



Home of the Tualatin River National Wildlife Refuge

SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
January 20, 2015

EXECUTIVE SESSION

1. **CALL TO ORDER:** Mayor Clark called the meeting to order at 5:50 pm.
2. **COUNCIL MEMBERS PRESENT:** Mayor Krisanna Clark, Council President Sally Robinson, Councilors Jennifer Kuiper, Jennifer Harris, Dan King and Linda Henderson.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joe Gall, Assistant City Manager Tom Pessemier, Finance Director Julie Blums and City Recorder Sylvia Murphy. City Attorney Chad Jacobs.
4. **TOPICS:**
 - A. **Labor Negotiations Pursuant to ORS 192.660 (2)(d)**
 - B. **Exempt Public Records Pursuant to ORS 192.660 (2)(f) and Real Property Transactions Pursuant to ORS 192.660(2)(e)**

5. **RECESS AND RECONVENE:**

Mayor Clark recessed the Executive Session at 7:00 pm to convene to a regular Council session. Mayor Clark reconvened the Executive Session at 9:08 pm to continue discussions on above topics.

6. **ADJOURN:**

Mayor Clark adjourned the Executive Session at 9:50 pm.

REGULAR SESSION

1. **CALL TO ORDER:** Mayor Clark called the meeting to order at 7:09 pm.
2. **COUNCIL PRESENT:** Mayor Krisanna Clark, Council President Sally Robinson, Councilors Linda Henderson, Dan King, Jennifer Kuiper and Jennifer Harris.
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, City Engineer Bob Galati, Court Administrator Lisa Layne, Municipal Judge Jack Morris, Police Captain Ty Hanlon, Community

Center Manager Maggie Chapin, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy. City Attorney Chad Jacobs.

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

4. APPROVAL OF AGENDA:

MOTION: FROM COUNCILOR KUIPER TO APPROVE THE AGENDA AS STATED, SECONDED BY COUNCIL PRESIDENT ROBINSON. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR.

Mayor Clark addressed the next agenda item.

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**

MOTION: FROM COUNCIL PRESIDENT ROBINSON TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR HARRIS. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR.

Mayor Clark addressed the next item on the agenda.

6. PRESENTATIONS

A. Annual City Audit Report

Finance Director Julie Blums introduced Rob Moody with Talbot, Korvola and Warwick (TKW) and said he is the lead auditor.

Rob Moody came forward and presented the results of the financial statement audit for the year ending June 30, 2014. He discussed a letter addressed to the City Council (see Record, Exhibit A) and said this is the SAS 1-14, which is the required communication between the CPA firm and the those charged with governance for the City. He said the first page discusses the responsibilities of both parties and the new standards that the City implemented. He stated GASB Statement 65 was implemented by the City and it landscapes a couple of the statements and takes things that were previously reported as assets and liabilities and now reports them a deferred inflows and outflows of resources. He said the City also

implemented GASB Statement 66 that cleaned up language in the accounting standards. He stated the City implement GASB Statement 70 that has to do with nonexchange financial guarantees. He said there was no impact to the City as the City does not guarantee the debt of any other organizations nor does any organization guarantee any of the City's debt. He stated the City is keeping up with the standards.

He stated there was one audit adjustment that had to do with the proper reporting of some costs related to the City's participation in the water line with the City of Wilsonville. He said there are past adjustments that are small amounts that were noted during the audit and the City took the position that there was no need to post those adjustments as they didn't result in a material misstatement. He said TKW concurred.

He said page 3 of the letter discusses recently issued standards and said GASB Statement 68 will impact the financial statements for the fiscal year ending June 30, 2015. He said this is the pension standard and it will require that our share of the PERS unfunded liability be actuarially determined and it is going to be posted on the front of the financial statements. He said in the past this has been addressed in the notes and in the required supplementary information but it has never been a liability or an asset. He said with the implementation of this statement PERS will be a liability or an asset on the face of the financial statement. He stated this change will not affect our ability to issue debt and said the bond companies are aware of this and the only problem would be if the City didn't implement the standard. He said the standard is easy to implement and PERS will do all the work and provide the information. He referred to GASB Statement 69 and said it provides guidance for government combinations and split-offs and he does not expect that to impact Sherwood.

