some instances like paraphernalia he would like to see citations and he would like the major violations to be removed from this language.

Councilor Grant asked for a point of order and asked if we needed to have a public hearing. City Recorder responded that it is not required.

Councilor Clark referred to page 74 of the packet under Prohibited Acts Generally and read "*declared to be an offense against the public peace, safety, health, morals*" and said morals is pretty subjective. She commented on the language general welfare and said she agrees that the others are standard statements but morals are subjective.

Councilor Grant asked if that is what foul language would be under.

Mr. Gall said that is language directly from Tigard. Mr. Crean stated that he did not think the word "morals" was any more subjective than the words "general welfare" or "public peace" but agreed that it is a lightning rod. He said there is nothing in this that prohibits someone from using foul language, but doing it at the top of your voice or doing it so that it puts someone in fear for their personal safety so it is not the content but the matter of expression that would put someone within the code of conduct. He said you could take the word morals out without diminishing the importance of the clause. Mr. Crean said this is a clear statement that the City is exercising its police power.

MOTION TO AMEND: FROM COUNCILOR CLARK TO AMEND ORDINANCE 2014-009 TO REMOVE MORALS FROM SECTION 12.13.040 A.

A second was not received, motion died.

Councilor Butterfield agreed with Mayor Middleton and said we need to send it back and make the adjustments that Councilor Clark is referring to then bring it back to Council.

Mayor Middleton suggested that Council go through and mark up what they don't like and then we could bring it back. He said the policy is good.

Mr. Gall reminded Council that there is no pride of authorship as this is from Tigard and we can alter it to make it our own.

Councilor Grant clarified that if someone is at the desk upstairs and their language gets course in a way that is offensive but not loud, do we need the word morals in there in order to stop that or does that member of staff have to put up with that. Mr. Crean said he drafted that because it does have freedom of expression concerns and said the City does not have a government interest in regulating speech. He said the City does have public interest in protecting public health and safety and ensuring the efficient operation of governmental services and disruptive behavior cannot interfere with the provision of services. He said the recitals in the resolution try to hit both of those points. He referred to the example and said if a person upstairs starts engaging in language that puts the person in genuine fear of personal safety then the person could be removed because we have an obligation to protect the health and safety of the employees. He said secondly if it interferes with the efficient operation of government services we can also act to remove that problem and said he is familiar with examples of having done that. He said the behavior would have to trip one of those thresholds, it is not enough to use bad language.

Council President Henderson referred to page 4 and read "*engage in conduct that subjects or may subject customers or employees of the city government to annoyance or alarm including but not limited to conduct that involves the use of abusive or threatening language or gestures*". She commented on a situations where calling a police officer is not practice and would take too long and said it is important to leave the language of threatening and abusive for such cases.

Mayor Middleton reminded Council that the exclusions could only be made by the City Manager and authorized personnel.

Council Clark agreed with Mayor Middleton and Councilor Grant that it needs to be reworked.

Mayor Middleton noted that when they look at this again they can have public comments and said it is on line and if citizens have any questions they can deal with those.

Mr. Crean reiterated the Mayor's suggestion and asked Council to provide feedback.

Captain Hanlon asked Mr. Crean that if we remove duplication of our City and State laws or ordinances and referred to a scenario where law enforcement has to respond and someone is smoking marijuana on City property and we enforce that on the criminal side. He asked if we don't have some of this language, are we not going to be able to exclude them. He said in his opinion if they find someone committing a crime on City property they would like to have the option to exclude them. He asked for clarification.

Mr. Crean said he did not know and it would come down to the penalties section of those chapters in the municipal code as to what penalties are authorized and he suspects exclusion is not one of them. He said it is a fine. He said he would look but his guess is because it is categorized a violation it is just a fine and unless the City has a policy like the one that exists for the library there is no other authority to exclude someone.

Captain Hanlon said that is his concern if they take all that language out of there. He gave the example of issuing MIPs and suggested Snyder Park and said they would also want to send the message as well that we want you excluded. Mr. Crean asked Captain Hanlon to mark up the legislation as well and provide it to the City Manager and they will be sure to address that in the next iteration of this.

Mayor Middleton asked if Portland had problems in court with their exclusion policy. Mr. Crean said yes, several times because of the length of the exclusions and the appeals process but overtime with the assistance of the courts they were able to identify the short coming and make adjustments and they now have an exclusion ordinance much like this one.

Mayor Middleton asked if we could let the judge have the authority to exclude. Mr. Crean said ultimately the judge does have the authority to exclude if the person disagrees with the initial exclusion and appeals it. Mayor Middleton asked if the judge could issue an exclusion. Mr. Crean responded no and stated enforcement is a different branch of government. Mayor Middleton asked if he could make that a condition of the citation.

Captain Hanlon referred to his previous example of MIPs and clarified that the Mayor was asking if the person with an MIP violation goes before the judge can the judge make exclusion part of the condition. Mayor Middleton said yes and they do that on certain things much like your driver's license and he would rather have the judge as the authority and commented on the possibility of appeals and staff time and said it would just be easier if the judge could exclude.

Finance Director Julie Blums stated that not all violations come before our judge. Mayor Middleton said he was referring to the ones listed here such as the drug cases.

Mr. Crean said it is speculative to determine how people will respond to whether they were excluded versus given a fine. He asked if people would object more to being given a fine. He said that will play itself out on a case by case basis. Mr. Gall said that they would look into it for the Mayor.

Council President Henderson said the penalty is listed as a class B and asked Julie Blums do they come before our municipal court. Julie said yes. Councilor Henderson stated that under 9.16 of the code it says a Class B is a penalty with a fine up to \$500. She said a Class A is a \$1,000, and Class B is \$500 and Class C is \$250 and a Class D is \$100. She said the court has discretion to waive or reduce fines.

Mayor Middleton asked if Council agreed to have the ordinance reviewed and sent back to staff for changes. No objections were received. Mr. Gall said he would probably bring this back the first meeting in June.

Mayor Middleton addressed the next item on the agenda.

8. COUNCIL ANNOUNCEMENT

Councilor Clark expressed her condolences to the Ross family and said that Carolyn Ross passed away on April 1, 2014 and she was a past Rotary President and a wonderful member of the community. She said she had the pleasure of working with her at the last Faith in Action.

Councilor Clark announced the next Sherwood Faith in Action Good Samaritan Saturday is May 3rd and said Mark Federspiel with Providence is in charge. She said it is a program that lets the elderly remain in their home by helping them with yard work. She said you can sign up at the Senior Center and join a team and it starts at 8 am with breakfast and ends at noon. She stated the Arbor Day event was great and she thanked Scout Pack 844 and AKS Engineering for sponsoring the event.

Councilor Clark announced that she attended a meeting at Tualatin High School about marijuana and our youth. She said it was a great program and she learned a lot and said Tualatin has started a coalition called Tualatin Together and they have mentored it after a program called Tigard Turns the Tides. She said she spoke with Mayor Ogden about the program and said it seemed very organized and she asked him how they fashioned the program so that the schools, the city and the community have bought into it and said the students are getting the information they need to those make good choices. She stated the statistics are terrible and provided a few stats. She commented that Mayor Ogden said they mentored on the Tigard program and he stated regarding funding, that because they got the buy in there is federal grant money available for these programs. She noted she has information available for the public and said as a society, a Council and as a City we should act on this quicker rather than slower. She stated that with the support of Council she would like to make a motion to direct staff to write a resolution to start a coalition mentoring off of the Tigard program, Tigard Turns the Tide and go after that federal money and look into the opportunity of that. She said she took the information to the Chamber and a representative from the schools and the YMCA both said they were interested in this. She said we need as a Council to have a place where we start.

Councilor Langer stated that they started this about two years ago with the Youth Substance Abuse Task Force formed by the Chief of Police and it involves the police, the school district, Washington County Juvenile Department, the City of Sherwood and the YMCA. He stated the staff at the schools and the Washington County Juvenile Department have already done the majority of the heavy lifting. He said they have been modeling it after Tigard Turn the Tide. He noted they have 18 to 24 months of work done already.

Councilor Clark asked if they have gone after the federal funding. Councilor Langer said that is part of the process and there is a team of about 25 that have been working on that.

Councilor Clark asked if the City could get involved in that. Councilor Langer said that we already are. She said she understands that police are involved but asked if we as a City could get involved. Councilor Langer said we already are.

Councilor Folsom said it was her understanding that we are already doing this.

Mr. Gall suggested to Councilor Clark that when Chief Groth returns he can give us an update of YSAT and where the coalition fits in. He said that when he first heard about this and was getting involved with YSAT he got very energized as well and was wondering about the Tigard program and noted that they have had tremendous success. He said he has heard that you can't get there instantly, you have to build the coalition.

Councilor Langer stated last summer when they were working on it they tried to launch the whole program including the coalition before the school year but said the principals of the schools and mainly the staff working with the county couldn't get the entire framework done. He said they got most of it done by late fall and said there have been several months of time where they are finalizing the framework and the systems. He said they have to get back on track to determine when they would launch it. He referred to the amount of work and said the earliest they could probably launch it would be this next coming school year which would be September 2014. He said they were meeting a couple times a month for a year and he understands the County has been involved working with representatives from Tigard for months. He stated there has been a lot of progress and by this fall they will have had 2 ½ years of work into it.

Mr. Gall said that part of that may be an application process to the federal government but said it may be the school district that would take the lead potentially on that. He said that he thought that was the case in Tigard.

Councilor Clark said according to Mayor Ogden, it was the city who took the lead in Tualatin.

Mr. Gall said he would bring an update and he understands her excitement because he felt the same way. He said modeling after the success of Tigard is the way to go and they are a national model and it is an amazing program.

Councilor Langer said everyone saw that in the Tigard program and said there are two main components and now if a child is caught with drugs at school they are expelled and everyone involved agrees that probably doesn't help the child get off drugs so we need to build this YSAT as a different avenue for the student to be able to stay in the school and have different monitoring requirements and said that is where a lot of the work is being done. He said the fundamental thing that started this task force was that now, if the police caught a child using drugs off campus they could not tell the school and vice versa that if the school catches a child on campus with drugs they cannot tell the police. He said there is a legal boundary there for communication and said in this whole system there has been a lot of lawyer time trying to see how the management agreements between the entities work so that we can cross communicate and share information and data and it is global system. He said that is the two main goals that they have been trying to achieve of the past few years. He stated that it sounds like it is in the hands of the County and the school staff now.

Mr. Gall stated that it is time for an update directly from the Chief and other members of the committee and asked them what the next step to get to a coalition is.

Councilor Clark said she remembered hearing about it two years ago and it sounds like work has been done and she is wondering if it would be helpful to have a resolution that says we as a Council support this, we support working towards a coalition getting the federal funding moving and said that she would ask the Chief.

Mayor Middleton suggested a work session that would be open to the public.

Councilor Langer added that it is an enormous topic and they thought they could launch it last fall.

Mr. Gall commented on the efforts at the state level potentially in the fall regarding marijuana use and noted that the world is changing. He stated that we have a problem in the community now and it is probably only going to get worse.

Councilor Clark said it is great that we are talking about this and it can't hurt to get an update so we can get that federal funding and move forward.

Councilor Clark referred to a program by Sherwood Main Street that gives the mapping for old town and lists all of the businesses and said they could use funding for this as they are a self-funded organization and if you would like to make a donation please contact Sherwood Main Street. She said they are also sponsoring a walking tour on April 24 where the Red Hat Ladies are coming in from McMinnville and they will tour the downtown area. She said they are going to have a Friday Night Lights where they are going to meet at Cannery Row and all go to the football games and have a group that returns to the old town area.

Councilor Clark reported she went to the Water Wastewater Committee for the League of Oregon Cities and said she has a large amount of information and has provided it to the public in the back of the room and asked Mr. Gall to put a link on the City website.

Councilor Langer announced that Representative John Davis is hosting a complimentary legislative update April 22nd at 7:30 am at the Sherwood Police Station. He said Les Schwab Tires Cruisin' Sherwood is set for June 14th in old town Sherwood. He said the Chamber of Commerce is accepting nomination on its website for the Best in Sherwood Awards. He announced that Sweet Story achieved their goals and are moving to their new location. He said there will be a new wine bar called 503 Uncorked that is planning to open in Sherwood. He stated the YMCA has Breakfast with the Bunny on Saturday April 19th and the National Initiative of Healthy Kids Day is April 26th at 10:00 am to 12:30 pm. He said the survey results are in from membership and staff satisfaction surveys and results will be shared soon. He noted the YMCA will be closed on Easter Sunday. He said National Senior Health Day is May 28th.

Councilor Langer referred to citizen comments from the last meeting and said Terrie Emmons deserves an apology from Mayor Middleton. He said when she testified the Mayor repeatedly asked her if she was a citizen of the City of Sherwood and he referred to the form and it does not ask if you are a citizen but just need to state your name. He noted that they changed the requirement last year that you don't have to say your address anymore. He said in the minutes when Terrie Emmons came forward she was asked if she was a citizen and she gave her zip code and he said that treatment of citizens is

intimidating and decreases the amount of public involvement we get at meeting and he acknowledged that and apologized and said it is no secret that she is the wife of the Board Chair of the YMCA and there is no secret as to why she was targeted in the fashion that she was. He said if no other apologies were going to be extended he gave her his apology.

Councilor Langer referred to the April Gazette and said the Mayor led by example by stating that Sherwood needs to focus on doing the best for most and quit trying to divide the City. He said he has sat quietly and taken a lot of attacks and had a lot of stones thrown at him but when they start getting thrown from up here that is just about enough. He said the citizens need to know that everybody is not just going to sit quietly and put up with that sort of behavior. He commented on the stone that was thrown at him by the Mayor at the last meeting and said according to the minutes and read, *"he believes what has divided that City was Walmart and the biggest problem with that is we have people on here that are still pushing that agenda and they need to move forward and take care of the people of Sherwood not their own personal money making agendas"*. He said it is no secret that was clearly targeted directed at him and it was an unprofessional cheap shot with no good intent to serve our people. He stated he wanted the constituents to know that sort of behavior is not accepted or condoned and it is not going to go silently anymore.

Councilor Langer referred to the minutes under Council Announcement and read from Councilor Clark's announcement, *"She believes that Councilor Langer did this is the last article when he brought her name out in an article about something the Mayor had brought up and she had never sent an email about or never had a discussion with him about and said she is not sure why her name appeared. She said Councilor Langer continued to state she had an agenda and asked how he would know what kind of agenda she has and what that would be. She said the only agenda she has is serving the citizens of Sherwood, and the rest of the Council did not agree with that"*. He referred to the article in Oregon Live and said it followed shortly after the Chamber liaison situation of which never was discussed openly up here and he kept most of the fine details quiet so as not to spread more drama because that is not in his nature and it is difficult for him to do. He said at this point when his credibility becomes attacked, and referred to the Oregon Live article, and said his wording is very ambiguous and general. He gave an example of why he commented on creating awkward situations and doing stuff that doesn't make sense and he read a message from the Council Liaison Clark to the Chamber which reads, *"Please notify me of when your photographer for Board members is available and I will make it a priority to have my photograph taken. When my photo is posted on your website I will be pleased to join your Board at the regularly scheduled meetings as my schedule allows"*. He said that didn't go over real well and that is just the tip of the iceberg. He said there was other stuff going on and that is what he said to the Oregonian. He said that sort of stuff needs to stop and not go on anymore. He said for the constituents who are afraid to come to the meetings for the berating that goes on he said you are not alone and said there are some of us who will stand and defend you. He apologized again to the Emmons family for the treatment they had to succumb to last summer when Mr. Emmons was berated and again at the last meeting when Mrs. Emmons was berated. He said if there are questions about specific details he would be happy to share them but he won't sit in silence anymore and let the hypocrisy flow over the dais.

Councilor Grant said he was also embarrassed for Terrie Emmons and said the badgering was unnecessary and we often have people speak that don't live in the City of Sherwood and it does not have to be a negative thing made out of it and said it was embarrassing and uncomfortable for her. He said others may not be excited about coming forward with the risk of that happening to them.

Councilor Butterfield reported that the Parks and Recreation Board met last week and toured several sites for a dog park and they unanimously came up with a decision to submit Snyder Park as the place for the City to take a look at. He said the City is working diligently at the feasibility of having a dog park up in that area. He said he met with the School District as the liaison and updated them on the lighting projects at Edy Ridge and the Middle School. He said they had side conversations regarding how long it would take and would it be ready for football season and he said the City is working diligently to make sure this happens.

Mayor Middleton asked which one is going first. Councilor Butterfield said it is all going at the same time. He said in a week they are planning to have the installation done and it will take a couple of months to get out an RFP. Mr. Gall said it is going through the Planning Commission process now.

Councilor Folsom echoed the comments made by Mara Broadhurst about the Planning Commission work session and said it was a great piece to understanding the planning process. She said since she is new to the Planning Commission she appreciated the individual conversations and the access to staff and also the access to the citizens and their varied concerns. She thanked the Planning Commissioners and noted that Michael Cary is leaving the Planning Commission as his term has expired and publicly thanked him for his service. She asked Mr. Gall if there is a joint work session with the Planning Commission scheduled in the future. Mr. Gall replied not in the near future. She commented that the Planning Commission has requested that Council prioritize what our concerns were as there is a lull in their planning process as the projects move on to the development stage and they would like to tackle and finish the code cleanup and it would be beneficial for them to hear the Council priorities.

Community Development Director Julia Hajduk reminded Council that they have been working on code cleanup for a few years and discussed the process they have been through and they developed a work plan and got through 3 or 4 phases of the project, noting that due to circumstances with a decrease in staff and an increase in workload the code cleanup got pushed to the side and they are hoping to start that again and they would like to know the top priorities for the Council and the community.

Councilor Folsom commented on the Sherwood High School achievements and the programs they offer. She stated that they will be holding their 2nd musical in 19 years on April 24, 25, 26 and May 1, 2, and 3. She said this is the first musical in memory with a live orchestra and a cast of 50 to perform Fiddler on the Roof. She said it is a wonderful show and a great opportunity to learn about culture and history. She said she is proud of the High School and the District for rebuilding that tradition that had been lost for nearly two decades.

Council President Henderson reported that she attended the WCCC meeting and the Westside Corridor Study Meeting and said additional information on the study can be found on Metro's website. She said the most important topic for Sherwood is the impact that the study plan could have because of the vote in Tigard. She noted that Tigard basically amended their Charter to disallow mass transit high capacity transit through Tigard without a public vote. She said she doesn't think it will be coming to Sherwood. She said at the WCCC meeting one thing that has been a service to us is the ITS Program which is an Intelligent Transportation Signal Management Project that for us begins on Tualatin Sherwood Road and currently is live from Teton to 1-5 and someday they would like to bring it from Teton to Hwy 99 and that will require quite a bit a funding. She said it has resulted in an 18% increase in traffic movement. She said the other topic is concerning an organization called T for America which is a national organization that is attempting to consolidate throughout the nation to convince the federal government to take the transportation dollars and give them to the local jurisdictions to plan transportation improvement for their

own areas. She said the WCCC is looking to join as a group all the cities together and that is important because the Highway Trust Fund, which is the federal money that has probably done a large majority of projects in Sherwood, is forecasted to be broke by August 2014.

Councilor Henderson reported that Sherwood will be hosting the Community Development Block Grant meeting next month in the Community Room on May 8th. She explained that the CDBG program is a federally funded program that is administered by Washington County and we have received a number of grants, about 2.5 million, since its inception and that money has contributed to significant improvements at our Senior Center. She said the public is invited.

Councilor Henderson said on May 3rd the City will be coordinating and assisting in an event at Veteran's Park at 2:00 pm, along with a group of citizen and family members of former Police Chief Stan Stanslawski (Sp?). She said he was our Police Chief from 1965-1981 and he passed away some years ago but his three sons, Bob, Calvin and Scott have wanted to do something. She stated the family is putting a bench with a plaque in Veteran's Park to commemorate his service. She commented that the 2nd week in May is National Police Recognition Week. She said through this process they have decided we need a formal policy for the future for the placement of such items throughout the City. She said the current policy was written in the 1990s. She thanked Councilor Butterfield for entertaining the request and the Parks Board for approving the request.

Councilor Henderson recognized Pam North, Library Manager and said that she will be retiring in June and said she has been with the Sherwood Library for 17 years and reiterated the Mayor's comments that we have an amazing library and library staff. She said she is grateful for Pam's service.

Mayor Middleton reminded Councilor Henderson to comment on the Easter Egg Hunt. She commented that she, Councilor Clark and Mayor Middleton attended the Easter Egg Hunt and the event raised over \$9,200 just that day for Brianna Dannen and her family. She said it was a great venue and there were many generous donations. She commented that it is a great tribute for our community and the McCabe's are the reason for that. She said she is looking forward to future egg hunts and she congratulated the Hunt for Hope committee and the McCabe's for continuing to volunteer selflessly in our community.

Mayor Middleton announced that the former King City Chief of Police Tom Crowley (Sp?) passed away 2 days ago. He commented on his service. He thanked Councilor Folsom and Councilor Henderson for meeting with him after last week's Council meeting and commented that things are going to work better and stay on course and just do Council business for the citizens and we are no longer going to air our differences. He apologized for his behavior at the last meeting.

9. CITY MANAGER AND DEPARTMENT REPORTS

Mr. Gall announced that on May 15th in the Community Room there will be a meeting that DEQ is organizing and sponsoring about the former Ken Foster farm site, which is 40 acres off Murdock Road. He said the DEQ has performed some studies on the site and will hold a public informational meeting to review the report and risk assessment from 6:30 pm to 8:30 pm. He said it will be on the website and in the Archer.

Mr. Gall reported that ballots will be mailed out in May to Sherwood residents with the 5 Charter Amendments and TVFR levy and the election date is May 20th.

Mr. Gall reported that it is budget time and he will be releasing the City Manager's recommended budget on May 2nd and the first Budget Meeting will be May 14th at 6:00 pm in the Community Room. He said there will be a Saturday morning public hearing on May 17th at 9:00 am. He said they are hoping to get more public participation on a Saturday morning rather than a week night. He announced Trashpalooza will be on April 26th and said it is a SOLV event and is from 10:00 am to noon at Cannery Square and the information is on the City website and in the Archer and signs around town.

With no other business, the following motion was received.

10. ADJOURN

MOTION: FROM COUNCIL PRESIDENT HENDERSON TO ADJOURN, SECONDED BY COUNCILOR FOLSOM. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Middleton adjourned the meeting at 8:50 pm.

Submitted by:


Sylvia Murphy, MMC, City Recorder


Bill Middleton, Mayor