



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, April 7, 2020

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

6:30 pm City Council Work Session

7:00 pm City Council Regular Meeting

City Council Executive Session - Following the Work Session
(ORS 192.660(2)(d), Labor Negotiator Consultations)



Home of the Tualatin River National Wildlife Refuge

6:30 PM CITY COUNCIL WORK SESSION

1. **Brookman Concept Plan Update** (Erika Palmer, Planning Manager)

7:00 PM REGULAR SESSION

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF AGENDA

5. CONSENT AGENDA

- A. **Approval of February 29, 2020 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
- B. **Approval of March 17, 2020 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
- C. **Approval of March 19, 2020 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
- D. **Resolution 2020-022 Authorizing City Manager to enter into a contract to replace the roof at the Police Department** (Craig Sheldon, Public Works Director)
- E. **Resolution 2020-023 Transferring budget expenditure appropriations between categories for fiscal year 2019-20** (David Bodway, Finance Director)

6. CITIZEN COMMENTS

7. PRESENTATIONS

- A. **Proclamation, National Community Development Week, April 13-17, 2020** (Mayor Mays)

8. PUBLIC HEARINGS

- A. **Ordinance 2020-003, Adopting Chapter 8.22 to the Sherwood Municipal Code to Create a Business Food Waste Program (Second Reading)** (Joe Gall, City Manager)
- B. **Ordinance 2020-004, Amending Chapter 2.38 (Emergency Code) of the Sherwood Municipal Code and Declaring an Emergency** (Joe Gall, City Manager)

9. CITY MANAGER REPORT

10. COUNCIL ANNOUNCEMENTS

11. ADJOURN to EXECUTIVE SESSION

AGENDA

**SHERWOOD CITY COUNCIL
April 7, 2020**

6:30 pm City Council Work Session

7:00 pm Regular City Council Meeting

**City Council Executive Session
(Following the Regular Session)
(ORS 192.660(2)(d), Labor Negotiator
Consultations)**

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

A. ORS 192.660(2)(d), Labor Negotiator Consultations (Josh Soper, City Attorney)

How to Find out What's on the Council Schedule: City Council meeting materials and agenda are posted to the City web page at www.sherwoodoregon.gov, by the Thursday prior to a Council meeting. Council agendas are also posted at the Sherwood Library/City Hall, the Sherwood YMCA, the Senior Center, and the Sherwood Post Office. Council meeting materials are available at the Sherwood Public Library.

To Schedule a Presentation to the Council: If you would like to schedule a presentation to 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, 503-625-4246 or MurphyS@sherwoodoregon.gov. If you require an ADA accommodation for this public meeting, please contact the City Recorder's Office at (503) 625-4246 or MurphyS@sherwoodoregon.gov at least 48 hours in advance of the scheduled meeting time.



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
February 29, 2020

WORK SESSION

1. **CALL TO ORDER:** Mayor Mays called the work session to order at 9:02 am.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Kim Young, Doug Scott, Russell Griffin, Sean Garland and Renee Brouse.
3. **STAFF PRESENT:** City Manager Joe Gall, City Attorney Josh Soper, Community Development Director Julia Hajduk, Police Chief Jeff Groth, Public Works Director Craig Sheldon, Community Services Director Kristen Switzer, Finance Director David Bodway, IT Director Brad Crawford, Economic Development Manager Bruce Coleman, Planning Manager Erika Palmer, Records Technician Katie Corgan, and City Recorder Sylvia Murphy.
4. **OTHERS PRESENT:** SGR Consultant Mike Mowery.
5. **TOPICS**

A. City Council Goal Setting

City Manager Gall reminded this was the second of two goal setting meetings and staff was looking for defined project information. Mr. Mowery explained there were three goals for the meeting and stated the Council will see and discuss the work plan created by staff (see record, Exhibit A), to clarify goals and objectives, and review the CIP (see record, Exhibits B and C).

Comments were received regarding staff capacity to complete projects, and Community Development Director Hajduk, stated current staffing can complete some of the projects but certainly not all within the current year. City Manager Gall indicated that's why some projects don't have dates yet as staff doesn't know what's the council priority.

Mr. Mowery addressed Exhibit A, Goal 1 – Economic Development and short-term goals. He stated the text in red staff has identified as goals that have collapsed into projects. He stated the black text was not a project and did not fit into the budget. He addressed, **Project A.1 – Target Metrics for Jobs/Housing Balance**, and Actions, Steps to Achieve Action and Timeframe. Discussion occurred regarding potential resources, staff identifying a target and council agreement with the target. Mayor Mays indicated he wanted an aggressive approach and Councilor Griffin added to look at the Sherwood West area. Councilor Scott added to focus on the metrics. Councilor Brouse asked about affordable

and middle housing and Julia stated that discussion would occur elsewhere. Mr. Mowery confirmed the councils desire to proceed with this project and addressed the next project.

Mr. Mowery addressed **Project 1.B - Create Incentives for annexation of “gap” properties in the TEA**. Julia indicated that staff has been working on the properties in this area for some time and looking at incentive options. Julia provided examples of incentives. Discussion occurred. Julia indicated there were 15-20 properties. Advantages to annexing “gap” properties occurred. Mr. Mowery confirmed the councils desire to proceed with this project. Julia asked for expected timelines from council and explained staff’s current workload. Discussion occurred. Mr. Mowery stated they would revisit and rank annexation incentives at a later time.

Mr. Mowery addressed **Project 1.C – Streamline permit processing and hiring a Resource Assistance for Rural Environment (RARE) volunteer**. Julia explained that the AmeriCorps RARE program consisted of a volunteer who would provide fulltime assistance for a 10-month period to focus on a specific project. The volunteer would receive a living stipend for their work. She commented she felt that it was a great resource to get a high-quality, trained person to get the project done. An intern would be a secondary option, if the RARE volunteer was not feasible. Current staffing demands, streamlining processes, and customer service policies were discussed. Mr. Mowery confirmed the councils desire to proceed with this project and addressed the next project.

Mr. Mowery addressed **Project 1.D – Create a rapid response team process for priority economic development projects**. Julia asked for clarification of Council’s desired timeline for the completion of projects with regard to current staffing bandwidth. Council President Rosener clarified that the goal was to ensure that RFIs (requests for information) and development applications were responded to in a timely manner to encourage businesses to come to Sherwood. Councilor Scott reported on his experience with the process as a Sherwood business owner. Ms. Hajduk and Economic Development Manager Bruce Coleman explained the current processes. Council President Rosener proposed creating a rapid response team (“red team”) for prominent developers. Councilor Garland asked if there was already a process in place to prioritize prominent developers over other types of projects. Community Development Director Hajduk explained the current process for meeting with prominent developers and reported that once an application was submitted it was processed on a first come, first serve basis. She commented that this process has worked well because CDD was not so overwhelmed by development applications that they were unable to process all applications in a timely manner. Council discussed the idea of streamlining the application and permitting process in order to attract more developers. Discussion regarding marketing Sherwood’s “red team” to prominent developers occurred. Discussion regarding how creating a “red team” would allow staff to prioritize applications occurred. Councilor Brouse and Councilor Young commented they felt uncomfortable with the idea that the city would treat applications differently depending on who the developer was. Council President Rosener voiced that he did not see it as treating applications differently but would create lanes for the different project types. Chief Groth reframed the red team idea by explaining the A .P.E. (acute political emergencies) concept. He explained that some situations occur that have different ramifications, different deadlines, and carry more risk that necessitate that the situation be addressed immediately. Discussion regarding putting the creation of a red team and streamlining of processes into **Project 1.C** occurred. Mr. Mowery confirmed the councils desire to proceed with this project and addressed the next goal.