He commented on past adjustments and said that is a reallocation of the property tax receivable between the general fund and one of the other funds. He said it was all recorded in the general fund and technically should have been allocated out. He said another piece was some infrastructure development charges and said there was a timing difference between when they were recorded and there was no significant impact to the financial statements.

He referred to the letter addressed to City Management and the City Council (see Record, Exhibit B). He said when they audit they look at the internal control structure in order to plan and perform the audit. He said if they find something in that process that hits a certain threshold in terms of materiality or the opportunity that an error could occur or exist in the financial statements. He said it doesn't mean that anything did, it means that something could potentially and they are required to bring that to the attention of Management and City Council. He said to put together the financial statements for a City takes confidence and expertise and Julie Blums has done a nice job. He said it is a big job for one person and the process is set up for a couple of people in that one can put the financial statements together and another person to review the statements. He reminded the Council last year they recommended that the City try to find a way to get a review before the audit. He said there were thoughts in place and for whatever reason that didn't occur and they are repeating the recommendation this year. He said the financial statements are materially correct but there is an opportunity to strengthen the internal controls.

He commented on the financial statements and his report (see Record, Exhibit C) which discusses what an audit is and what an audit is not and the responsibilities. He referred to the second page of his report which states that the financial statements are fairly stated in all material respects. He stated it is a clean opinion and technically an unmodified opinion which is the highest level of assurance that they can give as independent CPA's. He said it means they did enough work to say there are no errors to cause this to be materially wrong. He noted there are a series of other lesser opinions with respect to related information. He referred to page 4 under *Management Discussion and Analysis* and said this is a

summary written in nonfinancial language for FY 2014 to 2015. He said it shows the financial highlights for the City and he encouraged the Council to read the summary.

He discussed the basic financial statements and said on page 17 there is an entry in the balance sheet titled *deferred inflows and resources* and said that relates to GASB Statement 65. He said this used to be reported as a liability and it is the offset to the receivable for property tax income that won't be received in the current year. He stated this is the proper reporting for those amounts and noted they were always there but buried in liability and now they are called out in a separate section. He said these are the City's financial statements prepared by staff based on information from the accounting records. He commented on working well with the City staff and working for the City and asked for any questions.

Councilor Kuiper thanked Julie Blums and Mr. Moody for the information.

Council President Robinson asked Mr. Moody what type of documents they reviewed from the City to accomplish this report.

Mr. Moody stated audits do sampling and testing and don't look at every transaction of the City. He said they do a risk assessment as part of the planning and take what they know about the operations of the City, what the significant transactions were, they read the minutes and look at legal expenses for risk areas. He said they then identify where the biggest risk of misstatement is. He stated then they get into procedures and provided examples. He referred to the Urban Renewal Agency audit and said he did not talk about the Urban Renewal Agency audit (see Record, Exhibit D: letter addressed to Board Members and Exhibit E: URA finance statements) because it is similar in structure and said they offered a clean opinion on the financial statements.

Council President Henderson asked Mr. Moody to quantify how many staff hours went into the audit as well as City staff hours.

Mr. Moody said TKW's hours were approximately 500. He said the City staff has hours of preparation and about 3 weeks of full time. He commented that City staff is very responsive.

Ms. Blums said they have used TKW for 4 years and before hiring them she was told they are tough but fair and she said that is true. She said they are available throughout the year and it is a good partnership.

Councilor Harris referred to the recommendation for a second set of eyes and asked if that would be an additional position or something for the Budget Committee.

Mr. Moody said there are several ways that can be accomplished. He said you can have someone on the staff with enough background and experience in governmental accounting to know what they are looking at. He said you could contract with another professional to do the review prior to audit. He said you could contract with another finance officer or finance professional.

City Manager Gall said hiring someone does not make sense and some of the alternatives such as partnering with other cities or hiring an outside professional are possible. He said they will address the recommendation and bring Council a recommendation and said it will have a budget impact. He stated there will be something in the next proposed budget.

Mayor Clark thanked Mr. Moody and Julie Blums and asked how the public can access the financial statements.

Julie Blums said the information is on the City website under the Finance Department.

Mayor Clark addressed the next item on the agenda.

B. Municipal Court Annual Update

Court Administrator Lisa Layne and Judge Morris came forward. Lisa said she has been the Court Administrator for the past 20 years. She discussed the changes that have occurred over that period of time pertaining to growth and technology. She said they used to have court once a month at the Senior Center and now they have court every Friday in the City Hall Community Room starting at 9:00 am starting with arraignments and the trials start at 1:00 pm. She said eight years ago they were included in a pilot project under ODOT for electronic citations which has saved hundreds of hours. She said in November 2010 they started the photo red light enforcement and online payments. She said they have found ways to streamline the court process and become more efficient.

