



*Home of the Tualatin River National Wildlife Refuge*

# **CITY COUNCIL MEETING PACKET**

**FOR**

**Tuesday, January 20, 2015**

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

**5:30 pm Executive Session**

**(Pursuant to ORS 192.660(2)(d) Labor Negotiations and  
192.660(2)(f) & (e) Exempt Public Records and Real Property Transactions**

**7:00 pm City Council Regular Meeting**

**City Council Work Session**

**(following the regular session)**



**EXECUTIVE SESSION**

1. Labor Negotiations (ORS 192.660 (2)(d))
2. Exempt Public Records & Real Property Transactions (ORS 192.660(2)(f)(e))

**REGULAR CITY COUNCIL MEETING**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. CONSENT AGENDA
  - A. Approval of December 30, 2014 City Council Meeting Minutes
  - B. Approval of January 6, 2015 City Council Meeting Minutes
  - C. Resolution 2015-002 Appointing Alan Pearson to the Planning Commission
  - D. Resolution 2015-003 Appointing the Budget Officer for Fiscal Year 2015-16
  - E. Resolution 2015-004 Extending the term of the franchise agreement between City of Sherwood and Comcast
  - F. Resolution 2015-005 Authorizing the City Manager to enter into a Bridge Memorandum of Understanding with Tualatin Valley Water District, City of Wilsonville, City of Beaverton, City of Hillsboro, City of Tigard and the City of Tualatin to create a Governance Agreement regarding the future of the Willamette River Water Treatment Plant and the Willamette Water Supply Program
  - G. Resolution 2015-006 Concluding the annual performance evaluation of the City Recorder for the City of Sherwood
6. PRESENTATIONS
  - A. Annual City Audit Report (Rob Moody with TKW & Julie Blums Finance Director)
  - B. Municipal Court Annual Update (Jack Morris, Judge & Lisa Layne Court Administrator)
7. CITIZEN COMMENTS
8. NEW BUSINESS

**AGENDA**

**SHERWOOD CITY COUNCIL  
January 20, 2015**

**5:30 pm Executive Session**

**7:00 pm City Council Regular  
Meeting**

**City Council Work Session**

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

**AMENDED, Item 8.E Added**

- A. Resolution 2015-007 Authorizing the City Manager to enter into a professional services contract with Murray Smith and Associates, Inc (MSA) for the Sanitary Sewer system Master Plan Update Project (Bob Galati, City Engineer)**
- B. Resolution 2015-008 Authorizing the City Manager to enter into a professional services contract with Murray Smith and Associates, Inc (MSA) for the Stormwater Master Plan Update Project (Bob Galati, City Engineer)**
- C. Resolution 2015-009 Authorizing the City Manager to enter into a professional services contract with Harper Houf Peterson Righellis Inc. (HHPR) for the Woodhaven Park Phase 2 Design Project**
- D. Resolution 2015-010 Directing the City Manager to begin a process to transition City Attorney services to employees of the City Attorney's office, create job descriptions and review budgetary requirements (Joe Gall, City Manager)**
- E. Resolution 2015-011 Adopting City Council Rules (Joe Gall, City Manager)**

**9. CITY MANAGER REPORT**

**10. COUNCIL ANNOUNCEMENTS**

**11. ADJOURN TO WORK SESSION**

**WORK SESSION**

**Topics:**

- A. Community Center Naming & Fee Schedule (Tom Pessemier & Kristen Switzer)**

**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](http://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 Sherwood Post Office. Council meeting materials are available at the Sherwood Public Library.

**To Schedule a Presentation before Council:**

If you would like to schedule a presentation before the City 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, 503-625-4246 or [murphys@sherwoodoregon.gov](mailto:murphys@sherwoodoregon.gov)



**SHERWOOD CITY COUNCIL MEETING MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**December 30, 2014**

**EXECUTIVE SESSION**

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 7:02 pm.
2. **COUNCIL MEMBERS PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Krisanna Clark, Dave Grant, Bill Butterfield, Matt Langer and Dan King.
3. **STAFF PRESENT:** Assistant City Manager Tom Pessemier, HR Analyst Sherryl Childers and City Recorder Sylvia Murphy.
4. **TOPIC:** Performance Evaluation, ORS 192.660 (2)(i), City Recorder Annual Performance Evaluation.
5. **ADJOURN:**

Mayor Middleton adjourned at 8:30 pm.

Submitted by:

---

Sylvia Murphy, MMC, City Recorder

---

Bill Middleton, Mayor



**SHERWOOD CITY COUNCIL MEETING MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**January 6, 2015**

**REGULAR SESSION**

1. **CALL TO ORDER:** Mayor Bill Middleton called the meeting to order at 7:17 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Krisanna Clark and Dan King. Councilors Matt Langer, Dave Grant and Bill Butterfield were absent.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, Public Works Director Craig Sheldon, Community Development Director Julia Hajduk, Community Services Director Kristen Switzer, Finance Director Julie Blums, Police Chief Jeff Groth, Community Center Manager Maggie Chapin, Library Manager Adrienne Calkins-Doman, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy. City Attorney Chris Crean.

**4. SWEARING IN OF NEW ELECTED OFFICIALS**

City Recorder Sylvia Murphy administered the Oath of Office to the incoming Mayor Krisanna Clark. Mayor Middleton stepped down from his position. Mayor Clark called forward Councilors Elect Jennifer Harris, Jennifer Kuiper and Sally Robison. The City Recorder administered the Oath of Office to the incoming Council members and they took their seats at the dais.

Mayor Clark addressed the next item on the agenda.

**5. ROLL CALL**

Mayor Clark asked for a roll call of the newly seated Council. Mayor Clark thanked the public and her family for their support and addressed the next agenda item. Mayor Clark asked for a motion.

**6. APPROVAL OF AGENDA:**

**MOTION: FROM COUNCILOR ROBINSON TO APPROVE THE AGENDA AS STATED, SECONDED BY COUNCILOR HARRIS. MOTION PASSED 4:2. (MAYOR CLARK, COUNCILORS HARRIS, KUIPER AND ROBINSON VOTED IN FAVOR, COUNCILORS HENDERSON AND KING VOTED AGAINST).**

Mayor Clark addressed the next agenda item.

**7. CONSENT AGENDA:**

- A. Approval of December 11, 2014 City Council Meeting Minutes
- B. Approval of December 16, 2014 City Council Meeting Minutes
- C. Resolution 2014-052 Appointing Susan Claus to the Budget Committee
- D. Resolution 2014-053 Appointing Andy Jensen to the Budget Committee

**MOTION: FROM COUNCILOR ROBINSON TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR HARRIS.**

A vote was received from Clark, Robinson and Harris in favor, Henderson and King were opposed.

Councilor Kuiper did not state her vote and said as she was new to the Council, she asked for clarification of what they were voting on.

Mayor Clark said the Consent is listed and they are approving it as listed.

Councilor Kuiper asked if there was protocol to discuss resolutions.

The City Recorder clarified that Councilor Kuiper was referring to the resolutions that were previously tabled in 2014 and they are now being brought forward. She said the Council can address the items by removing them from the table or if they are left under the Consent with a majority of the Council not asking them to be removed then it is assumed that the Council is approving them to move forward.

City Attorney Chris Crean commented on consent agendas and said typically a consent agenda is approved as a whole without discussion. He said if there is an item on the consent agenda that they want to discuss they need to remove the item from the consent agenda and placed under new business. He stated this would be done as a motion. He said typically the consent agenda is approved as a whole without discussion. He said specific to the two previously tabled items, under Robert's Rules typically to remove something from the table it is done by motion and it is a two part motion. He said for example you would move to remove from the table and place before the Council for consideration or remove from the table and refer it to a committee or remove from the table and dispense with it. He said in this case that did not occur and it was placed on the consent agenda. He said if a majority of the Council declines to remove it from consent and place it before the Council for consideration under new business then there is a majority of the Council that has implicitly decided to remove the items from the table and approve under consent. He stated it is the functional equivalent of a motion to remove from the table and place before the Council. He noted that if the Council wants to approve those two resolutions without discussion they can approve them as part of the consent agenda and if they want to discuss they need to remove them from consent and place them elsewhere on the agenda.

Councilor Kuiper commented on the two resolutions and said she read in the Council packet...

Mayor Clark interjected and informed Councilor Kuiper that a motion has been made and seconded and the Council needs her vote.

Councilor Kuiper clarified that if she wants to have a discussion she has to vote "aye" or "nay".

Mayor Clark said she needs to vote.

Mr. Crean stated if she wants to discuss the items she has to vote “nay” and then the consent agenda will be before the Council and those items can be removed at that point and then they can approve the rest of the consent agenda.

Councilor Kuiper asked if they can leave them on consent and still discuss them.

Mr. Crean said if you take the resolutions out from under consent they have to be placed under another topic heading such as new business.

Councilor Kuiper asked if they are put under new business can they go back and approve them after discussion.

Mr. Crean responded yes and that would allow the Council to approve the two sets of minutes under the consent agenda.

Mayor Clark clarified that a motion has been made to approve the consent agenda and it was seconded and the Council is now voting on that motion.

**MOTION FAILED 3:3. (MAYOR CLARK, COUNCILORS HARRIS AND ROBINSON VOTED IN FAVOR, COUNCILORS HENDERSON, KING AND KUIPER VOTED AGAINST).**

The following motion was stated.

**MOTION: FROM COUNCILOR HENDERSON UNDER CONSENT TO REMOVE ITEM C AND D AND PLACE THEM UNDER NEW BUSINESS SO THE COUNCIL CAN HAVE A DISCUSSION AND APPROVE THE MINUTES FOR DECEMBER 11 AND 16 BY LEAVING THEM UNDER CONSENT, SECONDED BY COUNCILOR KING.**

Mayor Clark explained the motion and said it is not necessary and said we have talked about the appointment process for these two new Budget Committee members. She said they have been interviewed and there is no reason to continue delaying this which the former Council did for 7 months to Mayor Middleton. She said she will vote no on this motion. She asked for a vote.

**MOTION FAILED 3:3. (COUNCILORS HENDERSON, KING AND KUIPER VOTED IN FAVOR, MAYOR CLARK, COUNCILORS HARRIS AND ROBINSON VOTED AGAINST).**

Mayor Clark asked for a motion to approve the consent agenda.

**MOTION: FROM COUNCILOR ROBINSON TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR HARRIS. MOTION PASSED 4:2. (MAYOR CLARK, COUNCILORS HARRIS, KUIPER AND ROBINSON VOTED IN FAVOR, COUNCILORS HENDERSON AND KING VOTED AGAINST).**

Mayor Clark addressed the next item on the agenda.

## 8. PRESENTATIONS

### A. Eagle Scout Recognition

Mayor Clark congratulated Jared Hawk for earning his Eagle Scout Award and asked him to explain his Eagle Scout project. Jared stated his project was at Wetzel Woods which is a shared land trust between a private owner and the Tualatin Wildlife Refuge. He said he created a new 36" wide nature trail with steps. He said he moved a bridge which allowed the landowner to put in a culvert that can be used for motorized vehicles to cross. He said his Troop 116 helped and he is appreciative of his scouting journey. Mayor Clark thanked him for his service and contributions and presented him with a Certificate of Achievement.

Mayor Clark addressed the next item on the agenda.

## **B. Mayoral Recognition Awards**

Mayor Clark asked former Mayor Middleton to come forward and present a mayoral recognition to June Reynolds. Mr. Middleton introduced June Reynolds as "Ms. History" for the City of Sherwood. He stated that she has written books, works at the Historical Society and is a gem to the community. He said every year they will be recognizing citizens that go above and beyond. He thanked her for her service.

Mayor Clark said the Mayoral Recognition Awards was a new idea from former Mayor Middleton.

Mayor Clark addressed the next item on the agenda.

## **9. CITIZEN COMMENTS**

Nancy Taylor, Sherwood resident approached the Council and congratulated the four newly elected officials and said change is good. She provided advice and quoted Eleanor Roosevelt who said to be in politics you need to have skin as thick as a rhinoceros.

Eugene Stewart, Sherwood taxpayer came forward and said he is active with the Senior Center and requested that the City take a look at funding a pilot program to see if there is a way to provide rides for seniors to get to lunch. He said he is involved with the comprehensive plan and noted that it has been 20 to 30 years since they have done a complete plan and suggested the City provide the money to get the citizen's involved in a process of reviewing the whole plan from beginning to end. He said this needs to be put in the budget for next year. He said he hopes the newly appointed Council liaison to the Senior Center starts attending meetings soon.

Tess Kies, Sherwood resident approached the Council and congratulated all of the new members. She stated she does not like bullying and she does not like how the meeting started and hopes it gets better. She thanked Walmart who worked alongside Mayor Middleton and Councilor Linda Henderson to help with the Jeff Old's funeral. She said Jeff was employed by Walmart at the time of his unexpected death and the General Manager and others attended the funeral and provided food. She commented that everyone worked together and she would like to see that continue on this Council.

Bill Middleton, Sherwood resident came forward and provided information to the Council and referred to a ballot measure and said he wanted the Council to consider doing a Charter amendment. He said it will make sure that the voters are allowed to vote on all taxes, charges and fees imposed on residential properties by the City and includes a cap on how much can be charged. He commented on not wanting to tax people out of Sherwood and said there is enough money in the City to be successful even with a cap. He said it would monitor the budget and be fair to everyone in the community. He said if the Council does not consider he will go out and get signatures.



Mayor Clark addressed the next item on the agenda.

## 10. NEW BUSINESS

### A. Resolution 2015-001 Declaring Councilor Clark's City Council Seat vacant

City Manager Gall said this is a formal action to declare Mayor Clark's Council seat vacant as of today. He said it would set up an election in May 2015 to fill the term because there is more than 13 months remaining in the term which is stated in the City Charter and Code. He said the next available election is May 2015. He stated this does not determine whether the Council is going to appoint an interim Councilor or how the appointment process is handled.

Councilor Henderson asked what process is outlined in the Code after a seat is declared vacant.

Mr. Gall suggested the Council act on the resolution then discuss the appointment process and the code.

Mr. Crean said under the City Charter the Council does not have to appoint an interim person but the seat has to be declared vacant.

The following motion was received.

**MOTION: FROM COUNCILOR KING TO APPROVE RESOLUTION 2015-001, SECONDED BY COUNCILOR HENDERSON. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR.**

Mr. Gall asked Mayor Clark if the Council would like to discuss the appointment process now.

Mayor Clark asked if the Council would like to fill the vacancy with an appointment.

Councilor Harris said she is favor of filling the seat and provide a two week notice and follow the process.

Mayor Clark referred to the Municipal Code information in the packet that says there needs to be a notice and she asked for a motion for the City Recorder to notice the vacancy.

**MOTION: FROM COUNCILOR KUIPER THAT SYLVIA NOTICE THE VACANCY, SECONDED BY COUNCILOR HARRIS. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR.**

Mayor Clark asked the City Recorder about the timeline and the process.

The City Recorder said the code indicates that the notice has to be a minimum of two weeks. She said the information will be posted to the website and perhaps the Archer or the Gazette if time allows. She said at that time the Council may choose to go through an interview process.

Mayor Clark said two weeks is enough time. Ms. Murphy clarified 14 days from tomorrow and the period would close on January 21 at 5:00 pm. The Council agreed.

Mayor Clark addressed the next item on the agenda.

**B. Selection of Council President**

Mayor Clark asked for a motion.

Mr. Gall reminded the Council that the Charter states that at the first January meeting each year the Council will select a Council President. He said it does not discuss tenure. He stated that anytime the Council takes action there has to be a motion and a second and then the Council can ask questions and make comments.

Councilor Henderson asked Mr. Gall to define the role of Council President for the audience.

Mr. Gall said the role of the Council President is to serve in the role of the Mayor when the Mayor is unavailable. He commented on the Council having 6 members and the likelihood of tie votes is higher when there are even numbers and he reminded them that a vote of 3 to 3 fails. He said a majority is 4 out of 6. He stated if there is not an agreement tonight the current Council President will retain the position.

Mr. Crean said there is substantial case law on this point and referred to Article 15 Section 1 of the Oregon Constitution as interpreted by the Supreme Court which states a public official remains in office until a successor is appointed.

The following motion was received.

**MOTION: FROM COUNCILOR KING TO NOMINATE LINDA HENDERSON AS COUNCIL PRESIDENT.**

He said he is making that motion based on Linda's experience as the past Council President.

**SECONDED BY COUNCILOR KUIPER.**

Councilor Kuiper said she would like to have a discussion and said Linda has a lot of experience.

Mayor Clark asked for a vote and said then they will discuss.

Mr. Crean stated they need to have discussion on the motion. He said they do not have to clarify how they will vote but the Council needs to provide an opportunity for discussion. He said after the discussion there can be a vote.

Mayor Clark said she would not vote for Linda Henderson as Council President for a number of reasons. She said she is an excellent Councilor but her duties as Council President over the last two years have been obtrusive. She said she was argumentative and could not work in a respectful fashion and that does not move us forward. She said Linda has done amazing things in Sherwood but this is a job title and the title is to work with the Mayor and she has proven over the last two years to not take on the job title. She noted that newly elected Sally Robinson has a legal background and would make a good Council President. She stated with a law degree it would not be difficult for her to run a meeting in a judicious manner. She said they would work well together and that is a big part of it. She commented on the number of outside meetings that she attended for Mayor Middleton because Council President Henderson was unavailable. She stated the Council President needs to be available to be the assistant to the Mayor. She commented on past behavior. She stated that she wants a Council President that is going

to answer text, emails and phone calls and move the City forward in a positive manner. She said for that reason she would not be voting for Linda Henderson.

Councilor Kuiper said Linda does have a lot of experience and noted there has been dissention on the Council but stated conflict does lead to resolution. She referred to turning away an opportunity for someone that has done work in the past and said it takes time to work things out to see if something good can be made of something that wasn't so good. She said they are a new Council and need to be acting as a team. She noted there are 2 Council seats that are not filled by the vote of the people and she suggested keeping Linda as the Council President until the two new Councilors are seated and then vote as a full body. She commented on the opportunity to work together and said she understands there have been issues in the past but would like to see them come together to work for the community.

Mayor Clark said she is always willing to work with anyone but unfortunately she needs someone that has the confidence to control the meeting. She said Linda has proven that is not the case. She referred to the pressure and dissention the last Council faced and said she does not want that again. She commented on a meeting where Linda lead the meeting in Mayor Middleton's absence and said she allowed an illegal motion on the table and she was told by the City Attorney that it was an illegal motion and said the motion was to remove her as Council liaison to the Chamber. She said Councilor Henderson allowed a vote on an illegal motion that the Attorney told her was illegal. She said that is not the action of someone who is good under pressure and can handle the position that comes with holding the gavel. She stated that is what the Council President has to do. She commented on working together and said she can work with anybody but they have to be able to run the Council meeting in a fair and reasonable manner following the law and she said that person is Sally Robinson.

Councilor Harris asked if every January they elect a Council President.

Mr. Gall said the Charter says that each January the Council must elect a Council President. He said there are no terms.

Mr. Crean said the Charter states at the first meeting each year the Council must elect a President from its membership and the President presides in the absence of the Mayor and acts as the Mayor when the Mayor is not able to perform its duties. He said the affirmative obligation on the City Council under Section 9 of the City Charter is to elect a President at its first meeting each year and does not preclude the City Council for doing so more often.

Mayor Clark said it is a job title and they need to run the meeting when the Mayor is not there. She said it is not a position of honor or a position of the most senior Council. She asked who is best fitted for this job.

Councilor King said that is why he made the argument that being a new Council with so many new Councilors. He said the issue can be revisited in the near future and said that would be appropriate.

Councilor Robinson stated that she would be happy to serve as Council President and is willing to work with Krisanna Clark. She commented on the reasons she will not be voting for Linda Henderson for Council President. She referred meeting with Linda during the campaign and asking her how she was going to work with Krisanna if she wins. She said there was no response. She commented on not seeing intensions to cooperate with Krisanna. She referred to Linda announcing before the meeting how mad she was about something Krisanna said. She stated that she is not the person to get along with the Mayor and hold the Council President seat. She said she will not take such childish actions and she is

willing to fill the seat and said it is disturbing that the prior Council could not get along. She said she is tired of the bickering, fighting, back stabbing and things being brought to the Council that do not belong at Council. She stated she will lead positively and the continuation of Council Henderson as the President is not going to move us positively.

Councilor Kuiper asked Councilor Henderson to counter and asked what she is willing to do to improve working relations with the new Mayor.

Councilor Henderson said she is now in a difficult position to defend herself. She referred to the illegal motion comment and asked Mr. Crean to comment.

Mr. Crean asked to explain what motion she was referring to and on what night.

Councilor Henderson said she was running the meeting in the Mayors absence and Councilor Grant wanted to make a motion to appoint a new Councilor to represent the Chamber which was a request from the Chamber. She said there was a motion and a second on the table and that is the motion that Mayor Clark is referring to. She said as the presiding officer she sought legal counsel and there was a vote and she voted "nay" because she did not agree with the motion and it was not on the agenda and it was a walk on. She noted that the Council has been in agreement that walk on motions are only for an emergency. She commented on the vote and said Mayor Middleton was on the phone and there was a motion and a second and action had to be taken. She said they took action and there were 3 "nays" and 4 "ayes". She asked if that was an illegal motion.

Mayor Clark said that Mr. Crean's advice at the time was that it was not a legal motion.

Mr. Crean said he would not speak in terms of a motion being legal or illegal and said a motion is either proper or improper under Robert's Rules.

Mayor Clark stated that Mr. Crean said that it is illegal under the Council Rules because the Mayor appoints.

Mr. Crean said he is not prepared to make a definitive statement regarding something that he has no clear recollection of.

Councilor Harris said she was in attendance and it was chaos.

Councilor Henderson commented on staff remembering and said if that was a violation of Council Rules which does not make the motion illegal. She said it makes it a violation of Council Rules and not an illegal motion and said that she did not make the motion.

Mayor Clark asked if Councilor Henderson's statement was that she was ok with violating Council Rules.

Councilor Henderson responded that she is not ok with violating Council Rules. She said that was an unfortunate incident and she was not aware that Councilor Grant was going to make that motion and she voted "nay". She noted that Mayor Clark has been upset and frustrated by that and said that is not something that she initiated or voted for. She referred to the comments by Mayor Clark that she attended a number of meetings on Mayor Middleton's account and said she attended a number as well and referred to incidents when Mayor Middleton bypassed her and asked Krisanna to go and that was not

something that she could control. She provided examples. She stated that she can't control who the Mayor asks to attend meetings and noted that the meetings that he asked her to attend she did attend unless she had a double commitment. She said the other part of the Council President role per Council Rules is to meet with the Mayor in a collaborative process and develop the agenda. She stated that process ended in September when Mayor Middleton refused to meet with her and asked to meet separately with staff. She noted this put staff in a difficult position and the meeting was every Thursday at 9:30 am and staff would have to meet twice instead of attending one meeting. She commented that Mayor Clark attended some of the meetings and they were pretty productive. She said at one point they offered to cycle in other members of Council so they could all get experience with setting and reviewing the agenda. She stated at that time Mayor Middleton chose to only invite Councilor Clark. She referred to Councilor Robinson's comments and her recollection was cordial in that she said she could get along with her or Krisanna depending on who was elected. She said they discussed Councilor Robinson's interests and she said that was months ago and at the time she may not have been thinking about these issues and said a lot of the petty issues and arguing were not going on at that time. She referred to Mayor Clark's comments about returning texts, emails and phone calls and said there was an issue in December where she needed a response and she heard back from everyone but Mayor Clark and former Mayor Middleton. She commented being able to attend meetings in the Mayor's absence where an elected official has to vote and they have to vote informed and be prepared to go to the meeting at only a moment's notice. She said that is an important role of the Council President and when Mayor Middleton needed her to fill that role she did. She said when Mayor Clark says that she didn't attend those meetings she wonders how she knows that or how that statement is proven but said she has attended meetings when asked and has attended a number of breakfasts and events throughout the City that Mayor Middleton did not attend at all. She said she is happy to serve and said the meeting started off bumpy. She stated there was a threat to have her removed from the room by the Chief and said she does not take that lightly and said that is going from zero to the last resort with no conversation in between. She referred to the threat of police action for requesting to stay in a seat that she has grown accustomed to. She said there was no conversation or information communicated to her or Councilor King and said it is no surprise that there is a dividing line at the Council. She commented on a retreat over the weekend that certain members attended and she said that information was disseminated but not to her or Councilor King. She referred to finding common ground and do the work of the City and said there needs to be a dialogue and not a monologue. She said it is a two way street and it also involves working with staff and being responsive to staff. She commented on the Budget Committee appointments and said there was a recommendation from staff listing frustrations with Councilors not responding to them so they could do their job and the work of the City. She said the only way to move forward is to find ways to work professionally and she said that is what she expects. She commented on the issues she had with Mayor Middleton and said they are well documented. She stated multiple times he accused her of doing things behind his back and she said those were all proven to be false. She noted Mayor Clark's representation of her is biased and based on only one source of information. She said there has been no opportunity for her to discuss these issues with Mayor Clark because there is no conversation between the two of them. She asked if there are ways to mend that and said so far she has not seen a lot of effort to reach out. She stated we are a City Manager/Council form of government not a City Manager/Mayor form of government. She commented on the upcoming Council work session and said the atmosphere will be informal and will give them a chance to get to know each other better. She addressed the comments regarding having the gavel and controlling the meeting and referred to a contentious meeting during the Walmart issue and gave examples of how she handled the meeting. She commented on a meeting where the Council was respectful and productive and said we can continue those meetings with some effort on both parties.