Mr. Mowery addressed Exhibit A, Goal 2 – **Public Safety Project 2.A – Fund Additional SRO as Required**. Councilor Garland asked if the actions outlined in Exhibit A were the only actions the city was taking to fund an additional SRO. Chief Groth explained that the grant they were applying for did not allow them to supplant positions. Mayor Mays clarified that the city would not be budgeting for an SRO, only a police officer position because of the grant restrictions. Council President Rosener asked if the grant would fund the current SRO position. Chief Groth replied that the grant did not allow that and explained the city was proceeding to budget for two additional police officer positions. If they received the grant it would provide the funding for a third position, they would then adjust the hiring plan accordingly. Mayor Mays commented from a public process standpoint the city should apply for the grant. If the city received the grant, it would allow them to fund an additional SRO. The city would then approach the school district about allowing an additional SRO to be permitted on their property. Council President Rosener asked if the school board needed to be involved with the grant application. Chief Groth replied a letter of support from the school district would make for a better application, but it was not required in the grant application process. Discussion regarding the need for joint work sessions with the school district occurred. Councilor Brouse asked which school the new SRO would work be placed. Chief Groth replied that the new SRO would assist at the new high school and cover the middle school. He outlined the safety challenges of changing the current high school into a middle school (size, layout, age of students, etc.) as the driving factor for placing an SRO at the new middle school. City Manager Gall commented that those reasons were why Chief Groth’s plan was to have a total of three SROs. Councilor Brouse asked when the third SRO would be added. Chief Groth replied the current plan was to have the third SRO added in year four. He added that that could be adjusted depending on how the grant cycle went. Councilor Scott asked if the grant provided permanent funding for the SRO position. Mayor Mays replied that the grant provided funding for the first three years, and the city was required to keep the position for the fourth year. Councilor Scott asked what would happen if the city received the grant and hired the SRO, but the school district did not allow the SRO in their schools. Chief Groth replied that he personally believed that if that were to happen, the community would be extremely upset. Councilor Garland commented that there was additional funding of \$100,000-\$200,000 a year for allowing the sale of recreational marijuana within city limits and he hoped council would consider the option. Chief Groth commented that he felt unsure that Sherwood would receive the grant for funding because two thirds of the application scoring was based on crime rate and financial need. Councilor Young asked if the SRO position was not funded through the grant, was it still funded in the city’s budget. Mayor Mays commented that he anticipated that the proposed budget would include hiring two police officers. Council President Rosener commented that he felt strongly that additional SROs in the schools were necessary but wished to have the school board involved in the process. Council concluded to proceed.

Mr. Mowery addressed **Project 2.B – Enhance Visibility and Use of the Police Reserve Program**. Council conceded to proceed.

Mr. Mowery addressed **Project 2.C – Plan for September 2020 Opening of New Schools**. Councilor Griffin stated this was a high priority project for him and asked who in the school district was the appropriate contact person for achieving this goal. Chief Groth explained that there would be internal meetings first and then he would reach out to the school district. He commented he expected the principals from the middle school and high school to be the contacts. He would then meet with them to discuss needs and priorities. Council conceded to proceed.

Mr. Mowery addressed **Project 2.D – Safe Routes to School**. Community Development Director Julia Hajduk explained that her steps were detailed to better define what specifically needed to be done. Mayor Mays asked for the definition of a Title 1 and Title 2 school. Julia explained that the challenge was that the city did not know if the current grant requirements would be revised to be more lenient in the future. The city would be remiss to stop looking for funding that they may not currently qualify for, but could qualify for in the future. Discussion occurred. Councilor Scott asked if partnership from the schools was needed or would be helpful in the process. Discussion regarding the city's policy of funding infill projects through the sidewalks fee on utility bills occurred. Mayor Mays stated the city needed to inform the school district of available grant opportunities. City Manager Gall commented that the first step was to create an action plan to identify walking zones for schools and inadequate crosswalks for pedestrians. This would allow the Traffic Safety Committee to become involved in prioritizing the projects as they were identified. Discussion occurred. Ms. Hajduk commented regarding staffing resources and working with schools for accomplishing the Safe Routes to School goal. Mayor Mays commented that if a project was eligible for funding, the city should fund it 100%, and if the school district wanted to contribute funds to complete a project to accelerate its completion before it was eligible for the Safe Routes to School program, that was good too. Discussion regarding school district support and prioritizing sidewalks/areas occurred. Council conceded to proceed. Council concurred that without the support of the school board, the Safe Routes to School program goal was obsolete. Discussion occurred.

Mr. Mowery addressed **Project 2.E – Reassess Red Light Cameras for New School and other areas**. Chief Groth explained that this project focused on southbound 99W at Sunset and Tualatin-Sherwood Road at Oregon Street because the need was greatest at those locations. He reported that he was gathering information and working with Redflex to assess Sherwood's needs. Discussion regarding construction costs versus potential revenue from the cameras occurred. Council conceded to proceed.

Mr. Mowery addressed Exhibit A, Goal 3 – **Fiscal Responsibility**. He stated staff needed more direction on Short-term Goals number 2, 4, and 6. He reported that Short-term Goals number 3 and 7 were already underway. City Manager Gall commented that he and staff had a difficult time turning some of the short-term goals into tangible projects and was seeking council input to create projects out of the goals. Councilor Scott commented that a potential project around Short-term Goal 2 could be completing a baseline cost analysis of insource versus outsource for different positions at the city. Discussion occurred. Mr. Gall recapped that staff could draft a standard list of questions for determining if a position or service should be insourced or outsourced. Discussion occurred. Mr. Mowery addressed Short-term Goal 4. Councilor Scott commented that because the multiple city-owned facilities were managed by different departments, it presented a customer service and efficiency problem. He commented he felt there were overlapping staff duties that he felt were redundant and could potentially be combined. Discussion regarding opportunities to optimize services occurred. Mr. Mowery addressed Short-term Goal 3. Councilor Young commented that the discussion at the council level had been if there was a database where all city contracts were stored, not a goal to review all city contracts. Finance Director David Bodway stated there was a file folder with all city contracts and work on an electronic database was ongoing. Council President Rosener commented there was still a need to review contracts. Discussion occurred. Mr. Mowery addressed Short-term Goal 6. Mayor Mays commented this goal was concerning if Sherwood would receive grants from ODOT or Metro. Julia clarified that the goal was to continue to advocate and work with partnering agencies to advocate for

funding along Highway 99W. Council signaled that was correct. Mr. Mowery addressed Short-term Goal 7 and stated it was an ongoing project that was underway.

Mr. Mowery addressed **Project 3.A – Discuss Taxing Broadband/Franchise Fee**. IT Director Brad Crawford commented that he sought clarification on how to make Sherwood Broadband a revenue stream for the city and provided several potential project ideas (e.g. funding of public projects, sponsoring events, etc.). He reported Sherwood Broadband was still a ways away from being a viable revenue stream for the city. Mayor Mays commented that it was important that City Attorney Soper look into how the broadband was structured as a utility in order to protect the city's ability to use revenue from broadband to fund other projects. Finance Director Bodway commented he could transfer money from the Enterprise Fund to the General Fund to cover broadband expenses, as all broadband funds were currently unrestricted. City Attorney Soper reported that the biggest challenge would be federal communications regulations that could dramatically change after the upcoming presidential election. Discussion regarding the terms that should be included in broadband language occurred. Council conceded to proceed.

Mr. Mowery addressed **Project 3.B – Update IGAs with School District**. City Manager Gall commented this was an important goal because the school district had new facilities opening and it was important to identify how the city would be able to continue to offer the ongoing services they provided that utilized school facilities. Discussion regarding changes in schools and city services occurred. Council conceded to proceed.

Mr. Mowery addressed Exhibit A, Goal 4 – **Infrastructure**. He stated staff needed more direction on Short-term Goals number 1 and 7. Mr. Gall commented that for Short-term Goal 1, they would be making investments in infrastructure that tie in with the TEA (Tonquin Employment Area). Council President Rosener commented that the goal was to ensure that the city's infrastructure plans are in alignment with the city's economic development goals. Councilor Scott stated that he felt this goal was to ensure the city's infrastructure plans were driven and informed by the Economic Plan. He expressed that if the Economic Plan changed then the list of project priorities should change accordingly. Community Development Director Hajduk commented that she and her staff were developing the CIP with the lens of furthering the city's economic development. Mayor Mays and Councilor Brouse commented that this goal was to also ensure that each of the city's master plans (e.g. Comprehensive Master Plan, Parks and Recreation Master Plan, etc.) tied together and where cohesive. Mr. Mowery addressed Short-term Goal 7 – YMCA Ops plan including contingency plan if there's no expansion. Mr. Gall outlined his plan to hold an executive session regarding the new alternative regarding the YMCA facility. Council commented that Short-term Goal 7 should be rephrased. Discussion occurred. Mr. Gall stated he would rephrase the goal.

Project 4.A – Develop a Marketing Plan for Sherwood Broadband. IT Director Brad Crawford recapped that this goal was already underway, and he had received a bid from a local firm but needed two more bids to fulfill the RFP requirements. He reported it was difficult to find a marketing firm that had broadband experience. Councilor Scott asked who the target audience for Sherwood Broadband was. Mr. Crawford responded the target audience was commercial and residential customers, which included both residents/businesses both inside and outside city limits. Discussion occurred. Council conceded to proceed.

Mr. Mowery addressed **Project 4.B – Develop a Growth Plan for Sherwood Broadband**. Mr. Crawford explained that it was important to develop a Growth Plan for Sherwood Broadband to help determine funding and their rollout plan to ensure a fair and balanced deployment of services in both new and old neighborhoods. Discussion occurred. Council conceded to proceed.