Judge Morris said he has been the Municipal Court Judge for 19 years. He echoed Ms. Layne's comments about change and growth in Sherwood. He said they are a limited Court and don't do crimes and do primarily traffic violations and City code violations. He stated the court is busy but efficient and customers are fairly satisfied. He commented on treating people fairly and with courtesy and they want to see others being treated fairly as well. He invited everyone to come to Court and observe.

Council President Robinson asked how many trials they have in the afternoon. Judge Morris said typically about 10 to 15. She asked if any trials get set over to another date. Judge Morris said that is rare.

Councilor Kuiper asked Judge Morris if he presides over other City courts. Judge Morris said he is also the Judge in Tualatin. Councilor Kuiper asked how many City staff are involved in the court. Judge Morris said between 3 and 4.

Julie Blum said there are 3 court staff and Lisa is the Administrator and there are 2 court clerks.

Councilor Henderson asked if he has addressed the City Council in Tualatin. Judge Morris said not yet.

Mayor Clark complimented Judge Morris on being fair and respectful. Judge Morris said the staff has a lot to do with that.

Mayor Clark addressed the next item on the agenda.

7. CITIZEN COMMENTS

R.J. Claus, Sherwood resident came forward and commented on civil right violations and undue influence. He said a group reported to him that he would be prosecuted and they would be witness for his heinous crimes of continuing to operate their property the way they have for 30 years. He commented on prosecutorial discretion that he will file a bar complaint over. He said Mr. Gall runs the staff and prior to Keith Mays if a Councilor was caught talking to his employees they could be asked to resign by the employer is they felt threatened. He said to Council if you are going to be unpaid and there you are the

policy setters and you don't implement the day to day operations because 50% of the cost of the project can be manipulated by staff. He referred to bankrupting people and gave examples. He said somebody is saying the code is going to be enforced against them. He commented on the Oregon Constitution which states you do not use undue influence to have a law enforced one way then another. He referred to the Council Rules that do not address undue influence. He said Mr. Gall knows what due process means and he will enforce it. He said when he is told and threatened he will go to the Secretary of State and write a letter and will ask for a formal investigation of undue influence. He stated it has been ignored and he can trace it to certain staff. He said the reason you do not allow people onto construction sites is because that is where theft starts. He referred to opening up parking and theft occurring. He said two staffers were involved with that to swing an election. He asked the Council to do something about it. He said the FBI said it may be a civil rights violation.

Bruce Toien, Sherwood resident approached the Council and said the Tualatin Natural Wildlife Refuge is one of only 10 urban wildlife refuges in the US and brings 10,000 visitors every year for recreation and education. He stated the refuge and adjacent wetlands offers an irreplaceable biological resource which is a legacy to future generations. He commented on the private interest, Tonquin Holding, and said they have applied for a permit to quarry adjacent wetlands to a depth of 250 feet. He said the consequent disruption of a nature hydrology would cause irreparable damage to the wetland and the wildlife that are dependent on them. He urged the Council to write a letter to the Army Corps of Engineers and the Oregon Department of State Lands to enact provisions of the Federal Clean Water Act to protect the refuge and the adjacent wetlands. He said quick financial gain for a private few does not warrant irreversible damage or even destruction of a biological treasure that belongs to all of us and generations to come.