Councilor Harris said as a former Human Resources professional she would not keep these two in the same department. She said the proof is here and while they have to work together at some level she cannot support their relationship as Council President and Mayor. She said after what she has just seen her support is for Sally Robinson. She stated Councilor Robinson has the background to step into the position and the Mayor and Councilor Henderson have things to work out and she supports that. She commented on being ready for something new and a change. She said this is a good time to start over and we can revisit this issue later but at this time we need two people that can work together.

Mayor Clark said there is a motion on the table and a second and asked for a vote.

**MOTION FAILED 2:4. (COUNCILORS HENDERSON AND KING VOTED IN FAVOR, MAYOR CLARK, COUNCILORS HARRIS, ROBINSON AND KUIPER VOTED AGAINST).**

Mayor Clark asked for another motion.

**MOTION: FROM COUNCILOR HARRIS TO NOMINATE SALLY ROBINSON FOR COUNCIL PRESIDENT, SECONDED BY MAYOR CLARK. MOTION PASSED 6:0. ALL MEMBERS VOTED IN FAVOR.**

Mayor Clark congratulated Council President Robinson and addressed the next item on the agenda.

## 11. PUBLIC HEARINGS

### **A. Ordinance 2015-001 Amending Section 10.12 of the Municipal Code relating to miscellaneous traffic regulations by adding a new section 10.12.235 relating to the use of certain all terrain vehicles in the City by police, fire and public works personnel while in the performance of their duties**

Mayor Clark said this is the first reading and explained that there is a new process for ordinances.

Chief Groth said this ordinance would add a new section to the code relating to the use of certain all terrain vehicles in the City by police, fire and public works personnel while in the performance of their duties. He stated this will be the first reading. He said the current language in the municipal code does not address the use of these vehicles and by default prohibits the use of these vehicles. He said in the past those vehicles have only been operated under certain circumstances such as special events and not as a part of their routine operations. He said in addition the City has had limited types of equipment but now through grant funding the City is in possession of two all terrain vehicles that can be used for patrolling open spaces and for emergency response and disaster response. He said the amended language will allow first responders and public works personnel to utilize these vehicles in performance of their duties and daily operations and it includes class 1 and class 4 all terrain vehicles. He said class 1 vehicles are smaller "quads" and class 4 vehicles are the larger 4-wheel vehicles commonly referred to as "side-by-sides". He said these were obtained by a grant through the Urban Area Security Initiative (UASI) and they have been established and equipped as disaster response and emergency response vehicles. He said often times in the case of a disaster roads are closed or blocked and these vehicles will allow them to get around obstructions. He commented on the routine use particularly with all of the green spaces. He said there are no additional costs with this amendment to the code. He recommended that Council conduct a first reading of this ordinance.

City Recorder Sylvia Murphy informed the Council that the recently amended Charter indicates that at each meeting the ordinance is considered the title of ordinance shall be read and public comment shall be accepted prior to the vote of the Council. She asked Mayor Clark to read the title and invite the public to come forward then the Council can consider the ordinance. She said there is additional language in regards to a unanimous vote of the Council and said if you chose to adopt tonight they can with a unanimous vote and if they don't it will be continued to the next meeting for a second reading.

Mayor Clark read the title of the ordinance and opened the public hearing.

Meerta Meyer, Sherwood resident came forward and asked what impact this will have on the budget.

Mr. Gall said there is no financial impact and they are grant funded and would be available to other agencies.

Chief Groth responded that UASI assets are granted to the grantee and in this case the City of Sherwood, and they belong to us and it is our responsibility to maintain them and make them available as a regional asset if other agencies need them. He said this does not have any negative impact on the equipment or resources that we have.

Council President Robinson asked what happens if another agency borrows the vehicles and wrecks them. She asked if our insurance would pay for it or are they obligated to replace the vehicle or reimburse the insurance.

Chief Groth said the Police Department is required to maintain insurance on all the assets under our control. He said this is not unique to Sherwood and many agencies have these regional assets. He gave examples of regional assets and said the host agency is ultimately responsible. He said he does not know if there is a requirement to replace but he would expect a dialogue between the parties.

Councilor Kuiper asked who provided the grant funding.

Chief Groth said the grant is from the Urban Area Security Initiative (UASI) and Captain Daniel is the representative and has been active in UASI for seven years and he said it is also where they got the incident command trailer. He said it is federal funding to allow regions to receive money to prepare themselves for disasters, disaster response, and disaster mitigation. He provided examples of other assets that Sherwood is hosting such as the reader boards they use at construction sites.

Wendy Malcomson, Sherwood resident approached the Council and said she lives in Old Town and supports the Police and EMS having access to those vehicles and her concern is searches of Stella Olsen Park.

Chief Groth said Stella Olsen is a good example and also the green ways and the Cedar Creek trail. He said this is the tool they need to patrol those areas and still be mobile enough to respond to a call.

Ms. Malcomson said there was a sledding injury at Stella Olsen Park last winter and it is her understanding that the extrication from the area was difficult and this would also be a good use for the all terrain vehicles.

With no further comments Mayor Clark asked for a motion.

**MOTION: COUNCILOR HENDERSON MOVED TO READ CAPTION AND ADOPT ORDINANCE 2015-001, SECONDED BY COUNCILOR KING.**

The City Recorder clarified that the Council was bypassing the second reading of this ordinance.

**MOTION PASSED 6:0. ALL MEMBERS VOTED IN FAVOR.**

Mayor Clark addressed the next item on the agenda.

**12. CITY MANAGER REPORT**

Mr. Gall stated there will be a Council work session on Saturday from 9:00 -1:00 with a lunch. He said it is a public meeting and will be hosted by the Wildlife Refuge.

Councilor Henderson asked if there were any issues with the fact that the Refuge is not in the City limits.

Mr. Gall said no and this is not a business meeting but a work session.

Councilor Kuiper asked when the agenda would be available.

Mr. Gall said the agenda will be available tomorrow and a good portion of the retreat will include staff presentations and department overviews.

Mayor Clark addressed the next item on the agenda.

**13. COUNCIL COMMENTS**

Mayor Clark announced that there will be a reception after the meeting and requested that Councilors be brief in their comments.

Councilor Harris thanked her family and friends for their support. She stated that she will make her decisions on her own based on what she sees as fair and just. She encouraged those with concerns to talk to her and get to know her.

Council President Robinson thanked everyone for their support and said she is looking forward to a good year and moving forward. She encouraged those with concerns to come and talk to her.

Councilor King said he is looking forward to the meeting on Saturday and was excited to be on Council. He said he appreciates the support.

Councilor Henderson referred to Tess Kies' comments regarding the funeral of Jeff Olds. She said it was a tragedy and there was a great outpouring of support. She commented on the crisis and said the Sherwood Police had to call in Washington County for help and she thanked them for their support. She commended the Police Department for their continued efforts to self-sustain our community if and when we have a disaster. She said the ATVs will be a compliment to the EMS trailer which was also received on a federal grant.



Councilor Kuiper said she looks forward to being a link to bring people together and discuss ideas. She said she is an idea person and thanked everyone for supporting the Council and said it is a difficult position. She said she has her own internal compass and when there are not codes, administrative rules or Council rules to rely on she will use what is fair and transparent to the public.

Mayor Clark thanked the citizens who opened their doors to her during the campaign. She commented on Sherwood and people wanting to give and be involved and have a voice to make things better. She said this new Council is on the right track and they will ask hard questions. She stated her door is always open and she will have an office at City Hall and she welcomes the input.

Mayor Clark addressed the next item on the agenda.

**14. ADJOURN**

**MOTION: COUNCILOR HARRIS MOVED TO ADJOURN THE MEETING, SECONDED BY COUNCILOR KING. MOTION PASSED 6:0. ALL PRESENT MEMBERS VOTED IN FAVOR.**

Mayor Clark adjourned the meeting at 8:51 pm.

Submitted by:

---

Sylvia Murphy, MMC, City Recorder

---

Krisanna Clark, Mayor

**City Council Meeting Date:** January 20, 2015

**Agenda Item:** Consent Agenda

**TO:** Sherwood City Council

**FROM:** Brad Kilby, Planning Manager  
**Through:** Joseph Gall, ICMA-CM, City Manager

**SUBJECT: Resolution 2015-002, Appointing Alan Pearson to the Sherwood Planning Commission**

---

**Issue:**

Should the Council appoint Alan Pearson to the Planning Commission?

**Background:**

Planning Commissioner Sally Robinson, whose 4 year term expires at the end of April 2018, was recently elected to the Sherwood City Council. Alan Pearson submitted an application for consideration of appointment to the Planning Commission. After reviewing the applications of three potential candidates, and a subsequent interview process, the review panel of Mayor Krisanna Clark, Council Liaison to the Commission; Jean Simson, Chair of the Planning Commission; and Brad Kilby, Planning Manager recommend appointment of Alan Pearson to the commission to fulfill the unexpired term.

**Financials:**

There are no financial impacts from this proposed action.

**Recommendation:**

Staff respectfully requests City Council adoption of Resolution 2015-002 appointing Alan Pearson to the Sherwood Planning Commission.



**RESOLUTION 2015-002**

**APPOINTING ALAN PEARSON TO THE SHERWOOD PLANNING COMMISSION**

**WHEREAS**, a vacancy on the Planning Commission exists due to the resignation of Commissioner Sally Robinson with a term expiring April 2018; and

**WHEREAS**, this vacancy needs to be filled to complete the term; and

**WHEREAS**, the City posted a request for applications on the City website and announced the vacancy before both the Planning Commission and the City Council; and

**WHEREAS**, Alan Pearson completed an application expressing interest in serving on the Planning Commission; and

**WHEREAS**, after conducting interviews with potential candidates, Mayor Krisanna Clark, Jean Simson, Planning Commission Chair, and Brad Kilby, Planning Manager have considered his request and recommend appointment of Alan Pearson.

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

**Section 1.** The Sherwood City Council hereby appoints Alan Pearson to fill the remainder of a term expiring at the end of April, 2018.

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

**Duly passed by the City Council this 20<sup>th</sup> day of January 2015.**

\_\_\_\_\_  
Krisanna Clark, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

**Council Meeting Date:** January 20, 2015

**Agenda Item:** Consent Agenda

**TO:** Sherwood City Council

**FROM:** Julie Blums, Finance Director  
**Through:** Joseph Gall, ICMA-CM, City Manager

**SUBJECT: Resolution 2015-003, Appointing the Budget Officer for Fiscal Year 2015-16**

---

**BACKGROUND:**

Oregon budget law requires that a Budget Officer be appointed by Council. The Budget Officer prepares or supervises preparation of the budget document. Similar to the past few years, the City Manager is recommending that the Finance Director be appointed by City Council to serve in this role.

**FINANCIAL IMPACTS:**

No additional financial impacts are anticipated in response to City Council approval of this resolution.

**RECOMMENDATION:**

Staff respectfully recommends City Council adoption of Resolution 2015-003 appointing the Budget Officer for Fiscal Year 2015-16.



**RESOLUTION 2015-003**

**APPOINTING THE BUDGET OFFICER FOR FISCAL YEAR 2015-16**

**WHEREAS**, Oregon budget law requires that a Budget Officer be appointed by the Council for each budget cycle; and

**WHEREAS**, the Budget Officer is responsible for preparing the proposed budget for presentation to the Budget Committee, publishing required notices, and compliance with budget law; and

**WHEREAS**, for the past few years, Finance Director Julie Blums has successfully served in this important role.

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

**Section 1.** Julie Blums, Finance Director is hereby appointed as the Budget Officer.

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

**Duly passed by the City Council this 20<sup>th</sup> day of January 2015.**

\_\_\_\_\_  
Krisanna Clark, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

**TO:** Sherwood City Council

**FROM:** Joseph Gall, ICMA-CM, City Manager

Through: N/A

**SUBJECT: Resolution 2015-004, Extending the Term of the Franchise Agreement between City of Sherwood and Comcast**

---

**Issue:**

Shall the City Council approve extending the term of the current franchise agreement with Comcast?

**Background:**

The City of Sherwood granted a cable services franchise agreement to TCI of Tualatin Valley, Inc on February 24, 2000. This current cable franchise is now held by Comcast of Oregon II (“Comcast”). Back in March 2012, Comcast informed the City of Sherwood of their interest in renewing their cable franchise. Due to the complexity and time dedicated to ongoing franchise negotiations with the Metropolitan Area Cable Commission, which handles cable franchises for fifteen different jurisdictions in Washington and Clackamas Counties, Comcast and the City have only recently initiated informal negotiations in late 2014.

The current cable franchise is set to expire on January 31, 2015 and similar to many other jurisdictions, both the City and Comcast have agreed that additional time for negotiations would be mutually beneficial. Section 2.3 of the current cable franchise does allow for an extension of the term of the franchise. City staff is recommending a one year extension of the current agreement to allow for adequate time to finalize a new proposed franchise agreement.

**Financial Impacts:**

No additional financial impacts are anticipated in response to City Council approval of this resolution.

**Recommendation:**

Staff respectfully requests City Council approval of Resolution 2015-004 extending the term of the current franchise agreement.



## RESOLUTION 2015-004

### EXTENDING THE TERM OF THE FRANCHISE AGREEMENT BETWEEN CITY OF SHERWOOD AND COMCAST

**WHEREAS**, Comcast of Oregon II (“Comcast”) currently holds a cable services franchise agreement with the City of Sherwood with an effective date of February 24, 2000 and expiration date of January 31, 2015; and

**WHEREAS**, by a letter dated March 6, 2012, Comcast initiated the renewal process under Section 626 of the Cable Act and reserved its statutory rights related thereto; and

**WHEREAS**, the City and Comcast have recently begun informal negotiations in December 2014; and

**WHEREAS**, the City requires more time to complete the required ascertainment process and franchise negotiations than would be afforded by the current expiration date; and

**WHEREAS**, Section 2.3 of the current City Franchise allows for an extension of the term of the agreement; and

**WHEREAS**, the City and Comcast have determined that it is in both parties’ best interests to extend the term of the City Franchise from January 31, 2015 through January 31, 2016 to allow for additional time for negotiations and a formal extension will be entered into between parties to that effect.

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

**Section 1.** The current City Franchise is extended to January 31, 2016, as indicated in the attached Exhibit A, Franchise Extension Agreement.

**Section 2.** All provisions of the current City Franchise, other than the duration of the City Franchise as set forth in Section 2.3, shall remain in full force and effect through the extended date set forth herein.

**Section 3.** The City and Comcast agree that execution of this extension does not waive any rights that either party has under Section 626 of the Cable Act.

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

**Duly passed by the City Council this 20th day of January 2015.**

\_\_\_\_\_  
Krisanna Clark, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

**FRANCHISE EXTENSION AGREEMENT**  
**for the**  
**City of Sherwood/Comcast Cable Services Franchise Agreement**

WHEREAS, Comcast Oregon II (“Comcast”) currently holds a cable franchise with the City of Sherwood (“City”), with an effective date of February 24, 2000 and expiration date of January 31, 2015 (“City Franchise”); and

WHEREAS, by letter dated March 6, 2012, Comcast initiated the renewal process under Section 626 of the Cable Act and reserved its statutory rights related thereto; and

WHEREAS, the City and Comcast have been continuing to proceed with informal negotiations; and

WHEREAS, the City and Comcast have determined that it is in both parties’ best interests to extend the term of the City Franchise from January 31, 2015 through January 31, 2016.

NOW, THEREFORE, the City and Comcast agree as follows:

1. The City Franchise shall be extended up to and through January 31, 2016.
2. All provisions of the City Franchise, other than the duration of the City Franchise as set forth in Section 2.3, shall remain in full force and effect through the extended date set forth herein.
3. The City and Comcast agree that execution of this extension does not waive any rights that either party has under Section 626 of the Cable Act.

ACCEPTED this \_\_\_\_ day of January, 2015.

**City of Sherwood**

By: \_\_\_\_\_  
Joseph Gall, City Manager

ACCEPTED this \_\_\_\_ day of January, 2015.

**Comcast Oregon II**

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_



**TO:** Sherwood City Council

**FROM:** Craig Sheldon, Public Works Director  
Through: Joseph Gall, ICMA-CM, City Manager and Christopher Crean, City Attorney

**SUBJECT:** Resolution 2015-005 authorizing the City Manager to enter into a Bridge Memorandum of Understanding with Tualatin Valley Water District, City of Wilsonville, City of Beaverton, City of Hillsboro, City of Tigard and the City of Tualatin to create a Governance Agreement regarding the future of the Willamette River Water Treatment Plant and the Willamette Water Supply Program

---

**Issue:**

Should the City enter into a Bridge Memorandum of Understanding (MOU) with Tualatin Valley Water District, City of Wilsonville, City of Beaverton, City of Hillsboro, City of Tigard and the City of Tualatin to create a governance agreement regarding the future of the Willamette River Water Treatment Plant (WRWTP) and the Willamette Water Supply Program (WWSP)?

**Background:**

The City of Sherwood is currently a member of the Willamette River Water Coalition (WRWC). The WRWC is comprised of four local governments – Tualatin Valley Water District (TVWD), City of Tigard, City of Tualatin and the City of Sherwood. The purpose of the WRWC is to preserve access to the Willamette River as a potential municipal and industrial water source for their communities. The WRWC Board consists of an elected official from each agency.

The WRWC was approached by the City of Hillsboro about becoming a partner as Hillsboro and TVWD are doing a joint water supply project that will connect to the Willamette River. At that time the WRWC Board asked staff to reach out to other local partners to see if there was interest in becoming members.

Over the last year the agencies listed above have been meeting on a regular basis to discuss ownership, water rights, governance, management, operation and maintenance, stewardship, and expansion to determine the likelihood of creating a regional supply. The goal of the group is to have an agreement to present to our respective City Councils by the end of 2016. The group hired a consultant to facilitate the meetings and put together the agreement. Participation is not mandatory and each group will be able to decide if they want to be a member once the agreement has been completed.

**Financial Impacts:**

This project is a top priority of the WRWC over the next couple of years and Sherwood's portion of this project is \$19,252. This amount will be paid on the City's behalf by the WRWC using our annual dues.

**Findings:**

The initial intent of the WRWTP was to become a regional supply. With Sherwood's ownership interest in the treatment plant, it is in the best interest of the City to participate in this group and to be a part of the final outcome.

This Bridge MOU holds all the parties accountable to develop a Governance Agreement that is mutually beneficial to the parties and will provide methods for identifying/describing ownership of existing assets; construction and contribution of new assets; fair and equitable decision making; management, operation, maintenance, repair and replacement of assets; cost of service rate - making principles integration and system operation, so that existing assets and new assets work together in an efficient and effective manner; internal dispute resolution processes; progressive methods to achieve compliance with the Governance Agreement; and a provision to allow joinder of local government water providers including, but not limited to, a provision to address equitable cost recovery.

**Recommendation:**

Staff respectfully requests City Council adoption of Resolution 2015-005 authorizing the City Manager to enter into a Bridge Memorandum of Understanding with Tualatin Valley Water District, City of Wilsonville, City of Beaverton, City of Hillsboro, City of Tigard and the City of Tualatin to create a governance agreement regarding the future of the Willamette River Water Treatment Plant (WRWTP) and the Willamette Water Supply Program (WWSP).



**RESOLUTION 2015-005**

**AUTHORIZING THE CITY MANAGER TO ENTER INTO A BRIDGE MEMORANDUM OF UNDERSTANDING WITH TUALATIN VALLEY WATER DISTRICT, CITY OF WILSONVILLE, CITY OF BEAVERTON, CITY OF HILLSBORO, CITY OF TIGARD AND THE CITY OF TUALATIN TO CREATE A GOVERNANCE AGREEMENT REGARDING THE FUTURE OF THE WILLAMETTE RIVER WATER TREATMENT PLANT AND THE WILLAMETTE WATER SUPPLY PROGRAM**

**WHEREAS**, the City has 5.0 million gallons per day of undivided ownership interest in Willamette River Water Treatment Plant; and

**WHEREAS**, the initial intent of developing the Willamette River Water Treatment Plant was to become a regional water supply. With the City’s ownership interest in the treatment plant, it is in the best interest of the City to be a part of this Bridge MOU; and

**WHEREAS**, the City is also a partner in the Willamette River Water Coalition (WRWC). The WRWC has allocated a total of 20 million gallons per day of interest in the Willamette River Water Treatment Plant to the City; and

**WHEREAS**, the parties above agree by entering into this Bridge Memorandum of Understanding to develop a Governance Agreement that will be presented to their respective City Councils by the end of 2016.

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

**Section 1.** The City Manager is authorized to enter in to a Bridge Memorandum of Understanding, attached as Exhibit A, with Tualatin Valley Water District, City of Wilsonville, City of Beaverton, City of Hillsboro, City of Tigard and the City of Tualatin to create a Governance Agreement regarding the future of the Willamette River Water Treatment Plant and the Willamette Water Supply Program.

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

**Duly passed by the City Council this 20th day of January 2015.**

\_\_\_\_\_  
Krisanna Clark, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

## BRIDGE MEMORANDUM OF UNDERSTANDING

This Bridge Memorandum of Understanding (MOU) is effective this \_\_\_\_ day of \_\_\_\_\_, 2014 by and between Tualatin Valley Water District, a domestic water supply district organized under ORS Chapter 264 (TVWD) the City of Wilsonville, an Oregon municipal corporation (Wilsonville), the City of Beaverton, an Oregon Municipal Corporation (Beaverton), the City of Hillsboro, an Oregon municipal corporation, acting by and through its Utilities Commission (Hillsboro), the City of Sherwood, an Oregon municipal corporation (Sherwood), the City of Tigard, an Oregon municipal corporation, (Tigard), and the City of Tualatin, an Oregon municipal corporation (Tualatin).

### RECITALS

TVWD, the City of Wilsonville (Wilsonville) and the City of Sherwood (Sherwood) own varied interests in land, water rights, water system assets and capacity in water system assets as part of the existing Willamette River Water Treatment Plant (WRWTP) in Wilsonville.

The original design of the WRWTP Lower Plant allowed for expansion from its current capacity of 15 million gallons per day to produce up to 70 million gallons per day in the future. The real property upon which the Lower Plant is situated could accommodate a second water treatment plant, Upper Plant, with capacity to be determined.

TVWD, Wilsonville and Sherwood have been engaged in discussions with the cities of Beaverton, Hillsboro, Tigard and Tualatin regarding planning and evaluation of use of the Willamette River to jointly meet future water supply demands, the evaluation of existing water system assets including the Lower Plant and future water system assets such as the Upper Plant, the sizing and location of transmission pipeline(s) and reservoirs and discussion concerning ownership, governance and operation of the Lower and Upper Plants and other facilities.

A Master Plan for the WRWTP was completed in December, 2006. In order to facilitate the evaluation of existing and planning for future water system facilities, and to assist in future decision-making by the above named entities, all parties except Tualatin have entered into separate MOUs with TVWD to solicit and negotiate a contract with a consultant to update the Master Plan for the WRWTP and develop a Master Plan for the proposed Upper Plant (collectively referenced hereinafter as the “Master Plan”).

The Willamette Water Supply Program (WWSP) is a cooperative project to produce and transmit finished drinking water from the WRWTP to TVWD and Hillsboro and such other municipalities as may elect to participate in the program. All parties, except Wilsonville and Sherwood, have entered into an Intergovernmental Agreement regarding Predesign, Design, Public Affairs and Public Outreach in Furtherance of the Willamette Water Supply Program (Supply Agreement). The Supply Agreement is comprehensive in all aspects to accomplish tasks to achieve preliminary design of the WWSP and final design of the S.W. 124<sup>th</sup> Avenue Pipeline Project.

The Parties have been engaged in mutual and cooperative discussions regarding the WRWTP, the WWSP, the Master Plan and other issues relating to meeting the Parties' long-term need for finished drinking water. The purpose of this Bridge MOU is to reaffirm the Parties' commitment to continue to participate in the discussions with the goal of developing mutually acceptable Agreement(s) or MOUs related to ownership, finance, design and construction of water system facilities, including the Upper and Lower Plants and the governance, use, operation, maintenance repair and replacement of those facilities (collectively referred to as "Future Agreements"). The Parties recognize and acknowledge that each Party, based upon a determination of its own needs and resources, will evaluate the benefits of becoming a party to those Future Agreements and preserve the opportunity to fully participate with the other Parties if the individual Party finds it is in its best interests to do so.

**THE PARTIES AGREES AS FOLLOWS:**

1. **Participation.** The Parties recognize and agree that each Party may participate in some, all or none of the Future Agreements. To that end, the Parties anticipate that the Future Agreement(s), if any, will contain a provision that allows a Party to participate upon giving notice with participation to be effective at an agreed upon date.
2. **Tigard and Tualatin Participation.** All Parties recognize and agree that the Tigard and Tualatin Charters require voter approval prior to using the Willamette River as a drinking water source. All Parties recognize and agree that Tigard's or Tualatin's participation in this MOU does not evidence a decision to use the Willamette River as a drinking water source, nor does it require their respective city councils to authorize an election to vote on whether to use the Willamette River as a drinking water source. All Parties recognize and agree that Tigard and Tualatin intend to participate in this MOU in an effort to develop Future Agreements that will provide a mechanism for either to join with the other Parties, if a decision is made by their city councils and voters to use the Willamette River as a drinking water source.
3. **Future Agreements.** The Parties agree to continue to meet, discuss and develop the Future Agreement(s). Development of the Future Agreement(s) does not obligate a Party to approve and enter into Future Agreement(s). The obligation of this MOU is for all Parties to continue to work in good faith and cooperation to allow those Parties that so desire to achieve their water supply system goals and complete construction by 2025. Each Party specifically recognizes that ultimately it or another Party may decline to approve and participate in the future agreement(s) but, until that decision is made, each Party will continue to participate in a cooperative and timely manner.