Mr. Mowery addressed **Project 4.C – Consider Urban Growth Boundary expansion as it relates to infrastructure, school capacity and long-term community needs**. Community Development Director Hajduk explained that this project and actions focused on Sherwood West and ensuring that growth in the Urban Reserves was well planned. She commented that work on the Comprehensive Plan would be finished in December 2020/January 2021. She explained that the city was applying for a Metro grant for community development planning in mid-March 2020. Discussion occurred. Council President Rosener commented it was important to get the school board involved in this goal because once a piece of land has been annexed into the Urban Reserves, considerations concerning school capacity was not permitted in the development process. Discussion regarding Metro grant timelines occurred. Mayor Mays advised that he recommended that Sherwood spend its own money to update Sherwood West without a grant. Discussion regarding adding language to the goal to include evaluation of timing with regard to the school board occurred. Councilor Brouse asked if enough land was available outside the UGB (urban growth boundary) to develop missing middle housing in Sherwood. Ms. Hajduk replied there was some land available outside the UGB to develop middle housing, which would be highlighted in the Comprehensive Plan Update. She explained the Comprehensive Plan Update would set housing goals and policies which would help inform the Sherwood West development. Discussion occurred. Council President Rosener asked that language be added that stated the city would proactively work with the school board on phasing and timing. Julia signaled she would add the language. Council conceded to proceed.

Mr. Mowery addressed Exhibit A, Goal 5 – **Livability**. Council President Rosener commented regarding the Short-term Goal 1 – Clearly define “Missing Middle Housing” and asked if it was possible to start a pilot program or demonstration project in which a city-owned well property’s lot size was reduced, and the well continued to be maintained, but housing was constructed on the site. Mayor Mays commented there were rules surrounding how much the property around a well could be reduced. Council President Rosener asked if there was something the city could do to encourage a missing middle project that utilized city property. Councilor Brouse commented Habitat for Humanity was interested in working with the city and could be a good partner on a project like this. Community Development Director Hajduk commented regarding timing and stated that the demonstration project could be an action plan item from the Comprehensive Plan Update, which would also allow them to seek grant opportunities. Council President Rosener replied that the pilot project would demonstrate how to address missing middle housing and would advertise to Metro and the region that Sherwood was serious about solving the missing middle housing issue. Council conceded to proceed.

Mr. Mowery addressed Exhibit A, Goal 6 – **Citizen Engagement** project **6.A Develop Communications Plan**. City Manager Gall commented that was a carryover goal from last year’s goal setting session. He explained that he had reviewed plans from neighboring cities but felt there was no internal staff expertise on how to create a communications plan. He stated that there were best practices Sherwood could utilize from other cities’ communication plans. Council President Rosener commented that because the city lacked staff expertise, hiring a consultant to assist with communication and engagement with Sherwood residents would be helpful. Councilor Garland commented that an effective communications plan identified who the stakeholders were, what methods

of communications were effective, what frequency of communications were appropriate, and what kind of input/output the city was looking for. Discussion occurred. Councilor Scott commented there were two different components to explore. One was a city app that served one purpose, the other was social media which served a completely different set of purposes, and an effective communications plan needed both. Discussion regarding target audiences on different social media platforms occurred. Council conceded to proceed.

The Council took a break from 12:10 pm to 12:30 pm.

Mayor Mays asked to review medium and long-term goals. Council President Rosener asked that some preliminary work be done regarding what the Youth Advisory Committee would look like and focus on. Councilor Scott commented that two different models for a Youth Advisory Committee had been discussed. One having a standalone Youth Advisory Committee or having youth members on existing committees and both needed to be a part of the conversation. Council President Rosener stated there was no action item for the discussion around the Youth Advisory Committee. Council asked that an action item be added to explore what the Youth Advisory Committee would entail. Councilor Brouse commented that from her conversations with younger residents, there was more interest in a standalone Youth Advisory Committee. Discussion occurred. City Manager Gall noted he would create a document to explore both types of committees council had discussed.

City Manager Gall asked if there were any other medium or long-term goals that should be moved to short term goals. Council signaled no changes needed to be made.

Council President Rosener commented regarding Mid-term Goal 7 under **Livability** and stated it was important to raise Sherwood's profile with Metro for grant purposes. Mr. Gall explained that there was currently no city-wide Diversity, Equity, and Inclusion (DEI) Policy in place, and it was a goal to create a DEI policy and provide training to staff. Discussion occurred. Mr. Mowery asked if the goal should be moved to a Short-term Goal. Councilor Garland stated the Short-term goal should be to create a DEI policy. Mayor Mays commented that creating a DEI statement was appropriate for a Short-term goal and creating a DEI policy was appropriate for a Mid-term goal. Councilor Brouse asked if the various short, mid, and long-term goals could be re-ranked once the various master plans were in place. Mr. Mowery advised that council should meet to recap and potentially adjust the prioritization of goals every 12-18 months.

Councilor Scott asked that Mid-term Goal 6 under **Citizen Engagement** be completed this year and have the goal moved to the Short-term category. Council asked City Manager Gall how the direction they provided at this meeting would be applied at the staff level. Mr. Gall replied that he would take the input from this meeting and create additional projects, place them on a calendar, and confirm that there was enough staff capacity to accomplish the goals. Community Development Director Hajduk outlined that she and staff would lay out the timelines for projects, bring the timeline to council for review and then proceed from there.

B. CIP Review – One Year and Five Year Plans

Community Development Director Hajduk referred to the draft CIP plan (see record, Exhibit B) and recapped the recent additions to the list. Mayor Mays commented regarding the \$51,134 project of Sidewalk on Meinecke/Washington north of City parking lot and stated the city should not spend any

money on this project in the next fiscal year. Ms. Hajduk explained that the plan was to begin design work utilizing the Safe Sidewalks funds. Mayor Mays replied that the project should be pushed out to the following year, with the ability to reprioritize the project if the Sherwood School District came on board for the Safe Routes to School program. Discussion occurred. Mayor Mays explained that the school board wanted the sidewalks to be constructed to save on bus route costs and stated he felt that the project should receive funding from either Safe Routes to School or school district funds. Ms. Hajduk explained that the project had been on the city's 20-year CIP, but was moved to the 5-year CIP list. Discussion occurred. Council suggested leaving the project in the 5-year CIP list but adding a note that the project was contingent on a Safe Routes to School program being established. Discussion occurred. Council President Rosener suggested adding a Safe Routes to School project list so all of the projects could be housed in one place, with the requirement that completion of the projects was dependent upon a Safe Routes to School program being established. Mayor Mays suggested moving the Pine Street Phase II from FY 22/23 to FY 21/22. Councilor Brouse confirmed that doing so would have no impact on student safety when getting to school. Ms. Hajduk replied that the students were currently bussed in, so there would be safety impact on the students. Public Works Director Craig Sheldon reported that there were sidewalks that could be added to the Safe Routes to School project list by Middleton and other areas and explained that roughly \$50,000 in funding is received through Safe Sidewalk billing process. He explained that the funds were dedicated for sidewalk or pathway construction to create Safe Routes to School routes. Community Development Director Hajduk recapped council's direction and stated she would take the Meinecke sidewalk out of next year's budget and push it out with the understanding that if the city gets a buy-in from the school district the project could be moved back. She would also move the Pine Street Phase II up to FY 21/22. Council signaled their agreement.

Julia recapped page two of Exhibit B and stated they were mainly new maintenance projects that were added based on PCI (pavement condition index). Public Works Director Sheldon explained that the rating was completed every three years and the project rankings could change based on need. Ms. Hajduk referred to page four of the CIP Project Summary Table (see record, Exhibit C) and spoke of the Cedar Creek Trail improvement projects. Council President Rosener confirmed that now was the correct timing for all of the segments of the Cedar Creek Trail project. Ms. Hajduk replied that was correct. Mayor Mays asked Public Works Director Sheldon if the city was required to change existing stormwater facilities to conform to the new standards. Mr. Sheldon replied that the city was required to update their facilities for hydro-modification changes. Mayor Mays asked if the various storm ponds needed to be retrofitted. Mr. Sheldon replied some of the storm ponds were being retrofitted, some were being cleaned out and would be replanted. He reported that existing storm ponds were not being redesigned, but if a pond failed and was being rebuilt, it would need to conform to the new standards. Discussion occurred. Mayor Mays asked where the funds to rebuild storm ponds came from. Mr. Sheldon replied that funding came from the City of Sherwood's portion of the storm bill on utility bills. He added that there were probably some ponds that qualified for SDCs as well. Mayor Mays asked if it came out of the added portion of the storm bill or the city's percentage of CWS (Clean Water Services). Mr. Sheldon responded that for storm, CWS received the smaller portion and the city received the larger portion. Sherwood's portion is what funded the rebuilding of storm ponds. Discussion regarding funding and rates occurred.