Russell Griffin, Sherwood resident came forward and commented on the January 13, 2015 Planning Commission meeting. He said he is a Planning Commissioner and last Sunday he received the City Manager's weekly update and said it stated that a special Council meeting had been scheduled for January 13, 2015 and the topics were listed. He said on January 13, 2015 he checked the City website and looked at the Public Notice of the meeting and said there was no agenda. He asked the City Recorder for a copy of the agenda and was informed that there was no agenda. He stated the City Manager Gall sent him a list of the topics to be discussed. He said that was all the contact he had with that particular meeting. He said at the January 13 Planning Commission meeting the Council liaison, Council President Robinson, stated that although it was not official she volunteered to be the Council liaison to the planning commission. He said Council President Robinson stated that the City Council was planning to have a meeting that evening to continue working moving forward in their progress, but Councilor Henderson and Mr. Griffin had objected. He said in those remarks she inferred that in some way he had objected to this special meeting and his objection was responsible for getting the meeting cancelled. He said that is false and in his email with the City Recorder and the City Manager he never mentioned he had a concern in the way the meeting was noticed and he never expressed an objection about the meeting being held. He said there are copies of the emails and this was an untruth spoken at a public meeting. He commented that Councilor Robinson could have addressed this prior to the public meeting and he could have explained to her that he had no idea what she was talking about and the incident could have been avoided. He said the City Council liaison to the Planning Commission provides a great resource and commented on the relationship and trust between the two groups. He said the relationship has been damaged by Council President Robinson coming to the first meeting of the year as a liaison and former Planning Commissioner and throwing him under the bus for something he didn't do and had no knowledge of. He asked what happened to moving in a positive direction and working

together. He said it is in these first interactions that we need to set the tone the City is going to take for this new year and said we can do a better job from this point forward.

Kim Young, Sherwood resident approached the Council and thanked the staff for cancelling the work session that had been scheduled for January 13. She stated that she was the citizen that had inquired about the meeting having no agenda posted. She said on Monday afternoon she noticed the Public Notice for the work session did not list any agenda items. She said she is aware of the ORS regarding public meeting laws and the agenda items need to be posted with the notice. She reviewed the ORS and the Council Agenda for past meetings and the agenda items were always posted with the notice. She said she reached out to Councilor Henderson to see if this was common practice of the Council and asked if there was some law that she wasn't aware of and forwarded Councilor Henderson the ORS for her to review. She said on Tuesday she inquired with the City Recorder and was assured that they were looking into the issue and getting legal opinion and noted that the meeting would most likely be cancelled and rescheduled. She said Councilor Henderson also inquired with the City Recorder and said she appreciates Councilor Henderson for listening to the concerns of the City. She said this entire inquiry was due to her, a citizen who felt the Council should follow the public meeting laws. She said the citizens of Sherwood deserve to know the agenda items and it is unfortunate that during the Planning Commission meeting on January 13 Councilor Robinson blamed Councilor Henderson and Russell Griffin for objecting to the work session. She commented that for Councilor Robinson to publically accuse them of objecting to the work session and the accusations were not based on fact. She said she was the citizen that made the inquiry and she assumes the Council wants to follow meeting laws and said there was nothing malicious about her inquiry and she just wanted to hold the public body accountable for following the laws. She apologized if the cancelled meeting was an inconvenience but said it was better than breaking the law. She said so far the new Council has not shown an interest to move forward positively and provided examples such as threatening to have Councilor Henderson physically removed by the Police Chief if she didn't sit where Councilor Clark wanted her to, the public blasting of Councilor Henderson during the Council President selection process and the weekend retreat with Mayor elect and three new Councilors days before they were sworn in and an applicant running for a Council position in March. She said these all bring concern and they are not evidence of a Council that wants to move forward positively but gives off an appearance of hostility and non-transparency. She asked the Council to find a way to move forward in a positive direction. She said the citizens deserve to have a well-functioning Council.

Mayor Clark addressed the next item on the agenda.

8. NEW BUSINESS

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

City Engineer Bob Galati presented the staff report and said there is an existing Sanitary Sewer System Master Plan that was adopted in 2007 and typically, utility master plans are updated every 7 years. He said the update would provide a current model of the system and work with it to develop a 5 year CIP. He commented on the process and said it was an open public bidding process. He said the City received two proposals and formed a selection committee to review the proposals and to score and rank them and based on those numbers Murray Smith and Associates was recommended. He stated the contract amount is for \$121,900 and the funding will be coming from the City's sanitary sewer SDCs. He said this

amount has been budgeted and they are requesting a 5% contingency cost of \$6,095 for a total not to exceed contract amount of \$127,995.

Mayor Clark asked Mr. Galati where the RFP is published.

Mr. Galati said they published on the City website and in the Daily Journal of Commerce on two dates. He said they published on September 3 and 5 with a submittal date requirement of October 8, 2014. He stated that date was extended through an amendment to October 14, 2014 because of timing issues.

City Manager Gall asked Mr. Galati to explain why they publish in the Daily Journal of Commerce (DJC).

Mr. Galati stated the DJC is geared toward construction activity and engineering. He said the governments use this as the primary place to advertise requests for proposals (RFP). He said it is generally a trade publication.