- 3.1 **Governance Agreement.** All Parties agree to make reasonable and good faith efforts to develop a Governance Agreement that is mutually beneficial and suitable for submission and recommendation to the Parties governing bodies by the end of 2016. Among other things, the Governance Agreement shall provide methods for identifying and describing ownership of existing assets; construction and contribution of new assets; fair and equitable decision making; management, operation, maintenance, repair and replacement of assets; cost of service rate - making principles integration and system operation, so that existing assets and new assets work together in an efficient and effective manner; internal dispute resolution processes; progressive methods to achieve compliance with the Governance Agreement; and a provision to allow joinder of local government water providers including, but not limited to, a provision to address equitable cost recovery.
- 3.2 **Other Future Agreements.** Other Future Agreements may include, but not be limited to, topics such as the S.W. 124<sup>th</sup> Avenue Pipeline Project, the Transmission Pipeline Agreement, Reservoir Agreement, Willamette River Water Treatment Plant Agreement(s) and Right of Way Usage Agreements for City rights of way occupied by water facilities.
4. **Anticipated Schedule.** The Parties will make reasonable good faith efforts to complete the final draft of the Governance Agreement by December 31, 2016 and other Future Agreements as necessary to complete the Willamette Water Supply Program by 2025, as set forth in Exhibits 1 and 2, attached hereto and incorporated by reference as though fully set forth.
5. **Protocols for Development of the Governance Agreement.** The Parties goal is to develop a mutually acceptable Governance Agreement while recognizing that approval by a Party's governing body is completely discretionary. To reach this goal, each Party agrees:

  - 5.1 To share in the costs of facilitating the discussions for the Future Agreement(s) according to the current cost share formula attached hereto as Ex. 3 and incorporated by reference herein as though fully set forth. The estimated cost of future facilitation services is \$209,400, and the Parties agree to update and review the cost share formula if necessary. While a Party is not obligated to execute the Governance Agreement, it is obligated to pay its share of facilitation costs. Reimbursement of facilitation or negotiation costs will not be made.

- 5.2 To follow the facilitator's rules of conduct during project meetings and to provide information to all Parties as to the results of any discussion of issues between less than all Parties when such limited discussions could have an impact on the terms of the Governance Agreement.
  - 5.3 To use best efforts to avoid hindering the schedule to enable the water supply project to be built and on line by 2025.
  - 5.4 To commit staff to attend meetings as appropriate and staff members shall be prepared to discuss and apply the information from the HDR Preliminary Design, the WRWTP Master Plan Update, other studies and work product of the Parties or consultants regarding meeting topics.
  - 5.5 To identify information necessary to enable staff or the governing body of a Party to review, consider and make decisions in a timely manner.
6. **Cooperation By All Parties.** The Parties agree that each will cooperate with the other Parties as reasonably necessary to:
- 6.1 Provide advice and comment on the Willamette Water Supply Program as it affects a Party and its residents and customers.
  - 6.2 Provide advice, suggested solutions and comment on methods or strategies to protect a Party's interests or reasonable actions to mitigate impacts to the Party's interests.
  - 6.3 Recognize and assist in reasonable mitigation strategies during temporary construction activities within a Party's boundary that may impact the community.
  - 6.4 Assist in developing and implementing a public information and outreach process regarding WWSP activities to residents within the Party's boundary.
  - 6.5 To evaluate the Upper Plant and Lower Plant site configuration and, if requested, to assist in developing Upper Plant site layout alternatives for consideration by those Parties that will use water from the Upper Plant.
  - 6.6 If the preferred Upper Plant site layout requires acquisition of additional property, exchange of property or other action to accommodate the preferred alternative, the affected Parties will cooperate in contacting property owners and affected neighbors, provide detail of the WWSP site needs and otherwise cooperate to

facilitate discussions. However, nothing in this MOU is intended to prevent or hinder Wilsonville from performing its government function in evaluating and issuing development applications or permits.

- 6.7 The Parties to this Agreement recognize the position of Wilsonville and Sherwood as the only Parties currently using water from the WRWTP. Therefore, any water supply facilities that may be designed and constructed to divert and treat raw water and to convey finished drinking water from the Upper Plant or Lower Plant to a Party's service area must function in a manner that does not adversely impact or impair Wilsonville's or Sherwood's ability to obtain water and serve their respective users, except for temporary impacts during construction that are reasonably mitigated.

7. **General Provisions.**

- 7.1 **Future Agreements.** The Parties acknowledge that some or all of the terms and conditions of this MOU may be superseded or replaced by the Future Agreement(s).
- 7.2 **Withdrawal.** Effective 90 days after written notice to all other Parties, a Party may withdraw from this MOU. The withdrawing Party will be obligated to pay its share of facilitation costs under Section 5.1 through the effective date of withdrawal with no refund. The Parties may mutually agree to another withdrawal date.
- 7.3 **Assignment.** No Party to this MOU may assign its interest in this MOU (or any portion thereof) without the prior written consent of the other Parties.
- 7.4 **Counterparts.** This Agreement may be executed in any number of counterparts by the parties which shall constitute an agreement between and among the parties.
- 7.5 **Notices.** Any notice herein required and permitted to be given shall be given in writing, shall be effective when actually received, and may be given by hand delivery or by United States mail, first class postage prepaid, addressed to the parties as follows:

City of Wilsonville  
Delora Kerber, P.E.  
Public Works Director  
29799 SW Town Center Loop E  
Wilsonville, OR 97070

Tualatin Valley Water District  
Mark Knudson, P.E., CEO  
1850 S.W. 170<sup>th</sup>  
Beaverton, Oregon 97003



City of Sherwood  
Craig Sheldon  
Public Works Director  
15527 Southwest Willamette Street  
Sherwood, OR 97140

City of Hillsboro  
Kevin Hanway  
Water Department Director  
150 E. Main Street  
Hillsboro, Oregon 97123

City of Beaverton  
David Winship, P.E.  
City Utilities Engineer  
P.O. Box 4755  
Beaverton, OR 97076

City of Tigard  
Dennis Koellermeier  
Public Works Director  
13125 SW Hall Blvd.  
Tigard, OR 97223

City of Tualatin  
Jerry Postema  
Public Works Director  
City Administration  
18880 SW Martinazzi Avenue #200  
Tualatin, OR 97062

- 7.6 **Amendment.** This MOU may be amended only by mutual written agreement of all Parties, signed by an authorized representative of each Party.
- 7.7 **Books, Reports and Accounting.** TVWD, as the contracting party, shall maintain books and records which shall show all income, receipts, expenses and costs in connection with any Consultant contract and this MOU. All such books of account or other records may be examined and copies of books and records made by TVWD staff at reasonable times upon reasonable notice. TVWD will provide a report at least semi-annually showing receipts and expenditures hereunder.
- 7.8 **Waiver.** The failure of a Party to insist on the strict performance of any provision of this MOU or to exercise any right, power or remedy upon a breach of any provision of this MOU shall not constitute a waiver of any provision of this MOU or limit the Party's right thereafter to enforce any provision or exercise any right.
- 7.9 **Governing Law.** This MOU shall be governed by and interpreted in accordance with the laws of the State of Oregon.
- 7.10 **Time is of the Essence.** A material consideration of the Parties entering into this MOU is that the Parties will make all payments as and when due and will perform all other obligations under this MOU in a timely manner. Time is of the essence of each and every provision of this Agreement.

7.11 **Term.** This MOU shall be in effect until the earlier of the execution of the Governance Agreement or December 31, 2016.

THE UNDERSIGNED, PURSUANT TO AUTHORIZATION FROM THE GOVERNING BODY, HEREBY EXECUTES THIS MEMORANDUM OF UNDERSTANDING ON BEHALF OF HIS/HER RESPECTIVE ENTITY

**CITY OF WILSONVILLE**  
An Oregon Municipal Corporation

**TUALATIN VALLEY WATER DISTRICT**  
A Domestic Water Supply District

By: \_\_\_\_\_  
Its: \_\_\_\_\_

\_\_\_\_\_  
Chief Executive Officer

APPROVED AS TO FORM

APPROVED AS TO FORM

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
District Counsel

**CITY OF TUALATIN**  
An Oregon Municipal Corporation

**CITY OF SHERWOOD**  
An Oregon Municipal Corporation

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

APPROVED AS TO FORM

APPROVED AS TO FORM

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Attorney

**CITY OF BEAVERTON**  
An Oregon Municipal Corporation

**CITY OF HILLSBORO**  
An Oregon Municipal Corporation

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

APPROVED AS TO FORM

APPROVED AS TO FORM

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Attorney

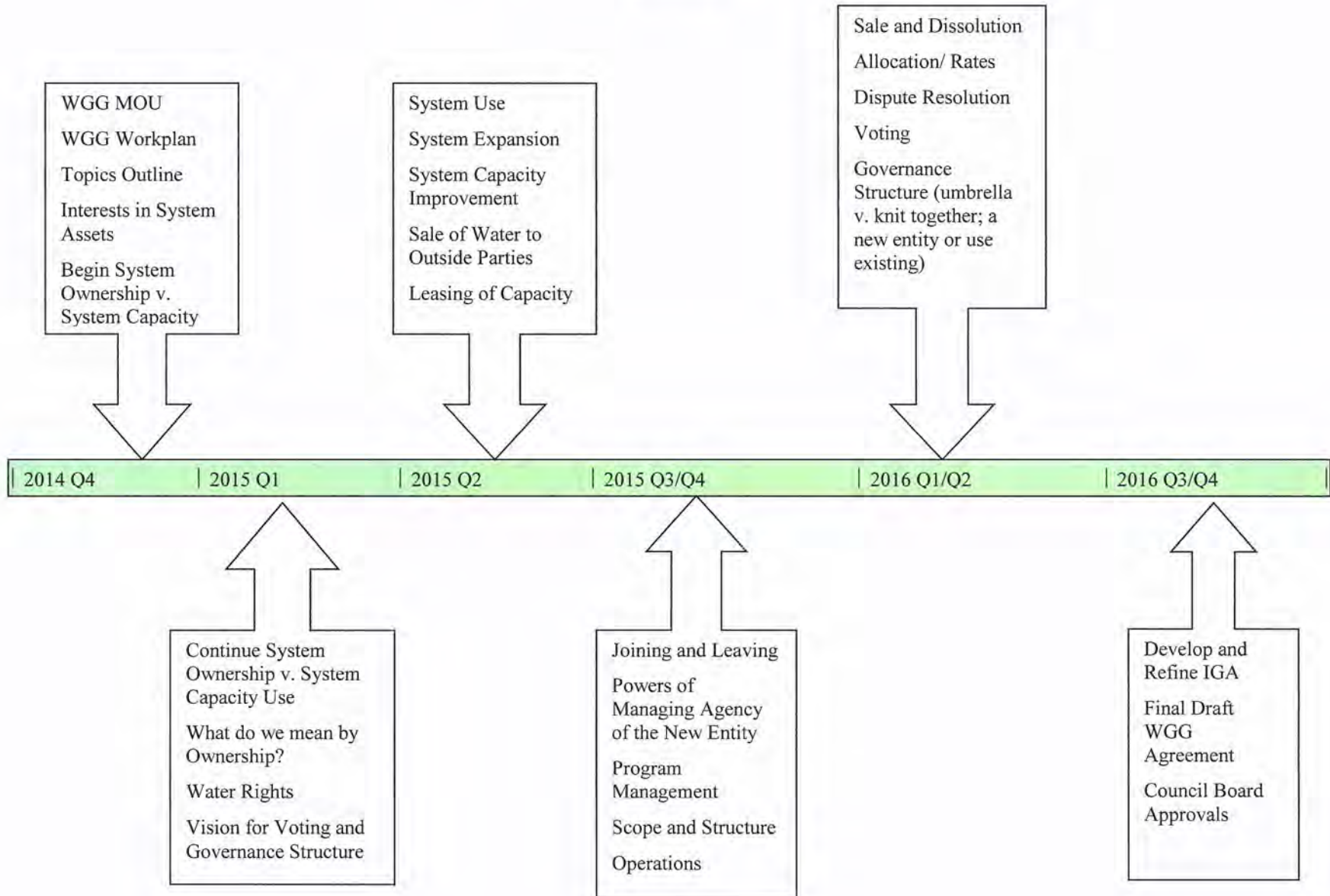
**CITY OF TIGARD**  
An Oregon Municipal Corporation

By: \_\_\_\_\_  
Its: \_\_\_\_\_

APPROVED AS TO FORM

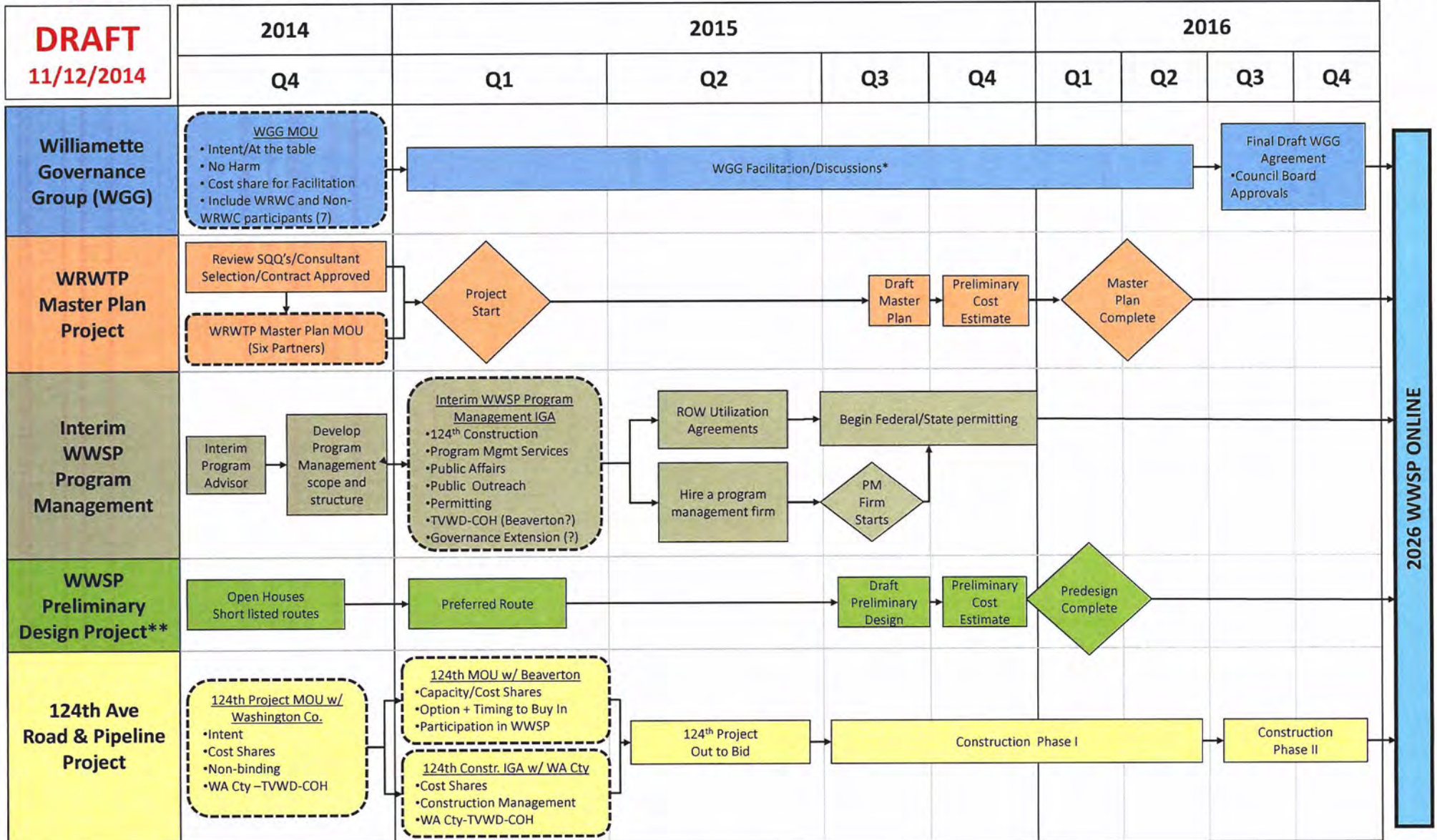
\_\_\_\_\_  
City Attorney

**Willamette Governance Group**  
**Proposed Topics Timeline**  
 12.10.14



## 2026 WWSP Online Planning Schedule

## Exhibit 2



2026 WWSP ONLINE

\* See WGG Topics Outline  
 \*\* See Detailed Project Schedule

**Willamette Governance Facilitation Cost Shares:**

**Exhibit 3**

**Current Cost Distribution (Total Project)**

Facilitation Fee: **\$ 209,400.00**

	<u>Connections</u>	<u>Portion of Connections</u>	<u>Connection Amount</u>	<u>Equal Amount</u>
Beaverton	17,700	12.9%	\$ 13,550.87	\$ 14,957.14
Hillsboro	24,793	18.1%	\$ 18,981.17	\$ 14,957.14
Sherwood	5,610	4.1%	\$ 4,294.94	\$ 14,957.14
Tigard	18,035	13.2%	\$ 13,807.34	\$ 14,957.14
Tualatin	6,668	4.9%	\$ 5,104.93	\$ 14,957.14
TVWD	58,883	43.1%	\$ 45,080.00	\$ 14,957.14
Wilsonville	5,069	3.7%	\$ 3,880.76	\$ 14,957.14
<b>Total Connections</b>	<b>136,758</b>		<b>\$ 104,700.00</b>	<b>\$ 104,700.00</b>

Amount for Phase 3 of Governance Process (December 2014 through December 2016)

<u>Total Amount</u>	
\$ 28,508.01	Beaverton
\$ 33,938.31	Hillsboro
\$ 19,252.08	Sherwood*
\$ 28,764.49	Tigard*
\$ 20,062.07	Tualatin*
\$ 60,037.14	TVWD*
\$ 18,837.90	Wilsonville

\$ 209,400.00

\* \$ 128,115.77 Amount to be Paid by WRWC

**Estimate of Additional FY 2014-2015 Amount Using Cost Distribution**

Facilitation Fee: **\$ 58,650.00**

	<u>Connections</u>	<u>Portion of Connections</u>	<u>Connection Amount</u>	<u>Equal Amount</u>
Beaverton	17,700	12.9%	\$ 3,795.41	\$ 4,189.29
Hillsboro	24,793	18.1%	\$ 5,316.36	\$ 4,189.29
Sherwood	5,610	4.1%	\$ 1,202.95	\$ 4,189.29
Tigard	18,035	13.2%	\$ 3,867.24	\$ 4,189.29
Tualatin	6,668	4.9%	\$ 1,429.82	\$ 4,189.29
TVWD	58,883	43.1%	\$ 12,626.27	\$ 4,189.29
Wilsonville	5,069	3.7%	\$ 1,086.95	\$ 4,189.29
<b>Total Connections</b>	<b>136,758</b>		<b>\$ 29,325.00</b>	<b>\$ 29,325.00</b>

Amount for Phase 3 of Governance Process (December 2014 through December 2016)

<u>Total Amount</u>	
\$ 7,984.69	Beaverton
\$ 9,505.65	Hillsboro
\$ 5,392.24	Sherwood*
\$ 8,056.53	Tigard*
\$ 5,619.10	Tualatin*
\$ 16,815.56	TVWD*
\$ 5,276.23	Wilsonville

\$ 58,650.00

\* \$ 35,883.43 Amount to be Paid by WRWC

**Estimate of FY 2015-2016 Amount Using Cost Distribution**

Facilitation Fee: **\$ 100,500.00**

	<u>Connections</u>	<u>Portion of Connections</u>	<u>Connection Amount</u>	<u>Equal Amount</u>
Beaverton	17,700	12.9%	\$ 6,503.64	\$ 7,178.57
Hillsboro	24,793	18.1%	\$ 9,109.87	\$ 7,178.57
Sherwood	5,610	4.1%	\$ 2,061.32	\$ 7,178.57
Tigard	18,035	13.2%	\$ 6,626.73	\$ 7,178.57
Tualatin	6,668	4.9%	\$ 2,450.07	\$ 7,178.57
TVWD	58,883	43.1%	\$ 21,635.81	\$ 7,178.57
Wilsonville	5,069	3.7%	\$ 1,862.54	\$ 7,178.57
<b>Total Connections</b>	<b>136,758</b>		<b>\$ 50,250.00</b>	<b>\$ 50,250.00</b>

Amount for Phase 3 of Governance Process (December 2014 through December 2016)

<u>Total Amount</u>	
\$ 13,682.21	Beaverton
\$ 16,288.45	Hillsboro
\$ 9,239.90	Sherwood*
\$ 13,805.30	Tigard*
\$ 9,628.64	Tualatin*
\$ 28,814.39	TVWD*
\$ 9,041.11	Wilsonville

\$ 100,500.00

\* \$ 61,488.23 Amount to be Paid by WRWC

**Estimate of FY 2016-2017 Amount Using Cost Distribution**

Facilitation Fee: **\$ 50,250.00**

	<u>Connections</u>	<u>Portion of Connections</u>	<u>Connection Amount</u>	<u>Equal Amount</u>
Beaverton	17,700	12.9%	\$ 3,251.82	\$ 3,589.29
Hillsboro	24,793	18.1%	\$ 4,554.94	\$ 3,589.29
Sherwood	5,610	4.1%	\$ 1,030.66	\$ 3,589.29
Tigard	18,035	13.2%	\$ 3,313.37	\$ 3,589.29
Tualatin	6,668	4.9%	\$ 1,225.04	\$ 3,589.29
TVWD	58,883	43.1%	\$ 10,817.91	\$ 3,589.29
Wilsonville	5,069	3.7%	\$ 931.27	\$ 3,589.29
<b>Total Connections</b>	<b>136,758</b>		<b>\$ 25,125.00</b>	<b>\$ 25,125.00</b>

Amount for Phase 3 of Governance Process (December 2014 through December 2016)

<u>Total Amount</u>	
\$ 6,841.11	Beaverton
\$ 8,144.22	Hillsboro
\$ 4,619.95	Sherwood*
\$ 6,902.65	Tigard*
\$ 4,814.32	Tualatin*
\$ 14,407.19	TVWD*
\$ 4,520.56	Wilsonville

\$ 50,250.00

\* \$ 30,744.11 Amount to be Paid by WRWC

**TO:** Sherwood City Council

**FROM:** Tom Pessemier, Assistant City Manager

Through: Joseph Gall, ICMA-CM, City Manager

**SUBJECT: Resolution 2015-006, concluding the annual performance evaluation of the City Recorder for the City of Sherwood**

---

**Issue:**

Should the City Council approve the annual performance evaluation of the City Recorder?

**Background:**

City Council was provided results of evaluation criteria in executive session in December 2014 and discussed the results with the City Recorder. The City Recorder was given time to respond during the discussion. The Human Resources Department has prepared Exhibit A based on the conversation and has presented this for Council's consideration.

**Financial Impacts:**

No additional financial impacts are anticipated in response to City Council approval of this resolution.

**Recommendation:**

Staff respectfully requests City Council approve Resolution 2015-006 concluding the annual performance evaluation of the City Recorder for the City of Sherwood.



**RESOLUTION 2015-006**

**A RESOLUTION CONCLUDING THE ANNUAL PERFORMANCE EVALUATION OF THE CITY RECORDER FOR THE CITY OF SHERWOOD**

**WHEREAS**, the City Recorder has been employed by the City of Sherwood since 2006 under an agreement that was effective March 6, 2006; and

**WHEREAS**, the City Council modified that agreement in 2008 and 2014 by Resolution; and

**WHEREAS**, City Council agreed to criteria to evaluate the City Recorder on December 1, 2009; and

**WHEREAS**, City Council held an Executive Session on December 30, 2014 to administer collected Council feedback and review of the City Recorder's annual performance evaluation and allow the City Recorder to respond and provide feedback; and

**WHEREAS**, the City Council has conducted the annual performance evaluation for the City Recorder for 2014, the results of which are attached as Exhibit A and Council wishes to formally approve the final evaluation form to conclude the evaluation process.

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

**Section 1.** The City Council approves the attached performance summary marked as Exhibit A.

**Section 2.** This resolution is and shall be effective from and after its passage by the Council.

**Duly passed by the City Council this 20<sup>th</sup> day of January 2015.**

\_\_\_\_\_  
Krisanna Clark, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder



## CITY OF SHERWOOD – 2014 CITY RECORDER EVALUATION

### *Exhibit A*

The City Recorder supports the City Council and all City departments in achieving the Goals of the City by supporting the values identified by City Leaders. The City Recorder performs the duties and function specified in the City Charter, Municipal Code and the laws of the State of Oregon, and other duties as the City Council may, from time to time, assign.

Evaluation criteria are those adopted by the City Council pursuant to Resolution 2009-086. Average scores are based on Councilor evaluation and rating scores for each question. The comments were taken from all submitted evaluations.

Averages for each profile topic and evaluation criteria were created using the number of respondents. In total seven (7) evaluations were provided by the Mayor and Council. The overall evaluation rating is based on the average rating from all profile topics and adopted evaluation criteria.

