



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, May 7, 2013

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

5:30pm City Council Work Session

7:00 pm Regular City Council Meeting

URA Board of Directors Meeting-Work Session
(following the regular City Council meeting)

Amended Agenda



Home of the Tualatin River National Wildlife Refuge

5:30 PM COUNCIL WORK SESSION

- A. Future of Sherwood's Budget
- B. Council Rules – Time Clock for Non-agenda Speakers
- C. Permit Parking Near High School (Groth/Sheldon)
- D. Brucker Fee Request (Gall)

REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. CONSENT

- A. Approval of April 2, 2013 City Council Meeting Minutes
- B. Resolution 2013-020 Reappointing Brian Stecher to the Parks & Recreation Advisory Board
- C. Resolution 2013-021 Reappointing Luther Vanderburg to the Parks & Recreation Advisory Board

5. PRESENTATIONS

- A. Scout Recognition
- B. Recognition of Liam Kliever
- C. Proclamation National Police Week
- D. Proclamation National Public Works Week
- E. Tualatin National Wildlife Refuge, Erin Holmes (Tom Pessemier, Asst. City Manager)

6. CITIZEN COMMENTS

7. NEW BUSINESS

- A. Resolution 2013-022 Authorizing the City Manager to execute a construction contract for the Tonquin Employment Area Sanitary Upgrade Project (Craig Christensen, Engineering Assoc.)

8. CITY MANAGER AND STAFF DEPT REPORTS

9. COUNCIL ANNOUNCEMENTS

10. ADJOURN TO URA BOARD WORK SESSION

How to Find Out What's on the Council Schedule:

City Council meeting materials and agenda are posted to the City web page at www.sherwoodoregon.gov, by the Friday prior to a Council meeting. Council agendas are also posted at the Sherwood Library/City Hall, the YMCA, the Senior Center, and the City's bulletin board at Albertson's. Council meeting materials are available to the public at the Library.

To Schedule a Presentation before Council:

If you would like to appear before Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder Sylvia Murphy by calling 503-625-4246 or by e-mail to: murphys@sherwoodoregon.gov

AGENDA

SHERWOOD CITY COUNCIL
May 7, 2013

5:30pm City Council Work session

7:00pm Regular City Council Meeting

URA Board of Directors-Work Session
(following the City Council Mtg.)

Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140



SHERWOOD CITY COUNCIL MINUTES
22560 SW Pine St., Sherwood, Or
April 2, 2013

WORK SESSION

1. **CALL TO ORDER:** Mayor Bill Middleton called the meeting to order at 6:30 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Councilors Dave Grant, Robyn Folsom and Matt Langer. Councilor Bill Butterfield arrived at 6:33 pm, Councilor Krisanna Clark arrived at 6:35 pm, and Council President Linda Henderson arrived at 6:40 pm.
3. **STAFF PRESENT:** Joseph Gall City Manager, Pam North Library Manager, Julia Hajduk Community Development Director, Craig Gibbons Finance Director, Bob Galati City Engineer, Kristen Switzer Community Services Director, Colleen Resch Administrative Assistant, Ashley Graff Intern and Sylvia Murphy City Recorder.
4. **TOPICS DISCUSSED:**

A. Sherwood Public Library Update:

City Manager Joseph Gall introduced Library Manager Pam North and asked her to explain the services provided by the Sherwood library and how they compare to other libraries in the area. Pam presented the Sherwood Library April 2013 Newsletter (see record, Exhibit A) and mentioned the banners on Pine Street advertising National Library Week as April 14-20. Pam provided and explained the Washington County Cooperative Library Services (WCCLS) 2011-2012 Annual Report (see record, Exhibit B). Pam recapped the charts and stated that the Oregon Library Association (OLA) develops the standards to determine how the libraries throughout Oregon compare. Pam informed the Council that the Sherwood library has 8 staff members either with a Master of Library Science Degree (MLS) or working towards their degree. She stated the library is staffed with 8.4 full time employees, and has been at this same level for the last 10 years. Pam noted that this is possible because of our vital volunteer program. Pam provided information on salary costs and stated in comparison to other libraries it seems high because 5 of the full time employees average 11 years of employment and are at the top of their pay scale.

Questions and discussion occurred regarding E-books. Pam stated that it has been contentious between libraries and publishers over the last few years regarding E-books, but publishers are now starting to recognize that libraries are a large commodity, and in Sherwood, E-books are in great demand. She noted that Penguin will start releasing E-books to libraries at the same time the hardbacks are released.

Pam provided a handout, City of Sherwood-Funding Analysis (see record, Exhibit C) and explained that the 2007 levy will expire in 2016 and stated future funding options may include another levy or designating a Library District.

B. Amended Resolution 2013-019 and Staff Report

Staff distributed an amended resolution and amended staff report (see record, Exhibit D) and informed the Council that the amendments would be presented in the regular session for their consideration. Staff informed the Council that the amendments to the documents indicated a request for additional funds.

5. ADJOURN:

Mayor Middleton adjourned the work session at 7:00 pm and convened to a regular meeting.

REGULAR CITY COUNCIL MEETING

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

2. **PLEDGE OF ALLEGIANCE:**

3. **ROLL CALL:**

4. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Dave Grant, Robyn Folsom, Bill Butterfield, Matt Langer and Krisanna Clark.