Council President Rosener asked for more details on the Sunset Boulevard improvements that were included in the Pine Street Phase II project. Mr. Sheldon replied that a fence needed to be constructed, sidewalks, and various stormwater construction projects were included in the Pine Street Phase II

project. Discussion occurred. Ms. Hajduk added she would provide council with more information about the various projects included in Pine Street Phase II. Discussion occurred. Councilor Scott asked if the pedestrian crosswalk improvements by the LDS church and the current high school were included on the CIP list. City Manager Gall replied that City Engineer Bob Galati had completed a preliminary design, but he had not received a cost figure for the project. Discussion occurred. Ms. Hajduk expressed that she felt this project would be perfect for the Traffic Safety Committee to tackle. Discussion regarding the Traffic Safety Committee occurred. Ms. Hajduk recapped that the projects listed under Storm and Sanitary Sewer were funding dependent. She explained that the Rock Creek Sanitary sewer project had received funding from CWS, but it was included in the CIP because the city would be reimbursed from CWS for the cost of the project. She recapped the projects listed under Storm and Sanitary Sewer in Exhibit C. Discussion regarding budgeting for a review of water, sanitary sewer, and storm rates later this year occurred. Councilor Garland asked for more information on the Gleneagle Drive Stormwater Facility project listed on page three of Exhibit B. Mr. Sheldon replied that the project could include water quality facilities (e.g. a manhole) to treat stormwater. Council President Rosener asked about the \$3,960,825 listed for the WRWTP 20.0 mgd Expansion. Mr. Sheldon explained that the \$3,960,825 was Sherwood's portion of the cost for the expansion at the Willamette River Water Treatment Plant, which would bring Sherwood to a capacity of 9.6 mgd at the facility. Discussion regarding future expansions to the WRWTP occurred. Mr. Sheldon explained that some of the projects listed further out were projects that came from the Resiliency Study. He stated that completion of the rate study was important because the projects listed in the CIP list were not included the last time the rate study was completed. Ms. Hajduk explained that the Cedar Creek Trail project funds were carried over into the next fiscal year. Mayor Mays asked when bidding on the project would begin. Ms. Hajduk replied that bidding would most likely begin in October 2020 with the hope of starting construction soon after. Discussion regarding bidding and construction timelines occurred. Ms. Hajduk reported that the city would apply for Federal Lands Access Program funds in 2020 for the Cedar Creek Trail Segment 9-B, which could potentially move the project up in its start date. She explained that the \$2,500,000 set aside for the 99W Pedestrian Bridge project was Sherwood's share of the Metro parks funds. She provided an overview the remaining projects listed in Exhibit B. City Manager Gall asked council if the dog park project should be removed from the 5-year list. Councilor Garland stated he would keep it on the list, but push it out several years. Mr. Gall clarified that the project would stay on the 20-year CIP list. Councilor Scott commented the dog park should be bundled with other park projects near that location. Community Services Director Kristen Switzer explained that the dog park was put on the CIP list prior to updating the Parks Master Plan and the desire for a new dog park could be identified in the updated Parks Master Plan. Council signaled that the dog park should be kept on the 20-year CIP list, but removed from the 5-year list.

IT Director Brad Crawford explained that the projects listed under Sherwood Broadband were projects that were likely to be necessary and added broadband projects were likely to change in the future. He recapped the various broadband projects. He explained that the broadband projects were listed in the CIP list in order for finance to budget for them. Discussion occurred. Mayor Mays asked if it was necessary to list broadband projects on the CIP list. Finance Director David Bodway commented that the upcoming broadband projects on the CIP list could be removed and tracked another way. Discussion occurred. Ms. Hajduk stated she would remove them from the CIP list. Mayor Mays recapped the next steps and stated City Manager Gall would update the short-term and long-term goals. Mr. Gall replied he would provide a series of updates based on today's discussion and put the projects into a calendar for timeframes. He stated he would put together a document for Council to adopt by way of resolution. Mr. Gall thanked Council for the direction they provided to city staff.

6. ADJOURN

Mayor Mays adjourned the work session at 1:40 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Keith Mays, Mayor



**SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
March 17, 2020**

REGULAR SESSION

1. **CALL TO ORDER:** Council President Rosener called the meeting to order at 7:03 pm.
2. **COUNCIL PRESENT:** Council President Tim Rosener and Councilor Doug Scott. Mayor Keith Mays, Councilors Renee Brouse, Sean Garland, Kim Young, and Russell Griffin via conference phone.
3. **STAFF PRESENT:** City Manager Joe Gall, City Attorney Josh Soper, Police Chief Jeff Groth, and Records Technician Katie Corgan.
4. **APPROVAL OF AGENDA:**

MOTION: FROM COUNCILOR SCOTT TO APPROVE THE AGENDA. SECONDED BY COUNCIL PRESIDENT ROSENER. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Council President Rosener addressed the next agenda item.

5. **CONSENT AGENDA:**
 - A. Approval of March 3, 2020 City Council Meeting Minutes
 - B. Resolution 2020-016, Adopting a plan of action for Revenue Cut-Off and Capital Asset Capitalization
 - C. Resolution 2020-017, Authorizing the City Manager to Sign an IGA with Newberg School District for Dark Fiber and Data Services
 - D. Resolution 2020-018, amending the Employment Agreement between the City Attorney and the City of Sherwood
 - E. Resolution 2020-019, Amending the Employment Contract between the City Manager and the City of Sherwood
 - F. Resolution 2020-020, Authorizing submittal of a Metro Community Development Planning Grant for update of the Sherwood West preliminary concept plan

MOTION: FROM COUNCILOR SCOTT TO ADOPT THE CONSENT AGENDA. SECONDED BY COUNCILOR YOUNG. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Council President Rosener addressed the next agenda item.

6. CITIZEN COMMENTS: None.

Council President Rosener addressed the next agenda item.

7. PUBLIC HEARING:**A. Ordinance 2020-003, Adopting Chapter 8.22 to the Sherwood Municipal Code to Create a Business Food Waste Program**

City Manager Joe Gall recapped the staff report and stated there were three key values that council had identified: community livability, community pride, and forward thinking. He stated that the proposed ordinance addressed all three values. The ordinance would create a business food waste program in Sherwood, reduce the food waste going into local landfills, and would help to effectively handle food waste in the future. He explained the program would be phased in over time and would apply to businesses that generated 250 pounds of food waste or more per week. The program would require that businesses source, separate, and recover food waste from other solid wastes. He stated the proposed ordinance authorized the city manager, or designee, to grant temporary compliance waivers under certain circumstances. Mr. Gall reported that a number of existing businesses are already participating in a food waste program offered through Pride Disposal. He stated that Pride was expanding its transfer station in Sherwood to accept commercial food scraps as well as residential yard debris mixed with food scraps from Sherwood and other cities in the region. He reported that Pride had sent an email in support of the food waste program prior to the council meeting (see record, Exhibit A). Mr. Gall outlined the timelines for businesses to come into compliance with the proposed food waste ordinance and stated the first deadline was March 31, 2021. He reported that based on information from Pride and the Washington County co-op business program, there were six businesses in Sherwood that would be included in Phase One. Phase Two's compliance deadline would be September 30, 2022, and Phase Three's compliance deadline would be September 30, 2023. He outlined that most of the effected businesses would be restaurants and schools. Mr. Gall reported that the City of Sherwood worked on the ordinance with the City of Hillsboro, who was also working on a food waste program. Mr. Gall offered to answer any questions from council. Councilor Young enquired as to who would be responsible for notifying the affected businesses. Mr. Gall replied that the Washington County co-op would notify and work with them, as would Pride Disposal. Councilor Garland asked if a new business came into Sherwood that produced over 250 pounds of food waste, would the business be placed into Phase Two. Mr. Gall replied that was correct and stated Pride would be the primary contact to help the business implement the program. Council President Rosener asked how the amount of food waste a business was generating was determined. Mr. Gall stated that Pride Disposal and Washington County had provided him the information on the amount of food waste a business produced. He stated he would get more information on how the amounts were calculated before the second hearing on the ordinance. Mayor Mays stated that since the proposed ordinance was a living document, it could be changed in the future, if necessary. He stated that since it was a city ordinance and city program, it would be city-enforced by the City Manager. City Attorney Soper outlined that in Section 8.22.60 of the ordinance it described there would be a notification process before there would be an enforcement of action. He explained that if there was continued non-compliance, there would be an infraction that would be enforced by city code enforcement. Councilor Garland asked if the businesses listed in the staff report would need to be updated every time a new, qualifying business started in Sherwood. City Attorney Soper clarified that the list was not a part of the ordinance and was an exhibit to illustrate to council what types of businesses would be impacted by the proposed ordinance. Councilor Griffin commented that he liked the flexibility of the proposed ordinance, specifically Section 8.22.050 that

allowed businesses to apply for a 12-month temporary waiver that could be renewed if needed. Council President Rosener asked City Manager Gall if the City of Hillsboro had asked Metro for an extension on their program. Mr. Gall replied that was correct, and commented that he believed other cities who had already adopted similar food waste program deadlines had given a six-month extension to businesses in the Phase One group. City Attorney Soper explained that the dates in Sherwood's proposed ordinance were far enough out that there was no need to change the deadlines for Phase One. Mr. Gall stated that Metro Councilor Dirksen had submitted a letter in support of the proposed ordinance prior to the meeting (see record, Exhibit B).