#### RATING SCALE (1-5):

1 Unsatisfactory, 2 Needs Improvement, 3 Meets Expectations, 4 Above Average, 5 Exceeds

**2014 Overall Evaluation Rating: 4.4**

#### Overall Performance Summary

Job performance is above average, and makes a contribution to the success of the City. The City Recorder is fully functioning at the appropriate level. Areas and key words of exceptional performance include: supportive, organized, follow through, rule/law clarification, informative, resource, professional, efficient, consistent, and knowledgeable.

#### Summary of Work Improvement Expectations

Suggested Training opportunities: To understand difficult and mixed personalities. Training to equip with strategies and tools to handle difficult situations in dealing with opposing council member opinions.

#### Future Goals and Objectives

*Specific goals and objectives to be achieved in the next evaluation period:*

- Records Management / Clerk Training
- Continued professional development and upkeep of current certification
- City Recorder Conferences





## 2014 City Recorder Performance Evaluation Evaluation Profile and Criteria

1 Unsatisfactory - 2 Needs Improvement - 3 Meets Expectations - 4 Above Average - 5 Exceeds Expectations

<b>City Recorder Profile:</b> <i>Supports the City Council and all City departments in achieving the goals of the City by supporting the values identified by City Leaders. Performs the duties and function specified in the City Charter, Municipal Code and the laws of the State of Oregon, and other duties as the City Council may, from time to time assign.</i>	<b>Average</b>
Exhibits professionalism, integrity, high ethical standards	<b>4.3</b>
Approachable, positive, motivated self-starter	<b>4.1</b>
Receptive to new ideas and change, exhibits follow through	<b>4.3</b>
Takes innovative realistic approach to problem solving, decision making and goal achievement	<b>4.4</b>
Communicates clearly and effectively verbally and in writing	<b>4.6</b>
Strives for continued professional growth and development	<b>4.4</b>

<b>City Recorder Evaluation Criteria:</b> <i>Evaluation criteria are those adopted by the City Council pursuant to Resolution 2009-086</i>	<b>Average</b>
Serves as City Elections Official	<b>4.3</b>
Serves as Custodian of City Records	<b>4.4</b>
Serves as a member of the City's Senior Management Team	<b>4.1</b>
Responsible for production of City Council meeting materials, public noticing, coordination of professional public meetings	<b>4.6</b>
Manages Municipal Code, responsible for codification of City Ordinances	<b>4.8</b>
Strong overall knowledge of City processes, City Code and governing policies	<b>4.4</b>
Supports Council approved policies and programs	<b>4.4</b>
Reports to Council on a regular basis, accepts direction and instructions	<b>4.3</b>
Prepares department budget, exercises fiscal responsibility	<b>3.9</b>
Effectively handles citizens communications, complaints and issues	<b>4.7</b>
Promotes transparency of City Council and public information	<b>4.1</b>
Educates public on City processes and policies	<b>4.6</b>
Promotes positive City image	<b>4.3</b>
Maintains contact and good working relationship with community groups, other government entities and media representatives	<b>4.3</b>
Attends all Council meetings unless excused by the Mayor and City Council	<b>4.4</b>
Administers and enforces adopted legislation	<b>4.7</b>
Continually strives to create programs that create healthy community relationships	<b>4.5</b>
Performs all administrative functions for the City Council and other duties as assigned	<b>4.4</b>

**2014 Overall Evaluation Rating** **4.4**

**TO:** Sherwood City Council

**FROM:** Bob Galati P.E., City Engineer  
Through: Joseph Gall, ICMA-CM, City Manager and Julia Hajduk, Community Development Director

**SUBJECT:** **Resolution 2015-007, authorizing the City Manager to enter into a Professional Services Contract with Murray Smith and Associates Inc. (MSA) for the Sanitary Sewer System Master Plan Update project**

---

**Issue:**

Should the City Council authorize the City Manager to enter into a professional services contract with Murray Smith and Associates Inc. (MSA) to provide consultant services for the Sanitary Sewer System Master Plan Update project?

**Background:**

The City of Sherwood owns, operates and maintains all the public sanitary sewer collection and conveyance systems within the city limits. The location and condition of these systems are recorded and a maintenance program is developed and run to keep these systems operating at peak efficiency. However, the demand for sanitary sewer service within the City is not static. The City expects that demand on the sanitary sewer facility will increase as continued infill and redevelopment of existing undeveloped and underdeveloped lots occurs, and as development within the Urban Growth Boundary (UGB) areas occurs.

The existing sanitary sewer system master plan was adopted seven years ago (via Resolution 2007-071). Generally, it is common practice to revise and update a master plan on a seven year cycle. The update will account for the continued growth and expansion of the City population within the UGB, changes to the sanitary system configuration and degradation of system components, reflect and changes to applicable regulations and to help establish a running 5-year Capital Improvement Project (CIP) budget program.

The City solicited a Request for Proposal (RFP) for engineering services for updating the sanitary sewer system master plan. The solicitation process used by the City is in compliance with the formal qualifications based selection procedure established by OAR 137-048-0220 and ORS 279A through 279C. The proposals received were reviewed, scored and ranked by a selection committee in accordance with the selection requirements outlined in the RFP. The proposal from MSA had the highest score and ranking, and was a solid proposal with a qualified firm.

City staff negotiated a final scope of work and fee amount, which is being presented as exhibits, as part of the Resolution currently before the City Council. The negotiated fee for the work defined in the final scope of work is \$121,900.00. A contingency amount of \$6,095.00 (5% contingency) above the contract amount is being added to account for unanticipated issues, which may be authorized only with the City Manager's approval.

**Financial Impacts:**

The work covered by this project contract will be funded from the sanitary sewer reimbursement fund. There are adequate fund amounts to cover this project. There is no anticipated long term maintenance costs associated with the completion of the master plan project.

**Recommendation:**

Staff respectfully requests City Council adoption of Resolution 2015-007 authorizing the City Manager enter into a professional services contract with MSA for the scope of work defined for the Sanitary Sewer System Master Plan Update project. The amount of the contract with MSA is \$121,900.00. Staff also recommends authorizing the City Manager to amend the contract amount by up to \$6,095.00 (5% contingency amount) to account for unanticipated issues. The total not-to-exceed contract amount is \$127,995.00.



## RESOLUTION 2015-007

### **AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH MURRAY SMITH AND ASSOCIATES, INC (MSA) FOR THE SANITARY SEWER SYSTEM MASTER PLAN UPDATE PROJECT**

**WHEREAS**, the City of Sherwood owns, operates and maintains the public sanitary sewer collection and conveyance system within the City limits; and

**WHEREAS**, the City of Sherwood developed a sanitary master plan which evaluated the City's sanitary sewer system based on existing and future anticipated population which was adopted by Resolution 2007-071 on August 7, 2007; and

**WHEREAS**, the City expects to continue to grow through expansion and development of the Urban Growth Boundary (UGB), by continued infill and redevelopment of existing undeveloped and underdeveloped lots; and

**WHEREAS**, it is common practice to revise and update utility master plans on a five to seven year cycle to account for continued growth and expansion of the City population within the UGB, changes to the sanitary systems configuration and degradation of system components, and to help establish a running 5-year Capital Improvement Project (CIP) budget program; and

**WHEREAS**, City staff solicited proposals for Master Plan development through the Daily Journal of Commerce (DJC) on September 3, 2014 and again on September 5, 2014. The Request for Proposal (RFP) was open to all consultants in compliance with the formal qualifications based selection procedure established by Oregon Administrative Rules (OAR) 137-048-0220 and Oregon Revised Statutes (ORS) 279A through 279C; and

**WHEREAS**, the City received two (2) qualified consultant proposals; and

**WHEREAS**, City staff consisting of representatives from Engineering, Public Works, and Community Development reviewed, scored and ranked the consultant submittals in accordance with the selection requirements of the RFP; and

**WHEREAS**, Murray Smith and Associates, Inc. (MSA) was found to be a highly qualified firm and received the highest ranking from the selection committee; and

**WHEREAS**, City staff and MSA began negotiations and agreed to a final scope of work and related fee which meets the RFP requirements and the budget constraints established for the project (see attached Exhibit A – Scope of Work, Exhibit B – Fee Schedule, Exhibit C - Schedule); and

**WHEREAS**, that MSA's contract fee for the proposed scope of work is an amount not to exceed \$121,900.00.

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

**Section 1.** The City Manager is authorized to enter into a professional services contract with Murray Smith and Associates, Inc. (MSA) for the project scope and fee described in attached Exhibits A, B and C, in an amount not to exceed \$121,900.00.

**Section 2.** The City Manager is authorized to amend the contract by up to \$6,095.00 (5% contingency) for unanticipated issues, for a project total not-to-exceed budget amount of \$127,995.00.

**Section 3.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 20<sup>th</sup> day of January 2015.**

\_\_\_\_\_  
Krisanna Clark, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

**EXHIBIT A**  
**PROPOSED SCOPE AND FEE FOR**  
**SANITARY SEWER MASTER PLAN UPDATE**  
**CITY OF SHERWOOD, OREGON**

This scope of work is for professional engineering services between Murray, Smith & Associates, Inc. (MSA) and the City of Sherwood, Oregon (City) to develop a Sanitary Sewer Master Plan Update (Plan).

**Background**

This project will provide the City with an updated Sanitary Sewer Master Plan including collection system capital improvement recommendations and budget-level capital cost estimates. The Plan will also consider flow contributions from rainfall derived infiltration and inflow (RDII) based on pipe condition and provide the City with recommendations on maintenance, repair, and replacement. A hydraulic model will be developed for the collection system and used as the tool for evaluating capacity deficiencies. All improvement analysis will emphasize elimination of collection system overflows to satisfy Oregon Department of Environmental Quality (DEQ) regulatory requirements. Additionally, the Plan will include summaries of regulatory requirements and intergovernmental agreements (IGAs). The project will employ workshops and presentations to solicit City input and develop consensus at key points in the master planning process.

**SCOPE OF SERVICES**

**Task 1 –Project Management**

The purpose of this task is to provide management of the project team, schedule and budget. As project manager, Shad Roundy, PE, will maintain communication with the City and the team throughout the duration of the project, lead meetings and workshop discussions, keep the City up-to-date on any study issues or details and make sure the City’s input is incorporated into the work product.

***Subtask 1.1 – Kick-Off Meeting***

A kick-off meeting will be held, once notice to proceed has been received, to allow the City and the MSA team to begin working together. MSA will attend and lead the kick-off meeting with City Staff to introduce the project team, establish project objectives, review consultant and City communication protocol, discuss the project scope and examine the project schedule including key delivery dates. The primary focus of this meeting will be a discussion of the City’s goals for the project.

This subtask assumes up to a two (2) hour kick-off meeting with the MSA project manager, one (1) task lead and one (1) support staff. Two (2) hours of preparation time is included for the PM. MSA will provide meeting minutes from the kick-off meeting in electronic format.

### ***Subtask 1.2 – Progress Reports, Meetings, and Billing***

Included in this subtask are monthly invoicing, budget and schedule review, updates, and general administrative tasks.

The project will be managed to maintain the scope, schedule, and budget. At a minimum, updates on project schedule and budget will be provided as part of the monthly invoicing process.

Meetings and workshop facilitation will be limited to those specifically identified in this scope of work. Additional communication will be handled through phone calls and email as needed.

### ***Subtask 1.3 – Quality Assurance/Quality Control (QA/QC)***

This subtask accounts for management of in-house and City reviews of various interim and final work products as outlined in the scope of work. The subtask assumes the City will provide clear, concise and timely input and review on the work products produced by the consultant. All interim deliverables (prior to compiled draft documentation in task 6) are assumed to be delivered in electronic format (Microsoft Word and PDF).

## **Task 2 –Data Collection/Study Area Characteristics**

In this task, MSA will review background information and develop a formal data request for completion of the work. Data will be requested from both the City and Clean Water Services (CWS). Where applicable, planning assumptions will be used from the City's Water Master Plan (WMP) update to minimize duplication of effort and to maintain consistency between planning documents.

Also under this task current and prior planning will be evaluated and general study area characteristics will be documented. Sanitary sewer basins will be defined and characterized within the Urban Growth Boundary (UGB) and designated areas of interest in the METRO Urban Reserve (URA). These areas include the West Urban Reserve, Tonquin Employment Area (TEA), Tonquin Urban Reserve, and Brookman Annexation Area. Other URAs are assumed to be excluded from the study. A draft version of the "Study Area" section of the master plan will be provided to the City for review.

### ***Subtask 2.1 – Data Compilation and Review***

Compile and review currently available data relative to the sanitary sewer system. Anticipated information items include pump station operational settings, historic flow

monitoring data, record drawings, mapping and GIS information, Durham Basin hydraulic model, and land use data. Data will be compiled through requests to the City and CWS.

### ***Subtask 2.2 – Planning Document and General Planning Criteria Review***

Compile and review prior City and CWS studies, plans and reports, as well as available planning guidance documents and design standards. It is anticipated that the following documents will be included in this evaluation work:

- Current City budget.
- Sewer collection system maintenance reports, operation and maintenance reports, and inspection records.
- Condition assessment data (GIS database)
- Three years accurate budget data showing real cash flow for both income and expenses.
- Intergovernmental Agreement with CWS.
- City of Sherwood Sanitary Sewer Plan Update, July 2007, Murray, Smith & Associates, Inc.
- 2009 CWS Sanitary Sewer Master Plan Update, March 31, 2009, West Yost Associates.
- City of Sherwood, Comprehensive Plan.
- Division 11, Public Facilities Planning.
- Adams Avenue North Concept Plan
- Brookman Road Concept Plan
- Tonquin Employment Area Concept Plan
- Sherwood Town Center Plan
- Urban Growth Boundary expansion study areas.
- Sherwood zoning map.
- CWS and City of Sherwood collection and trunk sewer system map showing rim and invert elevations and pipe sizes (GIS databases).

### ***Subtask 2.3 – Study Area Characterization***

Review current land use designations and characteristics based on the City’s current Comprehensive Plan and information provided by the City’s Planning Department to define the study area and its uniqueness relative to sanitary sewer analyses. Develop draft “Study Area” section of the master plan by describing community background, socioeconomic conditions, population, geography, and land use.



### ***Subtask 2.3 – Base Mapping Development***

Under this subtask a base map will be developed that will be used for the sanitary sewer system. The mapping will be a comprehensive illustration of the City’s existing sanitary sewage collection system and include CWS facilities. It is anticipated that mapping used to develop the City’s WMP update will be used as this mapping includes digital topography, rights-of-way, tax lots, land use, zoning and other important features. Other mapping resources and data will be used as necessary to develop an accurate base map. The map will be provided to the City in both hard copy and electronic format.

### ***Subtask 2.4 – Basin Delineation***

Included in this subtask is the delineation and description of sewer service basins. This work will begin with confirming the previous basin configurations developed as part of the previous master plan and expanding the delineations to include new areas and the designated areas of interest. The study area basins map and descriptions will be included in the draft “Study Area” section of the document.

## **Task 3 - Existing System Inventory, Flow Projections and Planning Criteria**

Work under this task includes completing a comprehensive system inventory and a discussion of the existing system. Additionally, population projections and land use assumptions will be used from the City’s WMP update and used to define sanitary flow projections. Draft versions of the “Existing System” and “Flow Projection” sections of the master plan will be provided to the City for review.

### ***Subtask 3.1 – Existing System Inventory and Description***

Based on the available GIS and staff interviews, system elements under the jurisdiction of the City will be inventoried and described. The system description will focus on the following categories:

1. *Community Background* – The existing customer base and land use; residential, commercial and industrial customers; political jurisdictions and agreements; population and history of Sherwood’s sanitary sewer system will be reviewed for discussions and documentation.
2. *Sanitary Sewer System Infrastructure Description*– Information and mapping of the physical features of the existing system will be prepared as will an explanation of how the system is currently operated (Operational Strategy). This will also include information on City-wide sewer discharge volumes based on historical City records and CWS flow data. The description will include information on how the City’s system contributes to the regional CWS system.

3. *Funding/Budget* – A description and discussion of the City’s existing funding mechanisms encompassing operations and maintenance (O&M) and capital improvements program (CIP) will be included in the documentation as will a discussion of the City’s system development charge (SDC) and it’s inter-relationship with CWS.

### ***Subtask 3.2 – Planning Criteria and Regulatory Requirements***

Under this subtask, MSA will document project-specific planning criteria regarding wastewater collection and conveyance requirements.

1. *Planning Criteria* – Identify planning criteria that is specifically applicable to the development of the Sanitary Sewer Master Plan update. Criteria include depth of flow in the pipe during peak dry conditions and allowable surcharging during peak wet weather conditions. The criteria will borrow the methodology and design storm from CWS to characterize each pipeline with a hydraulic grade line (HGL) status during the 5-year design storm. This methodology allows for overflow risk assessment and facilitates improvement prioritization. Additional criteria will account for pump station firm capacity, force main maximum velocity, and gravity pipeline minimum scouring velocity.
2. *Federal, State and Local Rules and Regulations* – A discussion of the Federal, State and local rules and regulations that relate to the City’s sanitary sewer system will be provided as part of plan documentation.

### ***Subtask 3.3 – Population Forecasts***

Population forecasts will be identified for the long range (20-year) planning period and “build-out” based on information and projections provided by the City’s Planning Department. Projections will be identified for five-year intervals to the 20-year planning horizon and to saturation development.

### ***Subtask 3.4 – Land Use Analysis, Unit Loading Factors, and Wastewater Flow Projections***

Existing and future wastewater flows will be characterized and distributed by land use. Flows will be forecast for a 20-year planning period in five-year intervals and at saturation development. Flow projections will be based on the population forecasts established for the existing UGB and designated areas of interest.

1. *Wastewater Evaluations* – At least five years of historical records of flow obtained from City and/or CWS records will be evaluated. The records will be tabulated in spreadsheet to show averages, minimum and maximum (peak) flows for both wet and dry weather conditions.

2. *Land Use and Unit Loading Factors* – CWS developed unit loading factors by land use based on flow monitoring data from 2011 and 2012. These unit loading factors will be verified and refined for the City based on location specific flow data and winter-time water consumption records. For residential land classifications, the unit loading factors will be verified against METRO recommended planning densities and per-capita-wastewater usage. Future loading will be distributed based on the refined land use unit loading factors and City land use classifications at the parcel level.
3. *Wastewater Flow Projections* – Wastewater flow projections will be developed based on the established population projections and land use data. Flow projections will include average daily, maximum monthly, maximum daily, and instantaneous flow rates for both wet and dry weather flow conditions. The forecasts will also be quantified on a per-capita flow basis.

#### **Task 4 - Sanitary Sewer System Analysis and Alternatives Evaluation**

MSA will develop a hydraulic model of the collection system to determine available capacity and identify potential restrictions and system improvements using the HGL status methodology. The evaluation of existing system and proposed improvements will be completed considering both current and forecasted flows resulting from infill development and new service areas. Modeling will include all sewer system collection sewers 8-inches and larger and trunk lines up to the CWS Sherwood Pump Station. Modeling will be of sufficient detail to identify specific improvements within the study area including potential extensions to serve designated areas of interest. Additionally, improvement analysis will consider existing system condition issues and RDII impacts. A draft version of the “System Analysis” section of the master plan will be provided to the City for review. MSA will borrow concepts and results from the “Sherwood West Concept Plan” where applicable to avoid duplication of effort.

##### ***Subtask 4.1 – Model Development***

MSA will expand the CWS Durham Basin model to include piping from the City’s GIS. Critical data required to evaluate pipe capacity include diameter, length, rim elevation and invert elevation. The model is run in InfoSWMM (Innovyze) and utilizes the EPASWMM hydraulic engine. EPASWMM allows for dynamic simulations which are critical for estimating system surcharging and backwater as well as evaluating operational efficiencies.

1. *CWS Model* - Data will be extracted from the CWS model for initial setup of the existing system flows and projected future system flows. The CWS loading will be scaled and assigned to the Sherwood system based on winter-time water consumption data and unit loading factors developed in Task 3.
2. *Calibration and Flow Monitoring* - A brief calibration will be performed to validate existing flows during a dry weather period and during the largest storm event

available for the flow monitoring period. Flow monitoring data is available from CWS for two meter locations with the largest storm event occurring in January 2012. Additional flow monitoring is not included in this scope of work. This subtask assumes that the City can identify development between 2012 and 2014.

#### ***Subtask 4.2 – Existing System Evaluation***

MSA will utilize the hydraulic model to identify capacity issues during existing peak dry and wet weather flows based on the planning criteria and the CWS 5-year design storm.

1. *HGL Analysis* - Overflow risk will be analyzed based on the HGL methodology where the HGL is the projected elevation of the water surface at the specific location in the collection system. The HGL is generated by the computer model based on the design flow conditions and the hydraulic conveyance capacity of the downstream collection system. To assess the capacity of a sewer line segment, the HGL is compared to the elevations of the pipeline features such as pipe invert, the top of pipe, the ground surface at the manhole lid, etc. To identify the severity of the capacity limitation, a classification is developed and referred to as the “HGL status”. This series of classifications ranges from “OK” (HGL is below the top of the pipe) to “DS” (manhole overflow), with intermediate levels indicating various degrees of manhole surcharging.
2. *Operational Strategies* - The hydraulic model will be used to identify pump station deficiencies during existing peaks flows. Additionally, system operation strategies will be reviewed and documented for potential improvement analysis.

#### ***Subtask 4.3 – Existing System RDII Analysis and Condition Assessment***

MSA will present a technical description and evaluation of wastewater collection, pumping and conveyance systems based on existing conditions. The evaluations will be performed in close consultation with City operations staff to ensure that all deficiencies of the existing facilities are identified.

1. *Problem Area Inventory* – Interview City and CWS staff and inventory condition issues and problem areas. Utilize City CCTV inspection database where available. Also, utilize pipe age and material attributes within the GIS to identify potential pipe condition risk and improvements.
2. *RDII Assessment* – To quantify the impacts of RDII, historic flow records will be evaluated and compared to recent records. As previously described, CWS flow monitoring data will be used at two meter locations. Recent evaluations of the CWS data indicate RDII of approximately 1,800 gallons-per-acre-per-day in the City. Previous reports from the City and CWS will be used to identify areas of excessive

RDII. The assessment of RDII will be coordinated and reviewed with City prior to documentation in the Sanitary Sewer Master Plan Update.

#### ***Subtask 4.4 – Future Loading Development***

MSA will extrapolate loading for future development utilizing City land use data, City concept planning, and the unit loading factors developed in Task 3. The CWS model currently includes loading for 2025, 2035, and build-out conditions and includes revisions to their 2009 Master Plan. The CWS build-out scenario also overlaps with the City's designated areas of interest. The CWS future loading will be validated and reviewed for consistency with City planning data. MSA will carefully coordinate all future loading assumptions with the City to ensure successful plan review and adoption. RDII rates will be extrapolated to future areas based on City and CWS peak rate requirements and the 5-year design storm.

#### ***Subtask 4.5 – Future System Evaluation***

MSA will utilize the hydraulic model to identify capacity issues of the existing system during future peak dry and wet weather flows based on the planning criteria and the 5-year design storm. The evaluation will consider varied planning horizons consistent with the CWS Master Plan. Additionally, phased scenarios will be considered for build-out of the UGB and service to designated areas of interest. Based on the existing and future flow scenarios, available excess capacity will be extracted from the model to identify areas of available capacity in the system. As with the existing system evaluation, the future system evaluation will consider overflow risks utilizing the HGL status methodology. Operations of the pump stations will be considered to address future capacity deficiencies.

#### ***Subtask 4.6 – Improvement Alternatives Evaluation***

MSA will analyze improvement alternatives to address capacity, operational, and condition issues during existing and future flow conditions. These alternatives will include gravity sewers, pumping stations and force mains as necessary to adequately collect and convey wastewater to the CWS Regional System. Alternatives will be considered for expanding the collection system to serve future development within the Sherwood UGB and designated areas of interest outside of the UGB.

1. *Preliminary Alternatives Workshop* - MSA will hold a two hour workshop with City staff to present the results of the system deficiencies analysis, review excess capacity mapping, and discuss preliminary alternatives. During the workshop, the City and MSA will collaboratively identify improvements alternatives for further evaluation. The workshop will focus on both growth within the UGB and potential service of designated areas of interest.

2. *Capacity Alternatives* – The hydraulic model will be used to size improvements for up to three alternative based on the design criteria and 5-year design storm.
3. *Condition Alternatives* – Pipeline repair and replacement strategies including trenchless technology will be identified to maximize investment in existing infrastructure.
4. *Operational Alternatives* – Conceptual operational strategies will be considered to minimize system improvements. This work includes relevant CWS operations objectives and recommendations on how those objectives can be achieved by the City.
5. *Cost Estimates* – Under this subtask project unit costs and cost curves will be developed specific to the City. These cost estimates will be applied to each alternative to identify total project costs. All project cost estimates will include appropriate allowances and contingency factors as well as cost index referencing to provide for future cost estimate updating. Costs will be Class 5 estimates as defined by the Association for the Advancement of Cost Engineering (AACE).
6. *Conceptual Analysis of Designated Areas of Interest* – Work under this subtask includes development of conceptual planning of major facilities needed to serve the designated areas of interest. The analysis is intended to evaluate major trunk line extensions and pump station facilities. A key focus of this analysis is to determine what reserve capacity may exist, and what potential future urban areas can most efficiently and cost effectively be served by extension of the existing or planned City system. MSA will borrow concepts and results from the “Sherwood West Concept Plan” where applicable to avoid duplication of effort.