Councilor Robinson said she has seen requests for proposals on the City website news and asked if it is somewhere else on the website.

Mr. Galati responded that each project has a page on the website that includes a complete history of all of the documentation.

With no further questions Mayor Clark asked for a motion.

MOTION: FROM COUNCILOR KUIPER TO ADOPT RESOLUTION 2015-007, SECONDED BY COUNCILOR HARRIS. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR.

Mayor Clark addressed the next item on the agenda.

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)

Mr. Galati presented the staff report and said the existing Stormwater Master Plan was adopted in 2007 and the information is getting old and needs to be updated. He said this helps with the Capital Improvement Plan (CIP) process and budgeting for projects. He commented on the bidding process and said it was the same as the previously discussed resolution but they only received one proposal from Murray Smith and Associates (MSA). He stated that did not automatically give them the contract. He said the selection committee did the scoring and the ranking process. He said out of that documented process the staff is recommending the Council approve the resolution. He said the contract budget is \$113,500 with a 5% contingency of \$5,675 with a total not-to-exceed contract amount of \$119,175.

Councilor King asked why the City did not receive more proposals.

Mr. Galati said the process is open to any engineering firm. He noted there are cases where an area becomes saturated with one company. He said that does not mean that they are automatically awarded the contract and said they hold the contractor to a high standard.

Councilor Kuiper commented that engineering firms have to evaluate how much time and money it will take to put together a proposal based on the percentage of the chance that they will get the project. She referred to language that the stormwater basins will be defined within the UGB and said they will be looking within the UGB and Urban Reserves and maybe the Tonquin Employment Area and all the other land that is around and said she is concerned about basin wide. She said if they stop their hydraulic analysis within the boundaries of the City or within the UGB then what would they do about considering what is going on outside of those areas and she asked if they are going to be looking at that.

Mr. Galati said it will not be taken out of context and said it is the same situation with the sanitary system because we don't have a waste water treatment plant and it is done by Clean Water Services. He said the master plan update has to coordinate with the master plans for the Clean Water Services. He said part of the work will be coordinating the model for the sanitary and the stormwater because the County is also trying to do basin wide analysis. He said they will do the local and it will meld with what they are doing in the basin and there will be close coordination to take into account the drainage patterns from the basin and it will be done concurrently. He said the County has been doing their analysis and the City will not be far behind and can use some of their data to model the data we will be using internally within the UGB area that we define for the project.

Council President Robinson asked if the City has used this entity before and how was the experience.

Mr. Galati said the City used MSA on the downtown street scapes project and the project came in on time and under budget. He said it was managed well and the City held them to a high level of quality.

Community Development Director Julia Hajduk commented that MSA also did the last Sanitary and Stormwater Sewer Master Plans.

Councilor Kuiper commented on language referring to the current comprehensive plan and said the comprehensive plan is fairly old and asked Ms. Hajduk to explain.

Ms. Hajduk said the comprehensive plan is old and said that is referring to the zoning and is based on the capacity within the commercial, residential and industrial areas.

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

MOTION: FROM COUNCILOR KUIPER TO ADOPT RESOLUTION 2015-008, SECONDED BY COUNCILOR KING. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR.

Mayor Clark addressed the next item on the agenda.

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

Mr. Galati presented the staff report and said this project is an advancement of an existing concept plan that was developed several years ago by the Parks Board to a construction ready document. He said this includes a process of public outreach. He said they used the same RFP process and they received 11 proposals. He stated the selection committee reviewed, scored and ranked each of the proposals and they had decided to interview the two top companies. He said after the interviews, the committee selected

HHPR. He said the project will be funded through Parks SDCs and has been budgeted. He said the negotiated cost is \$108,593 with a 5% contingency of \$5430 for a not-to-exceed budget amount of \$117,023.

Councilor King said he is glad to see the project moving forward.

Mayor Clark agreed and said this is long overdue.

Councilor King commented on the original concept plan and asked if it would be redesigned.

Mr. Galati said the general design is solid and a good base. He said there may be changes and they will get input.

Councilor King asked for a timeframe.

Mr. Galati said it may take until September or October to complete the process and then they will do a request for proposal for construction for next year.

Councilor Kuiper said she was on the Parks and Recreation Board 10 years ago when they were going through the design process and commented on the number of meetings with the public.