Council President Rosener asked for public comment on the proposed ordinance. Hearing none he closed the public testimony portion and asked for questions or discussion from council. Mr. Gall stated that this was the first reading of the ordinance, with a second reading scheduled for April 7th, during which time council could vote on the ordinance.

Council President Rosener addressed the next agenda item.

8. CITY MANAGER REPORT:

City Manager Gall asked Council President Rosener to outline what actions the city had been taking regarding the Covid-19 pandemic. Council President Rosener recapped the number of reported cases in Oregon and Washington County and stated that the OHA (Oregon Health Authority) website was updated daily with new information. He stated that the lab capacity had been expanded in Oregon with results coming in electronically to providers, counties, and the OHA. Council President Rosener reported that Sherwood was the first city in Washington County to declare a local emergency and activate its Emergency Operations Center in response to Covid-19. He explained that by doing so it gave Sherwood access to programs and funds from the county, state, and federal level to react to the pandemic. He reported that the city was reducing various programs and activities related to city offices since Governor Brown's executive order the previous week, and stated all city facilities would be closed to the public starting on March 18th. He explained that all city departments were still operational, and the city was encouraging those able to work from home to do so. Council President Rosener stated that the actions taken by the city were to prioritize the health and well-being of city employees and the community at large. He reported that a meal delivery program was created to provide services to seniors who utilized the now closed Senior Center. He encouraged residents to support local restaurants by purchasing takeout food. He reported that a list was being compiled of local non-profits and churches that are providing services to assist residents. He explained the city would be the clearinghouse for information for people and businesses to utilize regarding services and programs that may help them navigate through the current health emergency. City Manager Gall explained that Greater Portland Inc, which Sherwood was a member of, had compiled a list of resources for businesses. He gave his kudos to local businesses for their creativity and ingenuity given the current circumstances. Council President Rosener stated it was incredibly important that we adhere to the guidelines regarding social distancing and avoiding large groups to protect seniors and those with compromised immune systems. Mayor Mays commented that it was important to adhere to the social distancing guidelines, which was why he and other councilors were calling into the meeting. He thanked local businesses, churches, and individuals for their work during the health emergency. Councilor Scott spoke of how easily Covid-19 can spread within a community and why it was important to self-isolate and thanked the community for their efforts.

Council President Rosener addressed the next agenda item.

9. COUNCIL ANNOUNCEMENTS:

Councilor Griffin announced that the Robin Hood Festival Association meeting for March 19th had been canceled.

Councilor Young reported that the Police Advisory Board meeting and the YMCA Board of Managers meeting had been canceled.

Councilor Brouse reported she attended the Senior Advisory Board meeting the previous week where they discussed how they will handle the current health emergency as well as the role they will take in the community after the crisis.

Councilor Garland advised people to wash their hands, avoid large groups, and remember that we are a community.

Councilor Scott reported he attended the Planning Commission meeting on March 10th where they forwarded on a recommended ordinance for a sign code update. He announced the next Planning Commission meeting was canceled.

Mayor Mays reported he had been participating in conference calls with the Washington County Mayors Association and governor's office regarding the current health emergency. He gave his kudos to City Manager Gall and his team for the handling of the pandemic and stated it was very forward thinking. Mr. Gall thanked his team for their work and reported that the EOC met twice a day to brainstorm and plan how to respond to the situation. He stated it was important that the city still operate as a local government. Councilor Young asked if some city staff would be able to work from home to lessen the amount of people in close contact. Mr. Gall replied that the IT department had been working on providing laptops and other tools to employees to be able to continue to do their jobs while telecommuting. Councilor Griffin asked if schools were planning on providing online learning to students. Council President Rosener stated he would reach out to the school board to get information on if that was happening. He explained that providing online learning was a challenge because not everyone had access to the internet. He commented that the school district was also trying to manage lost school time with the upcoming construction projects in June. Council President Rosener recounted a positive interaction between several children and Public Works employees in which the Public Works employees showed the kids how the sewer cameras worked. He commented that that says a lot about the community and how city staff interacted with residents.

10. ADJOURNED:

Council President Rosener adjourned the regular session at 7:46 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Keith Mays, Mayor



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
March 19, 2020

SPECIAL SESSION

1. **CALL TO ORDER:** Council President Rosener called the meeting to order at 6:00 pm.
2. **COUNCIL PRESENT:** Council President Rosener, Councilors Russell Griffin and Kim Young. Mayor Keith Mays, Councilors Sean Garland, Doug Scott, and Renee Brouse via conference call.
3. **STAFF PRESENT:** City Manager Joe Gall and Records Technician Katie Corgan. City Attorney Josh Soper via conference phone.
4. **NEW BUSINESS:**

A. Resolution 2020-021, Ratifying the City Manager's Emergency Order regarding Evictions During Covid-19 Emergency Period

City Manager Gall explained that the proposed resolution was drafted on March 18th and stated the resolution was an addendum to the original emergency declaration from March 12th. He outlined that the resolution added a temporary moratorium on residential and commercial evictions tied to the Covid-19 pandemic. He explained that the moratorium would be in effect for the duration of the emergency declaration in Sherwood and stated that he was authorized to extend the duration of the moratorium in one-week increments. He explained that as City Manager he had a broader authority to make decisions during a declaration of an emergency. He stated that he brought the proposed resolution to council to ratify because it was a significant step to impose a moratorium on local landlords. He reported that Multnomah County, the City of Beaverton, the City of Portland, and the City of Gresham had all passed similar moratoriums. He stated that Sherwood's resolution covered both residential and commercial evictions. Mr. Gall stated that tenants were still responsible for paying their rent and explained if a tenant experienced a loss of revenue due to the Covid-19 crisis, they could not be evicted during the moratorium period. Eligible tenants would be permitted to pay back their owed rent over a six-month period after the declaration of emergency was complete. Council President Rosener asked for questions or discussion from council. Councilor Young commented that the moratorium did not allow for tenants to leave their rents unpaid. She explained that tenants are still responsible for paying their due rent, they simply had six months after the end of the emergency period to pay, and landlords may not use the eviction process to circumvent the extra time tenants had to pay back the rent. City Attorney Soper explained that the requesting individual had to demonstrate financial hardship through documentation and notify their landlords they are unable to pay prior to the rent's due date. City Manager Gall added that an FAQ would be published on the city's website this week and requests for additional information or clarification would be handled by Dan Miller in Code Compliance. Mr. Gall

stated that unless it was a health and safety situation, code enforcement's goal was to educate first and not take a hardline approach. Councilor Young clarified that the moratorium only applied to residents within the city limits. Mr. Gall replied that was correct. Councilor Griffin clarified that tenants must inform their landlord of their inability to pay on or before the day rent was due. City Attorney Soper replied that was correct. Council President Rosener commented that he was aware that landlords also had mortgages to pay and remarked that the city needed to continue to advocate for discussions regarding relief for landlords at the state and federal level. Councilor Young recommended homeowners and landlords contact their mortgage lender to determine if a mortgage payment delay was possible. City Manager Gall stated he strongly suggested that the city continue to lobby state and federal officials. Council President Rosener asked if Mr. Gall would reach out to other cities to see what they are doing for landlords and if they are also lobbying at the state and federal level. Mr. Gall replied he would reach out. Council President Rosener opened the meeting to receive public comment.

Warren Beymer, a local resident and landlord, came forward to discuss the proposed resolution. He explained he owned a number of low-income and Section 8 residential rentals. He stated he was in favor of the resolution if there was also a moratorium on mortgage payments. He explained that if some of his renters are unable to pay their rents, he would be unable to pay the mortgages on the properties. This would result in large banks owning units in Sherwood instead of a Sherwood resident. He commented that banks would likely flip the properties and increase the rent which would result in a longer-term issue. He asked that the city be mindful of the proposed resolutions impacts on local landlords. Mr. Beymer asked if he incurred fees from the mortgage lender, was he able pass those fees onto the residents that were not paying. Councilor Young replied that Section 4 of the resolution outlined that no late fees may be charged or collected for delayed rent. Councilor Griffin recommended Mr. Beymer reach out to his mortgage lender to work with them. Mr. Beymer replied he would do that but was concerned about what would happen if the mortgage lender did not offer any reprieve. Council President Rosener commented it was a very valid concern and explained that the city did not have the authority to regulate the banks, only the state and federal government could regulate the banks. He commented he was in agreement with Mr. Beymer about not wanting outside banks to own properties in Sherwood. Council President Rosener asked for questions of discussion from council. Hearing none he asked for a motion.