## **Task 5 – Development of Recommended Plan and CIP**

MSA will work with the City to select the most effective improvements from the alternatives analysis and develop a prioritized Capital Improvement Program (CIP). Selection of improvements will focus on the capacity analysis, environmental considerations, community impacts, cost effectiveness, alignment with other transportation or water projects, and other City goals. A draft version of the “Capital Improvement Program” section of the master plan will be provided to the City for review.

### ***Subtask 5.1 – Improvement Workshop and Capital Improvement Selection***

MSA will hold a two hour improvement selection workshop with City staff to review the results of the alternatives analysis and select the most effective improvements for the CIP. During the workshop MSA will solicit City input on project prioritization.

### ***Subtask 5.2 – Improvement Prioritization and CIP Development***

With City input on project priorities, a prioritized Capital Improvements Program (CIP) will be developed for inclusion in the master plan document. Information in the CIP table will include project descriptions (location, size, etc.), project drivers (development, condition, etc.), estimated costs, percentage of ultimate flow attributed to growth, and time frame of project implementation. The time frame will group projects into 5-year increments. CIP mapping will be developed where each project will be clearly labeled.

### ***Subtask 5.3 – Implementation Program***

The CIP will include an implementation program that will explain improvement priorities so that immediate improvements can be included in the current 5-year time frame and others can be programmed into subsequent planning horizons. The program will also describe project drivers and identify key regulatory dates or other critical dates when specific improvements may be required.

## **Task 6 – Plan Documentation, Review and Formal Adoption**

Under this task, MSA will develop draft and final master plan documentation for City review. Additionally, MSA will assist the City with one public open house, two presentations to the Planning Commission, and one presentation to the City Council.

### ***Subtask 6.1 – Sanitary Sewer Master Plan Documentation***

Included in this subtask is development of an updated comprehensive Sanitary Sewer Master Plan document that includes text narrative, tables, figures and maps that describe and present findings and recommendations. Draft sections previously provided to the City under each task will be edited based on City review comments and compiled into a draft document. Key sections of the documented are highlighted below:

1. *Executive Summary* – An executive summary will be completed as part of the plan documentation and will provide a brief and concise summary of the findings of the Master Plan including a statement of the project purpose, assumptions, and recommendations. This section will also summarize the CIP with project descriptions and cost tables.
2. *Introduction and Background*– An introduction will be provided highlighting the overall purpose of the Sanitary Sewer Master Plan, the background on the wastewater system, and the scope of work.

3. *Study Area Characteristics* – This section will document work performed in Task 2 to describe study area characteristics related to community background, socioeconomic conditions, population, geography, and land use.
4. *Existing System Characteristics* – This section will describe the existing sanitary sewer infrastructure, operational procedures, design criteria for system evaluations, and regulatory requirements as outlined in Task 3.
5. *Flow Projections* – Information from task 3 will also be used to summarize population projections, unit loading factors based on land use, existing wastewater flows, and future wastewater flow projections.
6. *System Analysis* – This section will document work performed in Task 4 to evaluate existing system capacity and condition, analyze system RDII impacts, develop future loading scenarios, and evaluate system improvement alternatives. Mapping of improvement alternatives and system capacity analysis will be provided.
7. *Capital Improvement Program* – This is the key element of the planning document and represents the culmination of all previous tasks. The tabular CIP developed in Task 5 will be provided with project descriptions, project drivers, estimated costs, and descriptions of project timing. This section will also describe the implementation strategy for capital investments. All projects will be represented and labeled on clear system mapping.
8. *Appendices* – The Master Plan appendix will include calibration plots and cost assumption methodology.

### ***Subtask 6.2 – Final Review Process***

Ten (10) hard copies of the draft plan will be submitted for City review. Additionally, electronic Microsoft Word and PDF versions will be provided. Upon completion of the review, MSA will hold a meeting to discuss City review comments. Responses to the City's comments will be prepared and, where applicable, incorporated into the final draft document. The schedule allows the City a four week review period for the review process.

### ***Subtask 6.3 – Offer Plan to CWS for Review***

A copy of the plan will be submitted to CWS for comment concurrent with the City review described above. MSA will provide response to CWS comments and incorporate edits as appropriate with final direction from City staff.



### ***Subtask 6.4 – Participate in Public and City Meetings***

MSA will assist City staff in presenting the draft and final plan at the following meetings. Meeting are assumed to be two hours in duration.

1. *Preliminary Planning Commission Meeting* – The meeting will be held prior to completion of the draft documentation. The presentation will address the goals of the master plan update, provide background on planning assumptions, and review the preliminary CIP. A PDF version of the presentation will be provided in advance to be included in the meeting packet.
2. *Planning Commission Meeting* – The meeting will be held after completion of the draft final master plan document. The presentation will address the purpose of the master plan update, provide background on planning assumptions and improvement analysis, and present the finalized CIP. A PDF version of the presentation and master plan “Executive Summary” will be provided in advance to be included in the meeting packet.
3. *Public Open House* – The open house will be held after completion of the draft final master plan document. A brief presentation will address the purpose of the master plan update, provide background on planning assumptions, and present the finalized CIP. MSA will provide four D-size posters for display.
4. *City Council* – The meeting will be held to adopt the master plan document. A brief presentation will address the purpose of the master plan update, provide background on planning assumptions, and present the finalized CIP. A PDF version of the presentation and master plan “Executive Summary” will be provided in advance to be included in the meeting packet.

### ***Subtask 6.5 – Submit Final Adopted Plan***

MSA will prepare and submit 25 bound copies of the final recommended plan, and 50 copies of a simple executive summary brochure, of the adopted Master Plan to the City, within two (2) weeks of final adoption.

## **BUDGET**

The overall not to exceed budget estimate for this project is \$121,900 as shown in Table 1 and Exhibit B. The work provided in this Scope of Work will be billed on a time and expense basis.

**Table 1. Total Project Fee**

<b>Item</b>	<b>Hours</b>	<b>Fee</b>
Task 1: Project Management	44	\$6,800
Task 2: Data Collection/Study Area Characterization	80	\$9,900
Task 3: Existing System Inventory, Flow Projections, Planning Criteria	82	\$10,200
Task 4: Sanitary Sewer System Analysis and Alternatives Analysis	300	\$36,800
Task 5: Development of Recommended Plan and Capital Improvement Program	120	\$15,100
Task 6: Plan Documentation, Review, and Formal Adoption	336	\$43,100
<b>Project Total</b>		\$121,900

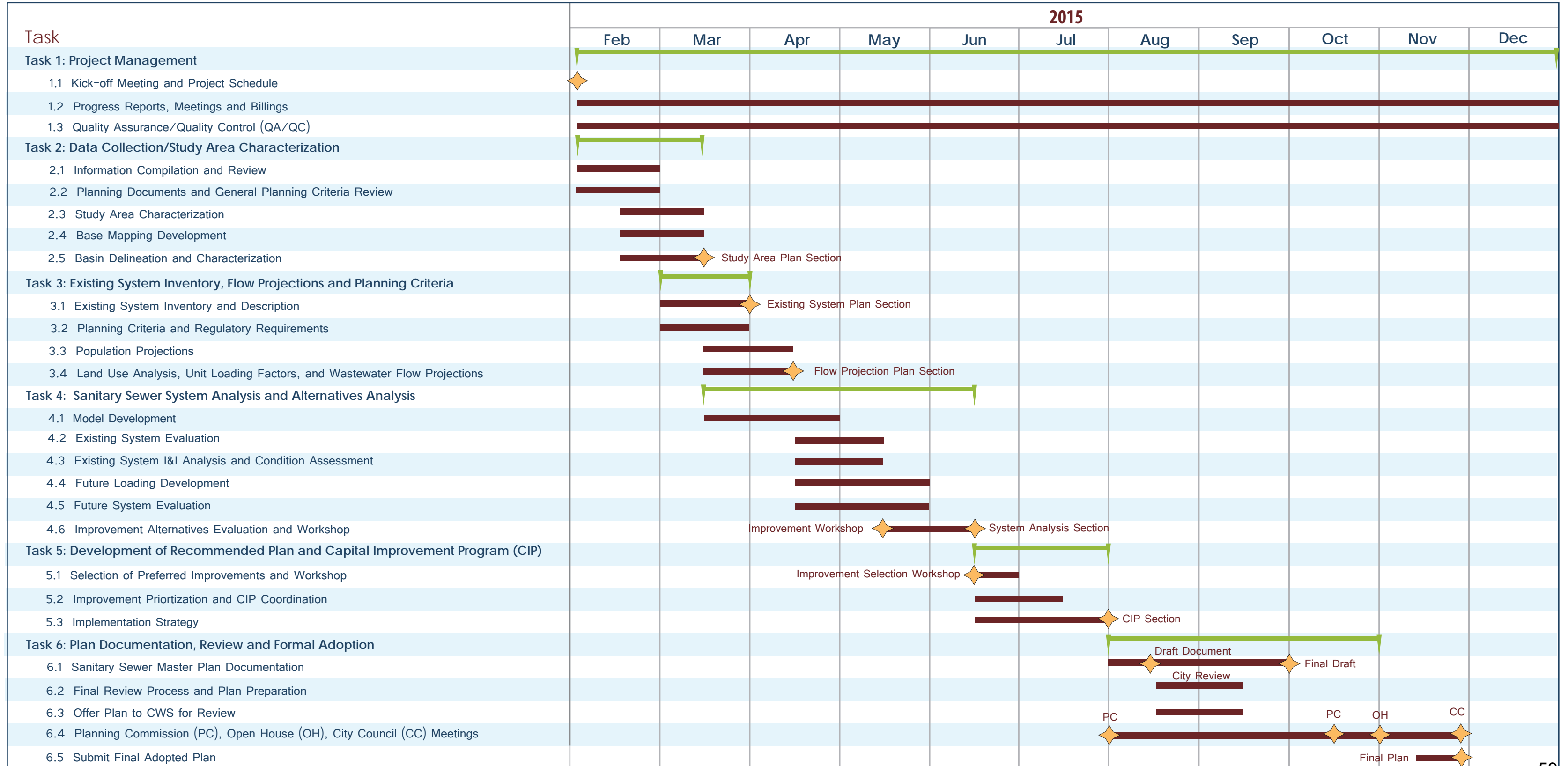
**TIME OF PERFORMANCE**

The Plan is anticipated to be completed over a period of approximately 10 months, beginning in February 2015. MSA will make every effort to complete the work in a timely manner; however, it is agreed that MSA cannot be responsible for delays occasioned by factors beyond its control, nor by factors that could not reasonably have been foreseen at the time this scope was executed. A schedule is provided in Exhibit C.

**Sanitary Sewer Master Plan Update  
City of Sherwood  
Fee and Labor Estimate  
EXHIBIT B**

	LABOR CLASSIFICATION (HOURS)					Total Hours	ESTIMATED FEES		
	Project Manager S. Roundy	Project Eng. (writing) N. McMurtrey	Project Eng. Engineer S. McAller	Senior Reviewer M. Carr	Admin. I		Labor	Expenses	Total
	\$148	\$132	\$108	\$172	\$69				
<b>Task 1: Project Management</b>									
1.1. Project Kick Off Meeting and Project Schedule	4	2		2		8	\$ 1,200	\$ 12	\$ 1,212
1.2. Progress Reports, Meetings, and Billings	20					20	\$ 2,960	\$ 30	\$ 2,990
1.3. Quality Assurance/Quality Control (QA/QC)	8			8		16	\$ 2,560	\$ 26	\$ 2,586
<b>Task 1 Subtotal</b>	<b>32</b>	<b>2</b>	<b>0</b>	<b>10</b>	<b>0</b>	<b>44</b>	<b>\$ 6,720</b>	<b>\$ 67</b>	<b>\$ 6,787</b>
<b>Task 2: Data Collection/Study Area Characterization</b>									
2.1. Information Compilation and Review	2	8	8			18	\$ 2,216	\$ 22	\$ 2,238
2.2. Planning Documents and General Planning Criteria Review	2	8	8			18	\$ 2,216	\$ 22	\$ 2,238
2.3. Study Area Characterization	2	8	8	2		20	\$ 2,560	\$ 26	\$ 2,586
2.4. Base Mapping Development		4	8			12	\$ 1,392	\$ 14	\$ 1,406
2.5. Basin Delineation and Characterization		4	8			12	\$ 1,392	\$ 14	\$ 1,406
<b>Task 2 Subtotal</b>	<b>6</b>	<b>32</b>	<b>40</b>	<b>2</b>	<b>0</b>	<b>80</b>	<b>\$ 9,776</b>	<b>\$ 98</b>	<b>\$ 9,874</b>
<b>Task 3: Existing System Inventory, Flow Projections and Planning Criteria</b>									
3.1. Existing System Inventory and Description	2	8	8	1		19	\$ 2,388	\$ 24	\$ 2,412
3.2. Planning Criteria and Regulatory Requirements	2	8	8	1		19	\$ 2,388	\$ 24	\$ 2,412
3.3. Population Projections	2	8				10	\$ 1,352	\$ 14	\$ 1,366
3.4. Land Use Analysis, Unit Loading Factors, and Wastewater Flow Projections	2	8	24			34	\$ 3,944	\$ 39	\$ 3,983
<b>Task 3 Subtotal</b>	<b>8</b>	<b>32</b>	<b>40</b>	<b>2</b>	<b>0</b>	<b>82</b>	<b>\$ 10,072</b>	<b>\$ 101</b>	<b>\$ 10,173</b>
<b>Task 4: Sanitary Sewer System Analysis and Alternatives Analysis</b>									
4.1. Model Development	4	8	60			72	\$ 8,128	\$ 81	\$ 8,209
4.2. Existing System Evaluation	4	8	16	1		29	\$ 3,548	\$ 35	\$ 3,583
4.3. Existing System I&I Analysis and Condition Assessment	4	24	16			44	\$ 5,488	\$ 55	\$ 5,543
4.4. Future Loading Development	4	8	24			36	\$ 4,240	\$ 42	\$ 4,282
4.5. Future System Evaluation	4	8	16	1		29	\$ 3,548	\$ 35	\$ 3,583
4.6. Improvement Alternatives Evaluation & Workshop	32	16	40	2		90	\$ 11,512	\$ 115	\$ 11,627
<b>Task 4 Subtotal</b>	<b>52</b>	<b>72</b>	<b>172</b>	<b>4</b>	<b>0</b>	<b>300</b>	<b>\$ 36,464</b>	<b>\$ 365</b>	<b>\$ 36,829</b>
<b>Task 5: Development of Recommended Plan and Capital Improvement Program (CIP)</b>									
5.1. Selection of Preferred Improvements & Workshop	8	8	24	2		42	\$ 5,176	\$ 52	\$ 5,228
5.2. Improvement Prioritization and CIP Coordination	8	16	16			40	\$ 5,024	\$ 50	\$ 5,074
5.3. Implementation Strategy	4	16	16	2		38	\$ 4,776	\$ 48	\$ 4,824
<b>Task 5 Subtotal</b>	<b>20</b>	<b>40</b>	<b>56</b>	<b>4</b>	<b>0</b>	<b>120</b>	<b>\$ 14,976</b>	<b>\$ 150</b>	<b>\$ 15,126</b>
<b>Task 6: Plan Documentation, Review and Formal Adoption</b>									
6.1. Sanitary Sewer Master Plan Documentation	24	40	40	10	20	134	\$ 16,252	\$ 163	\$ 16,415
6.2. Final Review Process and Plan Preparation	28	40	40	8		116	\$ 15,120	\$ 151	\$ 15,271
6.3. Offer Plan to CWS for Review	8					8	\$ 1,184	\$ 12	\$ 1,196
6.4. Planning Commission, Public Open House, City Council Meetings	32			8		40	\$ 6,112	\$ 61	\$ 6,173
6.5. Submit Final Adopted Plan	8	8		2	20	38	\$ 3,964	\$ 40	\$ 4,004
<b>Task 6 Subtotal</b>	<b>100</b>	<b>88</b>	<b>80</b>	<b>28</b>	<b>40</b>	<b>336</b>	<b>\$ 42,632</b>	<b>\$ 426</b>	<b>\$ 43,058</b>
<b>TOTAL - ALL TASKS</b>	<b>218</b>	<b>266</b>	<b>388</b>	<b>50</b>	<b>40</b>	<b>962</b>	<b>\$ 120,640</b>	<b>\$ 1,207</b>	<b>\$ 121,847</b>

## Exhibit C City of Sherwood Sanitary Master Plan Update Project Schedule



Agenda Item: New Business

**TO:** Sherwood City Council

**FROM:** Bob Galati P.E., City Engineer  
Through: Joseph Gall ICMA-CM, City Manager and Julia Hajduk, Community Development Director

**SUBJECT:** **Resolution 2015-008, authorizing the City Manager to enter into a Professional Services Contract with Murray Smith and Associates Inc. (MSA) for the Stormwater Master Plan Update project.**

---

**Issue:**

Should the City Council authorize the City Manager to enter into a professional services contract with Murray Smith and Associates Inc. (MSA) to provide consultant services for the Stormwater Master Plan Update project?

**Background:**

The City of Sherwood owns, operates and maintains all the public stormwater collection and conveyance systems within the city limits. The location and condition of these systems are recorded and a maintenance program is developed and run to keep these systems operating at peak efficiency. However, the demand for stormwater service within the City is not static. The City expects that demand on the stormwater facility will increase as continued infill and redevelopment of existing undeveloped and underdeveloped lots occurs, and as development within the Urban Growth Boundary (UGB) areas occurs.

The existing stormwater master plan was adopted seven years ago (via Resolution 2007-066). Generally, it is common practice to revise and update a master plan on a seven year cycle. The update will account for the continued growth and expansion of the City population within the UGB, changes to the stormwater system configuration and degradation of system components, reflect and changes to applicable regulations and to help establish a running 5-year Capital Improvement Project (CIP) budget program.

The City solicited a Request for Proposal (RFP) for engineering services for updating the stormwater master plan. The solicitation process used by the City is in compliance with the formal qualifications based selection procedure established by OAR 137-048-0220 and ORS 279A through 279C. The proposals received were reviewed, scored and ranked by a selection committee in accordance with the selection requirements outlined in the RFP. The proposal from MSA had the highest score and ranking, and was a solid proposal with a qualified firm.

The City received one qualified consultant proposal from MSA in response to the RFP. City staff members reviewed, scored and ranked the consultant submittal in accordance with the selection requirements outlined in the RFP to ensure that the proposal submitted (even though there was only one) was a solid proposal that MSA would be able to provide the services required. After review and scoring the proposal, City staff confirmed that the proposal submitted was a strong proposal and the firm well qualified; therefore there was no need to begin the process again to try to solicit additional proposals.

City staff negotiated a final scope of work and fee amount, which is being presented as exhibits, as part of the Resolution currently before the City Council. The negotiated fee for the work defined in the final scope of work is \$113,500.00. A contingency amount of \$5,675.00 (5% contingency) above the contract amount is being added to account for unanticipated issues, which may be authorized only with the City Manager's approval.

**Financial Impacts:**

The work covered by this project contract will be funded from the stormwater reserve fund. There are adequate fund amounts to cover this project. There is no anticipated long term maintenance costs associated with the completion of the master plan project.

**Recommendation:**

Staff respectfully requests City Council adoption of Resolution 2015-008 authorizing the City Manager enter into a professional services contract with MSA for the scope of work defined for the Stormwater Master Plan Update project. The amount of the contract with MSA is \$113,500.00. Staff also recommends authorizing the City Manager to amend the contract amount by up to \$5,675.00 (5% contingency amount) to account for unanticipated issues. The total not-to-exceed contract amount is \$119,175.00.



## RESOLUTION 2015-008

### AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH MURRAY SMITH AND ASSOCIATES, INC (MSA) FOR THE STORMWATER MASTER PLAN UPDATE PROJECT

**WHEREAS**, the existing City of Sherwood Stormwater Master Plan was adopted by Resolution Number 2007-066 on July 17, 2007; and

**WHEREAS**, it is common industry practice to revise and update utility master plans on a seven year cycle to account for changes in the systems configuration, degradation of systems components, and to help establish a 5-year Capital Improvement Project (CIP) budget program; and

**WHEREAS**, City staff solicited a proposals for Master Plan development and jurisdictional agency process approval through the Daily Journal of Commerce (DJC) on September 3, 2014 and again on September 5, 2014. The Request for Proposal (RFP) was open to all consultants in compliance with the formal qualifications based selection procedure established by Oregon Administrative Rules (OAR) 137-048-0220 and Oregon Revised Statutes (ORS) 279A through 279C; and

**WHEREAS**, the City received one (1) qualified consultant proposal; and

**WHEREAS**, that City staff acting as a selection committee reviewed, scored and ranked the consultant submittal in accordance with the selection requirements of the RFP; and

**WHEREAS**, the final outcome of the selection review process confirmed that the proposal was a strong proposal and the firm was well qualified allowing the City to move forward with making an offer to Murray Smith and Associates, Inc. (MSA) to enter into a final scope of work and fee negotiations for the project work; and

**WHEREAS**, City staff and MSA agreed to a final scope of work and related fee which meets the RFP requirements and the budget constraints established for the project (see attached Exhibits A – Scope of Work, Exhibit B – Fee Schedule, Exhibit C - Schedule); and

**WHEREAS**, MSA's contract fee for the proposed scope of work is an amount not to exceed \$113,500.00.

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

**Section 1.** The City Manager is authorized to enter into a professional services contract with Murray Smith and Associates, Inc. (MSA) for the project scope, fee and schedule described in the attached Exhibits A, B and C, in an amount not to exceed \$113,500.00.

**Section 2.** The City Manager is authorized to amend the contract by up to \$5,675.00 (5% contingency) for unanticipated issues, for a project total not-to-exceed budget amount of \$119,175.00.

**Section 3.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 20<sup>th</sup> day of January 2015.**

---

Krisanna Clark, Mayor

Attest:

---

Sylvia Murphy, MMC, City Recorder



**EXHIBIT A  
PROPOSED SCOPE AND FEE FOR  
STORMWATER MASTER PLAN UPDATE  
CITY OF SHERWOOD, OREGON**

This scope of work is for professional engineering services between Murray, Smith & Associates, Inc. (MSA) and the City of Sherwood, Oregon (City) to develop a Stormwater Master Plan Update (Plan).

**Background**

This project will provide the City with an updated Stormwater Master Plan including conveyance system capital improvement recommendations and budget-level capital cost estimates. The Plan will also consider City input regarding maintenance and pipe condition to inform recommendations for future maintenance, repair, and replacement. A hydraulic model will be developed for the conveyance system and used as the tool for evaluating capacity deficiencies. All improvement analysis will emphasize satisfactory compliance with Oregon Department of Environmental Quality (DEQ) and Clean Water Services (CWS) regulatory requirements. Additionally, the Plan will include summaries of regulatory requirements and intergovernmental agreements (IGAs). The project will employ workshops and presentations to solicit City input and develop consensus at key points in the master planning process.

**SCOPE OF SERVICES**

**Task 1 –Project Management**

The purpose of this task is to provide management of the project team, schedule and budget. As project manager, Michael Carr, PE, will maintain communication with the City and the team throughout the duration of the project, lead meetings and workshop discussions, keep the City up-to-date on any study issues or details and make sure the City’s input is incorporated into the work product.

***Subtask 1.1 – Kick-Off Meeting***

A kick-off meeting will be held, once notice to proceed has been received, to allow the City and the MSA team to begin working together. MSA will attend and lead the kick-off meeting with City Staff to introduce the project team, establish project objectives, review consultant and City communication protocol, discuss the project scope and examine the project schedule including key delivery dates. The primary focus of this meeting will be a discussion of the City’s goals for the project.

This subtask assumes up to a two (2) hour kick-off meeting with the MSA project manager, one (1) task lead and one (1) support staff. Two (2) hours of preparation time is included for the PM. MSA will provide meeting minutes from the kick-off meeting in electronic format.

### ***Subtask 1.2 – Progress Reports and Billings***

Included in this subtask are monthly invoicing, budget and schedule review, updates, and general administrative tasks. The project will be managed to maintain the scope, schedule, and budget. At a minimum, updates on project schedule and budget will be provided as part of the monthly invoicing process.

### ***Subtask 1.3 – Progress/Work Meetings***

Progress meetings and workshop facilitation will be limited to those specifically identified in this scope of work. Additional communication will be handled through phone calls and email as needed.

### ***Subtask 1.4 – Subconsultant Coordination***

MSA will coordinate on a regular basis with our subconsultant(s) and at key project milestones.

### ***Subtask 1.5 – Quality Assurance/Quality Control (QA/QC)***

This subtask accounts for management of in-house and City reviews of various interim and final work products as outlined in the scope of work. The subtask assumes the City will provide clear, concise and timely input and review on the work products produced by the consultant. All interim deliverables (prior to compiled draft documentation in Task 4) are assumed to be delivered in electronic format (Microsoft Word and PDF).

## **Task 2 – Data Collection/Study Area Characteristics**

In this task, MSA will review background information and develop a formal data request for completion of the work. Data will be requested from both the City and Clean Water Services (CWS). This task assumes the City and CWS will provide clear, concise and timely data as requested to the consultant. Where applicable, planning assumptions will be used from the City's Sanitary Sewer (SSMP) and Water Master Plan (WMP) update to minimize duplication of effort and to maintain consistency between planning documents.

Also under this task current and prior planning will be evaluated and general study area characteristics will be documented. Stormwater basins will be defined and characterized within the Urban Growth Boundary (UGB) and designated areas of interest in the METRO Urban Reserve (URA). These areas include the West Urban Reserve, Tonquin Employment Area (TEA), Tonquin Urban Reserve, and Brookman Annexation Area. Other URAs are assumed to be excluded from the study. A draft version of the "Study Area" section of the master plan will be provided to the City for review.