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

MOTION: FROM COUNCILOR KING TO ADOPT RESOLUTION 2015-009, SECONDED BY MAYOR CLARK. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR.

Mayor Clark addressed the next item on the agenda.

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

Mr. Gall presented the staff report and reminded the Council that the City has contracted with the law firm of Berry, Elsner and Hammond (BEH) since March 25, 2003. He said the City Attorney is one of the four positions appointed by the City Council. He stated the City Manager, City Attorney, City Recorder and Municipal Judge all serve at the pleasure of the City Council. He said a clarification in the Charter was approved by the voters that the City Attorney could either be a law firm or an internal employee of the City. He said there has been clear direction from the Council to move to an internal model. He stated this resolution begins that transition. He said he included examples of the model that cities in the region use and said when cities reach a population near 20,000 more of them have used the internal model. He said Wilsonville, Tualatin and Newberg all use the internal model. He said this is the first step in the process and it will be a fairly quick transition. He said the City will continue to use BEH until a new City Attorney is appointed. He said a job description needs to be created for the City Attorney and said that the neighboring cities with City Attorneys also have a paralegal or legal assistant. He said the goal is to appoint prior to next year's budget and there will have to be a supplemental budget.

Mayor Clark said she has been an advocate for this and said having a City Attorney would be a good resource and said it is long overdue.

Councilor Harris asked about the cost benefit.

Mr. Gall said when the staff determines a salary range they will present the Council with the analysis. He said he does not vision this as a cost savings for the City. He commented on the improved quality of having a City Attorney as part of the immediate team. He noted that the City may still seek outside counsel for specific expertise. He said they will track the costs and it will be easier because there will be a City Attorney Department within the budget.

Mayor Clark said the cost varies based on the issues the City is faced with and risk management is a piece of that.

Mr. Gall said there are advantages and disadvantages to each model. He said Sherwood is getting to a size and complexity that having an internal model make sense.

Councilor Kuiper stated that are intangibles that you can't put a price on.

Mr. Gall said he has notified Paul Elsner with BEH and said while Mr. Elsner was disappointed he understands that the internal model works and he appreciated the advanced notice.

With no further questions Mayor Clark asked for a motion.

MOTION: FROM COUNCILOR HARRIS TO ADOPT RESOLUTION 2015-010, SECONDED BY MAYOR CLARK. MOTIO PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR.

Mayor Clark addressed the next item on the agenda.

E. Resolution 2015-011 Adopting City Council Rules

City Manager Gall reminded Council that in the May 2014 election one of the Charter changes approved by the voters requires the Council to adopt the Council Rules in January after a general election. He noted the new Council has not had the opportunity to review the current rules and propose amendments but with the new Charter requirement he recommended that the Council adopt the Council Rules that have been in place since 2007 and were slightly amended in 2014. He said this would meet the Charter requirement and said after the March and May 2015 elections the Council can review the Council Rules.

Councilor Kuiper said she agrees with the need to meet the Charter requirement and asked to go through the Council Rules in June when the full Council is seated. She said she has reviewed them and said some of the rules need clarification.

With no further questions Mayor Clark asked for a motion.

MOTION: FROM COUNCIL PRESIDENT ROBINSON TO ADOPT RESOLUTION 2015-011, SECONDED BY COUNCILOR HARRIS. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR.

Mayor Clark addressed the next item on the agenda.

9. CITY MANAGER REPORT

Mr. Gall reminded the Council and the public that tomorrow is the deadline for applications for the Council vacancy appointment and the City has received one application at this time.

Councilor Harris asked if the applicants that applied previously need to reapply.

Mr. Gall said that is a question for the Council.

Councilor Harris said they may be assuming that they don't have to reapply especially if they interviewed.

Mayor Clark said it is our process to hold applications for open positions and should another opening come up they are considered. She said that is the normal process and asked the Council for direction.

Councilor Kuiper said former applicants should be contact to identify if they are still interested.

Mayor Clark asked the Council if an applicant has previously submitted an application they just need to indicate if they are still interested in serving. No Council objections were received.

Mr. Gall agreed to contact former applicants and stated the deadline is at 5:00 pm tomorrow.

Councilor Kuiper asked what is the next step in the process to appoint.

Mr. Gall said that is a Council decision.

Mayor Clark said the interviews have been performed and the next step is to review the applications at the next meeting.

Councilor King asked about reviewing the interviews.

Mayor Clark said the interviews are on the City website.

Councilor Henderson asked if the one applicant was interviewed.

Mr. Gall said yes and she applied again.

Mayor Clark addressed the next item on the agenda.

10. COUNCIL COMMENTS

Mayor Clark reminded the Council of the work session following tonight's meeting and asked the Council to keep their comments brief.

Councilor Harris thanked everyone for coming.

Council President Robinson thanked everyone for coming and said there were two submitted written comments regarding matters that were discussed tonight and she appreciates those comments. She

stated the Council does get forwarded those comments and she wanted to let the public know that the Council does consider written comments that are submitted in advance.

Councilor Henderson announced that the new Cultural Arts Center will have an open house on February 28. She said the first production in the building will be a VPA production of "Mary Poppins" which will be performed March 5-7 and March 12-14. She said on March 20 there is a fundraiser at the High School for two students who have been invited to attend a People to People summer trip to the Galapagos Islands and Ecuador and said Tom Grant will be performing at the fundraiser. She said the SFA will be hosting the 2nd Annual Puzzle Tournament on February 21. She thanked Berry Elsner and Hammond for serving as the contract City Attorney. She quoted Pam Berry with BEH as saying that "if the public has the impression that your decisions are taking place behind closed doors before the Council meeting and you simply come out to vote aye or nay that is a very bad thing." She said she appreciates all of BEH's guidance and commented on their help with the water project and noted that Sherwood only paid a 10th. She said she supports the model to go internally but doesn't know if that is the best model for Sherwood but it is worth a try.

Councilor King said that since we are going through the budgets it would be appropriate for the Council to have our budget reviewed every month. He said that is a suggestion for future consideration in order to be open to the public.

Councilor Kuiper thanked everyone for coming. She said she attended the Southwest Corridor Steering Committee meeting in Mayor Clark's absence and reported that Sherwood will be getting enhanced bus service and eventually Trimet will have enhanced bus service from Tigard to the YMCA and from Tualatin to Sherwood down Tualatin Sherwood Road.

Mayor Clark said she attended the State Legislature swearing in ceremony. She said tomorrow she will be meeting with State Senator Thatcher and State Representative Davis and stated it is important to keep in touch with those at the state level that are making decisions that will be effecting our citizens. She said the legislators will be coming to the Westside Economic Alliance. She noted she will be attending a Smart Growth Conference next week and said she will bring back ideas so Sherwood can grow in a smart way.

Mayor Clark addressed the next item on the agenda.

11. ADJOURN

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

Mayor Clark adjourned the meeting at 8:55 pm and reconvened to the Executive Session (see record noted above). A Council Work Session followed the Executive Session.

WORK SESSION

1. CALL TO ORDER: Mayor Clark called the Work Session to order at 9:50 pm.

2. COUNCIL MEMBERS PRESENT: Mayor Krisanna Clark, Council President Sally Robinson, Councilors Jennifer Kuiper, Jennifer Harris, and Linda Henderson. Dan King was absent. Council President Robinson left the meeting at 10:15 pm.

3. STAFF PRESENT: City Manager Joe Gall, Assistant City Manager Tom Pessemier, Community Services Director Kristen Switzer, Community Center Manager Maggie Chapin, Finance Director Julie Blums and City Recorder Sylvia Murphy.

4. TOPICS:

A. Community Center Fee Schedule

Kristen Switzer provided the Council with a draft document of proposed fees (see record, Exhibit F) and explained. Maggie Chapin recapped the exhibit which included proposed fees for rentals, comparable information on neighboring City fees, and fees for events. Council provided feedback and asked for clarity of the definition of Prime Hours and non-Prime Hours. Discussion followed and staff indicated a resolution would be forthcoming for Council consideration of adopting a fee schedule.

B. Community Center Naming

Assistant City Manager Tom Pessemier informed the Council that signs for the center have not been ordered yet as the name for the facility needed to be determined. Kristen Switzer provided the Council with a list of proposed names (see record, Exhibit G) and discussion followed. The Council conceded to name the facility Sherwood Center for the Arts and staff indicated a resolution would be forthcoming to officially name the center.

5. ADJOURN:

Mayor Clark adjourned the Work Session at 10:30 pm.

Submitted by:


Sylvia Murphy, MMC, City Recorder


Krisanna Clark, Mayor