



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, December 18, 2012

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

**6-7:00pm URA Board Work Session
(And tentative City Council Work Session)**

7:00pm Regular City Council Meeting

**URA Board of Directors Meeting
(to follow the City Council Meeting)**



Home of the Tualatin River National Wildlife Refuge

**6-7:00 PM URA BOARD WORK SESSION
AND TENTATIVE COUNCIL WORK SESSION**

REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. CONSENT:

A. Approval of December 4, 2012 City Council Meeting Minutes

B. Resolution 2012-056 Extending the Portland General Electric Company Franchise Agreement through June 30, 2013

C. Resolution 2012-059 Canvassing returns of the November 6, 2012 Washington County General Election, proclaiming results and directing the City Recorder to enter the election results into the record

5. CITIZEN COMMENTS

6. PRESENTATIONS

A. Recognition of Sherwood Bowmen Football State Champions

7. NEW BUSINESS

**A. Resolution 2012-057 Authorizing the City Manager to execute a license to allow adjacent homeowner to construct and maintain a fence on city property
(Bob Galati, City Engineer/Craig Christensen, Engineering Assoc.)**

B. Resolution 2012-058 Directing staff to begin the process of determining and recommending an alignment for Cedar Brook Way (Julia Hajduk, Community Development Director)

**C. Resolution 2012-060 Authorizing the City Manager to negotiate with the Sherwood School District to install lights on fields at the Ridges Campus and Sherwood Middle School
(Kristen Switzer, Community Services Director)**

8. PUBLIC HEARINGS

AGENDA

**SHERWOOD CITY COUNCIL
December 18, 2012**

**6-7pm URA Board Work Session
(and tentative Council Work Session)**

7:00pm Regular City Council Meeting

**URA Board of Directors Meeting
(to follow the City Council Mtg.)**

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

A. Resolution 2012-061 Adopting a Supplemental Budget and making appropriations
(Craig Gibbons, Finance Director)

B. Appeal LA12-01, Pankard Building (Tentative, Pending Appeal) (Julia Hajduk, Community Development Director/Brad Kilby, Sr. Planner)

9. CITY MANAGER AND DEPT REPORTS

10. COUNCIL ANNOUNCEMENTS

11. ADJOURN to URA Board of Directors Meeting

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

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

To Schedule a Presentation before Council:

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



SHERWOOD CITY COUNCIL MINUTES
22560 SW Pine St., Sherwood, Or
December 4, 2012

EXECUTIVE SESSION

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 5:50 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Grant, Councilors Matt Langer, Krisanna Clark, Bill Butterfield, Robyn Folsom and Linda Henderson.
3. **STAFF PRESENT:** City Manager Joe Gall and City Recorder Sylvia Murphy.
4. **TOPICS DISCUSSED:**
 - A. **City Recorder Annual Performance Evaluation**, pursuant to ORS 192.660(2)(i). The City Council conducted the annual review of the City Recorder and reviewed a 2012 annual report listing areas of responsibilities and duties for the City Recorder. Discussion followed.

5. ADJOURN

Mayor Mays stated the Council cannot discuss compensation in Executive Session and adjourned the Executive Session at 6:15 pm and stated the Council would discuss compensation in open session. Mayor Mays convened to a work session.

CITY COUNCIL WORK SESSION

1. **CALL TO ORDER:** Mayor Mays called the work session to order at 6:20 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Grant, Councilors Matt Langer, Krisanna Clark, Bill Butterfield, Robyn Folsom and Linda Henderson.
3. **STAFF PRESENT:** City Manager Joe Gall, Public Works Director Craig Sheldon, Community Services Director Kristen Switzer, Police Chief Jeff Groth, Community Development Director Julia Hajduk, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.
4. **TOPICS DISCUSSED:**
 - A. Mayor Mays briefed the Council on an Oregon Business Plan Leadership Summit he attended with staff. He stated the priorities and topics of discussion included; PERS, Education and building a bridge.

B. Recap of Parks Board Meeting: City Manager Joe Gall recapped a topic of discussion held at the Parks Board meeting on December 3rd regarding re-turfing the turf field at Snyder Park and informed the Council staff will schedule supplemental budget proposals to come before the Council at their December 18th meeting. Discussion followed.

C. Drainage at Edy Ridge Ball Fields: Mayor Mays briefed the Council on drainage issues at the fields and discussion occurred regarding conversations with the School District regarding maintenance and resolving drainage issues.

D. Recap of Parks Board Meeting; Project list, lighting of ball fields and use of SDC's: City Manager Joe Gall recapped discussions held at the December 3rd Parks Board meeting regarding project priority list, lighting of ball fields, available and future SDC's, Parks Master Plan and maintenance of fields. Discussion followed.

E. Brookman Area Annexation: Mayor Mays inquired with the Council and brief discussion followed regarding placing the annexation of the Brookman Area on the May 2013 ballot.

5. ADJOURN:

Mayor Mays adjourned the work session at 7:05 pm.

REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER: Mayor Mays called the meeting to order at 7:15 pm.

2. COUNCIL PRESENT: Mayor Keith Mays, Council President Dave Grant, Councilors Matt Langer, Krisanna Clark, Bill Butterfield, Robyn Folsom and Linda Henderson.

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

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

4. CONSENT:

A. Approval of November 14, 2012 Council Meeting Minutes

MOTION: FROM COUNCILOR LINDA HENDERSON TO APPROVE THE CONSENT AGENDA SECONDED BY COUNCILOR BILL BUTTERFIELD. MOTION PASSED 7:0, ALL COUNCIL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

5. PRESENTATIONS

A. Eagle Scout Recognition - No scouts present.

Mayor Mays addressed the next agenda item and called forward Joelle Davis.

B. Proclamation, Human Rights Week

Mayor Mays read the proclamation. Ms. Davis came forward and stated she is a City Councilor for the City of Tualatin and Vice Chair of the Washington County Human Rights Council. Ms. Davis stated the Washington County Human Rights Council was formed in 2006 at the direction of the Commission and stated they have several goals they promote, Ms. Davis explained those goals. Ms. Davis explained the Council's accomplishments. Ms. Davis informed the Council that they have a traveling exhibit, called No Easy Road, which educates on discrimination in Oregon and is available to place in the lobby at City Hall. Ms. Davis stated more information on the exhibit can be found on their website Humanrightswashco.com and they can be reached at humanrightswashco@gmail. Ms. Davis provided the Council with a handout of a poster contest winner, explained they hold an annual poster contest for kids in Washington County, and said this year's theme was Unite for Human Rights. Ms. Davis informed the Council they will be presenting at and sponsoring a 13th Annual Martin Luther King Day celebration to be held at the South Minster Presbyterian Church.

Mayor Mays stated City Manager Gall would make note of Ms. Davis' contact information for displaying the exhibit. Mayor Mays thanked Ms. Davis and presented her with the proclamation.

Councilor Henderson asked how big the exhibit was and if they have placed it in schools. Ms. Davis replied she is aware of it being displayed in various County building and Pacific University and said she believes it's a kiosk and stated it will fit in the City Hall lobby.

Mayor Mays addressed the next agenda item.

6. CITIZEN COMMENTS

Brad Brucker 22545 SW Park Street Sherwood came forward and provided the Council with a handout and said he went to do a project, a 288 square foot addition to an existing building in old town with 144 square feet of roof space. Mr. Brucker explained he went through the planning process and spoke with staff, who helped him quite a bit and said they are now down to the code. Mr. Brucker stated the code indicates he has to pay about \$3000 for planning fees. Mr. Brucker stated outside of old town he would have paid \$600. He explained the building he was adding to is approx. 1200 plus square feet and the addition was more than 10% of the building and because of this it falls into a major modification. Mr. Brucker stated he's not sure if this is true, but he has paid more in planning fees than Kohl's. He stated there's a significant inequity and exorbitant fees in proportion to the scope of work that he did. Mr. Brucker stated he has paid the fees and presented it to the Planning Commission and Julia Hajduk is familiar with his project as is Council Liaison to the Planning Commission, Councilor Clark. Mr. Brucker stated although the Planning Commissioners did not say the fees were excessive he believes they agreed. Mr. Brucker stated he is before the Council tonight to ask for a refund. Mr. Brucker stated the Commission and staff have indicated the Commission does not have the power to issue a refund but said the Council does. Mr. Brucker said he believes there's a significant injustice, not the intention of anyone, and the code dictated something that the staff in the planning department did not have the power to use good judgment. Mr. Brucker stated he spoke with planning staff and in the code cleanup process, and asked if there's something the Council can do to give staff the power to make a prudent decision at the desk. Mr. Brucker informed the Council that in his process he had to send letter of notice and explained the following costs;

\$2940 in fees, \$130 in postage for the letters, plus his time in mailing the letters, which resulted in no one showing up for his project. Mr. Brucker referenced his handout and the location of the addition. Mr. Brucker stated he understands and is willing to go through a process and pay his fair share and commented regarding private sector investors in the old town area being limited to maybe 3 or 4 in the last 10 years that have added footprint to buildings. Mr. Brucker stated he lives and works in old town and loves it here and stated he believes these types of fees are a barrier.

Mayor Mays thanked Mr. Brucker and asked City Manager Gall for an explanation of the high fees. Mr. Gall stated he had knowledge of the information coming before the Council this evening and had asked staff to look into and they have come prepared with some of the information.

Community Development Director Julia Hajduk stated this is a major modification, even if only 288 square feet and was a 16% addition to the existing building which triggers a hearing and said we did the other land use actions required which resulted in \$2425 in fees, the public notice for a type 3 or 4 in old town, the process is \$265 and the old town overlay review is \$250 for a total of \$2940. Julia stated this is a lot and informed Council of costs associated with this process; Staff time for Brad Kilby was \$2173 and we also did the published notice of 1000 feet which costs about \$385, even though we only charged \$265, this included both a published and mailed notice. Julia explained this does not include staff time to go to the planning commission and the meeting coordination. Julia stated regardless of what one thinks of the process, this is what it costs and said when we do another code cleanup project we will look at the old town overlay process and standards and said this is certainly something we should talk about and if this is too much process for these types of conditions. Julia stated the fees basically cover the costs to process this.

Mayor Mays asked if the major bump in expense was due to this being a major modification and therefore requiring the planning commission hearing? Julia replied yes.

Mayor Mays confirmed it was declared a major modification because of the percentage of the building. Julia replied this was correct.

Mayor Mays stated a reasonable person could say it should not just meet a percentage but a square footage type.

Mr. Brucker added because it was a major modification it cost him about \$3000 more in architectural fees as his architect had to go through the code and remedy all the information to be able to present to the planning commission.

Julia stated there could be a threshold and we went through the process to create the minor modification process, and said there was discussion about this, and is something we need to discuss, but for perspective, if you have a 300 square foot building and you're increasing it by 288 square feet that would be a significant change to the structure. Julia stated she thinks this is where the Planning Commission and ultimately the Council when you adopted the triggers for minor modifications did not have a minimum square footage and this is something we can talk about.

Mayor Mays stated from his perspective, it's a big fee for a little thing and he would be interested in getting a recommendation from staff on a refund of some level. Mayor Mays asked for other comments from the Council.

Councilor Folsom stated she appreciated Mr. Brucker's comments that the Council ensures there are no barriers in improvements in old town. Ms. Folsom stated we are going to have these problems in old town because the buildings are small and asked how do we set appropriate thresholds, because this had to be a small thing. She stated she was in the area and did not know of the improvements. Councilor Folsom stated this is the problem she sees and said if we set a threshold with percentage or square footage, these buildings in old town are small and how do we make it reasonable and stated in her mind it doesn't seem reasonable. She stated she understands the staff time involved, because we triggered it. She stated we talked about this when we went through code cleanup, that when we run into a snag, that was our time to sit back and be reasonable and asked how do we get to "reasonable" from here.

Councilor Clark stated she attended the Planning Commission meeting that Mr. Brucker came too and said there was discussion and she wants to share that discussion to help understand why the staff time was so expensive. She stated if this project cost that much staff time, is it always going to cost this much staff time when we have a project that is a large percentage but a small project. Councilor Clark stated there was discussion that this structure was built before application was made to build it and so there was a retroactive staff time needed in this project. Ms. Clark asked staff if this is the case, or will it always cost this amount of staff time to process it.

Julia replied she did not believe, and said when we receive an application we assign a job number and I don't think we went back and charged time to something after the application came in and doesn't know if there was that retroactive piece and said the biggest amount of time, is old town, the old town overlay standards, even though it was minor, we still have to review the standards, prepare the staff report and go through the process. Julia stated as we move forward she believes the best way is to make sure it's reasonable and we can look into the old town standards and make sure we don't have standards that are overburdening, especially for new development. Julia stated this project was new, it was not an old building, but the way the standards are written we still have to apply the old town overlay standards and we have not gotten to that part of the code cleanup yet and this is something we need to deal with as it frustrates staff as well.

Councilor Butterfield stated code is code and he deals with code every day, the electrical code and said there's always been an opportunity if there's been a disagreement, to appeal it. Mr. Butterfield stated he thinks if we have something in effect that will let someone that has a special circumstance, either appeal it or have another look at it, he believes it's our intent as citizens to make sure it's easy, cost effective and fair and when we run into these instances that aren't they have to be able to bring this to our attention and we should stop and look and make sure they are reasonable.

Mr. Brucker stated he does not have a lot of money and just the fee.....we are trying to build something and trying to add and said basically we will have three business tenants in old town that we are personally trying to draw into old town that will spend money in old town and said he is in support of old town but does not have deep pockets. Mr. Brucker stated it cost him \$7000 to do this addition, apart from the fees, this is the building costs.

Councilor Langer asked if this included the architectural costs and Mr. Brucker replied it did not and explained the architect was going to charge him \$1000 but because of the code and he (architect) having to go through the major modification, it cost me a little over \$3400 and this was with a 25% discount.

Councilor Langer confirmed this was not new square footage and Mr. Brucker basically covered it.

Mr. Brucker explained the project as being a deck with a partial cover and he enclosed 288 square feet of the 432 square foot deck to make it new office, work-art space.

Councilor Henderson asked what the new space was for. Mr. Brucker replied for his wife's art studio.

Mayor Mays asked staff to come back with a recommendation of a refund.

City Manager Gall stated there's a few issues, one being is this the right process and code being another issue and stated this does seem excessive. Mr. Gall commented regarding looking at the code and is intrigued with Mr. Bruckers comments of this stopping other development in old town and said this is important to him for staff to take a hard look at the code. Mr. Gall stated he will speak with the City attorney's office and sees no code language and said you need to have the ability to be able to make refunds and the Council establishes the fee schedule every year and you all can waive fees and things like that as there's no code language that clearly gives you that authority and said this is bothersome to him. Mr. Gall commented there's other cities that have code that is clear as to who is the decision maker. Mr. Gall stated this is another suggestion he wants to look at as well as when something looks crazy, what do you do with that. Mr. Gall commented on the current process and not having an opportunity for things to be brought to the attention of the Council. Mr. Gall stated these are some things we would like to work on and bring back recommendations to the Council.

Councilor Folsom commented regarding echoing Councilor Butterfields comments and finding a way to avoid spending the staff time having that charged against us and doing a sanity check beforehand with any future process.

Mayor Mays informed Mr. Brucker that the City will not have an answer for him today.

Mr. Brucker stated the planning staff was intelligent and are well thought out people and can make prudent decisions and said if staff could have looked at the project, it was basically common sense.

Councilor Langer commented, excluding the additional architectural costs Mr. Brucker incurred and in listening to the total construction costs, about \$7400, your planning fees were 43% of the cost of construction and if you include the additional architectural costs, all the extra fees were 84% of the true construction costs.

Discussion continued with costs and Mr. Brucker explained the two leasing tenants and his spouse occupying the other space at a savings to them of \$720 a month in rent.

Mayor Mays thanked Mr. Brucker and called forward RJ Claus.

Robert James Claus 22211 SW Pacific Hwy Sherwood came forward and stated he enjoyed the last presentation and discussion and commented regarding how little the Council knew about old town. Mr. Claus commented regarding the Council understating the hotel he and Mr. McClure built and restored and the City taking it for a City Hall with a promise that they would never move here. Mr. Claus commented regarding the Robin Hood Theater and the 1996 earthquake, it being structurally sound and he being forced out of that and then it being destroyed. Mr. Claus commented regarding these two building being historic and one being one of a kind and never being replaced. Mr. Claus

commented regarding the building in old town and Council checking their history and the (his) buildings not being little and well over 7000 square feet. Mr. Claus commented having to pay because the City forced him to get rid of them. Mr. Claus informed the Council he is preparing to go to LUBA with the sign code, and commented regarding mediation and the mediation process. Mr. Claus commented regarding having two groups looking at taking this to federal court and under title 42, USC 1983 and 1988 you may run into the same problem as San Diego when he wrote their code that passed the Supreme Court and they trying to write another that did not. Mr. Claus commented regarding legal fees and they having to pay out a lot of money for what they had done. Mr. Claus stated the Supreme Court requires he tell the Council of his plans and said if you lose this in federal court you could be looking at hundreds of thousands of dollars. Mr. Claus commented regarding legal fees of other cases and said the Council's fees could be between \$500-\$5 million.

Mayor Mays stated he believes Mr. Claus is confused on a number of facts and asked staff regarding the appeal date of the sign code. Tom Pessemier stated it has been appealed and is currently before LUBA.

Mayor Mays called forward Tammy Steffens.

Tammy Steffens 23617 SW Voss Place Sherwood came forward and stated she wanted to speak of the importance of sports fields and the difference they make in our youth. Ms. Steffens stated she has had the opportunity to help Coach Lawrence with the football program as team mom coordinator. Ms. Steffens shared a story with the Council on a youth that came through the program as a freshman with little support from home and progressed through his high school years and as a senior was a team captain and is currently in the military and doing well. Ms. Steffens stated she believes if the youth had not had sports he could have gone the other direction in his life and said she feels it's important for the kids to have sports fields available to them.

Mayor Mays thanked Ms. Steffens and called forward Bradley Turner.

Bradley Turner 22862 SW Forest Creek Drive # 203 Sherwood came forward and said he feels the Council is doing a fantastic job as he feels comfortable speaking before the Council for the first time. Mr. Turner stated he and his wife are both teachers here in the Sherwood school district as well as coaches and value education and are educators first before coaches. He stated athletics keep a lot of kids motivated and the ball fields in Sherwood are used throughout the entire community. He commented regarding the dollars spent on the fields and the effect of those fields to a lot of people. Mr. Turner commented regarding his church's use of the parks and kids playing on the fields and the parks and fields effect on many people and the many groups and organizations that use the fields. Mr. Turner stated any expenditure that goes towards the fields to maintain and to keep as a beckon and symbol of pride in our community, he knows a lot of people feel this way after the recent state football championship. Mr. Turner stated sports is not everything but definitely helps a lot of students and are a symbol for the community and stated any expenditure to maintain those fields is money well spent.

The Council congratulated Mr. Turner for their state victory.

Eugene Stewart 22595 SW Pine Sherwood came forward and commented regarding issues with the building permits and informed the Council when he remodeled his office across the street from City Hall they did not have to go before the Planning Commission and this was before the rules were

changed, and at that time the planning director had the ability to look at what they were doing, waive requirements and let them move forward without going through all the processes. Mr. Stewart stated he believes anyone on the Council could have appealed the directors decision. Mr. Stewart asked how did we get from a simple solution to a complicated one and said maybe we should look back at what we had and put that back into the code with the planning director having more....he stated everything has to be built to code so there's no question on that. Mr. Stewart commented regarding the property not being considered historical and said he is not aware of any of the properties being registered as historical. Mr. Stewart said everything worked fine and the tenants were happy.

Mayor Mays addressed the next agenda item.

7. CITY MANAGER REPORT

City Manager Joe Gall reminded the Council of an informational kickoff meeting for the Cedar Creek Trial Project to be held tomorrow evening in this community room from 6-8pm. Mr. Gall stated this is an opportunity for the public to learn more about the project and be part of the effort as it proceeds. He stated for more information people can contact Julia Hajduk or Michelle Miller.

Mr. Gall reported Mayor Elect Middleton was present this evening and has been working hard and has had a series of meeting with him as well as he has been attending boards and commission meetings and meeting with City department heads and preparing for his swearing-in in January.

Mr. Gall informed the Council of a new employee and asked the City Recorder to introduce Colleen Resch. Ms. Murphy informed the Council Colleen has been with the City for a week, has been a resident of Sherwood for about 10 years, is a graduate of Oregon State with a bachelor's degree in political science, has prior work experience as a congressional legislative assistant and prior experience as a project analyst for an economic development agency.

Mayor Mays addressed the next agenda item.

8. COUNCIL ANNOUNCEMENTS

Councilor Folsom reminded that the Senior Center was still selling See's Candy and can be ordered at the center's front desk, with proceeds benefiting the seniors and stated the gift shop is open every day from 9-4pm with handmade crafts. Ms. Folsom stated they also have gift certificates.

Councilor Langer shared information from a recent SURPAC meeting, information on a parking study that was conducted as part of the Community Center Project. Mr. Langer stated the study was conducted on Wed., August 15th from 8am-6pm and the study showed about 515 parking stalls available in the study area and of the combined total of on-street and off-street parking, between the hours of 2-3pm, which is the peek, there was 37.7% of the parking spots used.

Councilor Henderson asked if Council would be receiving the information and Tom Pessemier replied staff is planning a future work session and can provide a copy to the Council.

Councilor Butterfield informed Bradley Turner who provided citizen comments, that the Council would like to invite the Sherwood High School football team and coaches to the December 18th Council meeting to be recognized for the recent state championship. Mr. Turner stated he would relay the information to Coach Lawrence.

9. ADJOURN to URA Board of Directors Meeting

Prior to adjourning to a URA Board work session Mayor Mays stated the City Council met earlier this evening in an executive session and conducted the annual performance evaluation of one of the Council four employees, City Recorder Sylvia Murphy.

Mayor Mays stated the Council unanimously concluded that we are fortunate as a community and as a Council to have Ms. Murphy working for us in this capacity and she does an outstanding job, represents our community and the Council professionally and helps us do our jobs better and said we are very appreciative and grateful. Mayor Mays thanked Ms. Murphy.

Mayor Mays stated after the review in executive session, the Council in open session can make any changes to compensation the Council desires and stated changes can be pretty much anything and said per the contract Ms. Murphy is eligible for COLA, unless we don't make her eligible, which is awarded in July of each year at the same formula the rest of city staff is eligible for and if it's in the budget. Mayor Mays stated she is not a city employee she is a Council employee and if you were to mimic what city employees are eligible for each year, which is a step increase, which is 2.5% until they are topped out in their category and they are no longer eligible for additional steps. Mayor Mays stated the Council was given salary comparison from like communities as well as salary history for Sylvia.

Mayor Mays asked for comments or suggested changes and said if it's a COLA it would be effective in July and if it's a salary adjustment it would be effective January 1st.

Council President Grant stated he believes the Council all agrees that Sylvia is an outstanding employee and she stands out and said he believes we have a better employee in Sylvia that a lot of other City's don't have in that position and pointed out in prior years, not only Sylvia but not all employees got a step with COLA and said it hasn't been an automatic thing and recapped the adjustments from the prior year' evaluations. Mayor Mays confirmed last year was a 3% increase with no COLA and the previous year was a COLA and no salary increase.

Council President Grant stated he believes Sylvia understands we have to be able to defend to the citizens and make sure it's understandable to the citizens and said he would be supportive of a step increase and a COLA this year and keep the COLA on time with the other employees and the step on January 1st. Mr. Grant stated every employee knows every year is different and we want to fairly compensate our good employees and Sylvia is outstanding.

Mayor Mays asked for other Council comments.

Councilor Henderson stated she would second the comments made by Council President Grant and said the things that stand out for her this year are, we held two elections which went seamlessly and secondly we have a new City Manager who has been very complimentary of her in his transition. She said this is something she doesn't want to overlook and this is a testimony to Sylvia, and an important part of her personality, is putting the mission of the City above her own personal interests and issues that we've had with other members of staff. Ms. Henderson stated she believes this merits both opportunities to award Ms. Murphy. With no other comments, Mayor Mays asked if Council President Grant would like to make a motion.

MOTION: FROM COUNCIL PRESIDENT GRANT TO AWARD A STEP INCREASE OF 2.5% ON THE REGULAR SCHEDULE EFFECTIVE JANUARY 1ST AND COLA ON THE JULY 1ST SCHEDULE, SECONDED BY COUNCILOR HENDERSON. MOTION PASSED 7:0, ALL COUNCIL MEMBERS VOTING IN FAVOR.

Mayor Mays adjourned the Council meeting at 8:10pm and convened to a URA Board work session.

Submitted by:

Sylvia Murphy, CMC, City Recorder

Keith S. Mays, Mayor

TO: Mayor and City Council

FROM: Craig Gibbons, Finance Director
Through Joe Gall, City Manager

SUBJECT: Resolution 2012-056 extending the Portland General Electric Franchise Agreement through June 30, 2013

ISSUE:

The City's franchise agreement with Portland General Electric (PGE) expires on December 31, 2012.

ACTION REQUESTED:

Staff is requesting that Council extend the current PGE Franchise Agreement for an additional six months by enacting Resolution 2012-056. The PGE Franchise Agreement will be extended through June 30, 2013.

BACKGROUND:

The current PGE Franchise was enacted 20 years ago, adopted via Ordinance 92-951 in July of 1992. It was originally set to expire at the end of July 2012, but was extended to allow time for renegotiation to December 31, 2012 by adoption of Resolution 2012-037.

Staff has been meeting with representatives from PGE to create a new authorization for the use of City Right of Way. The City Attorney's Office is also involved.

The attached resolution extends the existing Franchise Agreement through June 30, 2013, which will allow time for a new authorization to be put in effect.

RECOMMENDATION:

City staff recommends approval of the extension of the Franchise Agreement to June 30, 2013.



RESOLUTION 2012-056

A RESOLUTION EXTENDING THE PORTLAND GENERAL ELECTRIC COMPANY FRANCHISE AGREEMENT THROUGH JUNE 30, 2013

WHEREAS, the Franchise Agreement (the “Existing Agreement”) between the City of Sherwood (“City”) and Portland General Electric Company (“PGE”), set forth in Ordinance 92-951, adopted July 22, 1992 shall expire by its terms on August 1, 2012; and

WHEREAS, the City Council adopted resolution 2012-037 on July 17, 2012 extending the agreement to allow for negotiations and the parties have not yet finalized a new agreement in all of its particulars; and

WHEREAS, the parties wish to extend the agreement another six months to June 30, 2013.

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

Section 1. That the Sherwood City Manager is authorized to sign Exhibit A to this Resolution, an agreement between the City and PGE to extend the existing agreement through June 30, 2013.

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

Duly passed by the Sherwood City Council this 18th day of December 2012.

Keith S. Mays, Mayor

Attest:

Sylvia Murphy, CMC, City Recorder

Exhibit A

**PORTLAND GENERAL ELECTRIC COMPANY AND CITY OF SHERWOOD
FRANCHISE TERM EXTENSION AGREEMENT**

WHEREAS, the Franchise Agreement (the “Existing Agreement”) between the City of Sherwood (“City”) and Portland General Electric Company (“PGE”), set forth in Ordinance 92-951, adopted July 22, 1992 shall expire by its terms on August 1, 2012; and

WHEREAS, the City Council approved an extension to the agreement via Resolution 2012-037 in July 2012 and additional time is needed to continue negotiations, and;

WHEREAS, the City and PGE have been negotiating in good faith to replace the Existing Agreement with a new authorization for use of the right of way (the “New Authorization”); and

WHEREAS, the parties have not yet finalized a New Authorization in all of its particulars; and

WHEREAS, the parties wish that the Existing Agreement remain in place until the New Authorization is finalized.

NOW, THEREFORE, The City and PGE agree that the Existing Agreement shall not terminate on August 1, 2012 but shall remain in full force and effect, including but not limited to the payment provisions there under, until such time as a New Authorization is submitted to and approved by the City, and becomes effective in accordance with its terms, in no event later than June 30, 2013

For the City of Sherwood Oregon: For Portland General Electric Company:

Joseph P. Gall, City Manager

Bill Nicholson, Senior Vice President,
Customer Svc, Transmission & Distribution

Date: _____

Date: _____

Attest:

Sylvia Murphy, CMC, City Recorder



RESOLUTION 2012-059

A RESOLUTION CANVASSING RETURNS OF THE NOVEMBER 6, 2012 WASHINGTON COUNTY GENERAL ELECTION, PROCLAIMING RESULTS AND DIRECTING THE CITY RECORDER TO ENTER THE ELECTION RESULTS INTO THE RECORD

WHEREAS, there has been duly and regularly certified by the city and the Washington County Clerk, the results of the election held in the City of Sherwood on November 6, 2012; and

WHEREAS, the City Elections Officer consistent with the duties imposed on that office will canvass the votes and notify the Washington County Elections office of receipt of the election results. Election results are attached hereto as Exhibit A.

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

Section 1. The official results of said election are shown as Exhibit A to this Resolution.

Section 2: The City Recorder is hereby directed to enter a copy of this Resolution in the record of the proceedings of this Council and to canvass the votes by signing the canvass letter and submitting it to the Washington County Elections office.

Section 3: This Resolution is and shall be effective from and after its adoption by the City Council.

Duly passed by the City Council this 18th day of December 2012.

Keith S. Mays, Mayor

Attest:

Sylvia Murphy, CMC, City Recorder



WASHINGTON COUNTY OREGON

November 27, 2012

City of Sherwood

NOV 28 2012

Recorder's Office

City Recorder
City of Sherwood
22560 SW Pine St
Sherwood OR 97140

Enclosed you will find a copy of the Abstract of Votes for City of Sherwood relating to the General Election held on November 6, 2012. In accordance with ORS 255.295, please canvass the votes and notify the Washington County Elections Division within thirty (30) days of receipt by signing and returning the bottom portion of this letter to:

Washington County Elections Division
3700 SW Murray Blvd. Suite 101
Beaverton OR 97005

Thank you very much.

Sincerely,

Mickie Kawai
Elections Manager

MK/tk



I have canvassed the votes for City of Sherwood, relating to the General Election on November 6, 2012.

By signing this canvass letter, I concur with the final results.

AUTHORIZING SIGNATURE

DATE

City of Sherwood Mayor

Vote for 1

01 = Bill Middleton

02 = Keith Mays

03 = WRITE-IN

VOTES PERCENT

4,465 56.42

3,418 43.19

31 .39

04 = OVER VOTES

05 = UNDER VOTES

VOTES PERCENT

1

651

	01	02	03	04	05
0424 424	1868	1420	11	1	282
0435 435	1735	1199	15	0	211
0457 457	862	799	5	0	158



City of Sherwood Council Pos 4

Vote for 1

01 = Linda Henderson

02 = WRITE-IN

VOTES PERCENT

VOTES PERCENT

5,110 96.98
159 3.02

03 = OVER VOTES
04 = UNDER VOTES

0
3,297

	01	02	03	04
0424 424	2147	56	0	1379
0435 435	1857	79	0	1224
0457 457	1106	24	0	694



City of Sherwood Council Pos 5

VOTES PERCENT

VOTES PERCENT

Vote for 1

01 = Krisanna Clark

5,204 97.40

03 = OVER VOTES

0

02 = WRITE-IN

139 2.60

04 = UNDER VOTES

3,223

	01	02	03	04
0424 424	2187	45	0	1350
0435 435	1898	70	0	1192
0457 457	1119	24	0	681



City of Sherwood Council Pos 6

VOTES PERCENT

VOTES PERCENT

Vote for 1

01 = Robyn Thompson Folsom

02 = WRITE-IN

5,158 97.45
135 2.55

03 = OVER VOTES
04 = UNDER VOTES

0
3,273

	01	02	03	04
0424 424	2161	46	0	1375
0435 435	1897	62	0	1201
0457 457	1100	27	0	697



34-202 CITY OF SHERWOOD

VOTES PERCENT

VOTES PERCENT

Vote for 1

01 = Yes

02 = No

5,158 67.65
2,467 32.35

03 = OVER VOTES
04 = UNDER VOTES

0
941

	01	02	03	04
0424 424	2197	978	0	407
0435 435	1842	1004	0	314
0457 457	1119	485	0	220



TO: Sherwood City Council

FROM: Craig Christensen, Engineering Associate II

THROUGH: Bob Galati, City Engineer and Joseph Gall, City Manager

SUBJECT: RESOLUTION 2012-057 AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE TO ALLOW ADJACENT HOMEOWNER TO CONSTRUCT AND MAINTAIN A FENCE ON CITY PROPERTY

ISSUE: Should City Council authorize the City Manager to execute a license to allow a neighboring homeowner to install and maintain a fence on city property?

BACKGROUND: City of Sherwood Resolution 2012-050 authorized funding for the construction of a maintenance access road north of SW Willow Drive, west of SW Ladd Hill Road, to a large water quality pond situated north of SW Ladd Hill Road and East of SW Platanus Place within city open space. This new access road was constructed to the east and north of the property at 16235 SW Willow Drive.

According to the homeowner the new maintenance access road has created increased pedestrian traffic in the area it was constructed. As part of negotiations with the homeowner concerning the new access road, it was determined that the road would be seeded to reduce the appearance of being a pathway for pedestrians. However, this will not prevent pedestrians from continuing to use this new route through the open space, nor reducing the visual nuisance of pedestrian use.

The homeowner has expressed that he would like to install a sight obscuring fence as a barrier between his property and the city property. The homeowner currently has an established existing arborvitae hedge along his east and part of his northeast property line. This arborvitae hedge appears to have grown over the property line. Since the homeowner does not want to remove the arborvitae in order to install the fence, he has requested that he be allowed to install the fence up against the arborvitae on the city's side of the property line. Therefore, a license between the homeowner and the City of Sherwood is necessary to allow the construction and maintenance of the fence.

All costs of building and maintaining this fence will be borne by the homeowner.

Staff requests the Sherwood City Council authorize the City Manager to execute a license with the adjoining homeowner.

FINDINGS: By passing this resolution the City Manager can sign a license agreement with the homeowner for the construction of a fence on city property.

RECOMMENDATION: MOTION TO ADOPT RESOLUTION 2012-057 AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE TO ALLOW ADJACENT HOMEOWNER TO CONSTRUCT AND MAINTAIN A FENCE ON CITY PROPERTY.

After recording, return to:
City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

EXHIBIT "A"

LICENSE AND MAINTENANCE AGREEMENT

This License is entered into this ___ day of _____, 2012 ("Effective Date") by and between Geoffrey Horning ("Licensee") and City of Sherwood, an Oregon municipal corporation ("City").

Recitals

WHEREAS, City owns certain real property in Sherwood, Oregon, located as follows:

Street Address: Property located between 16235 and 16159 SW Willow Drive, Sherwood, OR
Legal Description: A tract of land within Lot 10 of "Nature View No. 2" a duly recorded subdivision in the City of Sherwood, Washington County, State of Oregon. Said tract of land being 5 feet in width parallel to and north and east of the property line between Lot 13 of said "Nature View No. 2" and said Lot 10. See Attached Exhibit "A" ("City Property").

A. Licensee owns certain real property abutting City's Property, located as follows:

Street Address: 16235 SW Willow Drive, Sherwood, OR
Legal Description: Lot 13 of "Nature View No. 2" a duly recorded subdivision in the City of Sherwood, Washington County, State of Oregon ("Licensee's Property");

B. Licensee desires to use and maintain a portion of City's Property as identified in Exhibit A for the purpose of erecting a fence.

C. City is willing to allow Licensee to use and maintain the City Property in accordance with this License.

Agreement

NOW, THEREFORE, based on the foregoing and for valuable consideration (the receipt of which is hereby acknowledged), City grants Licensee a revocable license to encroach on City's Property, subject to the following terms:

1. Uses Permitted. City will allow Licensee to use the Encroachment Area for the following purposes and no other:

Installation, construction, maintenance, repair, and replacement of fencing meeting the requirements of the City of Sherwood Municipal Code.

2. Property Rights. This License does not convey fee simple title or any interest in the underlying City Property to the Licensee.
3. Maintenance. Licensee is responsible for all maintenance required on Licensee installed fencing on City Property. City reserves the right to require certain maintenance of the Licensee installed fencing on City Property. If Licensee fails to maintain the fencing to City's satisfaction, City will provide thirty (30) days written notice to the Licensee after which time City or its agents may take any steps necessary to make the City Property ready for City's purposes in which event the Licensee will be responsible for paying City's maintenance costs. City will sign a certificate of revocation if it revokes this License and will record the certificate with Washington County.
4. Revocation. City reserves the right to revoke this License at any time for any purpose that City, in the exercise of its sole discretion, believes to be in City's best interest. If City elects to revoke the License, City will give Licensee not less than sixty (60) days advance written notice of the revocation, except in an emergency when City may give such oral or written notice as is reasonable and feasible. Once the revocation is effective, Licensee will ensure that all Licensee installed fencing on the City Property has been removed and the City Property has been restored to as good condition as it was in on the Effective Date of this License. If Licensee fails to remove its Licensee installed fencing to City's satisfaction, City or its agents may take any steps necessary to make the City Property ready for City's purposes. City will sign a certificate of revocation if it revokes this License and will record the certificate with Washington County.
5. Right of Entry. There may be instances when City will need to access the City Property in the normal course of its business operations. In such instances, City will attempt to give Licensee at least seven (7) days advance written notice of its need for access, unless unique circumstances are present which require less notice, in which case City may give such oral or written notice as is reasonable and feasible.
6. Franchise Utilities. Licensee further agrees to cooperate with any utility company (e.g. phone, cable, etc.) in the event that such company needs access to the City Property to service, maintain or repair utilities, including the removal of property or improvements on the City Property if required to provide access for such service, maintenance or repair.
7. Removal Costs. In the event that City or its agents or a utility company must disturb or remove all or a portion of any Licensee installed fencing on City Property, Licensee will be fully responsible for all costs associated with its disturbance or removal and fully responsible for all costs associated with their repair or replacement. City and its agents will not be responsible for any damage to Licensee installed fencing on the City Property, or any other property or improvements prohibiting or limiting such disturbance or removal.
8. Licensee's Liability. Licensee assumes and accepts full responsibility for the care and maintenance of the Licensee installed fencing on City Property. The parties intend that Licensee will be liable for the use and maintenance of the City Property as if Licensee did

own the City Property. To that end, Licensee agrees to defend, indemnify and hold City, its governing body, employees, agents and insurers harmless from and against any and all claims, suits, liabilities and expenses (including attorneys' fees, paralegal fees and related costs) that may be asserted against City arising out of or related to Licensee's use of the City Property, or arising out of or related to City or its agent's removal of Licensee installed fencing on the City Property if notice was given to Licensee to remove such property or improvements and Licensee failed to do so.

9. Insurance. Licensee will at all times maintain residential hazard insurance on Licensee's Property.
10. Condition of City's Property. City makes no representations or warranties whatsoever with respect to the condition of City's Property, or the fitness or suitability of City's Property. Licensee will use City's Property "as is" with all flaws and faults. Licensee waives any right of recourse against City based on the condition of City's Property, including but not limited to any environmental damage or contamination.
11. Authority. The individuals executing this License warrant that they have full authority to execute it.
12. Legal Effect. This License is binding upon Licensee's heirs, successors and assigns.
13. Assignment or Sublicense. Licensee may not assign this License or grant a sublicense to any person or entity without City's prior written consent. City may grant or withhold such consent at its sole discretion.
14. Applicable Law. This License is governed by Oregon law without respect to conflict of laws principles.
15. Waiver. Failure of City at any time to require performance of any provision of this License will not limit City's right to enforce the provision, nor will any waiver of any breach of any provision of this License be a waiver of any succeeding breach of the provision or a waiver of the provision itself or any other provision. To be effective, any waiver must be in writing and be signed.
16. Severability. A determination that one or more provisions of this License are invalid, void, illegal or unenforceable will not affect or invalidate its remainder.
17. Modification. An amendment or modification to this License will not be valid unless it is in writing and signed by City and re-recorded against the Licensor's Property. Nothing in this section affects City's ability to revoke this License as described herein.
18. Entire Agreement. This License is the entire agreement between the parties with respect to its subject matter and supersedes any other agreements or understandings that may exist between the parties.

[SIGNATURES ON FOLLOWING PAGE]

Signed:

For LICENSEE:

For City:

Geoffrey Horning

Joeseph Gall, City Manager

State of Oregon)
)ss.
County of Washington)

This instrument was acknowledged before me on _____, 2012 by
_____ as _____ for the City of
Sherwood.

Notary Public for Oregon

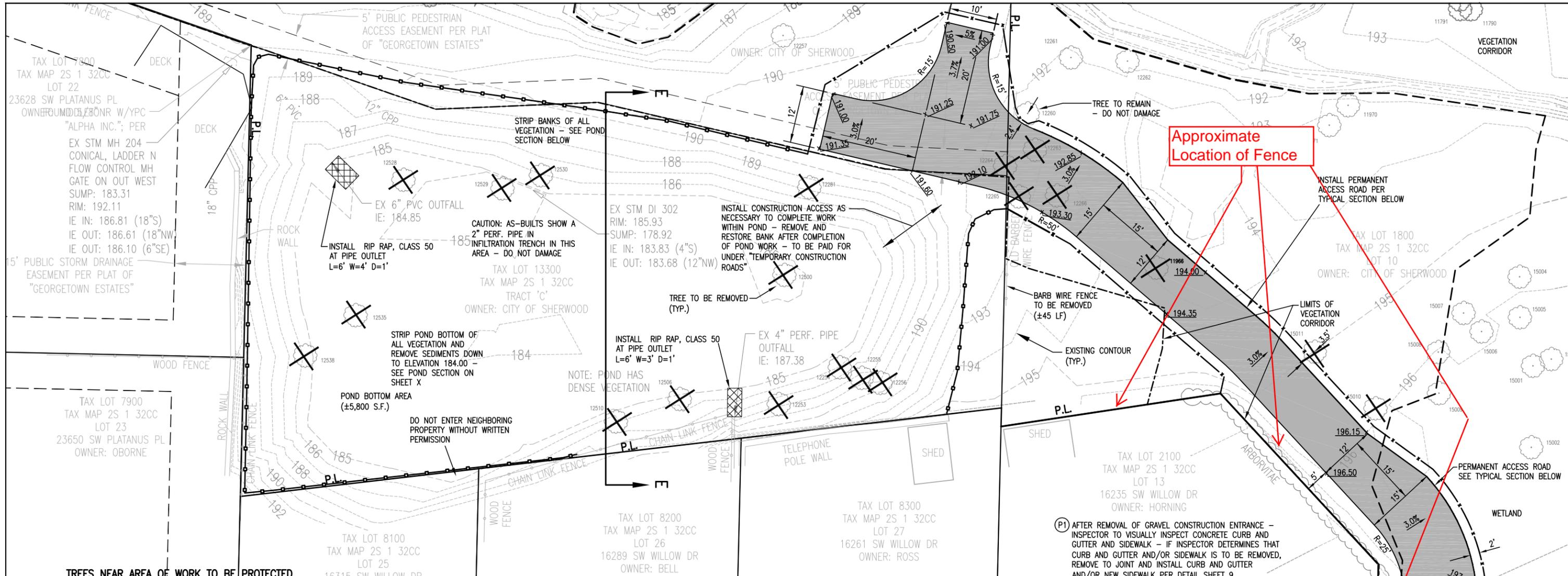
My Commission expires:

State of Oregon)
)ss.
County of Washington)

This instrument was acknowledged before me on _____, 2012 by
_____.

Notary Public for Oregon

My Commission expires:

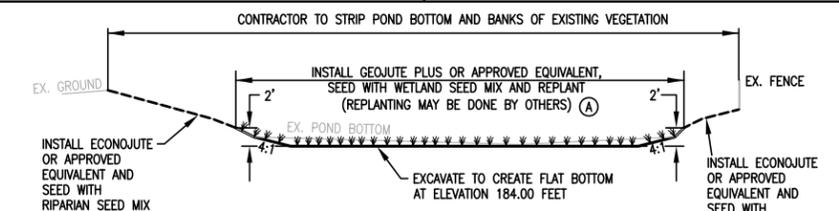


TREES NEAR AREA OF WORK TO BE PROTECTED

AKS Survey Reference #	Total DBH (in)	Tree Species	Basal Area (sq. feet)	Condition/Comments	Hazard Rating 1-4*	Reason for Removal	Wind-throw Rating**
11406	26	Unknown Deciduous	3.69	Unknown	N/A	Preserve	Unknown
12024	18	Oregon Ash (<i>Fraxinus latifolia</i>)	1.77	Slight lean, exposed roots near channel, OK	2	Preserve	B
12088	26	Oregon Ash (<i>Fraxinus latifolia</i>)	3.69	Codominant, decay, slight lean, scars, OK	2	Preserve	A
12257	16	Oregon Ash (<i>Fraxinus latifolia</i>)	1.40	Healthy	1	Preserve	C
12260	7	Black Hawthorn (<i>Crataegus douglasii</i>)	0.27	Codominant, slight lean, OK	1	Preserve	C
12261	12	Oregon Ash (<i>Fraxinus latifolia</i>)	0.79	Ivy, OK	1	Preserve	C
15009	19	Black Cottonwood (<i>Populus trichocarpa</i>)	1.97	Slight lean, healthy	2	Preserve	C
15010	27	Black Cottonwood (<i>Populus trichocarpa</i>)	3.98	Slight lean, healthy	2	Preserve	C
15011	11	Black Cottonwood (<i>Populus trichocarpa</i>)	0.66	Slight lean, healthy	1	Preserve	C

TREES TO BE REMOVED

AKS Survey Reference #	Total DBH (in)	Tree Species	Basal Area (sq. feet)	Condition/Comments	Hazard Rating 1-4*	Reason for Removal	Wind-throw Rating**
11966	9	Black Hawthorn (<i>Crataegus douglasii</i>)	0.44	OK	1	Access Road	C
12253	12	Willow (<i>Salix</i> spp.)	0.79	Moderate lean, OK	2	Pond Restoration	C
12254	10	Willow (<i>Salix</i> spp.)	0.55	Moderate lean, OK	2	Pond Restoration	C
12255	25	Black Cottonwood (<i>Populus trichocarpa</i>)	3.41	Codominant, slight lean (towards home), OK	2*	Pond Restoration	C
12256	15	Black Cottonwood (<i>Populus trichocarpa</i>)	1.23	Slight lean, OK	2	Pond Restoration	C
12263	9	Black Hawthorn (<i>Crataegus douglasii</i>)	0.44	Codominant, heavy lean, OK	1	Access Road	B
12264	19	Black Hawthorn (<i>Crataegus douglasii</i>)	1.97	Codominant, included yard, moderate lean, OK	1	Access Road	B
12265	13	Black Hawthorn (<i>Crataegus douglasii</i>)	0.92	Codominant, heavy lean - near horizontal, OK	1	Access Road	B
12266	11	Black Hawthorn (<i>Crataegus douglasii</i>)	0.66	Codominant, heavy lean - near horizontal, OK	1	Access Road	B
12281	6	Black Cottonwood (<i>Populus trichocarpa</i>)	0.20	Slight lean, tree 12500 fell into and is leaning on it, OK	2	Pond Restoration	B
12500	8	Black Cottonwood (<i>Populus trichocarpa</i>)	0.35	Heavy lean, root failure - fell into another tree and lying up, Remove	4	Health	A
12506	14	Willow (<i>Salix</i> spp.)	1.07	Codominant - group of several stems, moderate lean, OK	1	Pond Restoration	B
12510	18	Willow (<i>Salix</i> spp.)	1.77	Codominant - group of several trees, heavy lean, OK	1	Pond Restoration	A
12528	12	Willow (<i>Salix</i> spp.)	0.79	Heavy lean, OK	1	Pond Restoration	C
12529	12	Willow (<i>Salix</i> spp.)	0.79	Codominant, slight lean, OK	1	Pond Restoration	C
12530	11	Black Cottonwood (<i>Populus trichocarpa</i>)	0.66	OK	1	Pond Restoration	C
12535	10	Willow (<i>Salix</i> spp.)	0.55	Moderate lean, abnormal growth, OK	1	Pond Restoration	C
12538	9	Willow (<i>Salix</i> spp.)	0.44	OK	1	Pond Restoration	C



INSTALL ECONOJUTE OR APPROVED EQUIVALENT AND SEED WITH RIPARIAN SEED MIX

EXCAVATE TO CREATE FLAT BOTTOM AT ELEVATION 184.00 FEET

INSTALL ECONOJUTE OR APPROVED EQUIVALENT AND SEED WITH RIPARIAN SEED MIX

INSTALL GEOTEXTILE FABRIC

INSTALL 2" MINIMUM THICKNESS OF 3/4" - 0" AGGREGATE COMPACTED TO 95% MAXIMUM DENSITY OF AASHTO T-180 TEST METHOD

INSTALL 6" MINIMUM THICKNESS OF 1/2" - 0" AGGREGATE COMPACTED TO 95% MAXIMUM DENSITY OF AASHTO T-180 TEST METHOD

INSTALL SEDIMENT FENCE

DISTURBED AREA TO BE PLANTED PER PLANTING PLAN

WATER QUALITY POND CROSS SECTION E-E NTS - LOOKING EAST

STRIP SURFACE OF VEGETATION AND TOPSOIL. INSTALL SALVAGED MATERIAL FROM EXCAVATION, COMPACT AND PLANT PER PLANTING PLAN

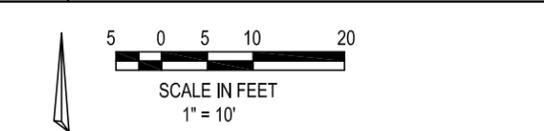
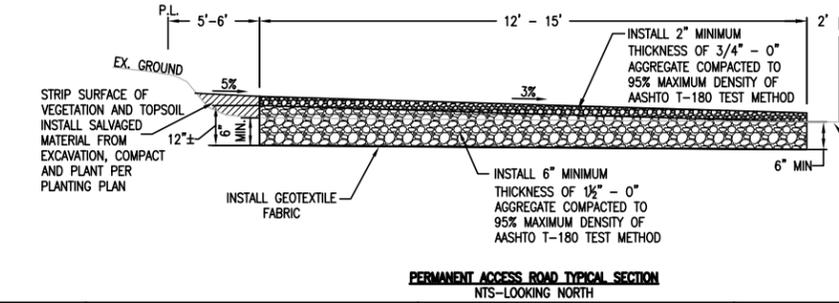
INSTALL GEOTEXTILE FABRIC

INSTALL 2" MINIMUM THICKNESS OF 3/4" - 0" AGGREGATE COMPACTED TO 95% MAXIMUM DENSITY OF AASHTO T-180 TEST METHOD

INSTALL 6" MINIMUM THICKNESS OF 1/2" - 0" AGGREGATE COMPACTED TO 95% MAXIMUM DENSITY OF AASHTO T-180 TEST METHOD

INSTALL SEDIMENT FENCE

DISTURBED AREA TO BE PLANTED PER PLANTING PLAN



NOTES

ALL DISTURBED AREAS NOT RECEIVING AGGREGATE SURFACE, RIP-RAP, RIVER ROCK OR JUTE MATTING SHALL BE STRAW MULCHED (2" THICKNESS).

INSTALL PLANTINGS NEAR PERMANENT ACCESS ROAD PER PLANTING PLAN. (MAY BE DONE BY OTHERS)

EXHIBIT "B"

REVISION:	DATE:

6024 - LADD HILL RD STORM REHABILITATION PROJECT

LOCATED IN SECTIONS 32BD, T1S, R2W, W.M. IN THE CITY OF SHERWOOD, WASHINGTON COUNTY, STATE OF OREGON



CITY OF SHERWOOD
ENGINEERING DEPARTMENT
22560 SW PINE STREET
SHERWOOD, OREGON 97140
PHONE: (503) 925-2309
FAX: (503) 625-0629
E-MAIL: engineering@sherwoodoregon.gov

DESIGNED BY:	CCC
DRAWN BY:	CCC
CHECKED BY:	JMW
FULL SIZE SCALE:	N/A
DATE:	AUG 31, 2012
6024 - LADD HILL/SUNSET BLVD	

**PLAN SHEET
WATER QUALITY POND**



SHEET 7
OF 29



RESOLUTION 2012-057

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE TO ALLOW ADJACENT HOMEOWNER TO CONSTRUCT AND MAINTAIN A FENCE ON CITY PROPERTY

WHEREAS, as a result of city construction on city property, an adjacent homeowner (16235 SW Willow Drive) to City of Sherwood property desires to install sight obscuring fencing on City of Sherwood property in order to provide security and reduce visual nuisance caused by city construction project; and

WHEREAS, fencing will not hinder the City of Sherwood from using its property; and

WHEREAS, City reserves the right to revoke the license upon sixty (60) days advanced written notice; and

WHEREAS, City will not incur any of the cost of installing or maintaining fencing; and

WHEREAS, Formalizes an agreement between the City of Sherwood and adjacent homeowner allowing the adjacent homeowner to construct and maintain a fence on city property while protecting the City's interests.

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

Section 1: The City Manager is hereby authorized to execute a license to allow the adjacent homeowner (16235 SW Willow Drive) to construct and maintain a fence on city property.

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

Duly passed by the City Council this 18th day of December 2012.

Keith S. Mays, Mayor

Attest:

Sylvia Murphy, CMC, City Recorder

TO: Sherwood City Council

FROM: Julia Hajduk, Community Development Director

SUBJECT: RESOLUTION 2012-058, DIRECTING STAFF TO BEGIN THE PROCESS OF DETERMINING AND RECOMMENDING AN ALIGNMENT FOR CEDAR BROOK WAY

ISSUE: Should staff begin the process to identify an alignment or alignment options for Cedar Brook Way?

BACKGROUND:

The Council adopted PA 12-03 amending the Transportation System Plan (TSP) in October 2012 to change the functional classification of Cedar Brook Way to a Collector and confirming the intent to connect Cedar Brook Way from Handley to Elwert. One of the reasons for the amendment was to clear up discrepancies and help remove uncertainty and facilitate development.

During the hearings, there was continued concern about not knowing the exact alignment of location of access points to the highway. There was also concern about the costs to construct the road. It was explained at the hearing that generally the alignment decisions are determined at the time of development, however there may be opportunities to define alignment options in greater detail in order to help minimize uncertainty and this facility development.

The attached resolution will direct staff to begin the process of determining and ultimately recommending an alignment for Cedar Brook Way. If Council approves the resolution, staff will be evaluating the necessary steps and will provide Council with updates as needed to let Council know where we are at in the process and to ensure direction is obtained when necessary.

RECOMMENDATION: MOTION TO ADOPT RESOLUTION 2012-058 DIRECTING STAFF TO BEGIN THE PROCESS OF DETERMINING AND RECOMMENDING AN ALIGNMENT FOR CEDAR BROOK WAY



RESOLUTION 2012-058

A RESOLUTION DIRECTING STAFF TO BEGIN THE PROCESS OF DETERMINING AND RECOMMENDING AN ALIGNMENT FOR CEDAR BROOK WAY

WHEREAS, The Council adopted PA 12-03 amending the Transportation System Plan (TSP) to change the functional classification of Cedar Brook Way to a Collector and confirming the intent to connect Cedar brook Way from Handley St. to Elwert Rd.; and

WHEREAS, the amendment was needed and approved in order to clear up discrepancies and help remove uncertainty and facilitate development; and

WHEREAS, during the public hearings several property owners supported the amendment but continued to express concern that not knowing the alignment, location of access points and costs to construct the road could affect the ability to sell or develop their properties; and

WHEREAS, the City Council is interested in removing barriers to development to facilitate economic development and investment in the community.

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

Section 1. The City Council directs staff to begin the process of determining and recommending the alignment or alignment options of Cedar Brook Way.

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

Duly passed by the City Council this 18th day of December 2012.

Keith S. Mays, Mayor

Attest:

Sylvia Murphy, CMC, City Recorder

TO: Sherwood City Council
FROM: Kristen Switzer, Community Services Director
Through Joe Gall, City Manager

SUBJECT: Resolution 2012-060, A Resolution authorizing the City Manager to negotiate with the Sherwood School District to install lights on fields at Sherwood Middle School and Ridges Campus

ISSUE:

Should the City Council authorize the City Manager to negotiate with the School District to install lights on fields at the Ridges Campus and Sherwood Middle School?

BACKGROUND:

The 2006 Parks and Recreation Master Plan identified the need to light sport fields to maximize use. Increasing the number of lighted fields will increase practice and game space and save the leagues from needing to rent portable lights.

Each year the leagues spend on average \$8,000 renting portable lights. The lights do not light the fields properly and are run by generators. The generators can be loud and bothersome to neighbors.

On December 3, 2012 the Parks & Recreation Board voted to recommend to the City Council that they authorize the City Manager to negotiate with the School District to install lights on fields at the Ridges Campus and Sherwood Middle School.

RECOMMENDATION:

STAFF RECOMMENDS APPROVING RESOLUTION 2012-060, A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE WITH THE SCHOOL DISTRICT TO INSTALL LIGHTS ON FIELDS AT SHERWOOD MIDDLE SCHOOL AND RIDGES CAMPUS



RESOLUTION 2012-060

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE WITH THE SHERWOOD SCHOOL DISTRICT TO INSTALL LIGHTS ON FIELDS AT THE RIDGES CAMPUS AND SHERWOOD MIDDLE SCHOOL

WHEREAS, the 2006 Parks and Recreation Master Plan identifies the need to light sport fields to maximize field space and use; and

WHEREAS, several youth sport leagues have come to the City and the Parks and Recreation Board and expressed a desire to light more fields; and

WHEREAS, each year sports leagues spend funds renting portable temporary lights that are expensive to operate, require a generator and put out inadequate light; and

WHEREAS, at the December 3, 2012 the Parks & Recreation Board voted to recommend that the City Council authorize the City Manager to negotiate with the School District to install lights on fields at the Ridges Campus and Sherwood Middle School.

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

Section 1. The City Council authorizes the City Manager to begin negotiations with the School District to install field lights on the Ridges Campus and Sherwood Middle School.

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

Duly passed by the City Council this 18th day of December 2012.

Keith S. Mays, Mayor

Attest:

Sylvia Murphy, CMC, City Recorder

TO: Sherwood City Council
FROM: Craig L. Gibons, Finance Director
Through Joe Gall, City Manager
SUBJECT: FY12-13 Supplemental Budget Resolution

ISSUE

Adoption of Resolution 2012-061 A Resolution Adopting a Supplemental Budget and Making Appropriations.

BACKGROUND

The attached resolution transfers contingency appropriation and allocates revenue to the appropriate expenditure category for the following expenditures.

Storm Fund

In FY11-12 the City took an opportunity to purchase real property when it came on the market unexpectedly. The property had been earlier identified as the location of a future storm water treatment facility. The property was purchased using Urban Renewal funds. The portion of the property that is not being used for a storm water facility will be sold following subdivision and the proceeds accrued to the Agency. The subdividing of the property was scheduled to be complete by June 30, 2012 but carried over into FY12-13 (\$40,000).

General Construction Fund

Replacement of the turf field was scheduled to be budgeted in FY13-14, however due to safety issues the field needs to be replaced in FY12-13. \$200,000 will come from contingency in the General Construction and the remaining \$300,000 will be a transfer from the General Fund.

General Fund

The City Manager determined that it is necessary to hire a Receptionist and Assistant City Manager in order to run the city in a more efficient and effective manner (\$107,000).

RECOMMENDATION

Staff recommends Council adoption of Resolution 2012-061 A Resolution Adopting a Supplemental Budget and Making Appropriations.



RESOLUTION 2012-061

A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET AND MAKING APPROPRIATIONS

WHEREAS, supplemental budgets are required:

- when a government receives revenue it did not plan for in its budget and wishes to spend the extra revenue, or
- occurrences or conditions which were not known at the time the budget was prepared require changes in financial planning

WHEREAS, the following events have occurred:

- Work related to the Columbia street storm water quality facility was not finished by 6/30/12 as anticipated and needs budget appropriation for completion of the subdividing of the property in FY12-13.
- Replacement of the turf field was scheduled to be budgeted in FY13-14, however due to safety issues the field needs to be replaced in FY12-13.
- The City Manager determined that it is necessary to hire a Receptionist and Assistant City Manager in order to run the city in a more efficient and effective manner.

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

Section 1. Appropriations for the 2012-13 fiscal year are increased (decreased) in the following amounts:

Storm Fund			
Resource	Amount	Expenditure	Amount
Transfer in from URA	\$40,000	Storm Capital	\$40,000
Revised Total Resources	\$ 1,326,191	Revised Total Requirements	\$ 1,326,191

General Construction Fund			
Resource	Amount	Expenditure	Amount
Transfer in from General Fund	\$300,000	Capital Outlay	\$ 500,000
		Contingency	(200,000)
Revised Total Resources	\$1,225,279	Revised Total Requirements	\$ 1,225,279

General Fund	Expenditure	Amount
	Administration	\$ 107,000
	Transfers Out to Gen Const	300,000
	Contingency	(407,000)
	Revised Total Requirements	\$11,526,506

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

Duly passed by the City Council this 18th day of December 2012.

Keith S. Mays, Mayor

Attest:

Sylvia Murphy, CMC, City Recorder

Sherwood Field House Monthly Report November 2012

<u>November-12</u>	<u>Nov-12</u>		<u>YTD</u>		<u>Nov-11</u>
					Est.
<u>Usage</u>		People		People	People
	<u>Count</u>	<u>Served*</u>	<u>Count</u>	<u>Served*</u>	<u>Served</u>
Leagues	9	689	15	1907	690
Rentals	82	1886	262	5219	2100
Other (Classes)					5
[1] Day Use	10	56	28	157	109
Total Usage		2631		7283	2904
<u>Income</u>	<u>Nov-12</u>	<u>YTD</u>			
Rentals	\$5,015	\$15,624			
League fees (indoor)	\$14,803	\$28,319			
Card fees (indoor)	\$1,576	\$1,856			
Day Use	\$182	\$665			
Advertising					
Snacks	\$669	\$1,102			
Classes					
Total	\$22,245	\$47,566			
FY 11-12					
<u>Income</u>	<u>Nov-11</u>	<u>YTD</u>			
Rentals	\$5,005	\$16,775			
League fees (indoor)	\$10,970	\$27,160			
Card fees (indoor)	\$792	\$1,342			
Day Use	\$213	\$407			
Merchandise					
Snacks	\$559	\$1,338			
Classes	\$175	\$175			
Total	\$17,714	\$47,197			

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



Active Rec Happenings during the month of November 2012

Youth Football finished practice for the play offs and championship games. The Sherwood 5/6 red team finished second losing the championship game 20 to 19. The 5/6 cardinal team won their championship game by a score of 12 to 6. Congrats to all the teams for a great season.

Youth soccer has also finished playing for the season the classic teams played 12 games at Snyder Park during the month while the older Rec kids finished up at SMS.

Basketball is in full swing, there are 79 teams 3rd grade to high school playing basketball under the Sherwood Basketball Organization umbrella. They are in 7 gyms 5 nights a week until 9:30pm each night. I have scheduled all practices and games for the next four months.

Respectfully

Submitted

November 30 2012

Lance Gilgan



Sherwood Public Library – October 2012

	<u>Current Yr</u>	<u>Past Yr</u>	<u>% Change</u>
Check out	32,507	35,006	-7% (23% Self-check)
Check in	24,230	26,298	-7%

- New Library cards 96
- Volunteer hours 232.50 hours (equivalent to 1.34 FTE) / 28 volunteers

Monthly Activities

- Thirty-three Baby, Preschool and Toddler Storytimes (717 children /501 adults = 1218 total)
- Two Read-to-the-Dogs programs
- Magazine Monday (free magazine giveaway)
- Pinn Crawford and Jenny Swanson attended City of Sherwood ArcGIS training
- 10/7 & 14 Adult Writing Workshop with Marie Buckley (8-9 attendees)
- 10/09 Pam North attended WCCLS/CIVICTechnologies Community Connect training
- 10/10 Estate Planning with Richard Schneider (21 attendees)
- 10/11 Peyote Stitching Class with Pattie Lamb (10/18 & 25 cancelled by instructor)
- 10/17 Mary Madland attended WCCLS RDA Webinar
- 10/17 Library Advisory Board Meeting
- 10/19 Library Staff Meeting

- 10/23 City Manager Joe Gall “job shadowed” the Library and staff
- 10/26 Friends of the Library participated in Sherwood Old Town Trick-or-Treat with candy, bookmarks and used books
- 10/30 Madland, North and Swanson attended City of Sherwood “Preventing Harassment” training with Kirk Mylander
- Volunteer recruitment & training continues / New volunteers started shifts
- Library staff attended various regional, City and WCCLS meetings: Circulation, Policy Group, OLA/Public Library Division Board and OLA Task Force on Oregon Law Libraries



Sherwood Public Library November 2012

	<u>Current Yr</u>	<u>Past Yr</u>	<u>% Change</u>
Check out	32,472	33,453	-2.93% (21% Self-check)
Check in	22,635	25,029	-10%

- New Library cards 99
- Volunteer hours 194.50 hours (equivalent to 1.12 FTE) / 31 volunteers

Monthly Activities

- Twenty-eight Baby, Preschool and Toddler Storytimes (577 children / 389 adults = 966 total)
- Two Read-to-the-Dogs programs
- Magazine Monday (free magazine giveaway)
- 11/01 WCCLS Orientation for City Manager – Pam North & Kristen Switzer attended
- 11/01 Friends of the Library Meeting
- 11/03 Presentation by local author, Julie Crabtree (0 attendees)
- 11/04 & 18 Adult Writing Workshop with Marie Buckley (~9 attendees)
- 11/10 Lego Robotics Program (30-40 children & 30 adults in attendance)
- 11/11 & 22-23 Library closed for holidays
- 11/12 Presentation by herbalist, Morteza Aleali (4 attendees)
- 11/15 Online school class visit hosted by Sue Decker

- 11/29 North, Jenny Swanson & Jennifer Ortiz conduct interviews for PT Youth Services Librarian
- 11/29 Oregon Humanities Conversation program, “From Print to Pixels” (6 attendees)
- 11/30 Library Staff Meeting
- Volunteer recruitment & training continues / New volunteers started shifts
- Library staff attended various regional, City and WCCLS meetings: Circulation, Youth Services, Adult Services, WUG & OLA Task Force on Oregon Law Libraries

Council Report
 Budget to Actual for July through November 2012
 42% of Year Elapsed

General Fund	Actual	Budget	% of Budget	
Admin	\$ 904,334	\$ 2,222,089	41%	
Community Development	435,111	1,001,460	43%	
Public Safety	1,384,432	3,295,085	42%	
Community Services	485,004	1,196,428	41%	
Public Works	513,012	1,505,845	34%	
Fund Total	\$ 3,721,892	\$ 9,220,907	40%	
General Construction				
Personal Services	\$ 2,107	\$ 6,491	32%	
Materials & Services	846	3,949	21%	
Capital Outlay	-	310,823	0%	
Debt Service	-	48,833	0%	
Fund Total	\$ 2,953	\$ 370,096	1%	
Debt Service Fund				
Debt Service	289,863	892,626	32%	
Fund Total	\$ 289,863	\$ 892,626	32%	
Street Operations Fund				
Personal Services	\$ 162,665	\$ 257,922	63%	Reflects Seasonal Work
Materials & Services	213,663	556,590	38%	
Capital Outlay	328,016	706,000	46%	Reflects Seasonal Work
Fund Total	\$ 704,344	\$ 1,520,512	46%	
Street Capital Fund				
Personal Services	51,247	194,402	26%	
Materials & Services	30,495	119,075	26%	
Capital Outlay	162,212	3,126,523	5%	
Fund Total	\$ 243,954	\$ 3,440,000	7%	
Water				
Operations	2,340,572	4,702,244	50%	Reflects Nov debt service payment
Capital	22,321	4,329,727	1%	
Fund Total	\$ 2,362,894	\$ 9,031,971	26%	
Sanitary				
Operations	126,786	472,095	27%	
Capital	18,384	1,229,917	1%	
Fund Total	\$ 145,170	\$ 1,702,012	9%	
Storm				
Operations	410,109	1,212,179	34%	
Capital	13,489	-		Supplemental Budget will address
Fund Total	\$ 423,598	\$ 1,212,179	35%	
Telecom				
Personal Services	\$ 4,977	\$ 31,754	16%	
Materials & Services	49,103	141,372	35%	
Capital Outlay	3,585	45,000	8%	
Debt Service	-	150,000	0%	
Fund Total	\$ 57,665	\$ 368,126	16%	
URA Operations Fund				
Personal Services	\$ 39,854	\$ 26,986	148%	Supplemental Budget will address
Materials & Services	64,357	105,561	61%	Supplemental Budget will address
Debt Service	6,520,540	1,650,035	395%	Supplemental Budget will address
Transfers Out	47,627	-		Supplemental Budget will address
Fund Total	\$ 6,672,378	\$ 1,782,582	374%	
URA Capital Fund				
Personal Services	\$ 22,140	\$ 115,556	19%	
Materials & Services	13,826	56,703	24%	
Capital Outlay	66,071	4,958,449	1%	
Transfers Out	-	2,269,126	0%	
Fund Total	\$ 102,037	\$ 7,399,834	1%	