### ***Subtask 2.1 – Information Compilation and Review***

Compile and review prior City and CWS studies, plans and reports, as well as available planning guidance documents and design standards. It is anticipated that the following documents will be included in this evaluation work:

- Current City budget.
- Storm Sewer collection system maintenance reports.
- Three years of accurate budget data showing real cash flow for both income and expenses.
- Intergovernmental Agreement with Clean Water Services.
- City of Sherwood Stormwater Master Plan, June 2007, Murray, Smith & Associates, Inc.
- Clean Water Services Storm Sewer Master Plan.
- City of Sherwood, Comprehensive Plan.
- Adams Avenue North Concept Plan.
- Brookman Road Concept Plan.
- Tonquin Employment Area Concept Plan.
- Sherwood Town Center Plan.
- Urban Growth Boundary expansion study areas.
- City of Sherwood GIS mapping of known existing stormwater systems showing rim and invert elevations, and pipe sizes.
- Sherwood zoning map.

### ***Subtask 2.2 – Study Area and Basin Characterization***

Review current land use designations and characteristics based on the City's current Comprehensive Plan and information provided by the City's Planning Department to define the study area and its uniqueness relative to storm sewer system analyses. Identify unique hydrologic characteristics including soil types, topography, vegetation, and others. Confirm characteristics relative to updated storm sewer system analyses.

### ***Subtask 2.3 – General Planning Criteria Review***

Identify general planning criteria that are applicable to the development of the Stormwater Master Plan, including City and CWS standards.

### ***Subtask 2.4 – Base Mapping Development***

Under this task a base map will be developed to be utilized for the storm sewer system mapping. It is anticipated that the current Water System Master Plan mapping that was recently prepared by MSA will serve as the basis for developing an up to date storm sewer system map of the City, with key information from available previous infrastructure mapping provided by the City and/or CWS. The base mapping will include drainage basins and sub-basins delineated within the study area, digital topography, rights-of-way, tax lots, land use,

zoning and other important features. The mapping will include the Tonquin, West Sherwood, and South Sherwood Urban Reserve Areas and contemplated AI's. Other mapping resources (including USGS, Metro, State, etc.) will be utilized as necessary to develop an accurate base map.

### **Task 3 - Existing Storm Sewer System Review**

Under this task, the previous existing storm sewer facilities inventory in the study area will be updated and documented on a map of the existing system. Existing storm sewer system data and features will be evaluated. Included in this task are meetings with City staff to review and verify data and to conduct site inspections of major components to quantify conditions. This task assumes the City participate in the project meetings and in interviews related to system facilities inventory work. Sensitive lands and problem areas will be identified and inventoried, and all current federal, state, and local regulations will be reviewed relative to the prospective Stormwater Master Plan Update.

#### ***Subtask 3.1 – Existing System Inventory and Conditions Update***

Based on the available mapping and data collected, all existing system inventories of the City will be updated. A review will be made of City-provided mapping for the existing storm sewer system and associated system data relative to prior 2007 planning conditions and plan update requirements. All improvements completed since the publication of the prior plan will be noted and an overall map of the existing system will be developed for purposes of master plan presentation. MSA will coordinate with City Staff to review and verify data. All physical parameters necessary for system analysis will be summarized. Sherwood's updated existing storm sewer system will be described and will include relevant revisions to the community, system infrastructure, regulatory, and financial background information.

1. *Community Background* – The existing customer base and land use; residential, commercial and industrial customers; political jurisdictions and agreements; population and history of Sherwood's storm sewer system will be updated.
2. *Storm Sewer System Infrastructure Background* – Information and mapping of the physical features of the existing system will be prepared as will an explanation of how the system is currently operated (Operational Strategy). It will also include information on storm sewer discharge volumes. CWS is responsible for trunk sewers (24-inch diameter and above). The SWMP update will have any alterations as to how the Sherwood collection system interrelates to the regional system since the last documentation. All master planning work will be consistent with the planning work being done by CWS. Included in the documentation will be a discussion of existing reserve capacity, evaluation of future urban area service potential, and a discussion of the computer model, maps, and system expansion strategies.
3. *Federal, State, and Local Rules and Regulations* – A discussion of the current federal, state and local rules and regulations that relate to the Sherwood storm

sewer system will be provided as part of plan documentation. The plan must meet the requirements of State Facilities Planning Rule OAR 660-011. By City/Agency Intergovernmental Agreement (IGA), CWS is responsible for development and updating of a regional Surface Water Management (SWM) Plan that includes the Sherwood area. By IGA, the City and CWS share responsibilities for plan implementation. Current surface water management guidance is provided by the CWS Surface Water Management Plan, the ongoing CWS Healthy Streams Plan, EPA/DEQ Watershed-Based NPDES Discharge Permit, and Tualatin River Floodplain studies with FEMA. MSA will confirm all issues and interests that have a bearing on the City's SWMP update.

4. *Funding/Budget* – An updated description and discussion of Sherwood's existing funding mechanisms encompassing operations and maintenance (O&M) and capital improvements plan (CIP) will be included in the documentation, as will a discussion of the City's system development charge (SDC) and its inter-relationship with CWS. This general informational overview will serve as the basis for additional work under Subtask 4.5.

### ***Subtask 3.2 – Evaluation of Existing Features and Data***

The purpose of this task is to evaluate existing storm sewer system features and data. Work will include the following:

1. *Data Review* – Collected data will be reviewed. Any discrepancies, inconsistencies, or shortcomings in the data will be identified and documented.
2. *Staff Coordination and Site Inspections* – Meet with City Staff to review and verify data and to conduct site inspections of major components to quantify conditions as needed. Field reconnaissance of existing physical features, conditions, and systems will be provided, and any potential need for detailed field surveys to confirm critical elevations will be identified for completion beyond this scope of work.
3. *Evaluation of Facilities* – The evaluation of existing facilities will be performed in close consultation with City operations staff to ensure that all deficiencies of the existing facilities are identified and that the staff is included in the evaluation process and the development of recommended improvements.

### ***Subtask 3.3 – Identification of Sensitive Lands and Problem Areas***

Identify sensitive lands, streams, buffers, problem areas, utility easements, and rights-of-way to document areas that may hinder development. Assess which of these areas may offer constraints or opportunities for storm/surface water control facilities.

1. *Sensitive Lands Inventory* – Obtain the current National Wetlands Inventory mapping and any other available local inventories of sensitive land and wetland areas.

2. *Problem Area Inventory* – Interview City and CWS staff regarding known problem areas.

#### **Task 4 - Storm Sewer System Analysis and Master Plan Development**

Under this task, MSA will develop the storm sewer system analyses and documentation, and complete the SWMP update element of the project. Operational deficiencies and infrastructure deficiencies of the existing storm system will be identified through reviewing existing reports, holding interviews with the appropriate City staff, and conducting field investigation. Infrastructure requirements will include the need to make appropriate considerations for future service both inside and outside the current UGB. Existing reserve capacity will be reviewed to evaluate potential service extensions for future urban areas.

##### ***Subtask 4.1 – Hydrologic/Hydraulic Evaluation, System Analysis and Storm System Plan Development***

Perform hydrologic/hydraulic system evaluation utilizing software compatible with PC-SWMM hydraulic engine, using the “unit hydrograph” method of analysis. Model existing systems for 25-year frequency return storm design criteria in accordance with current CWS standards and develop recommendations for improvements accordingly. Sub-elements include:

1. *Update Hydrologic Component of Model* – Update hydrologic information for the drainage sub-basins. Prepare rainfall input data for the SCS Type 1A, 24-hour duration, 25-year frequency design storm, in accordance with current CWS standards. This task identifies the rainfall characteristics and corresponding stormwater run-off characteristics, by sub-basin, throughout the study area.
2. *Develop Hydraulic Component of Model* – Develop the analytical hydraulic model. This task develops the model input data that defines the storm drainage conveyance system, including existing and proposed pipe configuration, pipe size, invert elevations, pipe slopes, general open channel geometry, detention areas, etc.
3. *Perform Model Runs and Determine Improvements* – Model the storm drainage system based on the 25-year design storm. Identify required system improvements for the updated analysis approach and design criteria. Identify improvements required in the short term to correct existing deficiencies, and in the long term to provide for future development.
4. *Master Plan Map* – Develop an updated master plan map that identifies locations of deficiencies in the system.
5. *Hydrologic/Hydraulic Analysis Documentation* – Describe and document the updated analysis methodology and respective results with report text for inclusion in the Stormwater Master Plan Update.

### ***Subtask 4.2 – Alternatives Development and Evaluation***

The purpose of this task is to analyze and identify potential storm sewer facility collection and conveyance alternatives and select the most viable alternatives for further analysis. The subtask assumes the City will provide input and feedback as alternatives are developed, analyzed, screened, selected and recommended. Anticipated work under this item includes the following elements:

1. *Storm Sewer System Analysis* – Using the data collected and the hydraulic model, alternatives to improve system deficiencies, eliminate system restrictions, and accommodate future service areas will be developed and evaluated. These alternatives will include gravity storm sewers and detention facilities to adequately collect and convey stormwater under current and future flow conditions. The proposed alternative will meet the previously listed goals and will address future storm system demands, infrastructure needs, regulatory issues, and implementation. Each alternative ultimately recommended will include a detailed description, cost analysis, layout drawings, or other appropriate material.
2. *Operations Alternatives* – As part of this subtask system, operation strategies will be reviewed and alternative approaches developed. This work includes relevant CWS operations objectives and recommendations on how those can be achieved by the City.
3. *Infrastructure Alternatives* – Detailed improvement alternatives for conveyance and treatment to an approved outfall will also be developed. Alternatives for expanding the conveyance system to serve future storm system demand within the Sherwood UGB and AI will be developed, including line sizes and treatment facilities. All alternatives will be developed in close coordination with designated City staff from the Public Works and Engineering Departments. Public Works will be involved in implementing system operations and maintenance strategies. The Engineering Department will be responsible for implementing capital improvement projects.
4. *Selection of Preferred Alternatives* – Under this subtask, MSA will provide guidance and recommendations to the City with a common sense approach to complying with applicable regulations. Alternatives that are technically sound, protective of the environment, respectful of the surrounding community, and cost-effective in collecting and conveying or treating stormwater and that meet City goals and objectives, will be selected. The selected alternatives will be described in further detail and will include a project cost estimate.

### ***Subtask 4.3 – Cost Estimates***

Under this subtask planning level project cost estimates will be developed for all recommended improvements. Detailed break downs of cost estimating data will be provided to allow for quick reference and updating purposes. All project cost estimates will include appropriate allowances and contingency factors as well as cost index referencing to provide

for future cost estimate updating. SDC eligible portions of each improvement will be identified.

#### ***Subtask 4.4 – Improvement Prioritization and CIP Coordination***

Included in this subtask is a review of proposed improvements and associated costs with City staff to establish prioritization guidance. With City input on project priorities, a prioritized CIP will be developed for inclusion in the master plan document. The CIP will be tabulated with grouped and prioritized annual recommended improvements and include project cost estimates and tabulated annual capital cost needs, as well as average capital cost needs, on a five-year increment basis. The CIP will consist of a list of recommended improvements and budget level project cost estimates for each proposed improvement, consistent with Oregon Administration Rule (OAR) 660-011-0005(2) and OAR 660-011-035.

The list will include a brief description of each improvement and the benefits of undertaking and completing the improvement. The CIP will include an implementation program that will identify and prioritize the recommended improvements so that immediate improvements can be included in the current 5-year CIP and others can be programmed into subsequent planning horizons. The program will also identify key regulatory dates or other critical dates when specific improvements may be required.

#### ***Subtask 4.5 – Stormwater Master Plan Update Documentation***

Under this subtask, an updated comprehensive Stormwater Master Plan document that includes text narrative, tables, figures, and maps that describe and present findings and recommendations will be developed. For budgeting purposes, it is assumed that:

- a. Ten (10) Draft Plan copies will be provided for City review and comment;
- b. Twenty-five (25) bound copies of the Final Recommended Plan, and twenty-five (25) copies of a simple summary brochure will be provided to City staff to begin the public hearing process;
- c. One (1) CD with electronic files in PDF format, along with twenty-five (25) bound copies of the Final Adopted Plan, and fifty (50) copies of a simple executive summary brochure, will be provided to the City within two (2) weeks of final adoption.

Key elements of this documentation work include:

1. *Project Purpose, Background, and Need Statement* – Develop a summary description of the overall purpose of the Stormwater Master Plan Update, the background on the stormwater collection and treatment, and the need for the plan.
2. *Recommended Plan* – A clear description and documentation of the recommended improvements plan will be presented, allowing Sherwood to meet the goal of providing stormwater service to existing and future users within the UGB. The



- plan will include the recommended stormwater system operational strategy and include other recommended operational and maintenance improvements.
3. *Prioritized Capital Improvement Plan* – Annual project cost summaries tabulated for the 20-year planning horizon and at saturation development will be developed. This table outlines and tabulates proposed plans and alternatives developed and prioritized jointly by the entire project team. The recommended physical improvements will encompass treatment, collection, detention and transmission to the CWS system. Detailed mapping, narrative project descriptions, and cost tables will be included. Costs will be based on the current year and will be indexed to the most applicable ENR index for future construction.
  4. *Executive Summary, Conclusions, and Recommendations* – An executive summary will be completed as part of the plan documentation work and will provide a brief and concise summary of the findings of the Master Plan, including a statement of the project purpose and goals behind the preparation of the Master Plan. It will include conclusions and summaries, as well as a detailed list of the recommendations for the Master Plan, including project descriptions and cost estimates, an operational strategy and a detailed capital improvement plan.
  5. *Appendices* – The Master Plan appendix will include data, modeling results, reference list, maps, other reports, and any additional material necessary to provide all background information used in developing the Master Plan recommendations. If appropriate, the appendix may be bound in a separate volume.

#### ***Subtask 4.7 – Areas of Interest (AI) Documentation***

Growth within potential Urban Growth Boundary (UGB) expansion areas, Urban Reserve Areas (URAs) and other Areas of Interest (AI) will drive the improvement needs within the City's existing stormwater system. However, due to constraints placed on municipalities for planning for these future areas by the Oregon Department of Land Conservation and Development (DLCD), explicit documentation of areas outside of the METRO delineated URAs must be omitted from master planning reports. Under this subtask, a separate technical memorandum will be prepared documenting the findings of potential impacts to the City's stormwater system due to development with the study area defined by the City, including all UGB infill, UGB expansions, URAs, and AI. The subtask assumes the City will provide input as the AI are further identified, defined and configured.

Documentation will include a summary of hydraulic capacity interests, a general assessment of likely impacts, and general recommendations for long-term management of natural stream corridors that may be subjected to urbanized development conditions.

#### **Task 5 – Master Plan Coordination and Presentation**

Under this task, MSA will participate in project progress reviews and workshops, coordinate with City and CWS staff, and assist City staff in the presentation of the Stormwater Master

Plan. The task assumes the City will assist in the preparation and presentation strategies for the Planning Commission, the City Council presentations, public hearings and other public workshops.

### ***Subtask 5.1 – City Staff Reviews***

As draft chapters are completed, they will be presented to City staff for review and comment. It is anticipated that reviews will occur at the 60% and 90% completion levels. Upon submission of the draft plan documents, MSA will meet with City staff to review drafts and discuss any comments or questions regarding the draft documents. Meeting minutes will be developed to reflect discussions and comments. Responses to the City’s comments will be prepared and, where applicable, incorporated into the final recommended documents. The City anticipates at least four weeks for reviews.

### ***Subtask 5.2 – City and CWS Coordination***

Coordinate analysis and planning methodologies and approaches with City and CWS staff. Ensure interagency support of analysis methodologies as work progresses. A copy of the plan will be submitted to CWS review and comment. Review CWS comments with City staff and address and incorporate comments as appropriate with final direction from City staff.

### ***Subtask 5.3 – Participate in Public and City Meetings***

MSA will assist City staff in presenting the draft and final plan at the following meetings. Meeting are assumed to be two hours in duration.

1. *Preliminary Planning Commission Meeting* – The meeting will be held prior to completion of the draft documentation. The presentation will address the goals of the master plan update, provide background on planning assumptions, and review the preliminary CIP. A PDF version of the presentation will be provided in advance to be included in the meeting packet.
2. *Technical Advisory Committee Meeting* – The meeting will be held after the City has reviewed the draft master plan document. The presentation will address the purpose of the master plan update, provide details on planning assumptions and improvement alternatives analysis, and present the CIP.
3. *Planning Commission Meeting* – The meeting will be held after completion of the draft final master plan document. The presentation will address the purpose of the master plan update, provide background on planning assumptions and improvement analysis, and present the finalized CIP. A PDF version of the presentation and master plan “Executive Summary” will be provided in advance to be included in the meeting packet.
4. *Public Open House* – The open house will be held after completion of the draft final master plan document. A brief presentation will address the purpose of the

master plan update, provide background on planning assumptions, and present the finalized CIP. MSA will provide four D-size posters for display.

5. *City Council* – The meeting will be held to adopt the master plan document. A brief presentation will address the purpose of the master plan update, provide background on planning assumptions, and present the finalized CIP. A PDF version of the presentation and master plan “Executive Summary” will be provided in advance to be included in the meeting packet.

### BUDGET

The overall not to exceed budget estimate for this project is \$113,500 as shown in Table 1 and Exhibit B. The work provided in this Scope of Work will be billed on a time and expense basis.

**Table 1. Total Project Fee**

Item	Hours	Fee
Task 1: Project Management	54	\$9,906
Task 2: Data Collection/Study Area Characteristics	60	\$7,933
Task 3: Existing Storm Sewer System Review	120	\$18,692
Task 4: Storm Sewer System Analysis and Master Plan Development	462	\$60,440
Task 5: Master Plan Coordination and Presentation	100	\$16,529
<b>Project Total</b>		<b>\$113,500</b>

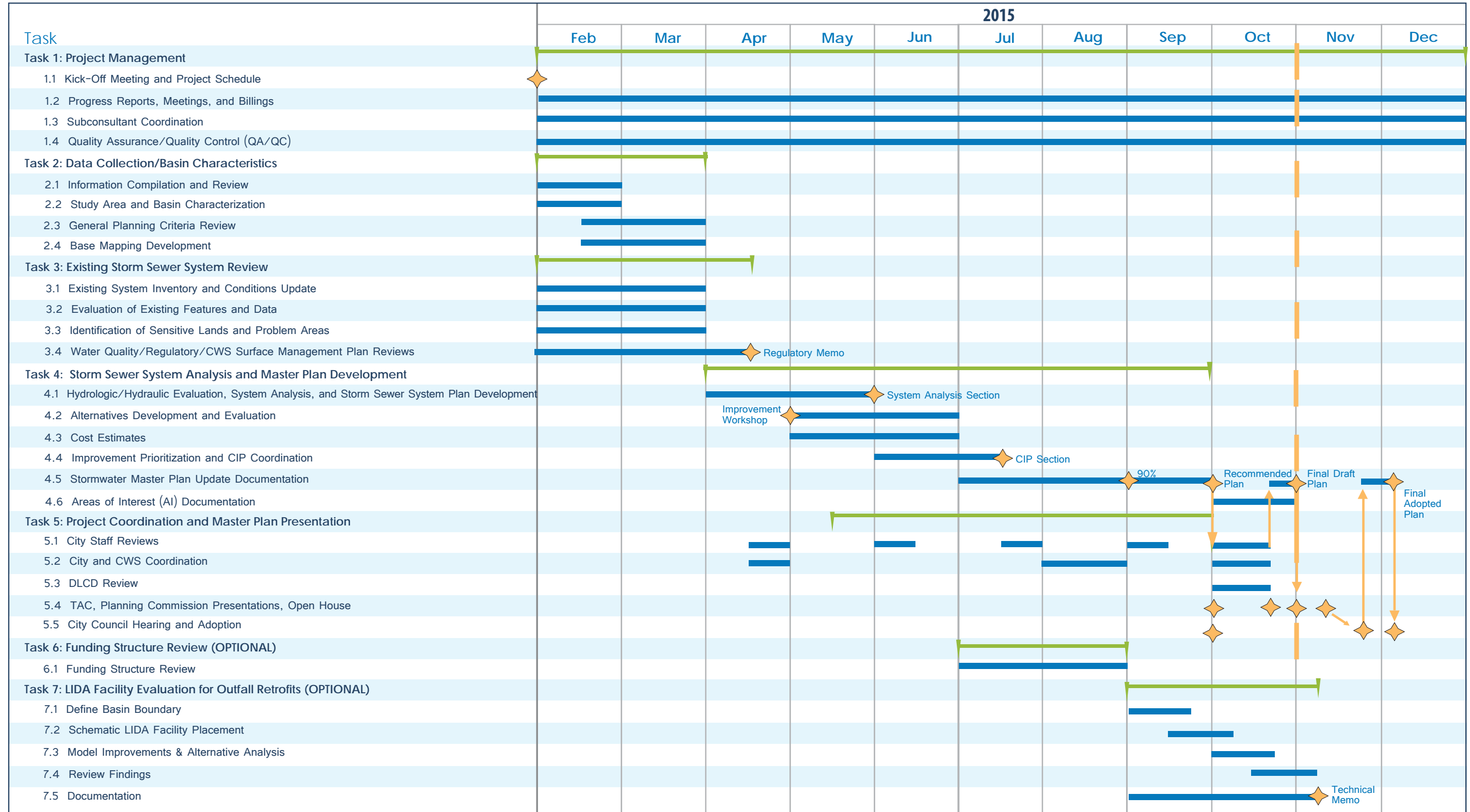
### TIME OF PERFORMANCE

The Plan is anticipated to be completed over a period of approximately 10 months, beginning in January 2015. MSA will make every effort to complete the work in a timely manner; however, it is agreed that MSA cannot be responsible for delays occasioned by factors beyond its control, nor by factors that could not reasonably have been foreseen at the time this scope was executed. A schedule is provided in Exhibit C.

**Stormwater Master Plan Update  
 City of Sherwood  
 Fee and Labor Estimate  
 EXHIBIT B**

	LABOR CLASSIFICATION (HOURS)					Total Hours	ESTIMATED FEES			
	Project Manager M. Carr	Project Coordinator N. McMurtrey	Project Engineer T. Walsh	Senior Reviewer	Admin. I		Labor	Subconsultant M. Wolfe Regulatory	Expenses	Total
	\$172	\$132	\$108	\$186	\$69					
<b>Task 1: Project Management</b>										
1.1. Project Kick Off Meeting and Project Schedule	4	2		2		8	\$ 1,324		\$ 13	\$ 1,337
1.2. Progress Reports and Billings	16					16	\$ 2,752		\$ 28	\$ 2,780
1.3. Progress Meetings	8	4			4	16	\$ 2,180		\$ 22	\$ 2,202
1.4. Subconsultant Coordination	4					4	\$ 688		\$ 7	\$ 695
1.5. Quality Assurance/Quality Control (QA/QC)	8			8		16	\$ 2,864		\$ 29	\$ 2,893
<b>Task 1 Subtotal</b>	<b>40</b>	<b>6</b>	<b>0</b>	<b>10</b>	<b>4</b>	<b>60</b>	<b>\$ 9,808</b>	<b>\$ -</b>	<b>\$ 98</b>	<b>\$ 9,906</b>
<b>Task 2: Data Collection/Study Area Characterization</b>										
2.1. Information Compilation and Review	2	8	8			18	\$ 2,264		\$ 87	\$ 2,351
2.2. Study Area and Basin Characterization	2	8	4			14	\$ 1,832		\$ 50	\$ 1,882
2.3. General Planning Criteria Review	2	8	4			14	\$ 1,832		\$ 50	\$ 1,882
2.4. Base Mapping Development	2	4	8			14	\$ 1,736		\$ 81	\$ 1,817
<b>Task 2 Subtotal</b>	<b>8</b>	<b>28</b>	<b>24</b>	<b>0</b>	<b>0</b>	<b>60</b>	<b>\$ 7,664</b>	<b>\$ -</b>	<b>\$ 269</b>	<b>\$ 7,933</b>
<b>Task 3: Existing System Inventory, Flow Projections and Planning Criteria</b>										
3.1. Existing System Inventory and Conditions Update	4	8	4	4		20	\$ 2,920	\$ 11,000	\$ 61	\$ 13,981
3.2. Evaluation of Existing Features and Data	4	16	4			24	\$ 3,232		\$ 64	\$ 3,296
3.3. Identification of Sensitive Lands & Problem Areas	2	8				10	\$ 1,400		\$ 14	\$ 1,414
<b>Task 3 Subtotal</b>	<b>10</b>	<b>32</b>	<b>8</b>	<b>4</b>	<b>0</b>	<b>54</b>	<b>\$ 7,552</b>	<b>\$ 11,000</b>	<b>\$ 140</b>	<b>\$ 18,692</b>
<b>Task 4: Sanitary Sewer System Analysis and Alternatives Analysis</b>										
4.1. Hydrologic/Hydraulic Evaluation, System Analysis & Storm Sewer System Plan Development	8	32	60	4		104	\$ 12,824		\$ 608	\$ 13,432
4.2. Alternatives Development and Evaluation	8	24	24			56	\$ 7,136		\$ 263	\$ 7,399
4.3. Cost Estimates	4	24	4			32	\$ 4,288		\$ 75	\$ 4,363
4.4. Improvement Prioritization & CIP Coordination	4	60	24			88	\$ 11,200		\$ 304	\$ 11,504
4.5. Stormwater Master Plan Update Documentation	8	60	8	4	40	120	\$ 13,664		\$ 1,810	\$ 15,474
4.6. Areas of Interest (AI) Documentation	8	40	8	2	4	62	\$ 8,168		\$ 100	\$ 8,268
<b>Task 4 Subtotal</b>	<b>40</b>	<b>240</b>	<b>128</b>	<b>10</b>	<b>44</b>	<b>462</b>	<b>\$ 57,280</b>	<b>\$ -</b>	<b>\$ 3,160</b>	<b>\$ 60,440</b>
<b>Task 5: Development of Recommended Plan and Capital Improvement Program (CIP)</b>										
5.1. City Staff Reviews	8	8	4	2		22	\$ 3,236		\$ 64	\$ 3,300
5.2. City & CWS Coordination	8	8	4			20	\$ 2,864	\$ 2,200	\$ 61	\$ 5,125
5.3. Participate in Public and City Meetings	24	16	8			48	\$ 7,104		\$ 1,000	\$ 8,104
<b>Task 5 Subtotal</b>	<b>40</b>	<b>32</b>	<b>16</b>	<b>2</b>	<b>0</b>	<b>90</b>	<b>\$ 13,204</b>	<b>\$ 2,200</b>	<b>\$ 1,125</b>	<b>\$ 16,529</b>
<b>TOTAL - ALL TASKS</b>	<b>138</b>	<b>338</b>	<b>176</b>	<b>26</b>	<b>48</b>	<b>726</b>	<b>\$ 95,508</b>	<b>\$ 13,200</b>	<b>\$ 4,792</b>	<b>\$ 113,500</b>

**Exhibit C**  
 City of Sherwood Stormwater Master Plan Update, Project Schedule



**TO:** Sherwood City Council

**FROM:** Bob Galati, City Engineer and Kristen Switzer, Community Services Director  
Through: Joseph Gall, ICMA-CM, City Manager

**SUBJECT: Resolution 2015-009 Authorizing the City Manager to enter into a Professional Services Contract with Harper Houf Peterson Righellis, Inc. (HHPR) for the Woodhaven Park, Phase 2 Design project**

---

**Issue:**

Should the City Council authorize the City Manager to enter into a professional services contract with Harper Houf Peterson Righellis Inc. (HHPR) for the Woodhaven Park, Phase 2 Design project?