MOTION: FROM COUNCILOR YOUNG TO APPROVE RESOLUTION 2020-021 RATIFYING THE CITY MANAGER'S EMERGENCY ORDER REGARDING EVICTIONS DURING COVID-19 EMERGENCY PERIOD. SECONDED BY COUNCILOR GRIFFIN. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

5. ADJOURN

Council President Rosener adjourned the special meeting at 6:15 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Keith Mays, Mayor

TO: Sherwood City Council

FROM: Craig Sheldon, Public Works Director
Through: Joseph Gall, ICMA-CM, City Manager

SUBJECT: Resolution 2020-022, Authorizing City Manager to enter into a contract with Roof Toppers, Inc. to replace the roof at the Police Department

Issue:

Should the City Council authorize the City Manager to enter into a contract with Roof Toppers, Inc. to replace the roof at the Police Department?

Background:

The Police Department facility was constructed in 2003.

The Facility Asset Management Plan outlines the life cycle for the roof to be 15 years and it is currently 17 years old. We have been able to extend the life cycle of this roof with proper maintenance. However, it has run its life cycle and is showing signs of wear and tear and is in need of replacement.

The City advertised in the Daily Journal of Commerce. We received two bids. Roof Toppers, Inc. was the low bidder.

Financial Impacts:

The City has budgeted \$191,000 in the 2019/20 Budget to complete this work. We recommend adding 12% contingency to cover any unforeseen costs (such as dry rot, etc.) in the amount of \$20,400. The total contract amount, not to exceed, is \$190,400.00.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2020-022, Authorizing the City Manager to enter into a contract with Roof Toppers, Inc. to replace the roof at the Police Department.



RESOLUTION 2020-022

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ROOF TOPPERS, INC. TO REPLACE THE ROOF AT THE POLICE DEPARTMENT

WHEREAS, the City of Sherwood has an Asset Management Plan for each building; and

WHEREAS, the Police Department facility was constructed in 2003 and the roof structure has a life cycle of 15 years; and

WHEREAS, we have been able to extend the life cycle but wear and tear necessitate replacement; and

WHEREAS, Roof Toppers, Inc was the low bidder for this project.

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

Section 1. The City Manager is authorized to enter into a contract with Roof Toppers, Inc. to Replace the Roof at the Police Department in the amount of \$170,000.00. The City is requesting contingency in the amount of 12% (\$20,400.00) to cover any unforeseen costs not included in the contract for a total amount not to exceed \$190,400.00.

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

Duly passed by the City Council this 7th day of April 2020.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: David Bodway, Finance Director
Through: Joseph Gall, ICMA-CM, City Manager

SUBJECT: Resolution 2020-023, Transferring budget expenditure appropriations between categories for fiscal year 2019-20

Issue:

Shall the City Council approve the transfer of budget expenditure appropriations as presented for fiscal year 2019-20?

Background:

Pursuant to ORS 294.463, Oregon Municipalities can transfer appropriation between existing categories during the budget year. Our practice over the past years is to perform such transfers generally twice per year, once around mid-fiscal year and then at the end of the fiscal year, if necessary.

As a result of the current Covid-19 emergency, the City implemented a new program for Sherwood small businesses that can help assist them through this period. The Small Business Emergency Relief Program is a commitment of \$200,000 to help small businesses immediately offset some of the economic impacts due to Covid-19. This requested transfer of \$200,000 from General Fund (Contingency) to General Fund (Community Development) is to cover the cost of this commitment. This item was unanticipated at the time the budget was adopted.

Financial Impacts:

There are no financial impacts from adoption of this resolution.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2020-023, transferring budget expenditure appropriations between categories for fiscal year 2019-20.



RESOLUTION 2020-023

TRANSFERRING BUDGET EXPENDITURE APPROPRIATIONS BETWEEN CATEGORIES FOR FISCAL YEAR 2019-20

WHEREAS, on June 18, 2019, the City of Sherwood budget for fiscal year 2019-20 was adopted and funds were appropriated by the City Council; and

WHEREAS, on February 4, 2020, the City of Sherwood budget for fiscal year 2019-20 was amended through a supplemental budget adoption via Resolution 2020-009; and

WHEREAS, pursuant to ORS 294.463, Oregon Municipalities can transfer appropriation between existing categories during the budget year; and

WHEREAS, the following unplanned event has occurred during the course of this budget year:

General Fund (Community Development)

- The Small Business Emergency Relief Program due to the current Covid-19 emergency.

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

Section 1. The additional amount for fiscal year beginning July 1, 2019 shown below is hereby appropriated as follows:

General Fund	
Community Development	200,000
Contingency	<u>(200,000)</u>
Total Requirements	-

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

Duly passed by the City Council this 7th day of April, 2020.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Joseph Gall, ICMA-CM, City Manager

Through: Josh Soper, City Attorney

SUBJECT: Ordinance 2020-003, adopting Chapter 8.22 to the Sherwood Municipal Code to Create a Business Food Waste Program (*Second Reading*)

Issue:

Should the City Council adopt Chapter 8.22 to the Sherwood Municipal Code creating a mandatory business food waste disposal program?

Background:

The City of Sherwood values and promotes community livability, community pride, and forward thinking—three of our Council Values. In connection with these values, the City desires to reduce the amount of business food waste entering landfills. Chapter 8.22 would create a business food waste program in the City, which would support these community values and more effectively handle food waste.

As described in the proposed ordinance, businesses subject to the program would source separate and recover food waste from other solid waste. The program would apply to businesses that generate 250 pounds of food waste or more per week and would be phased in over time based on the volume of food waste generated. The City Manager or his designee would also be authorized to grant temporary compliance waivers in certain circumstances.

It is important to note that a number of existing businesses already participate in a voluntary food waste disposal program with Pride Disposal, our franchised solid waste and recycling provider. Pride Disposal is also currently expanding its transfer station in Sherwood to accept commercial food scraps as well as residential yard debris mixed with food scraps as cities around our region expand their respective food scraps programs.

This is the second hearing on this ordinance. The first hearing was held on March 17, 2020.

Financial Impacts:

No direct financial impacts are anticipated.

Recommendation:

Staff respectfully recommends City Council approve Ordinance 2020-003, adopting Chapter 8.22 of the Sherwood Municipal Code to Create a Business Food Waste Program.

Attachments:

- Exhibit A - List of Potential Impacted Businesses by Phase

Exhibit A - List of Potential Impacted Businesses by Phase

Account Name	Business Group	Commercial Hauler
Compliance on or before March 31, 2021		
Safeway - Sherwood	Group 1 1000 lbs/week	Pride Disposal
Walmart #4176 - Sherwood	Group 1 1000 lbs/week	Pride Disposal
Red Robin - Sherwood	Group 1 1000 lbs/week	Pride Disposal
Sharis - Langer Dr. - Sherwood	Group 1 1000 lbs/week	Pride Disposal
Panera Bread- Parkway Village	Group 1 1000 lbs/week	Pride Disposal
Mcdonalds-Sherwood	Group 1 1000 lbs/week	Pride Disposal
Compliance on or before September 30, 2022		
Menchie's Frozen Yogurt	Group 2 500 lbs/week	Pride Disposal
Papa Murphy'S - Sherwood	Group 2 500 lbs/week	Pride Disposal
Kentucky Fried Chicken - Sherwood	Group 2 500 lbs/week	Pride Disposal
Mckenzie Pub	Group 2 500 lbs/week	Pride Disposal
Taco Bell - Sherwood	Group 2 500 lbs/week	Pride Disposal
Chipotle Mexican Grill - Sherwood	Group 2 500 lbs/week	Pride Disposal
Jimmy John'S - Sherwood	Group 2 500 lbs/week	Pride Disposal
Pizza Hut, Sherwood	Group 2 500 lbs/week	Pride Disposal
Sesame Donuts - Sherwood	Group 2 500 lbs/week	Pride Disposal
Starbucks - 15246	Group 2 500 lbs/week	Pride Disposal
Compliance on or before September 30, 2023		
Sherwood Middle School	Group 3 250 lbs/week	Pride Disposal
Archer Glen Elementary School	Group 3 250 lbs/week	Pride Disposal
Mitch Sherwood School	Group 3 250 lbs/week	Pride Disposal
Edy Ridge Elmntry	Group 3 250 lbs/week	Pride Disposal
Laurel Ridge Middle School	Group 3 250 lbs/week	Pride Disposal
La Petite Academy, Inc	Group 3 250 lbs/week	Pride Disposal
Champions Hopkins Elementary School	Group 3 250 lbs/week	Pride Disposal
St. Francis Church	Group 3 250 lbs/week	Pride Disposal
Middleton Elementary School	Group 3 250 lbs/week	Pride Disposal
Sherwood High School	Group 3 250 lbs/week	Pride Disposal
Avamere Sherwood Operations Llc	Group 3 250 lbs/week	Pride Disposal
Mcmenamins - Sherwood	Group 3 250 lbs/week	Pride Disposal
Fuji'S Grill & Sushi	Group 3 250 lbs/week	Pride Disposal
Mazatlan Mexican Restaurant - Sherwood	Group 3 250 lbs/week	Pride Disposal
House Of Good Fortune	Group 3 250 lbs/week	Pride Disposal
Crazy Sushi	Group 3 250 lbs/week	Pride Disposal
Panda Express - Sherwood - Tualatin & Baler	Group 3 250 lbs/week	Pride Disposal
Mod Pizza - Sherwood	Group 3 250 lbs/week	Pride Disposal
Subway - Sherwood	Group 3 250 lbs/week	Pride Disposal
Domino's	Group 3 250 lbs/week	Pride Disposal
Starbucks	Group 3 250 lbs/week	Pride Disposal
Handels Homemade Ice Cream	Group 3 250 lbs/week	Pride Disposal

Highlighted businesses currently participate in voluntary food scraps recycling program



ORDINANCE 2020-003

ADOPTING CHAPTER 8.22 TO THE SHERWOOD MUNICIPAL CODE TO CREATE A BUSINESS FOOD WASTE PROGRAM

WHEREAS, the City values and promotes community livability, community pride, and forward thinking; and

WHEREAS, in connection with these values, the City desires to reduce the amount of business food waste entering landfills; and

WHEREAS, the City Council has therefore determined that it is necessary and appropriate to create a business food waste program in the City.

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

Section 1. Findings. After full and due consideration, the City Council finds that a new Chapter 8.22 of the Sherwood Municipal Code should be enacted as set forth in Exhibit 1, attached hereto.

Section 2. Approval. The proposed addition of Chapter 8.22 to the Sherwood Municipal Code as identified in Exhibit 1 is hereby **APPROVED**.

Section 3. Effective Date. This Ordinance shall be effective 30 days from adoption.

Duly passed by the City Council this 7th day of April, 2020.

Keith Mays, Mayor

Date

Attest:

Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Scott	_____	_____
Griffin	_____	_____
Brouse	_____	_____
Young	_____	_____
Garland	_____	_____
Rosener	_____	_____
Mays	_____	_____

Chapter 8.22 – BUSINESS FOOD WASTE PROGRAM

8.22.010 – Definitions.

As used in this chapter, unless the context requires otherwise:

- A. “Covered Businesses” means organizations that cook, assemble, process, serve, or sell food or do so as service providers for other enterprises. Such organizations include but are not limited to: cafeterias and buffets; caterers; correctional facilities; food product manufacturers; food service contractors; full and limited service restaurants; grocery retail; grocery wholesale; specialty food markets; warehouse clubs; as well as the following organizations if they have full-service restaurants or on-site food preparation services: colleges and universities; drinking places; elementary and secondary schools; hospitals; nursing and residential care facilities; and retirement and assisted living facilities.
- B. “Food Waste” means waste from fruits, vegetables, meats, dairy products, fish, shellfish, nuts, seeds, grains, coffee grounds, and other food that results from the distribution, storage, preparation, cooking, handling, selling, or serving of food that results from the distribution, storage, preparation, cooking, handling, selling, or serving of food for human consumption. Food waste includes but is not limited to excess, spoiled, or unusable food and includes inedible parts commonly associated with food preparation such as pits, shells, bones, and peels. Food waste does not include any food, including but not limited to liquids or large amounts of oils and meats, which are collected for rendering, fuel production, or other non-disposal applications; any food fit for human consumption that has been set aside, stored properly, and is accepted for donation by a charitable organization; or any food collected to feed animals in compliance with applicable regulations.

8.22.020 – Food Waste Requirement.

All Covered Businesses must:

- A. Source separate and recover Food Waste from other solid waste;
- B. Recover Food Waste that is controlled by the business, its agents, and its employees. This requirement does not apply to Food Waste controlled by customers or the public, although businesses are encouraged to devise methods to capture additional Food Waste for recovery, provided that it can be kept free of non-food contamination. For the purposes of this subsection, Food Waste controlled by customers or the public includes Food Waste generated by employees of a Covered Business after food has been provided or sold to the employees by the Covered Business.
- C. Have correctly-labeled and easily-identifiable receptacles for internal maintenance or work areas where food waste may be collected, stored, or both.
- D. Post accurate signs where food waste is collected, stored, or both that identify the materials that the Covered Business must source separate.

8.22.030 – Landlords of Covered Businesses.

Persons or entities that lease or provide space to a Covered Business must allow or provide food waste collection services to those Covered Businesses.

8.22.040 – Compliance Dates.

Covered Businesses must comply with the Food Waste requirement of this section in three phases as listed below. Businesses that provide food service to another business, such as food trucks, shall be

considered for the volume generated by the food providing business, not the entirety of the host business being served.

- A. Business Group 1, which includes all businesses that generate ≥ 0.5 ton (1,000 pounds) per week of food waste must begin compliance on or before March 31, 2021.
- B. Business Group 2, which includes all businesses that generate ≥ 0.25 ton (500 pounds) per week of food waste must begin compliance on or before September 30, 2022.
- C. Business Group 3, which includes all businesses that generate ≥ 0.125 ton (250 pounds) per week of food waste must begin compliance on or before September 30, 2023.

8.22.050 – Temporary Waiver.

- A. A Covered Business may seek a temporary (12-month) waiver from the business Food Waste requirement of this section. Such waivers may not exceed 12 months, but the City Manager may provide for annual temporary waiver renewals. To seek a temporary waiver or renewal of a temporary waiver, the Covered Business must submit a request in writing to the City Manager or the City Manager’s designee demonstrating that the Covered Business cannot comply with the Food Waste requirement because of one or more of the following reasons:
 - 1. The Covered Business generates less than 250 pounds per week of Food Waste in its disposed solid waste;
 - 2. Food Waste produced by the Covered Business is not suitable for inclusion in the program, or cannot be made suitable without unreasonable expense;
 - 3. Physical barriers to compliance exist and cannot be immediately remedied;
 - 4. Compliance would result in unreasonable capital expense; or
 - 5. Compliance results in a violation of other government regulation, health, or safety code.
- B. Covered Businesses seeking a temporary waiver or renewal of a temporary waiver must agree to periodic waiver verification site visits by the City Manager or the City Manager’s designee.

8.22.60 – Failure to Comply.

- A. A Covered Business that does not comply with the requirements of this Chapter will first be issued a written notice of noncompliance. The notice of noncompliance will describe the violation, provide the Covered Business an opportunity to cure the violation within the time specified in the notice, and offer assistance with compliance.
- B. Failure to cure a violation within the time specified in the notice of noncompliance is an infraction.

Agenda Item: Public Hearing (Emergency Reading)

TO: Sherwood City Council

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

SUBJECT: Ordinance 2020-004, Amending Chapter 2.38 (Emergency Code) of the Sherwood Municipal Code and Declaring an Emergency.

Issue:

Should the City Council amend Chapter 2.38 of the Sherwood Municipal Code to extend the time period for which local emergencies may be declared?

Background:

SMC Chapter 2.38 (the "Emergency Code") was last updated in 2009. Under the current Emergency Code, an emergency declaration may last for no longer than two weeks and may only be extended in one-week increments.

COVID-19 is a virus that originated in China in late 2019 and has since caused a global pandemic. Responding to its rapid spread in the U.S. and Oregon, the Sherwood City Manager declared a state of emergency on March 12, 2020. The City Manager has already renewed this emergency declaration in one-week increments since then, as required by the current City Code.

It does not appear that a global pandemic, which is anticipated to cause emergency conditions for a period of months, was anticipated at the time of the drafting of the current Emergency Code. As a result, staff is recommending amending the Emergency Code to extend both the initial emergency declaration period and the renewal period to each be up to 30 days. This change would provide the City Manager with more time to respond to COVID-19 and future emergencies without having to focus on weekly renewals of the emergency declaration. The proposed amendment also includes a small number of other minor clarifications and corrections to citations in the code.

Given the immediate and ongoing threat posed by COVID-19, staff recommends that the City Council adopt the ordinance by emergency under Section 17 of the Sherwood City Charter. This will allow the ordinance to become effective immediately from the date of its approval and adoption. Staff additionally recommends that the City Council approve this ordinance after a single hearing in order to expedite the process, as allowed by Section 16 of the City Charter. In order to accomplish this, the Ordinance must be read by title twice and adopted by unanimous vote of all Councilors.

A redlined version of the proposed amendments to Chapter 2.38 are attached as Exhibit A to this staff report.

Financial Impacts:

None.

Recommendation:

Staff respectfully recommends City Council approve Ordinance 2020-004, Amending Chapter 2.38 (Emergency Code) of the Sherwood Municipal Code and Declaring an Emergency.

Chapter 2.38 - EMERGENCY CODE

2.38.010 - Emergency authority.

This chapter may be referred to as the "Emergency Code."

2.38.020 - Purpose.

This chapter is designed to provide direction for the city, its officials and others consistent with the city's Charter and ORS 401.305 to ORS 401.335 (2009) in the event an emergency or disaster exists within the city. The regulations are intended to reduce the risk of the city, its residents and the public at large to loss of life, injury to persons, damage to property or to the environment.

2.38.030 - Definitions.

- A. "City manager" or "manager" is that person designated by council to act as the administrative head of the city government and to exercise the authority under this chapter and Section 33 of the Charter. In the event the incumbent city manager is unavailable for any reason to exercise the authority under this chapter and Section 33 of the Charter, the individuals acting in the following positions shall be deemed city manager in the following order of succession:
1. Assistant city manager;
 2. Public safety director;
 3. Chief of police;
 4. Public works director; and then
 5. Community development director.
- B. "Disaster" means an occurrence or threat of imminent widespread or severe damage, injury, loss of life or property damage regardless of cause which in the determination of the city manager causes or will cause significant damage as to warrant disaster assistance from resources other than the city's to supplement the efforts and available city resources to alleviate the damage, loss, hardship or suffering caused.
- C. "Emergency" means a human created or natural event or circumstance that causes or threatens widespread:
1. Loss of life;
 2. Injury to persons or property;
 3. Human suffering; or
 4. Financial loss.
- D. "State of emergency" means a situation meeting the definition of emergency and proclaimed in writing by the city manager. If the manager is unavailable to make the proclamation, it may then be made by the incident commander and confirmed in writing by a member of the city council in the following successive order:
1. The mayor; and if he/she is unavailable then by
 2. The current president of the council; and if he/she is unavailable
 3. Then successively through the council in the order of each member came on to the council. In the event the incumbent city manager is unavailable at the inception or during the course of the emergency, the person making the declaration shall have the authority to exercise the manager until such time as the council selects another person to act in that capacity.

Commented [JG1]: Should we eliminate since these positions don't exist in our organization at this time?

2.38.040 - Declaration of emergency.

- A. A state of emergency exists when:
1. The situation requires a coordinated response beyond that which occurs routinely;

2. The required response cannot be achieved solely with the added resources acquired through mutual aid or cooperative assistance agreements; and
3. A written proclamation consistent with ~~04-030~~[this chapter](#) has been made.

B. The declaration of emergency shall be:

1. In writing;
2. Designate the geographic boundaries in which the state of emergency exists; and
3. Shall fix the duration of time in which the state of emergency shall exist.

The declaration shall be effective for no longer than a ~~two-week period~~ [of thirty \(30\) calendar days from the date of declaration](#), but it may be extended for additional ~~one-week increment~~ [period\(s\) of up to thirty \(30\) calendar days each](#) in the event that an emergency continues to exist ~~and must be made prior to requesting resources through Washington County~~.

C. The city manager or the mayor shall have the power to request the governor declare a state of emergency within the city. The request must be submitted in writing through Washington County.

D. Once a state of emergency has been declared, the manager shall have authority to take such actions and issue such written orders as deemed by him/her to be necessary and prudent to protect the public's health and safety as well as to protect both private and public property within and without the city. The exercise of any authority herein shall be done so as to be consistent with the most current edition of the city's emergency management plan. Included, but not limited to, the actions and orders permitted above are the following:

1. Establishing curfew(s) for area(s) subject to the declaration, including hours of operation for businesses and other establishments;
2. Mandating the evacuation of residents and other individuals from structures or areas;
3. Prohibiting, or regulating the number of persons gathering or congregating on any public property or outdoor space within the area subject to the declaration;
4. Closing or restricting the use of public roads and streets within or leading to or from the area subject to the declaration;
5. Restricting or prohibiting the sale of products deemed dangerous, including but not limited to alcohol, flammable liquids and explosives;
6. Declaring and ordering the abatement of nuisances, including damaged structures;
7. Waiving or modifying rules governing purchasing, execution of contracts and authorizing expenditures;
8. Suspending or modifying personnel rules;
9. Imposing new fees, waiving or modifying fees;
10. Prohibiting or restricting the possession of weapons to the extent permitted by law;
11. Restricting or regulating commercial activity to the extent permitted by law.

E. The city manager shall terminate the state of emergency by written proclamation when the emergency no longer exists or when the threat of an emergency has passed.



ORDINANCE 2020-004

**AMENDING CHAPTER 2.38 (EMERGENCY CODE) OF THE SHERWOOD MUNICIPAL CODE
AND DECLARING AN EMERGENCY**

WHEREAS, the current Sherwood Emergency Code was last updated in 2009 and limits the period of local emergency declarations to two weeks with extensions in one-week increments; and

WHEREAS, the Sherwood City Manager declared a local state of emergency on March 12, 2020 relating to COVID-19 and has extended this declaration in one-week increments since; and

WHEREAS, COVID-19 is a global pandemic, expected to cause emergency conditions for a period of months; and

WHEREAS, it appears that the current Emergency Code was not drafted in contemplation of extended duration emergencies such as this; and

WHEREAS, staff therefore recommends amending the Emergency Code to extend both the initial emergency declaration period and the renewal periods to be up to thirty (30) days each, as well as to make other minor clarifications and corrections to citations in the code; and

WHEREAS, it appears to City Council that the proposed revisions to Chapter 2.38 are necessary and appropriate, and should be adopted on an emergency basis so they can take effect immediately during the current COVID-19 emergency.

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

Section 1. Findings. After full and due consideration, the City Council finds that Chapter 2.38 of the Sherwood Municipal Code should be amended to read as set forth in Exhibit 1, attached hereto.

Section 2. Approval. The proposed revisions of Chapter 2.38 to the Sherwood Municipal Code identified in Exhibit 1 are hereby **APPROVED**.

Section 3. Manager Authorized. The City Manager is hereby directed and authorized to adopt rules and to take such other actions as may be necessary to implement this ordinance, including necessary updates to the Municipal Code.

Section 4. Emergency Declared; Effective Date. Based on the immediate and ongoing emergency conditions caused by COVID-19, the City Council hereby declares an emergency pursuant to Section 17

of the Sherwood City Charter. To preserve the peace, health, and safety of the City, this Ordinance shall be effective immediately from the date of its approval and adoption by the City Council and the Mayor.

Duly passed by the City Council this 7th day of April, 2020.

Keith Mays, Mayor

Date

Attest:

Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Scott	_____	_____
Griffin	_____	_____
Brouse	_____	_____
Young	_____	_____
Garland	_____	_____
Rosener	_____	_____
Mays	_____	_____

Chapter 2.38 - EMERGENCY CODE

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This chapter may be referred to as the "Emergency Code."

2.38.020 - Purpose.

This chapter is designed to provide direction for the city, its officials and others consistent with the city's Charter and ORS 401.305 to ORS 401.335 in the event an emergency or disaster exists within the city. The regulations are intended to reduce the risk of the city, its residents and the public at large to loss of life, injury to persons, damage to property or to the environment.

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- A. "City manager" or "manager" is that person designated by council to act as the administrative head of the city government and to exercise the authority under this chapter and Section 33 of the Charter. In the event the incumbent city manager is unavailable for any reason to exercise the authority under this chapter and Section 33 of the Charter, the individuals acting in the following positions shall be deemed city manager in the following order of succession:
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- C. "Emergency" means a human created or natural event or circumstance that causes or threatens widespread:
1. Loss of life;
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- D. "State of emergency" means a situation meeting the definition of emergency and proclaimed in writing by the city manager. If the manager is unavailable to make the proclamation, it may then be made by the incident commander and confirmed in writing by a member of the city council in the following successive order:
1. The mayor; and if he/she is unavailable then by
 2. The current president of the council; and if he/she is unavailable
 3. Then successively through the council in the order of each member came on to the council. In the event the incumbent city manager is unavailable at the inception or during the course of the emergency, the person making the declaration shall have the authority to exercise the manager until such time as the council selects another person to act in that capacity.

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1. The situation requires a coordinated response beyond that which occurs routinely;
 2. The required response cannot be achieved solely with the added resources acquired through mutual aid or cooperative assistance agreements; and
 3. A written proclamation consistent with this chapter has been made.

B. The declaration of emergency shall be:

1. In writing;
2. Designate the geographic boundaries in which the state of emergency exists; and
3. Shall fix the duration of time in which the state of emergency shall exist.

The declaration shall be effective for no longer than a period of thirty (30) calendar days from the date of declaration, but it may be extended for additional period(s) of up to thirty (30) calendar days each in the event that an emergency continues to exist.

C. The city manager or the mayor shall have the power to request the governor declare a state of emergency within the city. The request must be submitted in writing through Washington County.

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4. Closing or restricting the use of public roads and streets within or leading to or from the area subject to the declaration;
5. Restricting or prohibiting the sale of products deemed dangerous, including but not limited to alcohol, flammable liquids and explosives;
6. Declaring and ordering the abatement of nuisances, including damaged structures;
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