5. **STAFF PRESENT:** City Manager Joseph Gall, Tom Pessemier Assistant City Manager, Craig Gibbons Finance Director, Community Development Director Julia Hajduk, Police Chief Jeff Groth, Community Services Director Kristen Switzer, Public Works Director Craig Sheldon, City Engineer Bob Galati, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.

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

6. CONSENT:

A. Approval of March 19, 2013 City Council Meeting Minutes

B. Resolution 2013-016 appointing Jack Hoffbuhr to the Library Advisory Board

C. Resolution 2013-017 appointing Liz Myers to the Library Advisory Board

D. Resolution 2013-018 appointing Pat Reisinger to the Library Advisory Board

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

Mayor Middleton addressed the next agenda item.

7. PRESENTATIONS:

A. Student Recognition Athletic Achievement

No students were present.

B. Proclamation National Library Week

Mayor Middleton read the proclamation designating April 14-20, 2013 as National Library Week, and referred to the work session held earlier this evening where the Council received an update from the Library Manager. Mayor Middleton stated that Sherwood has a fantastic library and staff.

Council President Linda Henderson stated she seconds the Mayor's comments about the library.

C. Proclamation Arbor Day

Mayor Middleton read the proclamation designating April 19, 2013, as Arbor Day, and stated Arbor Day was first observed in 1872, in Nebraska with the planting of a million trees. Mayor Middleton also read that the City of Sherwood has been a Tree City USA since 2005 and that having beautiful trees planted in our community is important to our citizens. He noted that an Arbor Day event is scheduled for Friday, April 19, 2013, at 2:00 pm at the swale, on the eastside of Richen Circle. He said the event information suggests bringing shovels and gloves, and he is planning on attending along with other Council members.

D. Proclamation Washington County, Oregon Child Abuse Prevention Month

Mayor Middleton read the proclamation designating April as Child Abuse Prevention Month, and stated effective child abuse prevention programs succeed because of partnerships among families, social service agencies, schools, religious and civic organizations, law enforcement agencies and the business community.

Mayor Middleton addressed the next agenda item.

8. CITIZEN COMMENTS:

- A. Robert James Claus, 22211 SW Pacific Hwy, Sherwood approached the Council and commented regarding the legality of the Citizen Comment form. He provided examples of cases regarding public speech. Mr. Claus referred specifically to the Citizen Comment form, and noted that it restricts content and time. He commented regarding trying to get some order out of his water mess because he is trying to develop. He commented regarding a City fee that is a Clean Water fee and said Bob Cruise at Clean Water Services visited his property and provided comments regarding the storm water facility. Mr. Claus commented regarding the City running Woodhaven water onto his property illegally and said the City is doing the same thing on McFall.

Mr. Claus stated all they are asking is that someone meet with them so they can state they have exhausted administrative remedies. He commented regarding not being able to develop, not being able to get credits and the City charging fees for using someone's property and then charging them and not allowing any allowance for the use. Mr. Claus referenced Fair Oaks and it not having a storm water quality facility. He referenced the Lucas property being vacant because fees can't be paid. Mr. Claus stated he can't move forward because the engineer working for him indicated the Claus' would have to litigate. Mr. Claus stated the Mayor was free to come and visit

the property. Mr. Claus said when he tried to get Public Works Director Craig Sheldon to come on the property, City Manager Gall would not allow it. Mr. Claus asked if he could get help, he asked for anyone to come out and see his concerns and the destruction to his property.

Mayor Middleton stated that it would be staff that would come out and not the Council.

Mr. Claus stated that staff can't enter his property and confirmed this with Public Works Director Craig Sheldon.

Craig stated that staff has gone onto the property to weed-eat certain parts of the property and it has come to the Council in the past that staff was not allowed on the property. Craig added that they do not go onto any private property to do any type of work out of the public works department. He said staff stays on public property only and if there's some authorization or signature he would be more than happy to go and look and would bring along the City Engineer. Mr. Claus commented regarding staff entering the McFall property and obtaining permission to do so, Craig responded permission was give once. Mr. Claus stated staff entered the property to maintain, but won't enter to investigate what they have done. Mr. Claus stated an engineer said it was destructive waste and illegal redirecting the stream system. Mr. Claus said they have had Clean Water Services and the County look at this issue and they question how the City is billing them with the storm water facility.

Mayor Middleton stated that he would speak with City Manager Gall and Mr. Sheldon about this issue and get back to Mr. Claus.

Mr. Claus continued and commented regarding engineers and the City engineering not agreeing on what to do.

- B. Susan Claus, 22211 SW Pacific Hwy., Sherwood, stated it is simple, if the City had proper easements or a license or something that allowed them to go on our property or through our property, then the Public Works Director could go onto the property. Mrs. Claus stated the City has not paid for anything, but they have been continually pushing the storm water through our home place and the McFall place and have been doing this for years. She stated prior City Managers have said they would do something about it. She stated she communicated with City Manager Gall and he said to let the Mr. Sheldon take care of it. She stated they are being charged storm water fees and they are no longer paying them, which has resulted in the account being turned over to collections. She said she spoke with Craig Sheldon who referenced their utility bill and stated if it is not paid in time, it goes to collection.

She thanked Mayor Middleton for addressing this issue and stated that Mr. Sheldon is not the person to do it, as the City needs to get a right of way, a license or something and said we have a tremendous amount of water that has been going through the properties for years, and it has not been treated because staff can't come onto the property to maintain it.

Mayor Middleton stated that Mr. Sheldon is most familiar with this and would get together with an engineer and the City Manager to look into the issue.

Mrs. Claus requested that the bills be pulled away from the collection agency, Fidelity Credit Report, because she is not going to pay the bills. Mrs. Claus stated it's not that much money, and

said this issue has been ongoing for years and would like to settle it peacefully and not have the credit report harmed.

Mayor Middleton thanked Mrs. Claus and asked to receive other public comments, with none received he addressed the next agenda item.

9. NEW BUSINESS:

A. Resolution 2013-019 Authorizing the City Manager to Execute a Construction Contract for the Marjorie Stewart Senior Center Remodel Project

City Recorder Note: An amended staff report and amended resolution were provided in the work session and copies were provided for the public on the sign-in table (see record, Exhibit D).

City Engineer Bob Galati came forward and stated the Council has before them a resolution authorizing the City Manager to execute a construction contract with Russell Construction for improvements to the Senior Center. Bob stated the City applied and obtained a grant through Washington County, CDBG, for \$179,900. He stated a portion of the grant is split between design and construction and said the construction amount was \$152,512. He stated the overall project amount as budgeted was \$221,263. He said the City was awarded the block grant in February of 2012 and entered into an agreement with Washington County to perform the remodel based on the agreement and grant amount. Bob said the City hired OTAK Architects Inc. to perform architectural design documents for the City to put out for bid and their contract was based on the work they had previously done in developing the plans and general layout design concept several years earlier for the Community Center. Bob stated we did a competitive bid for the architects and they were the winning bid for that project, therefore we had them do that work. He said we had three successful responsive bidders and the low bid was \$195,333. Bob stated this was well over the \$152,000 mark and said basically it is \$42,821 over what our budgeted amount was. Bob stated staff assumed a much lower amount, between \$135,000 and \$152,000, this is what we expected the bids to come in at.

Bob said since that time, staff has been in negotiations with Russell Construction to come up with alternative methods of reducing the cost to allow staff to figure out what items we need to cut to get the cost as close to the original budgeted amount of \$152,000. Bob stated if we can add some money from the Parks Capital Fund Project of about \$30,000, for about \$182,000 we can do the improvements as originally identified in the bid set, with the exclusion of the flooring. He said this will be a change and we will have to work through the architect, Kristen Switzer, and the Senior Center to come up with an alternative that is acceptable and less expensive than what was in the bid documents.

He said staff is seeking Council approval to have the City Manager sign a contract with Russell Construction for an amount not to exceed \$182,512 and said if adopted the notice of award will be sent out tomorrow, with a 7 day wait and then finalizing the contract.

Bob noted if we delayed, the next City Council meeting is in May, which sets the construction out over a month. He said the bid is set for about 30 days and if extended, contractor approval is needed to guarantee the bid price and said delays throw off the construction schedule with the Senior Center.

Mayor Middleton asked for questions from the Council.

Councilor Folsom asked for clarification from Community Services Director Kristen Switzer regarding a contribution from the "Friends" of \$5000, Kristen stated that the Friends are contributing \$5,000 to the project. Councilor Folsom asked what's the City's portion versus the grant portion before we had this cost overrun. Kristen replied the City's portion was \$41,663 which included the \$5000. Councilor Folsom confirmed the City's portion alone is \$36,666 and with the request of an additional \$30,000 would equal \$66,666 which is basically 32% of the total cost. Councilor Folsom stated that she is in the Senior Center frequently and wanted to communicate with Council and the citizens, that it was a good idea to look at the park funds, that although the center serves the seniors, there are a lot of activities that occur in the building that serve many citizens. Councilor Folsom named various groups that use the facility and said it is time for a remodel. Councilor Folsom stated that it appears to be a good investment and appreciates the staff time to make the project work in spite of the high bid.

Councilor Butterfield stated he doesn't like robbing Peter to pay Paul. He doesn't like dipping into a reserve fund he didn't know we had, and doesn't like the fact that he feels like he is being hijacked with the urgent timeframe. He said he would like to know how we ended up here and said as far as he is concerned, if it takes 3-4 month to get the budget down to where we can live with it, why not wait. He asked why does it have to be done now.

Mr. Galati stated the way the grant is written, the City has until July 15, 2013, to utilize the money for construction, so the grant is time limited for its use and we are working on tight time constraints to get the building designed, bid and built. He stated his understanding is we use the grant funds or lose them. Bob stated the second issue is the engineering department is not really good at estimating architectural projects, we basically gave the architect a budget and asked they make it fit within that budget and keep it low. Bob stated it did not work out that way and the bids came in higher. Bob stated the City probably could have spent money on architectural cost consultants to confirm those costs, but we were trying to limit the amount of consultant design costs to allow the funds to go towards construction.

Kristen Switzer stated the original cost estimate that we had when we did the feasibility study was also from the same company that recently worked with us to put together the plan, so we had faith in them that the original numbers they gave us, that we based the grant application on, were accurate and unfortunately, they were not.

Councilor Butterfield asked Mr. Galati what are the amount of contingency funds in the construction budget. Bob replied they budgeted \$2,000, which is as thin as it can go. Councilor Butterfield asked what happens if we are in the middle of the project and something else comes up. Bob replied it's not a complex project from the point of finding something unusual, he gave examples of plumbing work and said plumbing was a big ticket item as was the flooring and said these two items comprise most of the cost overrun. Bob further explained the flooring cost overrun and cost of floor prep work that was not included in the overall cost estimate. Bob explained general construction work needed and the lobby credenza not being excessive. He said we did not get a good feel for costs of the plumbing and flooring.

City Manager Joseph Gall addressed Councilor Butterfield and asked Finance Director Craig Gibons to explain the reserve fund.

Craig apologized and said he did not review that staff report before it went out and said the phrase being referred to is an inaccurate phrase, it is not a reserve. He said what this is, is money in the General Construction Fund that is not dedicated to any other purpose and has no strings attached to it. It is the fund balance of unrestricted revenue. He stated the way the cash flow works is the fund balance will be \$60,000 at the end of next year. So when this problem came up it seemed important enough to me to mention there is this small margin of cash in the General Construction Fund that could be tapped. He stated, to him, this is his backup on the turf project if anything should go wrong there. He stated this has jumped to the head of the line and reiterated, it is not a Parks Replacement Reserve, it is unrestricted fund balance.

Councilor Folsom said when we set up this idea that we would begin to prepare and maintain and service buildings and other assets of the community, it's this type of money that we are setting aside, is that correct. Craig Gibons said no, this is fund balance and if you want to start setting aside money to replace this building, we will do that in a reserve line item.

Councilor Folsom said when we have been talking about the budget, when we say we need to prepare, this needs to be done, how are we going to pay for it. Craig stated that we have been setting up equipment reserves in each of the enterprise funds. Councilor Folsom clarified equipment reserves, but not reserves for maintenance, or capital construction. Craig replied right and stated in the upcoming budget, you will see some capital replacement reserves being generated. He said you will also see a reserve that we started for the turf replacement. Craig stated those are specific reserve funds.

Councilor Folsom asked where would something like this fall (referencing the Senior Center project) if we were not looking at a grant and just needing to make the modifications because they are needed. Craig said this \$60,000 is a fund balance in General Construction.

Councilor Folsom said she is talking about the \$30,000 and where would that fall in the perfect world of budgeting, would it be from Capital. Craig replied yes, and if it wasn't in the Capital it would have to come from General Fund. Councilor Folsom stated that this is what we are working towards, to have these monies on hand to maintain our assets. Craig replied yes.

Councilor Folsom asked Kristen Switzer to remind the Council of the timeline of the project and the necessity of the remodeling of the bathrooms.

Kristen Switzer replied we were awarded the notice to proceed last August and in the fall we began putting together our documents for the RFP, which went out November-December and it took this long to get an architect on board and get through this process. Kristen stated there were things that needed to be done at the County as well, meetings, and it has taken us a while to get to where we are. Kristen said we tried to condense the design period and worked on it fairly quickly.

Kristen stated that she doesn't believe that we are at risk of losing the grant money; we can file for an extension. She confirmed that if this isn't done tonight, it isn't as if we can't do it at all. She said the bigger risk is what are the bids going to be next time and are the costs going to increase.

Kristen stated that looking at the budget and looking at the items they recommended that we remove, there is not much, besides the floor. She said besides the floor, which was very expensive, it was \$1000 here or there, and there was not any other large ticket items. Kristen said this is what makes her nervous to say we can get down to the original dollar amount and said she is afraid it is not realistic for us to remove an important project element. She said if we do that she will need to speak to the County as some of the elements we had in the project, we said we were going to complete. Kristen gave examples of elements that we indicated would be completed; the redoing of the floors, changing out the front desk, add another ADA unisex restroom and if we are not doing any of these, then we are not doing what we agreed to do.

Kristen described the need for the remodel and noted the bathrooms have no ventilation, are not ADA accessible and doors are having to be propped open, she explained some of the upgrades proposed for the bathrooms, including adding an ADA unisex bathroom. Councilor Folsom noted that it is a challenge to get a wheelchair in the bathrooms.

Councilor Folsom asked Bob Galati if he thought the market is heating up and asked if we are going to see this in other things. Bob replied he believes certain ticket items are going up in costs as the market picks up. He said construction is picking up and you will usually see some things go up. He said he is used to roadway and rock prices and gave an example of rising costs of steel.

City Manager Joseph Gall asked Councilor Butterfield what was his other question.

Councilor Butterfield noted that there is an opportunity here for us to communicate more and said he doesn't like receiving information at the last minute. He referenced having time to digest the information and commented regarding the inaccurate fund information in the staff report and said he doesn't want our constituents to think we are robbing Peter to pay Paul just to make something happen. He commented regarding it being important to do our best job and get the price as low as possible and still deliver a quality product. He stated he is concerned to hear Bob Galati state that they are not good at estimating architectural projects. He questions what will happen on the next job that requires architectural estimating, and said he does not want this to happen again.

City Manager Gall replied he can address some of Mr. Butterfields concerns and said that he received the information today at 4:30pm, said the bids came in on Thursday and explained staff being out of the office. He commented regarding addressing the issues with the higher bid and moving forward with the importance of the project. Mr. Gall referred to the Council not having a meeting in two weeks and staff presenting the information this evening. He noted that the Council is not being forced to take action tonight, and can wait and digest the information as a Council, and come back in 2 weeks for action. If the Council wants staff to do further research, we can do that.

Councilor Butterfield asked that in the future, that the Council receive information earlier, and noted the importance of the project for the seniors in the community.

City Manager Gall stated that in this down economy, we have been used to bids coming in lower, and this Senior Center bid is a new phenomenon.

Councilor Butterfield agreed and said this is why the Council needs the information sooner rather than later.

City Manager Gall said one option for the Council is to delay action tonight and come back at a future date in two weeks or in early May.

Councilor Clark stated, in listening to Kristen, these are improvements that are not only wanted but needed. Our seniors need them, and we need accesses for the disabled and this is a facility that is utilized by seniors as well as cross-sections of the population. She stated she feels that the economy is improving and if we delay the project we run the risk of higher cost on a project that needs to be done. Councilor Clark stated she would feel more comfortable moving forward versus delaying and increasing costs.

Councilor Langer asked Kristen about the flooring choice. Kristen noted it was tile and Councilor Folsom added that the floor is currently aggregate concrete, which is not conducive to seniors. Kristen said the seniors loved the flooring choice as well, and were given other options, and we can live without it and find something more reasonable.

Councilor Langer asked Kristen if there are any additional sewer SDC charges involved with adding an additional toilet or sink. Kristen confirmed with staff and replied no.

Councilor Langer stated he understands Councilor Butterfield's concerns and appreciates the banter, which is healthy and to be expected when a last minute change is needed. Kristen apologized for the delay and noted that the bid information arrived on Thursday afternoon and it has taken time to go back and forth between the contractor and the architect to determine additional budget savings.

Councilor Grant agreed that these are necessary repairs and reiterated that the City applied for the grant, and as mentioned by Kristen, the grant specifies things we said we would do. He stated he has been involved in this process and it's an elaborate procedure to go through to describe exactly what will be done with the money, and we can't just not do it. He stated he is also concerned, even though this doesn't sound complicated, about going into a project without a contingency. He asked Bob to confirm we have no contingency and the budget is the exact number we are contracting for.

Bob Galati stated the number he has negotiated with the contractor is the exact amount he will be charging, whether or not he found something else. Bob said staff has done pre-investigation to be sure we have everything identified, and it is basically a not to exceed amount. Bob said the plans are fairly complete and the spec section is very large.

Councilor Grant agreed the project is not complex, and commented regarding previous City projects always having a contingency, but stated that the contingency is actually the general fund or the remaining money that is in the fund Craig Gibons has described. Mr. Grant commented regarding the next project being the turf replacement and asked when will we know about this project and does it have a contingency. Craig Gibons said Craig Sheldon has a contingency in his budget for the turf replacement project and his (Craig Gibons') contingency is a protective contingency.

Councilor Grant stated when he was involved with the block grant program a large part of the program was looking at requests for contingencies and people coming back and asking for contingency, and asked Kristen if we have this opportunity to request contingency funds.

Kristen replied, we did this when we did the classroom addition project at the Senior Center, we went back and requested \$50,000-\$60,000. She stated we can still look at this and said we just have not had time to go back to them. She stated this is an option and as everyone knows, funding for CDBG has been shrinking and they don't have as much funding as in prior years. Kristen said she doesn't know if they have funds set aside to accommodate us. Kristen said as a CDBG Board member, she has seen some requests approved and others denied and said we can pursue this at any time.

Kristen added one of the reasons there is not a contingency, is not because staff overlooked it, we do have a small contingency from the portion of our budget, but you can't asked for contingency as part of the grant.

Council President Henderson stated the risk we run not acting tonight and coming back in May is that it could potentially cost us more. And as mentioned by Councilor Grant, we would go to the General Fund like we did with the turf field or we tap into the General Construction Fund balance for \$60,000. She asked Craig Gibons if this fund rolls over every year. Craig replied this is actually the number that will be there, if all things go according to plan, at the end of next fiscal year, yes, it does roll over.

Councilor Henderson asked what other circumstances would bring us to tap that fund. Craig replied and gave examples of projects such as the Turf Field, Senior Center or the City Hall building. He said, it's for construction projects that are not associated with enterprise funds. No streets or waterlines or rate-payer stuff. He said this fund is for construction projects that are not tied to rate-payer revenue, except for Parks SDC's, but they are restricted.

Mayor Middleton stated that this is why we are going to have to make some very uncomfortable decisions during budget time this year, if we want to have replacement funds, upkeep funds, so we don't have to have these discussions, we will have a contingency fund. He said we are going to have to really look to see where we are spending our money next year and said the budget process is not going to be easy and will be painful.

Council President Henderson reported that she has attended two CDBG meetings and does not think there is any funds left and said multiple grantees received only a portion of their request and they are looking at reducing staff.

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

MOTION: FROM COUNCILOR FOLSOM TO ADOPT RESOLUTION 2013-019 SECONDED BY COUNCILOR CLARK, MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Middleton addressed the next agenda item.

10. CITY MANAGER REPORT:

City Manager Joseph Gall thanked the Council for the discussion and said he noted their concerns. He stated that staff is available to answer any questions about the construction in old town. He reminded the Council and the public of the upcoming budget process and said his proposed budget will be released on Friday and will be available on the City website and available to the Budget Committee members. He stated Budget Committee meetings will be on Monday nights, beginning April 22 and continuing on April 29 and May 6. He agreed with Mayor Middleton that it will be a difficult budget process and anticipates a good debate and hoped the public will be more involved than in the past.

Councilor Grant asked if the budget presented will be balanced. Mr. Gall stated that by law he has to propose a balanced budget and said the challenge will be the different views of how to balance the budget. Craig Gibbons noted that the proposed balanced budget means the anticipated revenues meet or exceed the anticipated expenditures and we are not using fund balance to balance the budget. Mr. Gall stated that it was very important for his first budget as City Manager to present a balanced budget without using fund balance. He encouraged questions and healthy discussions regarding the priorities for this community in terms of services and hopes the Budget Committee receives input from the community. He reminded the Council that his budget is a recommendation, and they will make the final decision.

Councilor Folsom asked whether citizen comments would be allowed at the budget meetings. He explained that Budget Committee questions will be asked and staff will be coming back at the next scheduled meeting with information and therefore staff has scheduled Public Comments at each meeting. He stated he believes the community should be allowed to participate in the process and not solely on the first night.

Councilor Folsom asked Mr. Gall for the dates of the Budget Committee meetings. Mr. Gall stated the proposed budget will be released on April 5. The first Budget Committee meeting will be held on April 22, at 6:30 pm in the City Hall Community Room. The following meetings are scheduled for April 29 and May 6, if needed. Mr. Gall reminded the Council that the Budget Committee approves a budget and the City Council adopts the budget by June 30, 2013.

Council President Henderson asked Tom Pessemier to comment on the reopening of Railroad Street. Tom stated he visited the businesses last week while the sidewalk work was being done and said there was a spirit of cooperation between the contractor, the design team, property owners and the businesses. He stated he wanted to recognize the businesses for their cooperation during this time and reported that some businesses decided to close during spring break. He noted that Railroad Street is now open and functional. He said there is work being done in coordination with Washington Street and explained the work still to be done along Railroad.

Councilor Langer asked Tom to address the schedule as the project appears to be going fast and we have not had many weather delays. Tom stated when doing contracts, contractors are allowed to have weather delays and we have been concerned with this as we want to get the project done by Cruisin'. Tom stated he believes the contractor may be ahead of schedule. Councilor Langer commented that the project is going well and complimented Bob Galati and Jason Waters for planning and coordinating the project so well. Tom commented about learning a lot during the first phase of the project and said the design was the problem and said you could not physically build it because the design was not in a reasonable order. Tom further explained the current process and

design work and construction with the least amount of impact to the public. He said Bob Galati made this very clear to the design team as they moved forward.

Mr. Langer referenced the original phasing plan and commented that Bob Galati came up with the idea to do Railroad Street all at once and it seems to have paid off. Councilor Langer commended Bob for his work.

Mayor Middleton addressed the next item on the agenda.

11. COUNCIL ANNOUCEMENTS:

Council President Henderson announced the Sherwood Foundation for the Art's 5th Annual Musical is "Oklahoma!" and said auditions will be held at Let's Make Music on April 12-13 for ages 16 and over. "Oklahoma!" will be performed July 25-27 at 7:30 pm at Stella Olson Memorial Park. Please refer to sherwoodarts.org for more information.

Councilor Folsom stated Sherwood Voices of the Performing Art's Royal Academy will be performing an encore of The Little Mermaid, during the Robin Hood Festival. She announced that the Missoula Children's Theatre is returning with Beauty Lou and the Country Beast and Robinson Crusoe.

With no other announcements received, Mayor Middleton adjourned the meeting and convened to a URA Board meeting.

12. ADJOURN:

Meeting adjourned at 8:20 pm.

Submitted by:

Sylvia Murphy, CMC, City Recorder

Bill Middleton, Mayor

TO: Sherwood City Council

FROM: Kristen Switzer, Community Services Director

Through: Joseph Gall, City Manager

SUBJECT: Resolution 2013-020 - Reappointing Brian Stecher to the Parks and Recreation Advisory Board

ISSUE:

Should the City Council reappoint Brian Stecher to the Parks and Recreation Advisory Board?

BACKGROUND:

Brian Stecher was appointed to the Parks and Recreation Advisory Board by Resolution 2009-038 and served a two year term. He was then reappointed by Resolution 2011-019 and served an additional two year term.

The Parks and Recreation Advisory Board currently has vacancies and Brian Stecher has reapplied and requested reappointment. Council Liaison Bill Butterfield and the Chair of the Parks and Recreation Advisory Board, with assistance of staff are recommending Brian Stecher for reappointment.

According to Chapter 2.16 of the Sherwood Municipal Code, members of the Parks and Recreation Advisory Board shall be appointed by the Mayor with consent of the City Council.

RECOMMENDATION:

Staff respectfully recommends approving Resolution 2013-020, reappointing Brian Stecher to the Parks and Recreation Advisory Board.



RESOLUTION 2013-020

**REAPPOINTING BRIAN STECHER TO THE PARKS AND RECREATION
ADVISORY BOARD**

WHEREAS, Brian Stecher was appointed to the Parks and Recreation Advisory Board by Resolution 2009-038 and served a two year term and by Resolution 2011-019 and served an additional two year term; and

WHEREAS, the Parks and Recreation Advisory Board currently has vacancies and Brian Stecher has requested reappointment; and

WHEREAS, Council Liaison Bill Butterfield and the Chair of the Parks and Recreation Advisory Board, with assistance of staff are recommending Brian Stecher for reappointment; and

WHEREAS, according to Chapter 2.16 of the Sherwood Municipal Code, members of the Parks and Recreation Advisory Board shall be appointed by the Mayor with consent of the City Council.

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

Section 1. The Mayor is authorized to reappoint Brian Stecher to a two year term, expiring April 2015.

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

Duly passed by the City Council this 7th day of May 2013.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, CMC, City Recorder

TO: Sherwood City Council

FROM: Kristen Switzer, Community Services Director

Through: Joseph Gall, City Manager

SUBJECT: Resolution 2013-021 Reappointing Luther Vanderburg to the Parks and Recreation Advisory Board

ISSUE:

Should the City Council reappoint Luther Vanderburg to the Parks and Recreation Advisory Board?

BACKGROUND:

Luther Vanderburg was appointed to the Parks and Recreation Advisory Board by Resolution 2011-037 and served a two year term.

The Parks and Recreation Advisory Board currently has vacancies and Luther Vanderburg has requested reappointment. Per the Municipal Code an applicant can be reappointed one time without reapplying to the board. Council Liaison Bill Butterfield and the Chair of the Parks and Recreation Advisory Board, with assistance of staff are recommending Luther Vanderburg for reappointment.

According to Chapter 2.16 of the Sherwood Municipal Code, members of the Parks and Recreation Advisory Board shall be appointed by the Mayor with consent of the City Council.

RECOMMENDATION:

Staff respectfully recommends approving Resolution 2013-021, reappointing Luther Vanderburg to the Parks and Recreation Advisory Board.



RESOLUTION 2013-021

**REAPPOINTING LUTHER VANDERBURG TO THE PARKS AND RECREATION
ADVISORY BOARD**

WHEREAS, Luther Vanderburg was appointed to the Parks and Recreation Advisory Board by Resolution 2011-037 and served a two year term; and

WHEREAS, the Parks and Recreation Advisory Board currently has vacancies and Luther Vanderburg has requested reappointment; and

WHEREAS, Council Liaison Bill Butterfield and the Chair of the Parks and Recreation Advisory Board, with assistance of staff are recommending Luther Vanderburg for reappointment; and

WHEREAS, according to Chapter 2.16 of the Sherwood Municipal Code, members of the Parks and Recreation Advisory Board shall be appointed by the Mayor with consent of the City Council.

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

Section 1. The Mayor is authorized to reappoint Luther Vanderburg to a two year term, expiring April 2015.

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

Duly passed by the City Council this 7th day of May 2013.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, CMC, City Recorder

TO: Sherwood City Council

FROM: Craig Christensen PE, Engineering Associate II
Through: Bob Galati PE, City Engineer, Craig Gibbons, Finance Director, and Joseph Gall, City Manager

SUBJECT: Resolution 2013-022 - Authorizing the City Manager to execute a construction contract with NW Kodiak Construction for the Tonquin Employment Area Sanitary Upgrade Project

Issue:

Should the City Council authorize the City Manager to execute a construction contract with NW Kodiak Construction for the replacement of the existing sanitary sewer with a new higher capacity sanitary sewer?

Background:

Recently, property east of SW Oregon Street, south of SW Tualatin Sherwood Road was voter approved for future annexation into the City of Sherwood under Ballot Measure 34-202 with the vote being certified by City of Sherwood Resolution 2012-059. This property is known as the Tonquin Employment Area and is zoned for future industrial property.

The northern portion of this new industrial area (± 135.5 Acres) will obtain sanitary service from an existing sanitary main along the south side of SW Tualatin Sherwood Road between SW Oregon Street and the Portland and Western Railroad tracks. The existing sanitary sewer continues along the southeast side of the Portland and Western Railroad tracks to connect to a higher capacity main on the northeast side of Rock Creek.

This existing sanitary sewer (10-inch and 8-inch diameters) does not have capacity to serve full development of the new industrial area. This creates the need to install a larger sanitary sewer (15-inch and 12-inch diameters).

This project was designed by city staff and went through a peer review process. The project was advertised for bid on March 25 and 27, 2013 with a mandatory pre-bid meeting occurring on March 28, 2013. Bid proposals were opened on April 4, 2013 at 2:00 PM, after which staff worked diligently to identify the lowest responsive bidder. The Notice of Intent to Award was issued on April 8, 2013 and the 7 day protest period has expired as of April 15, 2013 with no protest.

A Notice of Award will be issued on approval and adoption of the Resolution. If Council approves, a Contract will be issued to NW Kodiak Construction for the approved construction cost of \$698,491.97.

City staff expects the work to begin on or around Monday, July 1, 2013 and to be completed by September 30, 2013.

Financials:

The lowest responsive bid for the construction of the sanitary sewer improvements is \$698,491.97. An additional \$104,773.80 (15%) for construction contingencies is recommended to cover unforeseen construction issues or differing site conditions.

Funding for the project will temporarily come from City of Sherwood System Development Charges with 100 percent of the construction costs being reimbursed by Clean Water Services System Development Charges.

Recommendation:

Staff respectfully requests adoption of Resolution 2013-022 authorizing the City Manager to execute a construction contract with NW Kodiak Construction for the Tonquin Employment Area Sanitary Upgrade Project.



RESOLUTION 2013-022

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT FOR THE TONQUIN EMPLOYMENT AREA SANITARY UPGRADE PROJECT

WHEREAS, the City needs to increase sanitary sewer capacity for the recently approved Tonquin Employment Area; and

WHEREAS, the City has budgeted and will temporarily pay for the construction cost through City of Sherwood System Development Charges with 100 percent of the construction cost being reimbursed by Clean Water Services System Development Charges; and

WHEREAS, the City completed the design and produced bid documents to solicit contractors using a competitive bidding process meeting the requirements of local and state contracting statutes and rules (ORS 279C, OAR 137-049); and

WHEREAS, the City opened bids on April 4, 2013, reviewed all bid proposals and identified the lowest responsive bidder; and

WHEREAS, the City has issued the Notice of Intent to Award and the mandatory seven (7) day protest period has concluded without protest; and

WHEREAS, City staff recommends City Council to authorize the City Manager to execute a construction contract with NW Kodiak Construction, LLC in an amount equal to their base bid of \$698,491.97; and

WHEREAS, City staff recommends City Council to authorize a 15% contingency to mitigate unforeseen issues during the project.

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

Section 1: The City Manager is hereby authorized to execute a contract with NW Kodiak Construction, LLC in an amount not to exceed \$698,491.97 for the completion of the Tonquin Employment Area Sanitary Upgrade Project.

Section 2: Subject to the limitations of local and state contracting rules, the City Manager is hereby authorized to execute contract change orders for a total amount not-to-exceed 15% of the original award.

Section 3: This Resolution shall be in effect upon its approval and adoption.

Duly passed by the City Council this 7th day of May 2013.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, CMC, City Recorder

Sherwood Indoor Field House Monthly Report March 2013

March-13	Mar-13		YTD		Mar-12
Usage		People		People	People
	<u>Count</u>	<u>Served*</u>	<u>Count</u>	<u>Served*</u>	<u>Served*</u>
Leagues	8	700	23	4654	882
Rentals	84	2100	701	15982	1932
Other (Classes)					
[1] Day Use	11	63	71	428	157
Total Usage		2863		21064	2971
Income	Mar-13	YTD			
Rentals	\$5,423	\$42,397			
League fees (indoor)	\$2,892	\$51,578			
Card fees (indoor)	\$294	\$3,288			
Day Use	\$174	\$1,482			
Advertising					
Snacks	\$641	\$4,309			
Classes					
Total	\$9,424	\$103,054			
FY 11 12					
Income	Mar-12	YTD			
Rentals	\$4,900	\$37,233			
League fees (indoor)	\$7,259	\$67,254			
Card fees (indoor)	\$600	\$3,820			
Day Use	\$331	\$1,270			
Merchandise					
Snacks	\$910	\$4,828			
Classes		\$175			
Total	\$14,000	\$114,580			

*Estimated number of people served based on all rentals have a different # of people. Along with each team will carry a different # of people on their roster.



Youth Soccer played 10 games at Snyder Park during the month of March.

Greater Portland Soccer District played 3 games at Snyder Park during the month.

Most of the younger baseball teams have started to practice at this time; they have 42 total teams.

Youth softball has started practice at the high school, they have 18 total teams.

We have six or seven teams renting gym space for spring basketball.

Lacrosse will start playing games the weekend of April 6th as they have all been practicing for a few weeks.

Youth track is holding practice at SMS and will be hosting a track meet April 20th if the weather is good we could see 400 kids and their families in Sherwood that Saturday.

Just an FYI for all that read this the weekend of May 4th and 5th will be a big weekend in town. We will have a Baseball tournament (24 to 30 teams) a Softball tournament (12 teams) a Lacrosse tournament (12 to 16 teams) and the Presbyterian Church will be holding the Running Water 5K run/walk.

Respectfully Submitted

Lance Gilgan

April 3, 2013



Sherwood Public Library

March 2013

	<u>Current Yr</u>	<u>Past Yr</u>	<u>% Change</u>
Check out	33,948	35,073	-3.2% (22% Self-check)
Check in	24,946	25,880	-3.7%

- New Library cards 95
- Volunteer hours 181 hours (equivalent to 1.04 FTE) / 27 volunteers

Monthly Activities

- Twenty-eight Baby, Preschool and Toddler Storytimes (573 children /435 adults = 1008 total)
- One Read-to-the-Dogs program
- Magazine Monday (free magazine giveaway)
- Tax forms available to public
- A telephone and PC were been installed at the Information Desk
- All public-access Internet PCs were upgraded with recent versions of software
- 03/03 & 03/17 Writer's Workshops for Adults (15 and 16 in attendance)
- 03/04 Dr. Seuss's Birthday Celebration (55 attendees)
- 03/06 Pam North attended regional Polaris presentation at Tualatin PL
- 03/07 Teen Advisory Board Meeting (9 teens)
- 03/07 Friends of the Sherwood Library Meeting
- 03/09 WCCLS Elephant & Piggie Puppet Show (48 attendees)
- 03/13 Teen Steampunk Crafts Workshop (3 attendees)
- 03/19 Homeschool Tour (13 attendees)
- 03/20 Boy Scout Tour (13 attendees)
- 03/20 Family Board Game Afternoon (9 attendees)
- 03/21 Alan Howard, author of "In Time," Reading & Signing Event (8 attendees)
- Volunteer recruitment & training continues / New volunteers started shifts
- Library staff attended various regional, City and WCCLS meetings: Policy Group, Youth Services, Latino Services, OLA/PLD Committee, WLA/OLA Conference Committee, Circulation and City of West Linn