**Background:**

In October 2001, a master plan exhibit was developed for Woodhaven Park showing the conceptual design elements for the park improvements. This master plan exhibit would provide the basis for the work covered by the consultant services contract.

The intent is to take this master plan exhibit and develop the necessary refinement actions to obtain Planning Commission approval and create a construction permit ready package (i.e. plans, specifications, and construction cost estimates). The Parks and Recreation Advisory Committee has listed the Woodhaven Park project as a high priority project and supports moving forward with this phase of the project.

City staff solicited proposals for planning approval and design services in compliance with the formal qualifications based selection procedure established by OAR 137-048-0220 and ORS 279A through 279C. The City received five qualified consultant proposals in response to the RFP. City staff members and a representative of the Parks and Recreation Advisory Committee acting as the design selection committee, reviewed, scored and ranked the consultant submittals in accordance with the selection requirements outlined in the RFP.

From the results of the selection review process, City staff identified that the proposal submitted by HHPR had the highest score and ranking, and that City staff should negotiate a final scope of work and associated fee for contemplated work. City staff negotiated a final scope of work and fee amount, which is being presented as exhibits, as part of the Resolution currently before the City Council.

**Financial Impacts:**

The project will be funded from Parks improvement funds. The cost of the design is within the budget established for the project. Construction of the project will occur as a separate capital improvement project with separately identified funding sources and amounts.

**Recommendation:**

Staff respectfully requests City Council adoption of Resolution 2015-009 authorizing the City Manager to enter into a professional services contract with HHPR for the work defined for the Woodhaven Park, Phase 2 Design project.



**RESOLUTION 2015-009**

**AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH HARPER HOUF PETERSON RIGHELLIS INC. (HHPR) FOR THE WOODHAVEN PARK PHASE 2 DESIGN PROJECT**

**WHEREAS**, a Master Plan Exhibit was developed for Woodhaven Park in October, 2001, showing the conceptual design for the parks improvements; and

**WHEREAS**, the Parks and Recreation Advisory Committee approved and directed staff to proceed with the selection of a consultant to generate a fully developed set of construction plans which will have also received review and approval from the Planning Commission; and

**WHEREAS**, staff solicited proposals for planning approval and design services through the Daily Journal of Commerce on September 24, 2014 and again on September 26, 2014, and the Request for Proposal (RFP) was open to all consultants in compliance with the formal qualifications based selection procedure established by Oregon Administrative Rules (OAR) 137-048-0220 and Oregon Revised Statutes (ORS) 279A through 279C; and

**WHEREAS**, the City received five (5) qualified consultant proposals; and

**WHEREAS**, staff members and a Parks and Recreation Advisory Committee representative acting as a selection committee reviewed, scored and ranked the consultant submittals in accordance with the selection requirements of the RFP; and

**WHEREAS**, the final outcome of the selection review process indicated that the City make an offer to Harper Houf Peterson Righellis Inc. (HHPR) to enter into a final scope of work and fee negotiations for the project work; and

**WHEREAS**, City staff and HHPR did agree to a final scope of work and related fee which meets the RFP requirements and budget constraints established for the project (see attached Exhibits A – Professional Services Contract, Exhibit B – Scope of Work, and Exhibit C – Fee Schedule); and

**WHEREAS**, HHPR's contract fee for the proposed scope of work is an amount not to exceed \$108,593.00.

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

**Section 1.** The City Manager is authorized to enter into a professional services contract with Harper Houf Peterson Righellis Inc. (HHPR) for the project scope and fee described in the attached Exhibits A, B and C, in an amount not to exceed \$108,593.00.

**Section 2.** The City Manager is authorized to amend the contract by up to \$5,430.00 (5% contingency) for unanticipated issues, for a project total not-to-exceed budget amount of \$117,023.00.

**Section 3.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 20<sup>th</sup> day of January 2015.**

\_\_\_\_\_  
Krisanna Clark, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder



## EXHIBIT A

### **Task 1: Project Management and Team Meetings.**

HHPR will manage the project and provide monthly invoices with progress reports. Project Team Meetings are anticipated at three key milestones in the schedule which are anticipated at Project Initiation, and 60%, and 90% deliverables. HHPR will provide weekly email and/or phone updates with the City's Project Manager and maintain an issues log.

#### Deliverables:

- »» Monthly invoices and progress reports
- »» Weekly email and/or phone updates
- »» Conduct three (3) Project Team Meetings with agendas and meeting summaries

#### Anticipated Involvement of City:

- »» Project Team meetings to be held at Sherwood
- »» City to coordinate with attendees other than consultant team

### **Task 2: Project Initiation**

HHPR will provide a detailed task outline and work schedule in consultation with the City. A land use pre-application meeting, either formally or informally, will also be conducted at the outset to identify the land use review criteria and approval process, which may or may not require hearings before the Planning Commission based on the proposed improvements. Background research will also be undertaken to include land use history and conditions of approval, parks planning documents, sensitive lands inventories, and other available City information.

#### Deliverables:

- »» Detailed Task Outline and Work Schedule
- »» Land Use pre-application meeting materials and summary
- »» Summary Memorandum of Background Research findings

#### Anticipated Involvement of City:

- »» City will provide HHPR with all parks planning history and land use history documents and any other plans or policies relevant to the design and approval of the park
- »» City will pay Land Use Pre-Application fee

### **Task 3: Preliminary Survey and Site Analysis**

The HHPR Survey Department will locate the property boundary and easements based upon the Limits of Survey exhibit dated 12/18/2014 and also perform a topographic survey of the site. The survey team will locate the flagged wetland boundary and include this with the topographic survey in AutoCAD format, for inclusion into the Clean Water Services (CWS) Site Assessment submittal described in Task 4.

The landscape architect will visit the project site to observe, document and analyze existing conditions. A photographic record will be generated of the existing conditions for reference throughout the design process. Observations of man-made and natural processes will be documented for use in the site analysis.

Using the prepared survey, GIS data, aerial images and the Woodhaven Master Plan site plan; HHPR will prepare digital base drawings for use in the preparation of the land use application and construction documents. Base drawings will include documentation of the site, including wetland buffers, utility locations, easements, setbacks and rights of way. The base drawings will show the 2001 Woodhaven Master Plan phase 2 (master plan) proposed design elements as drawn. Using the base drawings, HHPR will prepare a graphic analysis showing opportunities and constraints the proposed master plan elements and the existing conditions of the site.

#### Deliverables:

- »» Topographic Survey
- »» CAD generated preliminary site plan
- »» Site analysis graphic boards (2) showing opportunities and constraints of the site and proposed phase 2 improvements

#### Anticipated Involvement of City:

- »» City will supply any supplemental information available (i.e. utility locations maps, GIS data, as-built drawings) that may be used in the site analysis.

### **Task 4: Natural Resource Assessment | Wetland Delineation**

The Environmental Landscape Architect will visit the site to observe and document jurisdictional waters/wetlands onsite, perform soils tests, and examine the site for indications of existing wetlands. A preliminary jurisdictional determination of waters/wetlands will be made by conducting the necessary research and additional soil test pits to define the wetland boundary. A Site Assessment of Vegetated Corridors in accordance with Clean Water Services (CWS) Design and Construction Standards (R&O 07-20) will be undertaken, including assessment of buffer conditions, photographic points, slope assessment and associated report information per Chapter 3.

Deliverables:

- »» Preliminary Jurisdictional Determination of Waters/Wetlands and Wetlands map
- »» CWS Site Assessment Submittal
- »» CWS Service Provider Letter

**Task 5: Parks Committee Presentation #1 – Review and Confirm 2001 Master Plan**

HHPR will prepare for and attend a meeting with the Parks Committee to discuss the 2001 Master Plan and identify key issues, opportunities, and constraints related to further design development of the parks master plan. Input will also be solicited on specific elements such as the restroom/picnic shelter facility, play structure expansion, and other park elements. The intent of the meeting is to confirm the master plan and determine which elements need further input.

Deliverables:

- »» Agenda and Exhibits for Parks Committee presentation
- »» Meeting notes

**Task 6: Open House/Neighborhood Meeting – Present Design for Public Comment**

Following the first Parks Committee Presentation, the 2001 master plan, will be presented at a public meeting, as updated or revised per Parks Committee input and the site analysis and natural resource assessment.

Deliverables:

- »» Agenda and Exhibits for Open House/Neighborhood Meeting
- »» Meeting notes

Anticipated Involvement of City:

- »» City will make meeting arrangements and provide notification to the public and prepare any collateral public involvement materials beyond design exhibits.

**Task 7: Parks Committee Presentation #2 – Finalize Design for Land Use Application**

A second meeting will be held with the committee to share input received from the neighborhood/public meeting and gain committee concurrence on the design prior to preparing the 60% plan set and land use application.

Deliverables:

- »» Agenda and Exhibits for Parks Committee presentation
- »» Meeting notes

Anticipated Involvement of City:

- »» City will make meeting arrangements and lead communication with Parks Committee

**Task 8: Prepare 60% Plan Set, Cost Estimate, and Land Use Application**

Once the Parks Committee has concurred with the design the 60% plan set, cost estimate, and land use application package will be prepared and submitted to the City. Note that the land use package will serve as the project Design Report.

The 60% CD progress set will include, at a minimum, the following sheets:

- »» Title Sheet
- »» Existing Conditions as indicated by survey and wetland delineation
- »» Site Plan with layout, location and descriptions of existing and proposed park improvements
- »» Trail Plan with alignment and construction details
- »» Utility and stormwater treatment plan
- »» Prefabricated building plan, sections, elevations and structural details
- »» Civil details
- »» Planting layout and legend
- »» Vegetated corridor planting plan
- »» Landscape and playground details
- »» Preliminary lighting plan

Deliverables:

- »» Land Use Application

»» Land Use (60%) Plan Set

»» 60% Cost Estimate

Anticipated Involvement of City:

»» City staff will review 60% set

»» City will pay Land Use Application fees

**Task 9: Attend Planning Commission Hearings**

HHPR Project Manager will attend up to two (2) public hearings before the Planning Commission or Hearings Officer on behalf of the project.

Deliverables:

»» Attendance and testimony on behalf of the project at up to two public hearings

Anticipated Involvement of City:

»» City project representative(s) to also attend land use hearings

**Task 10: 90% Plans, Specifications, and Estimate**

HHPR will prepare a 90% CD progress set, specifications and cost estimate for review by city staff which will include, at a minimum, the following sheets:

»» Title Sheet

»» Existing Conditions

»» Site Plan with layout, location and descriptions of existing and proposed park improvements

»» Trail Plan and Details

»» Utility / Stormwater Treatment Plan

»» Building Plan, Sections and Elevations

»» Civil Details

»» Planting and Irrigation Plans

»» Landscape and Playground Details

»» Lighting Plan

Deliverables:

»» 90% Plan Set

»» 90% Specifications

»» 90% Cost Estimate

**Task 11: 100% Construction Set, Cost Estimate, Specifications, and Bid Schedule**

HHPR will issue a Construction Set for bidding and construction purposes. The set will include all the sheets issued in the 90% CD set and will incorporate any revisions required by the permitting process and city staff review. A final cost estimate, specifications and bid schedule will accompany the Construction Set.

Deliverables:

»» Construction Set

»» Final Cost Estimate

»» Specifications

»» Bid Schedule

# EXHIBIT B

**Woodhaven Park Design - Phase 2  
Harper Houf Peterson Righellis Inc.**

**REVISED December 18, 2014**

TASK DESCRIPTIONS	Project Manager	Landscape Architect	Environmental Landscape Architect	Project Engineer	Civil Designer	CAD Technician	Survey Manager	Project Surveyor	Survey Technician	Survey Crew Chief	Instrument Person	Graphic Designer	HPR Labor	Total Hours by Task	HPR Subtotal
<b>Task 1: Project Management and Meetings</b>															
1.1 Project Management and Administration (assumes 7 month duration)	24	12	12										\$ 3,960.00	24	\$ 3,960
1.2 Project Team Meetings (4) at Kickoff, 60%, 90%, 100% deliverables	12			12									\$ 5,100.00	36	\$ 5,100
														60	\$ 9,060
<b>Task 2: Project Initiation</b>															
2.1 Prepare task outline and project schedule	4												\$ 660.00	4	\$ 660
2.2 Background Research and Summary Memo	2	8		2									\$ 1,510.00	12	\$ 1,510
2.3 Prepare for and attend Land Use Pre-Application meeting	8												\$ 1,320.00	8	\$ 1,320
														24	\$ 3,490
<b>Task 3: Survey and Site Analysis</b>															
3.1 Survey – see subtasks below attached exhibit for survey limits and assumptions															
a. Boundary Retracement									4	8	8				
b. Topographic Survey								8		28	28				
c. Wetland Survey								1	2	16	16				
d. Map Preparation							2	4	40						
e. Project QA/QC							2								
3.2 Base Drawing Preparation and Analysis													\$ 290.00	2	\$ 290
													\$ 880.00	8	\$ 880
														175	\$ 15,545
<b>Task 4: Natural Resource Assessment / Wetland Delineation</b>															
4.1 Site Visit - Environmental Landscape Architect			8										\$ 960.00	8	\$ 960
4.2 Preliminary Jurisdictional Determination of Waters/Wetlands			12										\$ 1,440.00	12	\$ 1,440
4.3 Wetland map			2										\$ 240.00	2	\$ 240
4.4 CWS Site Assessment submittal and Pre-Screen			20										\$ 2,400.00	20	\$ 2,400
														42	\$ 5,040
<b>Task 5: Parks Committee #1 - Review and Confirm Master Plan Design</b>															
5.1 Presentation preparation	8	4											\$ 1,760.00	12	\$ 1,760
5.2 Presentation	4	4											\$ 1,100.00	8	\$ 1,100
														20	\$ 2,860
<b>Task 6: Open House/Neighborhood Meeting - Present Design for public comment</b>															
6.1 Meeting preparation	8	4											\$ 1,760.00	12	\$ 1,760
6.2 Meeting attendance	4	4											\$ 1,100.00	8	\$ 1,100
														20	\$ 2,860
<b>Task 7: Parks Committee #2 - Finalize Design for Land Use Application</b>															
7.1 Presentation preparation	4	8											\$ 1,540.00	12	\$ 1,540
7.2 Presentation	4	4											\$ 1,100.00	8	\$ 1,100
														20	\$ 2,640
<b>Task 8: Prepare 60% Plan Set and Land Use Application</b>															
8.1 Neighborhood Meeting Documentation	2												\$ 330.00	2	\$ 330
8.2 Land Use Narrative and Findings	14												\$ 2,310.00	14	\$ 2,310
8.3 Site Plan / Existing Conditions/ Land Use Exhibits		28		2	4	8							\$ 4,460.00	42	\$ 4,460
8.4 Grading / EC				8	24	16							\$ 4,960.00	48	\$ 4,960

**Woodhaven Park Design - Phase 2  
 Harper Houf Peterson Righellis Inc.**

**REVISED December 18, 2014**

TASK DESCRIPTIONS	Total Hours by Task											HHPR Subtotal			
	Project Manager	Landscape Architect	Environmental Landscape Architect	Project Engineer	Civil Designer	CAD Technician	Survey Manager	Project Surveyor	Survey Technician	Survey Crew Chief	Instrument Person		Graphic Designer	HHPR Labor	
8.5 Trail Plan		8											\$ 880.00	8	\$ 880
8.6 Utility Plan / Preliminary Stormwater Plan				16	40	24							\$ 8,440.00	80	\$ 8,440
8.7 Prefab Building Plan/Elevations/Sections				4	8	8							\$ 2,080.00	20	\$ 2,080
8.8 Civil Details					4	8							\$ 1,080.00	12	\$ 1,080
8.9 Landscape and Vegetated Corridor Planting Plans		20	4										\$ 2,680.00	24	\$ 2,680
8.10 Irrigation		8	1										\$ 1,000.00	9	\$ 1,000
8.11 LA Details (playground)		8											\$ 880.00	8	\$ 880
8.12 Cost Estimate		2		2									\$ 520.00	4	\$ 520
														271	\$ 29,620
<b>Task 9: Attend Planning Commission Hearings (2)</b>	4												\$ 660.00	4	\$ 660
9.1 Coordinate with Sherwood Planning staff													\$ 1,320.00	8	\$ 1,320
9.2 Present application at Planning Commission hearings (2)	8												\$ 1,320.00	12	\$ 1,980

TASK DESCRIPTIONS	Project Manager	Landscape Architect	Environmental Landscape Architect	Project Engineer	Civil Designer	CAD Technician	Survey Manager	Project Surveyor	Survey Technician	Survey Crew Chief	Instrument Person	Graphic Designer	HHPR Labor	Total Hours by Task	HHPR Subtotal
<b>Task 10: CDs - 90% Plans, Specifications, and Estimate</b>															
10.1 Site Plan	4			2	8	4							\$ 1,880.00	18	\$ 1,880
10.2 Grading / EC				2	8	4							\$ 1,440.00	14	\$ 1,440
10.3 Trail Plan	4			4	12	8							\$ 2,920.00	28	\$ 2,920
10.4 Utility Plan / Stormwater Plan				8	16	12							\$ 3,820.00	36	\$ 3,820
10.5 Prefab Building Plan / Sections / Elevations				1	4	4							\$ 890.00	9	\$ 890
10.6 Civil details					4	4							\$ 740.00	8	\$ 740
10.7 Landscape and Vegetated Corridor Planting Plans	6	2											\$ 900.00	8	\$ 900
10.8 Irrigation	6	1											\$ 780.00	7	\$ 780
10.9 LA details (playground)	6												\$ 660.00	6	\$ 660
10.10 Specifications	4	4		8	24								\$ 4,520.00	40	\$ 4,520
10.11 Cost Estimate	2	1		2	8	8							\$ 2,120.00	21	\$ 2,120
														195	

TASK DESCRIPTIONS	Project Manager	Landscape Architect	Environmental Landscape Architect	Project Engineer	Civil Designer	CAD Technician	Survey Manager	Project Surveyor	Survey Technician	Survey Crew Chief	Instrument Person	Graphic Designer	HHPR Labor	Total Hours by Task	HHPR Subtotal
<b>Task 11: CDs - 100% Plans, Specifications, and Estimate</b>															
11.1 Site Plan	1			1	2	1							\$ 545.00	5	\$ 545
11.2 Grading / Erosion Control				1	2	4							\$ 690.00	7	\$ 690
11.3 Trail Plan and details	2			4	4	8							\$ 1,900.00	18	\$ 1,900
11.4 Utility Plan / Stormwater Plan				2	4	8							\$ 1,380.00	14	\$ 1,380
11.5 Prefab Building Plan / Sections / Elevations				1	1	1							\$ 335.00	3	\$ 335
11.6 Civil details						4							\$ 340.00	4	\$ 340
11.7 Landscape and Vegetated Corridor Planting Plans	6	2											\$ 900.00	8	\$ 900
11.8 Irrigation	4	2											\$ 660.00	6	\$ 660
11.9 LA details (playground)	4												\$ 440.00	4	\$ 440



**Woodhaven Park Design - Phase 2  
 Harper Houf Peterson Righellis Inc.**

**REVISED December 18, 2014**

TASK DESCRIPTIONS	Project Manager		Landscape Architect		Environmental Landscape Architect		Project Engineer		Civil Designer		CAD Technician		Survey Manager		Project Surveyor		Survey Technician		Survey Crew Chief		Instrument Person		Graphic Designer		HPR Labor		Total Hours by Task			
	HHPR	Subtotal	HHPR	Subtotal	HHPR	Subtotal	HHPR	Subtotal	HHPR	Subtotal	HHPR	Subtotal	HHPR	Subtotal	HHPR	Subtotal	HHPR	Subtotal	HHPR	Subtotal	HHPR	Subtotal	HHPR	Subtotal	HHPR	Subtotal	HHPR	Subtotal		
11.10 Specifications			2	\$ 220.00	4	\$ 480.00	8	\$ 960.00	16	\$ 1,920.00	8	\$ 960.00	4	\$ 480.00	2	\$ 240.00	4	\$ 480.00	8	\$ 960.00	8	\$ 960.00	4	\$ 480.00	2	\$ 240.00	4	\$ 480.00	30	\$ 3,500.00
11.11 Cost Estimate			2	\$ 240.00	1	\$ 120.00	2	\$ 240.00	8	\$ 960.00	8	\$ 960.00	4	\$ 480.00	1	\$ 120.00	4	\$ 480.00	1	\$ 120.00	1	\$ 120.00	1	\$ 120.00	1	\$ 120.00	1	\$ 120.00	21	\$ 2,120.00
11.12 Bid Schedule	1	\$ 1,125.00	4	\$ 480.00	1	\$ 120.00	2	\$ 240.00	4	\$ 480.00	4	\$ 480.00	8	\$ 960.00	4	\$ 480.00	13	\$ 1,560.00	46	\$ 552.00	52	\$ 624.00	52	\$ 624.00	0	\$ 0.00	10	\$ 1,125.00	10	\$ 1,125.00
Total Hours 130 Total Hours 969																														
Total Hours by Staff Type 111 187 65 92 205 142 4 13 46 52 52 0 \$ 107,720.00 \$ 107,720.00																														

Hourly Rates	111	187	65	92	205	142	4	13	46	52	52	0	\$ 105.00
	\$165.00	\$110.00	\$120.00	\$150.00	\$100.00	\$85.00	\$145.00	\$125.00	\$90.00	\$100.00	\$100.00	\$60.00	\$105.00

**Expenses**  
 Printing - Land Use, 90%, & 100% plan sets + design exhibits for meetings \$400  
 Mileage - 10 trips @ 30 miles/RT x \$0.575/mile (2015 IRS rate) \$173  
 Title Report \$300  
**Total Expenses \$873**

**Total Fee \$108,592.50**

**TO:** Sherwood City Council

**FROM:** Joseph Gall, ICMA-CM, City Manager

Through: N/A

**SUBJECT: Resolution 2015-010, directing the City Manager to begin a Process to Transition City Attorney Services to Employees in a City Attorney's Office, Create Job Descriptions and Review Budgetary Requirements**

---

**Issue:**

Should the City Council approve a resolution to begin a process to transition City Attorney Services?

**Background:**

Our current City Attorney services have been provided by the law firm of Beery, Elsner & Hammond (BEH) since March 2003. BEH was appointed to serve as the City Attorney through Resolution 2003-027 which was passed by City Council on March 25, 2003.

The City Attorney's Office is established within the Sherwood City Charter in Section 35 and is one of four appointed officials of the City Council (City Manager, City Recorder and Municipal Court Judge are the other three appointed officials). The City Charter further clarifies that the City Attorney could be either an employee of the City or a firm under written contract approved by the City Council.

Cities within the metropolitan Portland region have a range of different alternatives in how legal services are provided within their municipalities (see Exhibit A). Our most immediate neighboring cities of Wilsonville, Tualatin and Newberg successfully utilize the internal model of City Attorney Office where employees of the municipality provide legal services. Although these three cities are slightly larger than the City of Sherwood, the model is transferable to our organization. Most importantly, the current City Council members have expressed to the City Manager their support for this change. Since the City Attorney is appointed by the City Council, approval of this resolution is the first step in initiating such a transition.

Upon approval of the City Council, it is important to clarify that this resolution does the following:

1. The City Manager will begin the necessary steps for the transition including the creation of new job descriptions for employees within the City Attorney's Office, recommendation of salary range for employees, and creation of a proposed budget for this new internal model.

Approval of this resolution will start a process but future actions will be required by Council. These actions include:

1. Termination of the existing contract with BEH after the transition period. The current contract requires a future resolution by City Council to achieve this step in the process.
2. Appointment of a new employee to serve as the City Attorney will require another future resolution by City Council. This step will take place after a recruitment period and interview process by the City Council.
3. Adoption of the necessary budget to fund this internal model will require a Supplementary Budget process before the end of this fiscal year.

Although it is difficult to determine an exact timeline to implement this transition, City staff will expedite the process to limit the transition period from our current Contract model to an internal employee model. It is estimated that it will take approximately two to four months to fully implement the process.

**Financial Impacts:**

There will be no direct financial impacts as a result of City Council adoption of this specific resolution.

As a result of the need for future legislation in the next few months to actually implement this internal model, City staff is planning to provide additional history of legal costs over the past five fiscal years in relation to a proposed budget for the internal employee model.

**Recommendation:**

Staff respectfully requests City Council adoption of Resolution 2015-010 directing the City Manager to begin a process to transition City Attorney services to employees in a City Attorney's Office.

**Exhibit A**  
**City Attorney Services by Jurisdiction in Metro Portland**

City	Population	Model	External Firm
<b>Portland</b>	<b>592,120</b>	<b>Internal</b>	
<b>Gresham</b>	<b>106,180</b>	<b>Internal</b>	
Hillsboro	93,340	Contract	BEH
<b>Beaverton</b>	<b>91,935</b>	<b>Internal</b>	
Tigard	49,135	Contract	Jordan Ramis
<b>Lake Oswego</b>	<b>36,990</b>	<b>Internal</b>	
Oregon City	33,390	Contract	Ed Sullivan
<b>Tualatin</b>	<b>26,510</b>	<b>Internal</b>	
West Linn	25,425	<b>Internal</b>	
Forest Grove	22,340	Contract	BEH
<b>Wilsonville</b>	<b>21,550</b>	<b>Internal</b>	
Milwaukie	20,500	Contract	Jordan Ramis
<i>Sherwood</i>	<i>18,575</i>	<i>Contract</i>	<i>BEH</i>
Troutdale	16,015	Contract	Jordan Ramis
Happy Valley	15,525	Contract	BEH
Cornelius	11,915	Contract	BEH
Gladstone	11,495	Contract	BEH
Damascus	10,595	Contract	Jordan Ramis
Fairview	8,930	Contract	BEH
Wood Village	3,895	Contract	Miller Nash
King City	3,320	Contract	Jordan Ramis
Durham	1,880	Contract	Bill Scheiderich



**RESOLUTION 2015-010**

**A RESOLUTION DIRECTING THE CITY MANAGER TO BEGIN A PROCESS TO TRANSITION CITY ATTORNEY SERVICES TO EMPLOYEES OF THE CITY ATTORNEYS OFFICE, CREATE JOB DESCRIPTIONS AND REVIEW BUDGETARY REQUIREMENTS**

**WHEREAS**, Section 35 of the Sherwood City Charter establishes the office of the City Attorney as the chief legal counsel of the city government; and

**WHEREAS**, Section 35 of the Sherwood City Charter further states that the City Attorney shall be either an employee of the City or a firm under a written contract approved by the City Council; and

**WHEREAS**, the City Attorney is one of the four appointed officials by the City Council per the City Charter; and

**WHEREAS**, the current City Attorney has been the law firm of Beery, Elsner and Hammond since the Sherwood City Council appointed the firm through Resolution 2003-027 on March 25, 2003; and

**WHEREAS**, the Sherwood City Council believes that providing City Attorney services by City employees is the preferred alternative at this juncture; and

**WHEREAS**, the Sherwood City Council acknowledges the importance of a smooth transition from our current contracted City Attorney; and

**WHEREAS**, the first step in this transition is to hire employees to staff the City Attorney’s office.

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

**Section 1.** The City Manager shall take all necessary steps to transition from contracted City Attorney services to employees of the City Attorney’s Office.

**Section 2.** Until such time that the City Council appoints a new City Attorney, the current law firm will continue to serve as City Attorney as stipulated in the contract.

**Section 3.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 20th day of January 2015.**

\_\_\_\_\_  
Krisanna Clark, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

**TO:** Sherwood City Council

**FROM:** Joseph Gall, ICMA-CM, City Manager  
**Through:** N/A

**SUBJECT: Resolution 2015-011, adopting City Council Rules**

---

**Issue:**

Shall the City Council approve a resolution adopting City Council Rules?

**Background:**

Similar to the majority of City Councils in Oregon, the Sherwood City Council has historically adopted City Council Rules to assist in their deliberations, procedural issues and other functional matters. The current City Council Rules were adopted by Resolution 2007-032 on April 17, 2007. The rules were amended by the most recent City Council by Resolution 2014-024 on April 15, 2014. The amendments pertained to agenda creation and committee appointments. (See Exhibit 1 of the staff report for current City Council Rules).

In this past general election, a new Mayor and three new City Councilors were elected which has significantly changed the makeup of the current City Council. This current City Council has only recently begun reviewing the current version of City Council Rules. More importantly, there are currently two vacancies on the current City Council that will ultimately be filled by the voters of Sherwood in elections in March 2015 and May 2015.

The Sherwood City Charter does require that in January after each general election, the Council shall adopt Council rules by resolution. As a result of this charter requirement, action is required by the current City Council before the end of January 2015 to adopt Council Rules. City staff is recommending that the City Council utilize the current version of the City Council Rules until after the May 2015 election. At such time, the future City Council could always amend the current rules or adopt completely new Council rules.

**Financial Impacts:**

There will be no direct financial impacts as a result of City Council approval of this specific resolution.

**Recommendation:**

Staff respectfully requests City Council approval of Resolution 2015-011 adopting City Council Rules.

## **CITY OF SHERWOOD CITY COUNCIL RULES**

### **A. AUTHORITY**

City Charter Section 10 provides that the Council must by resolution adopt rules to govern its meetings. The Council will review its rules at its first meeting in January of even numbered years. Amendments will be made as necessary. The Council will have clear and simple procedures for considering agenda matters.

### **B. DEFINITIONS** As used in these Rules, the following mean:

- **City Committees:** All City committees, commissions, task forces, and advisory bodies.
- **Council and Council members:** The Mayor, the Council President, and the Councilors.
- **Councilors:** The Council President and the Councilors.
- **Mayor:** The Mayor or in the absence of the Mayor the Council President or other Presiding Officer.

### **C. COUNCIL MEETINGS**

1. Regular Meetings to conduct Council business will be held each month.
2. Work Sessions to develop city policy will be held each month. Work sessions may be held in conjunction with Council business meetings. Work session agendas will be developed by the City Manager in consultation with the City Council.
3. Special Meetings may be called by the Mayor, Council President in the absence of the Mayor or by a majority of the Council.
4. Executive Sessions will be held in compliance with the Oregon Public Meetings law.
5. Minutes will be taken as provided by the Oregon Public Records law.
6. Telephonic/Electronic Meetings may be held in compliance with the Oregon Public Meetings law. Council members may participate and vote in Council meetings via telephone, electronically, or by other means consistent with the Oregon Public Meetings Law.

7. Attendance at meetings is expected of Council members who should use their best efforts to attend all Council meetings.

#### **D. AGENDA**

1. The agenda headings for Council business meetings are generally as follows:
  - CALL TO ORDER
  - PLEDGE OF ALLEGIANCE
  - ROLL CALL
  - APPROVAL OF AGENDA
  - CONSENT AGENDA
  - CITIZEN COMMENTS
  - NEW BUSINESS
  - BUSINESS CARRIED FORWARD
  - PUBLIC HEARINGS
  - CITY MANAGER REPORT
  - COUNCIL ANNOUNCEMENTS
  - ADJOURNMENT
2. The Mayor, in consultation with the City Council President and City Manager, shall prepare the agenda for City Council meetings. An amendment to a published City Council meeting agenda must be approved by the Mayor and Council President prior to a Council meeting with sufficient time to allow the public to be notified of the change.
  - a. A Council member may propose an amendment to the agenda by motion under "Approval of Agenda." A Council member will endeavor to have a subject the member wants considered submitted in time to be placed on the agenda and attempt to notify the Mayor and City Manager in advance of proposing a change to the agenda.
  - b. A Council member may request through the City Manager that an item be placed on an agenda. The City Manager will place the item on an agenda forecast for the Mayor and Council President to review. Council members will make best efforts to reach consensus on the agenda and should obtain staff input before requesting an agenda item.
  - c. Agendas will generally be set to allow meetings to end no later than 9:30 p.m. If the Council is still in session at 9:30 p.m., then the Council will decide whether to continue with the agenda or move items to a future agenda.
3. City committees will report to the Council during Council work sessions.



## **E. COUNCIL DISCUSSIONS AND DECORUM**

1. Council members will conduct themselves so as to bring credit upon the city government by respecting the rule of law, ensuring non-discriminatory delivery of public services, keeping informed concerning the matters coming before the Council and abiding by all Council decisions, whether or not the member voted on the prevailing side.
2. Councilors will assist the Mayor to preserve order and decorum during Council meetings and may not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Mayor or Council rules. When addressing staff or members of the public, Councilors will confine themselves to questions or issues under discussion and not engage in personal attacks, or impugn the motives of any speaker.
3. The following ground rules will be observed to maintain order and decorum during Council discussions:
  - a. Council members will gather necessary information and ask questions of city staff before meetings.
  - b. Council members will have an opportunity to speak at least once on any pending motion or agenda item, and will speak for themselves and not for other Council members.
  - c. Council members will not speak on behalf of the Council, unless they have been authorized by the Council to do so.
  - d. During public meetings, Council members will not attempt to edit or revise prepared ordinances. Amendments to proposed ordinances may be appropriate, but input from the City Manager or the City Attorney will be sought to accomplish the Council members' objectives.
  - e. Council members will be open, direct and candid in the Council forum. Members should be brief and succinct in stating their views and focus on a single issue or topic at any one time.
  - f. Council members will focus on city issues and avoid becoming involved in "extra-territorial" issues.
  - g. The Mayor will recognize Councilors wishing to speak in the order of their requests. The Mayor will provide a Council member with an opportunity to speak before recognizing another Council member. Council members will not interrupt another Council member who has the floor.
  - h. Council members will not disguise statements as questions or use

repetitions as a way to convince others.

- i. Council members will keep discussions moving and call for a “process check” if the Council becomes bogged down in discussions.
- j. Council members will set and adhere to time limits on discussions.
- k. Council members will not criticize or attack each other, city staff or other persons.
- l. If a Council member wishes to discuss a major policy issue, it will be scheduled on a future agenda and not raised during a current agenda.

4. Public Comment.

- a. Citizen and community group sign-up forms will be available at each regular business meeting. At the time on the agenda designated for public comment and during any public hearing, any member of the public desiring to address the Council must first request to be recognized by the Mayor and then state their name and address for the record. The Council may set time limits for comments. The Council may request that groups with like comments choose a spokesperson to present joint remarks.
- b. During public hearings, all public comment should be directed to the question under discussion and addressed to the Mayor representing the Council as a whole.
- c. In general, Council members will not respond to comments made during the public comment agenda time, except to ask clarifying questions. Any public requests for Council action will be referred to staff for review before placing on a future agenda.

**F. MOTIONS**

1. General.

- a. Council member motions will be clearly and concisely stated. The Mayor will state the name of the Councilor who made the motion and the Councilor who made the second.
- b. The motion maker, Mayor, or Manager should repeat the motion prior to voting.
- c. Most motions die if they do not receive a second. Motions for nominations, withdrawal of a motion, agenda order, roll call votes, and a

point of order do not require a second. Any motion on which a second is not made but on which discussion begins is automatically seconded by the Council member beginning the discussion.

- d. Discussion of a motion is open to all Council members who wish to address the motion. A Council member may speak more than once on each motion. A Councilor must be recognized by the Mayor before speaking.
  - e. The Mayor will ask for a voice vote for all final decisions. All Council members are expected to vote on each motion unless they are disqualified for some reason. A Council member who does not vote must state the basis for any conflict of interest or other disqualification. The City Recorder will maintain a record of the votes. Any Council member may request a roll call vote on any motion.
  - f. At the conclusion of any vote, the Mayor will announce the results. Council members who wish to explain the reasons for their votes must do so briefly and succinctly.
2. Withdrawal. A motion may be withdrawn by the mover at any time without the consent of the Council.
  3. Tie. A motion that receives a tie vote fails.
  4. Table. A motion to table is not debatable and precludes all amendments or further debate. If the motion prevails, the item may be taken from the table only by adding it to a future agenda for continued discussion.
  5. Postpone. A motion to postpone to a certain date is debatable and amendable. A motion to postpone indefinitely is a motion to reject without a direct vote and is debatable and not amendable.
  6. Call for Question. A motion to call for the question ends debate on the item and is not debatable. Before a Council member calls for the question, each Council member wishing to speak on the item should have at least one opportunity to speak. A second is required for this motion. When the question is called, the Mayor will inquire whether any Council member objects. If there is an objection, the matter will be put to a vote, and it fails without a two-thirds' vote. Debate may continue if the motion fails.
  7. Amendment. A motion to amend may be made to a previous motion that has been seconded but not voted on. Amendments will be voted on first, then the main motion as amended (or not amended). Motions to adjourn, agenda order, table, point of order, take from table, and reconsider may not be amended.

8. Reconsideration. When a motion has been decided, any Council member who voted with the majority may move for reconsideration. A motion for reconsideration may only be made at the meeting at which the motion on the ordinance, resolution, order or other decision was approved.

## **G. COUNCIL MEMBER CONDUCT**

1. Representing City. If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must state:
  - a. Whether the statement reflects personal opinion or is the official position of the City; and
  - b. Whether the statement is supported by a majority of the Council.

If the Council member is representing the city, the Council member must support and advocate for the official city position on the issue rather than a personal viewpoint.

2. Censure.
  - a. The Council may make and enforce its own rules and ensure compliance with city and state laws applicable to governing bodies. If a Council member substantially violates these rules or state law, the Council may take action to protect Council integrity and discipline the Council member with a public reprimand.
  - b. The Council may investigate the actions of any Council member and meet in executive session to discuss any finding that reasonable grounds exist that a substantial violation has occurred. Under ORS 192.660(1)(b), the Council member under investigation may request an open hearing.

## **H. CONFIDENTIALITY**

1. Council members will keep all written materials provided to them on matters of confidentiality under law in complete confidence to insure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Council members, the City Manager or City Attorney.
2. If the Council meets in executive session, members should attempt to provide direction or consensus to staff on proposed terms and conditions for negotiations. All contact with other parties must be left to the designated

staff or representative(s) handling the negotiations or litigation. Council members may not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.

3. All public statements, information or press releases relating to a confidential matter will be handled by designated staff or a designated Council member.
4. Unless required by law, no Council member may make public the discussions or information obtained in executive session. Council may censure a member who discloses a confidential matter or otherwise violates these rules.

## **I. COMMUNICATION WITH STAFF**

1. Council will respect the separation between policy making (Council function) and administration (City Manager function) by:
  - a. Working with the staff as a team with a spirit of mutual respect and support.
  - b. Except in a Council meetings, not attempting to influence a city employee or the City Manager concerning personnel matters, purchasing issues, the award of contracts or the selection of consultants, the processing of development applications or granting of city licenses and permits. However, the sharing of ideas on these matters is appropriate.
  - c. Limiting individual contacts with city staff to the City Manager or the Assistant City Manager so as not to influence staff decisions or recommendations, to interfere with their work performance, to undermine the City Manager authority or to prevent the full Council from having benefit of any information received.
  - d. Respecting roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages.
2. All written informational material requested by Council members will be submitted by staff to the entire Council with a notation stating who requested the information.
3. The Mayor will refer any comments or questions regarding city personnel or administration to the City Manager. The Mayor may redirect other questions to a Council member or the City Manager, as appropriate. Council members may also address questions directly to the City Manager, who may either answer the inquiry or ask a staff member to do so.

## **J. MINUTES**

1. Minutes will be prepared with sufficient detail to meet their intended use. Verbatim minutes are not required. The minutes of meetings of the Council will comply with provisions of ORS 192.650 by containing the following information at a minimum:
  - The name of Council members and staff present;
  - All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
  - The result of all votes, including ayes and nays and the names of the Council members who voted.
  - The substance of the discussion on any matter.
  - Reference to any document discussed at the meeting.
2. The Council may amend the minutes to more accurately reflect what transpired at the meeting. Upon receipt of the minutes in the Council agenda packet, the Council member should read and submit any changes, additions or corrections to the City Manager so that a corrected copy may be issued prior to the meeting for approval. Under no circumstances may the minutes be changed following approval by the Council, unless the Council authorizes such change.
3. The City Recorder or designee will make an audio recording of all meetings except for executive sessions. The City Recorder will maintain custody of all tapes, but a Council member may obtain a copy of any tape. A Council member may obtain a meeting transcript or partial transcript if it can be produced with nominal staff time. If a transcript would require a significant amount of staff time, the City Recorder may only produce the transcript with Council approval. The City Recorder is authorized to produce transcripts as required by law.

## **K. ADJOURNMENT**

1. Upon motion and majority vote of the Council members present, any meeting of the Council may be continued or adjourned from day to day or for more than one day. No adjournment may be for a period longer than until the next regular meeting.
2. Upon the request of two or more Council members a short recess may be taken during a Council meeting.
3. A motion to adjourn will be in order at any time except as follows:  
When made as an interruption of a member while speaking; or  
while a vote is being taken.

## **L. BIAS AND DISQUALIFICATION**

1. Any proponent, opponent or other party interested in a quasi-judicial matter to be heard by Council may challenge the qualification of any Council member to participate in such hearing and decision. Any challenge must state any fact(s) relied upon by the party relating to a Council member's bias, pre-judgment, personal interest or other factor from which the party has concluded the Council member should not participate and may not make an impartial decision. Such challenges must be made prior to the commencement of the public hearing. The Mayor will give the challenged member an opportunity to respond. A motion to accept or deny the challenge will be accepted and voted upon by the Council. Such challenges and the Council's decision will be incorporated into the record of the hearing.
2. In quasi-judicial matters, each Council member must disclose participation in a prior decision or action on the matter that is before the Council. Common examples include when a Planning Commission member is elected or appointed to the City Council or when a Council member testifies at a Planning Commission meeting. The Council member must state whether the member can participate in the hearing with no regard for the prior decision made. If the Council member is unable to be impartial, the member has a duty not to participate in proceedings and leave the Council table.
3. If the Council believes that the member is actually biased, it may disqualify the member by majority vote from participating in a decision on the matter. A Council member who has been disqualified from participating in a decision may participate in the proceeding as a private citizen.
4. Generally, conflicts of interest arise in situations where a Council member, as a public official deliberating in a quasi-judicial proceeding, has an actual or potential financial interest in the matter before the Council. Under state law, an actual conflict of interest is defined as one that would be to the private financial benefit of the Council member, a relative or a business with which the Council member or a relative is associated. A potential conflict of interest is one that could be to the private financial benefit of the Council member, a relative or a business with which the Council member or a relative is associated. A relative means the spouse, children, siblings or parents of the public official or public official's spouse. A Council member must publicly announce potential and actual conflicts of interest and, in the case of an actual conflict of interest, must refrain from participating in debate on the issue or from voting on the issue.

## **M. EX PARTE CONTACTS AND DISQUALIFICATION**

1. For quasi-judicial hearings, Council members should refrain from having *ex parte* contacts relating to any issue of the hearing. *Ex parte* contacts are those contacts by a party on a fact in issue under circumstances that do not

involve all parties to the proceeding. *Ex parte* contacts may be either oral statements when other interested parties are not present, or written information that other interested parties do not receive.

2. If a Council member has *ex parte* contact prior to a hearing, the member must reveal the contact at the meeting and before the hearing. The Council member must describe the substance of the contact and the Mayor will announce the right of interested persons to rebut the substance of the communication. The Council member also will state whether such contact affects their impartiality or ability to vote in the matter. The Council member must state whether the member will participate or abstain.
3. For quasi-judicial hearings, a Council member who was absent during the presentation of evidence may not participate in any deliberations or decision regarding the matter, unless the Council member reviews all the evidence and testimony received.

#### **N. GOVERNMENT STANDARDS AND PRACTICES COMMISSION REQUIREMENTS AND REPORTING**

1. Council members must review and observe the requirements of the State Ethics Law (ORS 244.010 to ORS 244.390) dealing with use of public office for private financial gain.
2. Council members must give public notice of any conflict of interest or potential conflict of interest and the notice will be reported in the meeting minutes. In addition to matters of financial interest, Council members will maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims and transactions coming before the Council.
3. In accordance with ORS 244.195, it is each Council member's responsibility to file annual statements of economic interest with the Government Standards and Practices Commission

#### **O. LEGAL ADVICE**

Requests to the City Attorney for advice requiring legal research may not be made by a Council member without the concurrence of the Council. Before requesting research or other action by the City Attorney, the Council members are encouraged to consider consulting with the City Manager to determine if the request or action can be accomplished more cost-effectively. Outside a Council meeting, a Council member should make requests of the City Attorney through the City Manager. Exceptions to this are issues related to the performance of the City Manager and unique/sensitive personal, yet City business-related, requests.

#### **P. ROBERT'S RULES**



Robert's Rules of Order Revised will be used as the guideline for conduct of Council meetings, except where these Rules specifically apply.

## **Q. COMMITTEES, ORGANIZATIONS & MEDIA**

### **1. Boards and Commissions Appointments**

- a. The Mayor will appoint members to City commissions, boards and committees, including ad hoc committees subject to the consent of the City Council by resolution. The Mayor may request assistance from Councilors in making appointments.
- b. Council members will encourage broad participation on City committees by generally limiting the number of terms a citizen may serve on the same City committee.
- c. A citizen may not serve on more than one City committee simultaneously without approval of the City Council by resolution. A citizen serving on two City committees may not be chairperson of both City committees simultaneously.
- d. The Mayor may remove a citizen from a City committee, board or commission prior to the expiration of the term of office subject to the consent of the City Council by resolution.

### **2. Council Member Participation. Council members shall encourage City committee member participation.**

### **3. Councilor Liaisons.**

- a. The Mayor will appoint Councilors to liaison positions to city commissions, boards and committees, including ad hoc or limited term committees, as the Mayor deems necessary, and subject to the consent of the City Council by resolution. The Mayor will consider Council liaison appointments in January of every year or at the Council's annual Goal Setting sessions.
- b. The Mayor will appoint Councilors as liaisons to all non-City commissions, boards and committees as the Mayor deems necessary, subject to the consent of the City Council by resolution.
- c. The role of the liaison member is to convey information from the Council to the commission or committee and from the commission or committee to the Council. The member is not to provide direction to

the commission or committee, but rather to encourage work plans and recommendations for Council approval.

- d. Council members as liaisons will not vote on any issue before the committee.

4. Organizations, Media.

- a. If the Mayor or a Council member represents the City before another governmental agency, a community organization, or the media, the Council member should first state the Council majority position. Personal opinions and comments should be expressed only if the Council member makes clear that it does not express the Council position.
- b. Council members should obtain the appropriate permission before representing another Council member's view or position with the media.

**R. MANAGER EVALUATION**

- 1. Criteria. The standards, criteria, and policy directives used in the evaluation of the Manager will be adopted at a regular Council meeting in accordance with state law.
- 2. Process.
  - a. The Manager will prepare a written self-assessment identifying major accomplishments.
  - b. Council members will make written comments in response to the Manager self-assessment.
  - c. Evaluation sessions will be scheduled in accordance with the employee's decision on whether to hold the evaluation in open or executive session.
  - d. At evaluation sessions, Council summary comments and individual Council member comments will be made. The Manager will have an opportunity to respond to all comments. The effect of the evaluation on the Manager's employment contract will be discussed. Sufficient time will be allotted for the evaluation discussion with the Manager.
  - e. Council members will then complete their individual evaluations and convene to discuss overall evaluation of the Manager and reach a consensus.
  - f. Council will then reconvene with the Manager to review final

performance evaluation and discuss compensation.

3. **Contract.** The City Attorney will prepare any employment contract amendments to the Manager's contract. Contracts normally will be approved as a consent agenda item at the next regular Council meeting.

**S. COUNCIL EXPENSES**

1. **Reimbursement.** Council will follow the same rules and procedures for reimbursement as city employees.
2. **Budget.** Council will review and discuss its proposed annual budget as coordinated by the Mayor and Council President and as presented by city staff during a public meeting.



**RESOLUTION 2015-011**

**A RESOLUTION ADOPTING CITY COUNCIL RULES**

**WHEREAS**, Section 10 of the Sherwood City Charter requires that in January after each general election, the Council shall adopt Council rules by resolution; and

**WHEREAS**, although the new City Council is only beginning to review and discuss the current version of the City Council rules, the charter requires adoption of Council Rules in January 2015; and

**WHEREAS**, the current version of the Council Rules have been used by previous City Councils for many years; and

**WHEREAS**, the City Council can modify their Council Rules at any time in the future; and

**WHEREAS**, the final makeup of this current City Council is in limbo until after the March 2015 and May 2015 elections are completed to fill two vacancies; and

**WHEREAS**, adoption of the current Council Rules will assist in a smooth transition until the final makeup of the City Council is complete in May 2015.

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

**Section 1.** The current version of the City Council Rules is adopted;

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

**Duly passed by the City Council this 20th day of January 2015.**

\_\_\_\_\_  
Krisanna Clark, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder