



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, September 1, 2015

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

6:00 pm Council Work Session

7:00 pm City Council Regular Meeting



Home of the Tualatin River National Wildlife Refuge

6:00 PM WORK SESSION

1. **Best Practices-Citizens Academy's (Mark Yager)**
2. **Recreational Marijuana-Early Sales at Medical Dispensaries (Josh Soper/Chief Groth)**
(Joint meeting with Police Advisory Board)

REGULAR SESSION

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**
5. **CONSENT AGENDA**
 - A. **Approval of August 4, 2015 City Council Meeting Minutes**
 - B. **Approval of August 11, 2015 City Council Meeting Minutes**
 - C. **Resolution 2015-072, Appointing Rob Rettig to the Planning Commission (Brad Kilby)**
 - D. **Resolution 2015-073, Adopting Protocol and an Evaluation Document Containing Criteria for the Review and Evaluation of the City Manager's Job Performance and Describing Process for Obtaining Staff Assessment of Manager's Performance (Josh Soper/Tom Pessemier)**
6. **PRESENTATIONS**
 - A. **Eagle Scout Recognition**
 - B. **Constitution Week Proclamation**
7. **CITIZEN COMMENTS**
8. **PUBLIC HEARING**
 - A. **Ordinance 2015-006, amending title 9 of the Municipal Code relating to public peace, morals and welfare by adding a new chapter 9.62 relating to graffiti (Jeff Groth, Police Chief) *First Reading***
9. **CITY MANAGER REPORT**
10. **COUNCIL ANNOUNCEMENTS**

AGENDA

SHERWOOD CITY COUNCIL
September 1, 2015

6:00 pm Work Session-Joint Session
with Police Advisory Board

7:00 pm City Council Meeting

Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140

11. ADJOURN

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 Sherwood Post Office. Council meeting materials are available at the Sherwood Public Library. **To Schedule a Presentation before Council:** If you would like to schedule a presentation before the City Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder Sylvia Murphy, 503-625-4246 or murphys@sherwoodoregon.gov



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
August 4, 2015

WORK SESSION

1. **CALL TO ORDER:** Mayor Clark called the meeting to order at 6:08 pm.
2. **COUNCIL PRESENT:** Mayor Clark, Councilors Linda Henderson, Jennifer Kuiper, Jennifer Harris and Dan King. Council President Sally Robinson and Councilor Renee Brouse were absent.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, Public Works Director Craig Sheldon, IT Director Brad Crawford, Finance Director Julie Blums, Water Operations Manager Rich Sattler, Community Development Director Julia Hajduk, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy. City Attorney Chris Crean.
4. **TOPICS:**

A. Water Rate Increase

Finance Director Julie Blums and consultant Deb Galardi with Galardi Rothstein Group presented information (see record, Exhibit A). Julie stated staff was asked to do a presentation for the water rate increase that was adopted and effective July 1, 2015 and introduced Ms. Galardi. Julie said staff would present information on current revenues and requirements and said at a previous Council meeting the Council asked how does the \$350,000 additional revenue from last year to this year breakdown. Julie said that information as well as information on the 10 year capital project list, operating costs and summary of what the rates pay for would be presented. She said staff would talk about a recommended plan and consequences for various options. She said we updated the residential water bill comparison that we provided back in April. She said they would also review information on overhead. Discussion followed. Staff presented the same presentation at the regular Council session.

5. ADJOURN

Mayor Clark adjourned the work session at 6:43 pm and convened to a regular Council meeting.

REGULAR SESSION

1. **CALL TO ORDER:** Mayor Clark called the meeting to order at 7:02 pm.

2. **COUNCIL PRESENT:** Mayor Clark, Councilors Linda Henderson, Jennifer Kuiper, Jennifer Harris, and Dan King. Councilor Renee Brouse via conference call. Council President Robinson was absent.

3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, Police Captain Ty Hanlon, Community Development Director Julia Hajduk, Finance Director Julie Blums, Public Works Director Craig Sheldon, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy. City Attorney Chris Crean.

Mayor Clark addressed the Approval of the Agenda and asked for a motion.

4. **APPROVAL OF AGENDA:**

MOTION: FROM COUNCILOR HARRIS TO APPROVE THE AGENDA, SECONDED BY COUNCILOR KUIPER. MOTION PASSED 6:0, ALL PRESENT VOTED IN FAVOR, COUNCILOR BROUSE VIA CONFERENCE CALL. (COUNCIL PRESIDENT ROBINSON WAS ABSENT).

Mayor Clark addressed the next item on the agenda.

5. **CONSENT AGENDA:**

- A. **Approval of July 1, 2015 City Council Meeting Minutes**
- B. **Approval of July 7, 2015 City Council Meeting Minutes**
- C. **Approval of July 28, 2015 City Council Meeting Minutes**
- D. **Resolution 2015-064 establishing definition of gross revenue for utility operators privilege tax under FY 2015-16 schedule of master fees and charges**
- E. **Resolution 2015-065 Appointing Paul Mayer to the Budget Committee**

MOTION: FROM COUNCILOR KUIPER TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR HARRIS. MOTION PASSED 6:0, ALL PRESENT VOTED IN FAVOR, COUNCILOR BROUSE VIA CONFERENCE CALL. (COUNCIL PRESIDENT ROBINSON WAS ABSENT).

Mayor Clark addressed the next item on the agenda.

6. **PRESENTATIONS:**

A. Recognition of Sherwood High School Students, Academic & Athletic Achievements

Mayor Clark welcomed the students and families and the City Council recognized Sherwood High School students for Academic Achievements, students that received a perfect 4.0 GPA for the 2014-15 school year and recognized students for Athletic Achievements, students that placed 1st in State in a sport or art, as a team or individual. City Manager Gall called forward students and the Council presented them with Certificates of Achievement.

B. Greater Portland Inc. Small Cities Consortium

Derrick Olsen with Greater Portland Inc. (GPI) Small Cities Consortium provided a presentation, (see record, Exhibit B).

Mayor Clark thanked Mr. Olsen and said she has attended the Economic Summit breakfast for several years and stated it's exciting to hear what's happening around the region. She said she attends the Small Cities Consortium every month and thanked Mayor Ogden for being the representative.

Councilor Kuiper asked how many cities are in the Small City Consortium? Mr. Olsen replied he believes its currently 18 cities. Councilor Kuiper referred to the statistics and asked if this information is provided to site selectors and if the information is being tailored for them so GPI knows what they are seeking and therefore putting together a package? Mr. Olsen replied yes and said we have both off the shelf information on our website and we also tailor. He explained and provided examples of specific tailored requests.

Councilor Kuiper referred to GPI working with the Port of Portland and Mr. Olsen stated they are a major investor and the Ports Executive Director is on their Board as well as the Port of Vancouver.

Councilor Kuiper said as a member of the Small Cities Consortium we have access to that data. Mr. Olsen replied yes and said the GPI has models they can use for specific deals or types of industries. He explained and said they would be happy to help Sherwood with any needs.

Councilor Henderson referred to utilities and asked in Mr. Olsen's opinion what is the most crucial utility for our region. Mr. Olsen replied it would depend on the industry and provided examples.

Councilor Henderson said she has seen fact sheets provided to staff and asked how does GPI design those sheets so that they don't compete and asked who makes the decisions on the sheets as far as cities strengths? Mr. Olsen replied they have a regional fact sheet and they lead with this and if they have a site selector looking for something more specific, depending on the project, cities may or may not have the right assets to meet the company's needs. He said they created a standard template so it's equivalent across all the small cities, with information on population, workforce, amount of industrial land, who runs the utilities, etc. He said they also give the cities an opportunity to highlight what they have to offer, high-speed broadband for example, or a unique partnership.

Mayor Clark thanked Mr. Olsen and addressed the next agenda item. She informed the audience that the Council will be accepting public comments on all business items on the agenda, new business as well as public hearings and general citizen comments.

7. CITIZEN COMMENT

Gail Cutsforth came forward and stated she serves on the YMCA Board of Managers, and provided a report of upcoming events. She stated the Family Triathlon is August 15 at 10 am with a Rookie level and All Star Level, followed by a free community BBQ at 11 am. She reported the pool will be closed for cleaning and resealing from August 31 through Labor Day and will reopen on September 15. She reported on September 14 a Diabetes Prevention Class is scheduled to begin and said last year's Dine and Dance is funding the program. She reported on Saturday, February 13, 2016 there will be a Valentine's Day Dance at the Sherwood Center for the Arts and the theme is the Love Boat.

Bill Middleton Sherwood resident came forward and thanked the Mayor and some of the Council members for their attempts to get him appointed to the Budget Committee and said he knows they faced

backlash from staff and some Council members. He said he appreciates what they have done and doesn't want to cause controversy and has no reason to promote his own agenda he just wanted to work for the citizens. He said he believes the majority of the new Council is fantastic, Mayor Clark, Councilor's Robinson, Kuiper and Harris and said had the previous Council been this transparent he believes things would have been better and the public would have been more satisfied.

Jim Claus Sherwood resident came forward and stated he sat through an ordinance hearing on chickens. He provided scenarios that were introduced and said if you violate the ordinance you are a criminal. He said it is not that you are an ordinary citizen anymore, if you violate the law you are a criminal. He stated in order to prove that you are not a criminal you have to prove there is not a substantial benefit and/or you did not do it. He commented on the hearing on chickens where you can have 4 or something and asked why does the Council do that. He said they are turning people into criminals, rats and squealers as it is citizen initiated. He suggested if they are going to pass an ordinance like that they should make it a nuisance, such as keeping these domestic animals under these conditions will be a nuisance. He suggested letting the person that makes the accusation and someone that is violating the ordinance to come before the Planning Commission to make their case and then if they make the case they can have a public hearing. He said 9 times out of 10 you will find out that if you bring the parties together and force them to interact the problem will go away. He said don't turn them into criminals. He said we have not done that in the United States and noted that Canada does it and it is a much more pleasant place to live. He explained if you are irritated with your neighbor and cannot breach it for one reason or another you can sit down and talk to them and talk to the public. He said he wished someone would try that and said the current administration does that. He said that is why the hostility is going down with citizens. He stated they try to get people in a room to talk it out. He noted Mr. Gall and Mr. Pessemier are not opposed to this and said on the chicken ordinance it would be a good place to start. He noted if someone confronts someone in public and then they bring the other side in, 9 times out of 10 you will have no hostility and the problem will be solved. He said maybe in some cases it can't be but that is few and far between.

City Attorney Chris Crean responded that a crime is determined by something for which could be punished by imprisonment for more than a year. He said less than a year is a misdemeanor and less than that is a violation. He stated that nothing that has been presented to any level of the City would result in a crime for keeping chickens. He stated this is an example of Mr. Claus' legal analysis that lacks any merit whatsoever. He said Mr. Claus has filed at least 10 LUBA appeals over the last 10 years and none of which have been upheld and most of which are filed and while the cameras are on with great bombast and then withdrawn when the cameras are turned off. He said he has not won as much as a motion. He said his legal analysis is without merit and should never be given any credibility. He said in that regard he is reminded of the case of Claus v. Saxton from Yamhill County Circuit Court in 2005 in which the judge found as a matter of law in the findings and facts and conclusions of law that *"it is the further specific finding of the Court that the testimony and statements of Dr. Claus are viewed as self-serving and not worthy of belief without some corroboration that is independent of documents..."*

Mayor Clark interjected and asked Mr. Crean if there is a reason he is bringing this up.

Mr. Crean said yes, because the City Council in both legislative and quasi-judicial capacity is required to weigh and measure the credibility of the testimony that is presented to them in both facts and policy and he wanted to make sure that the new Councilors understood the legal background of the legal interaction that the City has had with Mr. Claus in the last ten years.

Mayor Clark said she doesn't think this was appropriate or necessary and said a citizen came forward to give testimony about interactions at the Planning Commission and discussions about chickens and that is what we are talking about and we do not need character assassinations.

Record Note: Dialog continued from the audience, unable to transcribe.

Mayor Clark said this is a public meeting and let's have a public meeting and not a character assassination between who will be our former Attorney soon and one of our citizen members. She suggested continuing on with the agenda in a civil manner. She thanked Mr. Claus for his testimony.

Mayor Clark addressed the next agenda item.

8. NEW BUSINESS

A. Resolution 2015-067 to begin the process to eliminate the water rate increase approved on June 16, 2015

City Manager Gall stated this will be a presentation from Finance Director Julie Blums and consultant Deb Galardi. He said this resolution is before the Council for consideration at the direction of the Council. He said last month the Council passed a motion to bring back a resolution to begin the process to rescind the recent rate increase that was approved in June and went into effect July 1. He informed the Council they will have a brief presentation and stated the Council has seen most of this information and this is also for the benefit of the public.

Mayor Clark said staff has been fantastic in bringing the consultant back to provide information and the Council held a second meeting that was enlightening.

Finance Director Julie Blums introduced Ms. Galardi and said she has worked on the SDC methodology that was approved and the water rate study that companions the recently completed Water Master Plan. Julie said tonight they will review the water rate increase that was approved effective July 1, what it pays for and if it's reversed what those consequences might be. She said they will review revenues and requirements, projections, the capital list, operating costs, what the rate pays for, what the recommended plan is and what occurs if the rates are not increased. She said they will also talk about overhead. She recapped information that was previously presented in the work session (see record, Exhibit A).

Ms. Galardi referred to Exhibit A, and said when we began this process the first step to look at was the Current Revenue and Requirements. She explained the graph represented O&M (Operations & Maintenance), Debt Service Costs, and Cash Funded Capital (Capital Improvements). She said in FY2015-16, the City is not generating sufficient revenue to cover the O&M and Debt Service Cost. She said the cost of Capital increases significantly over the next ten years based on the adopted Master Plan. She said O&M costs increased modestly based on inflationary increases and increases in water production costs. She said because the City is not currently bringing in revenue to fund your annual costs, if the City continues to do so, the City would use up your reserves in the Operating Fund and Capital Fund and the City would then be forced to raise rates. She said what we are recommending is a phased approach to address future capital needs. She said the first step in the rate increase process that was adopted, the 4%, included two primary components, a general 4% rate increase which is estimated to bring in an additional \$175,000 of revenue. She said the other component is a change to the structure of

the rates for irrigation customers who are currently charged equal to the block 1 residential volume rate. She said this is the lowest volume rate that you charge where as in most communities irrigation customer are charged higher rates because of the additional demands they place on the system during the peak irrigation period, therefore the system has to be built larger, more energy costs and generally irrigation customers are charged more and in this case the recommendation was to charge them equal to the block 2 rate for residential which is basically an irrigation rate for residential, this brings it into parity with residential customers. She said in total, the rate increase and the restructuring of the irrigation rate were expected to generate about \$350,000 including some additional revenue from customer growth and rounding, because we round to the nearest cent.

Ms. Galardi stated the capital costs are projected to increase significantly over the ten year period. She said this is driven by this list of projects, the top three are over \$10 million associated with the Willamette River Water Treatment Plant expansion and upgrades, almost \$24 million over ten years including a number of distribution system improvements. She said these are all based on the adopted Master Plan. She said our study looked at how you are going to fund those capital projects. She said you currently have close to \$5 million in capital reserves, but that is only going to cover a small portion of the total that is projected, SDC's are moderate because growth is moderate. She said you're going to need to issue additional debt for the next expansion at the treatment plant in order to minimize the short term rate increases, because you don't have sufficient cash to fund that. She said you will also need to cash-fund some projects because there is a limit to how much debt you can issue. She said the plan has cash-funding of about \$6.9 million which includes some amount of operating reserves but also is going to require rate increases in order to fund those transfers.

Ms. Galardi referred to the pie chart in the exhibit that shows operating costs, with the largest purple section being Debt Service, then the light blue being Water Treatment Contract cost and these two combined equal over 50% of the operating budget. She stated the red section was Overhead and these are the indirect costs paid by the water utility for services it receives from the centralized general government. She stated Julie would talk more about this.

Julie Blums referred to page 8 of the exhibit, Summary of what the Water Rates Pay For, and stated it pays for the direct charges of staff that work in the water fund, meter reader and utility billing staff. She said it pays for electricity in our wells and pump stations, contract services, routine water sampling, maintenance and repairs of pipes and any other water assets, overhead, non-SDC capital projects and debt service payments. She said we need to also have reserves in place for a major catastrophe.

Ms. Galardi stated the 4% increase that was previously adopted is part of a multiyear phasing plan designed to meet the financial requirements but to also minimize the overall increases, and to prevent the City from having "spikes", therefore we have smoothed the rate increases, 4% per year in the first five years and then right now it's estimated at 5% for the next five years. She said the plan will be updated and monitored every couple of years and refinements made. She said the plan includes utilization of existing reserves and referred to the red line in the exhibit (page 9) showing that those reserves will be drawn down over the 10 year period applied to capital as needed. She said you first add to your reserves then you draw them down, and this is how you keep that line relatively flat.

Ms. Galardi referred to page 10 of the exhibit, What Happens if Rates are not Increased, and said you are borrowing on your reserves to fund debt service costs. She said this is generally not viewed favorably by lending agencies and rating agencies and in fact your current loan with the state requires that you

maintain rates that are sufficient to cover annual operating costs and debt services, plus 10%. She said this 10% is a fairly low coverage and often times if you're in the bond market its 20-25%. She said you are not on a sustainable path to have future debt within the next five year window as we are projecting based on the timing of the treatment plant expansion. She said if you don't have a rate increase in the current year or in future years you would have reduced revenues to fund that \$24 million of capital. She said the first 4% alone, if that were not implemented, would reduce revenue by \$2.3 million over the ten year period because of the compounding effects. She said ultimately if you could not issue debt and pay for your share of the expansion, then you run a potential of violating your intergovernmental agreements with other agencies.

Ms. Galardi referred to page 11 of the exhibit and said the table is intended to show the effects of compounding and what happens if you delay. She said the 4% is designed to be able to smooth and minimize that rate slope to generate the same amount of revenue for each year you defer. She explained the rate increase options in the table.

Julie referred to page 12 of the exhibit and said this is an updated chart in comparison to the chart provided in April. She said this includes the most recent data we have on our neighboring cities and what an average bill would look like. She said for a couple of the cities, their rate increases won't take effect until October-November. Ms. Galardi said what this doesn't show is what happens in years beyond, and the 4% is just above inflation and much lower than most other communities that are still wrestling with what their future water supply needs are and where those will be met. She said based on her experience with other communities in the region, Sherwood would move down the chart instead of up.

Councilor King stated the rates shown do not include any of the future liabilities that those water providers will have to put into their structure in the future. He said we are ahead of everyone else. Ms. Galardi agreed.

Julie referred to page 13 of the exhibit, Administrative Overhead Policy and Practice and said we have a City policy in our budget and financial policies that were adopted by the Council. She said in the budgeting section is talks about cost allocation and that the City will charge that and charge to all funds and all divisions and all capital projects. She said it's across the board for all centralized services and this practice has been in place since prior to her time at the City, 9 years, and she is not aware how far back it goes. She said she researched industry standards on overhead and major industries that sets the rules for Government Finance Officers Association, and said this speaks to how overhead works and that it is an indirect cost. She said we looked at the Water Environment Federations Rate Setting Manual and the underlying portion talks about recovering the full cost to operate a utility, and that if we don't charge overhead then that burden is being placed somewhere else. She said we found another reference to the American Waterworks Association.

Julie referred to page 16 of the exhibit and said this is not an exhaustive list, it's an example. She said it covers legal costs, HR costs for recruitments, employee relations, and risk management. She noted in Finance it takes care of payroll, accounts payable, doing the budget, doing yearly financial statements, monitoring debt, ensuring we are in compliance. She stated in facilities it takes care of janitorial use, cost of utilities, electric bills, gas bills and fleet. She said in IT it covers costs to run our software systems, to maintain our computers, telephones, website, etc.

Julie referred to the chart and said this shows what the overhead has been in the Water Fund over the last 5 years and said it is a percentage compared to total expenditures in the Water Fund and said it fluctuates year to year. She explained in 2010-11 it was an odd year because we refunded some debt so that our revenue was higher that year as were our expenses and they off-set each other. She referenced the dollar amounts for overhead and said they are fairly consistent from year to year and we had a peak in 2013 because we were finishing up the pipeline project and had a lot of personal services costs working on that project in that year that bumped up the overhead costs.

Ms. Galardi summarized and stated the recommendation is to phase in the rate increase, 4% per year initially, with the first one to fully fund the existing debt service costs and operating costs and then future increases to build the financial capacity for the additional capital in terms of water supply and distribution projects. She said the plan is based on projections with the best available data we have today, based on current trends, water consumption, customer growth, cost inflation and the timing of capital improvements. She said it is important that the City continue to monitor that every couple of years to ensure we are not falling behind or on the other hand, actuals could be coming in a positive direction allowing the City to adjust the rate slope down in the future. She said the City administration costs are a standard component of water system operating costs, they represent a cost of doing business and it is consistent with water utility rate making principles to include those costs for full costs recovery, and if you did not do that, some other fund would be subsidized in the water service. Ms. Galardi offered to answer questions.

Councilor King asked what the current reserves were. Ms. Galardi replied the capital reserve is close to \$5 million and the operating reserve is just under \$3 million. He confirmed with Julie, this next year we are down \$1.8 million. He asked what was the bottom line of where we need to keep the reserve at. Ms. Galardi replied there are standards on contingencies and she believes the City's policy is to get to a 20% of operating costs. He clarified on future expansion and capital projects and said if we have to borrow again, we will have to have a certain amount of reserve in order to do that. Ms. Galardi said that is right and said we tried to balance cash versus debt funding to balance the rate increases and financial performance.

Councilor Harris stated a lot of this increase is so that in five years we are not increasing it 15%. Ms. Galardi replied yes and Ms. Harris said which will have to happen as we will need more water. She referred to her PGE bill and gave an example of payment options.

Mayor Clark thanked Ms. Galardi and asked to receive public comment.

Kurt Kristensen Sherwood resident came forward and thanked City staff and Councilors for the pedestrian crosswalk on Murdock. He stated in 2005 he walked the City speaking against the City's proposal to build the uphill pipeline and we are now looking at how to pay for it. He said at that time a lot of people were telling us we would have a brief interval of very expensive water and then cheaper and affordable, great water and none of those projections have come to pass and now we are looking at eternal increases. He said in the 2005 election cycle, of which Henderson, Mays and Clark were a part of, voters were told we would do better and we didn't.

Mayor Clark clarified it was Del Clark and not herself, other Councilor comments were stated clarifying the elected officials referenced by Mr. Kristensen. He stated before 2005 we used to get our water and sewer bills every two months and shortly after the construction of the water pipeline we started getting a monthly

bill. He said the bills were approximately the same size, so to the average consumer, our bills have approximately doubled. He said in the spring of 2015, this Council hired the same contractor, Murray, Smith and Associates, that designed in 2005, the \$40 million Willamette River Water System, for an aggregate close to ½ a million for charges to update the water and sewer master bill, in a somewhat uncompetitive process. He said on May 5, 2015, Mayor Clark signed Ordinance 2015-004 that amended Chapter 7 of the Sherwood Comprehensive Plan and adopted the Sherwood Water Master Plan for 2015. He said this document commits the City to a number of very costly water expansions over the next 10-20 years without clearly defining for ratepayers where the funds will come from. He said the total costs are estimated at \$24.6 million for fiscal year 2034, as far as the Water Master Plan. He said this means the City will have to ask current ratepayers along with system development charge payers for new development, to escrow close to a better than \$1.5 million per year to fund these projects. He said on page 90 of the ordinance it states the cost for both projects are allocating 80% to existing customers and 20% to system growth and he thinks this should be the other way around. He said we are in the middle of a water crisis in Oregon and Governor Brown has asked for a 15% rate reduction in usage of water. He said in conclusion, the Council should look at honoring the commitments that were made when this expensive project was started. He said it's time the Council be more transparent about the charges and he thinks it's time the Council start looking at gray water design to elect our winter waters for irrigation and other things. He said he doesn't think the residents will be able to absorb 4.5-5.5% annual increases for their basic water uses.

Eugene Stewart Sherwood property owner came forward and stated he can remember when he was a kid, there were no water meters, the property tax paid for the water you received. He said one of the things he doesn't see in this study is how we are using our water, what percentage is coming from the Willamette River and what percentage is coming from the wells. He said if we are not using the wells very much, is the aquifer being recharged and is there more water, cheaper water and can it be used. He said is there a mix some place that would help resolve the water rates. He said as rates go up, people will try and consume less. He said this study doesn't say how high the rates go, consumption goes down and you now have another problem. He said there is nothing in here about water rates for senior citizens on fixed incomes. He suggested the Council look at the rates for businesses, he said if they need a bigger meter, the rates go up and does that affect incoming businesses. He said maybe it is helpful, that way the Council doesn't bring businesses that need a lot of water. He asked what is the volume of water we can use on an annual basis, he said you don't see that information anywhere. He said there are lots of factors in here and he doesn't think the plan brings forward what our actual use is. He said as Kurt mentioned, can we convert to gray water and does this help if we start recharging our aquifer below us. He referred to his water bill and said he also has an office in Portland, and the water rates are about the same. He said he thinks there are lots of elements that have not been broken out. He referred to a water bill and said the storm water and sewage are the biggest hit we take and asked if we would be better off to look in the future to treat the water from residence, putting the water back into our aquifer, recycling it, and he asked if this is cheaper than what we are currently doing. He asked should we be talking to TVWD to see if we can't change anything. He referred to TVFR and the City previously having their own fire district and eventually joining TVFR because we couldn't keep up. He said he believes there are a lot of things that have not been discussed that need to be.

Bill Lewis Sherwood resident came forward and stated he is a new resident to Sherwood and said if for some reason growth were to completely stop, what would the current rates have to be in the future. He said he is assuming the current water rates are paying for the debt service for an operation of the facility as it sits today. He asked, who's paying the \$24 million and said when he read the Water Master Plan

study, it appeared that most of the projects were for future customers, not current customers. He asked if the current rates are paying for current capacity and current debt service, why current customers are paying rate increases for future customers. He said it seems like the current customers have already paid for the water treatment plant. He said the expansion to bring more water in should be paid with development fees and not rates. He said we have already bought our piece. He said within the study session, he never saw anything related to, what if growth were to stop for the \$24 million, what would the rate increases be? He said this is his question to staff.

Mayor Clark asked if we had an answer for Mr. Lewis and City Manager Gall replied he assumes we will have multiple questions for staff and we will keep a list.

Jim Claus Sherwood resident came forward and stated his superiors won't insult me and my inferiors can't. He said the thing that is healthy about this debate is this is the first time we have had it. He said he did not think the Council has enough information to make a decision. He referred to Sacramento and they are having an arsenic problem in their water which has to be treated. He said Lee Weislogel is an expert on water and he said the most aggressive tax you have in a town is water and it can't be avoided. He said when you start raising a tax, it falls disproportionately across all income groups. He said you use $\frac{3}{4}$ of an acre foot per single family house, technically with 48" of rain, if you recharged it all, in Portland we could run a 5 lot single family subdivision on the water, but that is not the way we do it. He said we take the water into the house and then take it out. He said in single family houses, you do not have very much evaporable transpiration because it's only on the lawn. He said virtually what you take in we give to Clean Water Services. He said agriculture is different, it dries up $\frac{2}{3}$ of the water in evaporable transpiration and its degraded water that goes back into the ground water. He said this is why California is having their problem and this is why he beat the United Justice Department and the Bureau of Reclamation in the claims court. He suggested the Council breakdown the categories and find out how much use, industrial, commercial and retail are using and find out what it is costing to deliver it. He said if the Council recalls what brought on this crisis, when you voted to bring in the pipeline, he did not believe 50% of the people voted and we decided to bring in the pipeline anyway and wait the statute out. He said now we have that enormous cost. He said the Council needs to get categories by use then find out if there is anyway to preserve the wells. He referred to Bull Run and rates increasing in Portland. He said if the Council got more figures, they may find ways to save more money. He said with Clean Water Services, you have ways to maybe recharge your aquifers and with the 4 wells we have we could dump that water down and we could distribute it in other ways. He said the Council is getting the information and it is starting to develop differently and can probably hold the rates down with re-filtration, but will need the basics of consumption by category.

Nancy Taylor Sherwood resident came forward and asked if we are looking at a 4% increase, not just this year, but with this 4% increase, another 4% increase next year, with another 4% increase the following year, followed by 5% increases. She asked if this is correct. She said a few years ago she attended a meeting and heard about the new meter system and how it was not going to cost us anything as it was going to be an experiment. She said now it is no longer an experiment, it's a reality and everyone is getting a water system. She asked if this is correct. She reminded the citizens and said the water meters that are currently in front of her house, what it really does is it allows the water company to turn you off, just like that. She referred to basic human rights and said on the rest of the planet we are looking at how we send water to Africa and areas that are depleted of water. She said we seem to have no system of reward built into our system of, if I decide I will consume less, there is no system of reward and I will pay this increasing rate of a continual 4% and then 5%, until I can't live here anymore because I can't afford

the water. She said she doesn't know if it will be cheaper elsewhere and said as a society we will need to look at how we solve this problem.

With no further public comments, Mayor Clark asked for Council comments.

Councilor Harris said water is tricky and she doesn't love our water rates. She referred to questions asked by Mr. Stewart and said the Council received some of this information in a Council work session. She recommended a public hearing where we can have our representative respond to questions and inform citizens of where we have been and where we are going. She said she is curious about gray water and would like more information. She said she has been watching in our region and said water rates are an issue across Oregon and everywhere, she referred to a recent increase by TVWD of 16% and said this won't be their last. She said Hillsboro and Tualatin are trying to figure out ways to get water and said they are doing what we were doing in 2003-04. She said we figured out what we were going to do and did it, now we are paying for it. She said they are figuring it out and will start to pay for it. She said as Ms. Galardi said, we will move down that scale and our water could potentially be less than those around us. She said 4% is a big increase and referred to a citizen ballot initial and said with this ballot, it's going to be difficult to keep our water program running. She said she did not know all the answers and believes a public informational meeting would be helpful.

Councilor Kuiper stated she has heard great communication from citizens and great ideas and believes we should take these into consideration. She said those ideas take time to implement, research and evaluate whether or not they are doable. She said in the meantime, we have had three years of not having a water rate increase. She referred to Ms. Galardi's comments of compounding and asked what if we had increased our rates three years ago by 2%, and then by another 2%. She asked where would we be, would we be at this point of a 4% increase over the next five years, followed by a 5% increase annually? She said as we are struggling with this not only in our City, but regionally, where will we be if we don't have some kind of increase now and lose that compounded money that we would gain by having the increase. She said it's a tough decision and referred to working with another City who raised their rates by 8% and said it is happening all over the state. She stated she received a call from the City shortly after the new meters were installed, informing her that her water consumption had increased, and it resulted in a pipe leak and was able to get it fixed, she said there is a benefit of having the new meters.

Councilor King stated he has been a Sherwood resident since 1997 and was on the Council in 2005 and said he recalls the water bill being billed bimonthly. He referred to watering his grass at that time and his water bill being a bit over \$200 and said now with the current bill which includes sewer, he is paying about \$105-110 a month for both services and is not watering his grass. He said the rates have gone up and referred to the City of Wilsonville and their situation in early 2000 and said they reached a cap where they had no more water and their water was horrible. He said they worked to build the plant and now have plenty of water. He referred to a question heard tonight about how to not burden the rate payers with the future development of water. He said he doesn't know how to get around this and as a City we collect monthly money to operate the system, but we also need to collect for the future. He said even though development SDC's pays for that, we have to have the money to begin with. He said we will capture SDC's in future developments, but we still have to have money in the bank in order to initiate and cover that future development. He said this may seem unfair but this is how it works; we can't do anything without money, can't maintain the system and provide the City with needed water today or in the future without reserves. He said growth will happen and the money needs to be there. He said eventually the funds will be there and there will be more ratepayers and more SDC's and eventually the rates will go

down. He referred to the intergovernmental agreement with Wilsonville and the timeline of the next phase in capital projects and said the funds need to be there. He said we can't control the amount of water Wilsonville uses, and this is an agreement we have with them and when we both reach a certain amount of water usage that planning phase has to start. He spoke of TVWD and said they will use upwards to 100 million gallons and the plant can expand to 140 and we are presently using just under 15. He said their costs will increase and there is no reflection of what their future water will cost in their rates. He said it's the same thing with Portland, they ignored their infrastructure for many years and they are looking at an infrastructure capture of over .5 billion in their water system and they are losing customers, similar to us and Tualatin and will have to really boost their water rates over the next 5-10 years. He said he feels lucky that in 2006-2008 we looked to the future and planned for it. He said he is not happy with what he pays for water. He referred to the past and paying \$15 a month in water and said those days are gone. He said if you want to pay less, his advice is to use less, he said he is doing this. He spoke of not watering your lawn and altering it to use less water. He said water will be a key issue, especially with the current drought and everyone needs to reassess how we use water. He said the state has told us we can't drill for water anymore and the wells we have are being used and maintained. He said as far as our City and Wilsonville, we are the two cities in this state that have their water future secured. He referred to Portland's water and said our water is cleaner and better, he said if someone polluted Portland's water they can't replace it and we can replace our water. He said he is not happy with raising rates, but he also has a responsibility to the Sherwood citizens to make sure they have water.

Councilor Henderson referred to citizen questions of whether or not we could supplement or access our wells to reduce our dependency on some of the projects. She referred to the exhibit and project list and asked Craig Sheldon, Public Works Director is this a possibility and something we can pursue and considered in the future. Mr. Sheldon replied we would have to go to the State, because our wells are in emergency mode now since we went to the Willamette. He said we have had water quality issues with our wells and we hardly receive water quality reports. He said they are not bad and we run them monthly. He said we would have to speak to the State about this.

Councilor Kuiper asked does this mean the water right use on those was changed. Craig replied no, they still have the same water right, just in emergency mode. He mentioned blending and said we would have to reevaluate if we turned them back on.

Councilor Henderson asked if we are still drawing water from Tualatin or Portland. Craig replied we are not. She confirmed the pipeline is still available, Craig replied it is, but is turned off.

Councilor Henderson, said she is also regretful we have to do water rate increases and said this is a project she has been a part of since 2005 and firmly believes the Council that started this, before she joined, was prudent to be proactive and figure out what we could do so we could basically be in charge of our water future and not at the beck and call of Portland, which was an option, if we had exceeded the capacity of our wells. She said Craig has been here since 1999 and has been a part of this project since the beginning. She said while she is regretful, she is mindful of the fact that we have done most of the hard work already. She said we had lower costs during the recession because contractors were looking for work and the original estimate was a lot higher than what it came in at. Craig replied it was about \$8 million under because of steel prices as well as fuel and construction costs. She said an indirect benefit of the recession is we were able to do that project for \$8 million less than what we had planned. She said if we had spent those \$8 million we probably would have higher rates than today. She spoke of touring the state and said water is an issue everywhere you go and referred to eastern Oregon and Idaho being very

dry and us having very little snow. She said when we update our Master Plans, we do it because we want to be proactive and don't want to be caught by surprise and not be ready to handle the challenges to provide the most basic service of providing water. She said we do Water Master Plans when they are required and we do them so we can understand what drives our rates. She said we can't just establish a rate, it's regulated by the State and our rates have to be justified through what is an estimate. She asked Ms. Galardi what other communities she has worked for. Ms. Galardi replied, Eugene, Springfield, Portland, Redmond, Bend, and Pendleton.

Councilor Henderson said when we do a Water Master Plan we look to the future and try to make a prudent decision of what we need to maintain the level of service that she believes our residents have come to expect. She said she is not happy about the increase and she is hoping there are ways we can partner with other municipalities since we have excess capacity and have upsized the pipe and she hopes we can decrease the rates or decrease the length of time we have to increase the rates. She referred to a water rate chart and said we have the second highest water rate increase next to Tigard. She said Tigard's water rate increase is a function of a project they have with Lake Oswego and it is her understanding their project is only going to provide them with 60% of the water they will need through 2030. She said they are still looking for a partner for the other 40%. She spoke of conservation and said comments were received regarding development and growth. She said conservation is happening all over the west and Ms. Galardi mentioned it during the work session and here in her analysis. She shared comments regarding her personal use of water in her pool and her bill peaking for a month due to that use. She said everyone has choices to make and said rebate opportunities are available at Public Works for washers and showerheads and they are free to the public. She said she hopes people take advantage of that and the additional information on conservation. She said we hope the rate increases we have recommended and approved won't be any higher and hope to be able to lower them some day and collect what we need to collect to maintain the system and plan for growth. She said planning for growth is something we should be doing, whether it be for water, sewer, parks or police, it's something we should be doing rather than waiting and being reactive.

Councilor Henderson thanked the citizen that came and said suggestions made by Councilor Kuiper were great and thanked staff for the presentations.

Mayor Clark thanked the Council and said this has been a very good discussion, one that she brought forward because she felt full information was not given when the Council was given the information to vote on. She said she has received additional information on administrative overhead costs that were not discussed before we voted on the 4% increase and she felt the discussion needed to be brought up again. She said it's been a fantastic discussion and the Council had a great work session and are walking away learning something. She said she wants to talk about not so much the need or not need or a water increase in the future, she said it's well known that as we move forward we are going to have to pay more for our water, this is not the argument. She said her problem is she doesn't agree with the practice of growing government at a rate exceeding the growth of the population. She said she sees this happening and sees this happening in our water rate. She said our water rate is one of those areas that hits everyone the same, whether you are living on social security or an executive, and this concerns her. She said she doesn't take lightly when we are looking at 4% increases every single year. She said people on fixed incomes will have to move and this is concerning to her. She said she loves conservation ideas and announced that she was at Home Depot and they advertised a \$40 rebate for installing low flow toilets which the City's Public Works Department provides a credit for. She said the low flow toilets are about \$98 and she installed 3 at her home. She said this is a bonus for her to get a rebate and conserve water

and thanked the City for providing this service and promoting it. She said her concern is that we are growing as a City administration faster by double digits than we are as a population. She referred to the General Fund and said in 2011-12 it grew 17%, in 2012-13 it grew 15%, in 2013-14 it grew 19%, in 2014-15 it grew 10%. She said population for the same years 2011-12, .3%, 2012-13, .1%, 2013-14, 1.7%, 2014-15, 2%. She said these numbers concern her and we are growing our government and we are growing our government with administrative overhead costs. She said she is not saying that we don't need administrative overhead costs at all, that would be outrageous. She said she thinks it is something we have never talked about and said when you look at the 4% increase and the projection we will be receiving from the citizens, next year is \$175,000 according to our consultant. She said the administrative overhead last year was \$249,000, so if we were not paying this large administrative overhead to fund staff, and this is not staff that directly works on our water, that is paid separately at \$589,000 to our personnel for the staff who work on our water. She said this is administrative overhead to pay for all kinds of different things, legal, different administration, a series of things that is staff. She said there is some that would say you're attacking staff and she said she is not attacking staff, she thinks staff is awesome and she is just saying we are frontloading our staff with a dedicated fund that hits all of our population regardless of their income level and this concerns her. She said she feels that when you're talking about the water fund, an administrative overhead at that amount is too high. She said this is why she has brought this discussion forward. She said because it is that high and because of this 4% increase was passed after we approved the budget, the approval of the budget is not affected by us saying let's slow this down and maybe 4% is not the right amount and maybe we need to look at a different amount and we need to look at the administrative overhead and look at those two areas that are really close in amounts. She said if you took the chart, and she asked the consultant, and you removed administrative overhead and pay for our staff from the general budget, not from our water fund, what would the graph look like, and it drops. She said all of a sudden we don't run out of money as fast. She said you still have to have an increase, and she understands that, but it doesn't have to be 4% every year for the next 4 years and 5% from that point forward. She said at that point as time goes on we can talk about the other opportunities, looking at our wells and lots of other things we can look at. She said she is not saying that people will never see a rate increase, what she is saying is, she feels that at this point we don't have enough information to burden our citizens with a 4% increase when we have this large of an administrative overhead topping on that. She said it is still her recommendation to approve the resolution and understands there is not a lot of agreement in that, but this is her position.

Mayor Clark stated the following motion.

MOTION: FROM MAYOR CLARK TO APPROVE RESOLUTION 2015-067, BEGINNING THE PROCESS TO ELIMINATE THE WATER RATE INCREASE APPROVED ON JUNE 16, 2015. SECONDED BY COUNCILOR HARRIS. MOTION FAILED 1:4 (CLARK IN FAVOR. HARRIS, KUIPER, KING AND HENDERSON OPPOSED). ROBINSON WAS ABSENT AND BROUSE'S CALL DROPPED AND A VOTE WAS NOT TAKEN).

Mayor Clark stated the motion failed and she looks forward to many more discussions on this topic and she is sure we will be having them. She thanked everyone for enduring the long discussion.

Mayor Clark recessed at 9:03 pm, reconvened at 9:17 pm, and addressed the next agenda item.

9. PUBLIC HEARING

A. Resolution 2015-068 Calling an election on and approving a ballot title, summary, and explanatory statement for the annexation of 8 tax lots comprising 84.21 acres of land in the Brookman Road Plan Area for the November 3, 2015 Election

City Manager Gall stated prior to addressing this item, a comment was made during the water discussion and Public Works Director Craig Sheldon would like to provide a response about shutting off water.

Craig stated we cannot shut off a water meter from a computer in our office, and the meters have an attachment if the City wants to go in that direction, but this was at an additional cost. He said we can go in that direction, but he did not want the public to think they could call in an emergency and have their water shut off. He said a shut off needs to be done manually.

The City Recorder read the public hearing statement.

Planning Manager Brad Kilby presented information on the Brookman Annexation AN 15-01 (see record, Exhibit C). He said there have been two prior annexation requests, in 2011 there was a City initiated request to annex 258 acres which would have taken in the entire Brookman area. He said it required approval by registered voters within the area and City residents and failed in both areas. He said in 2013 the annexation request was a property owner initiated annexation and it was for 97.5 acres and the request was made through a triple majority method. Brad explained a triple majority method means that the majority of the owners in the area petitioned to come into the area, that they owned the majority of the land and the majority of the assessed value in that area. He said it only requires a vote of the City residents since the majority of the property owners signed the petition. He said this also failed in 2013.

Brad said this 2015 proposal is from the Holt Group on behalf of 5 of 8 property owners and they are proposing to annex approximately 84.21 acres into the City. He said 3 of the 8 property owners did not sign the petition. He said the application proposes to annex the property through the triple majority method again and it requires City voter approval, which then requires the Council to place it on the ballot. Brad referred to the blue area of a map in the exhibit as the area of 84.21 acres, a total of 8 lots. He said the 3 lots marked with a red star belong to the Bartlett family, the Chronister family and Ms. David and they did not sign the application. He said the Holt proposal, and alternative proposal, provided notice to everyone within 1000 feet and he was contacted by a couple of the property owners asking how they could also get onto the annexation request. He said his response to them was they can either go to the applicant and request they withdraw and amend their application or come tonight and petition the City Council to add their property to be annexed as well. He said in the Council meeting packet there are two alternative resolutions to accommodate that. He pointed out the properties in the exhibit.

He said in the last annexation there were a lot of questions about zoning and said our zoning in this area is Medium Density Residential Low (MDRL) and Medium Density Residential High (MDRH). He said all of our residential zones allow for single family residential. He said the Holt Group did provide a concept plan that is their aspirational plan for the area and it would develop the area out with 258 residential single family units. He said the caveat to that is they have options on these properties and don't actually own them, and if they are brought in they still have to negotiate and buy the property and then develop it. He said even though there's a concept plan, if the properties develop property by property, we will be looking at different ways people will be developing.

Brad reminded the Council the Brookman Concept Plan area came into the Urban Growth Boundary in 2002. He explained Metro has designated that area for Sherwood to grow into. He said we are now in the process of doing the Pre Concept Plan for Sherwood West and before we can consider bringing any of the land in from Sherwood West, we have to start bringing in the land from Brookman. He said this is what the Metro liaison has told him. He said there have been questions of whether or not we could trade the Brookman Area for the Sherwood West Area and we have been told no. Brad explained that people have asked about the timing of Sherwood West coming in and said realistically we are looking at 10 years. He said within the Brookman Area we did do a Concept Plan and it was adopted by the City Council in 2009 and Brookman Road would be the primary access for anything that occurs in that area. He said the caveat to that is in 2014 the City and the County in coordination reclassified Brookman to an arterial as opposed to a collector. He referred to the exhibit and said this is important to note because that area south of Brookman in the Urban Reserve (dark blue area) will eventually come in as an Urban Growth Boundary expansion and the idea is that you have arterials spaced well and have collectors spaced well. He said this creates a problem from the standpoint of when we looked at this when we went through the Concept Plan, we looked at access to this as a collector. He said it does not change the fact that if it's an arterial we will have to reevaluate the access. He said there is testimony that he will be placing into the record tonight questioning whether or not we need to revisit Brookman in light of that reclassification.

Brad stated utilities will need to be extended within the City and upgraded with future development, the sewer and water were addressed and storm water would have to be addressed individually and it will require that developers pay for those extensions to come into the City. He said they are expected to pay those costs upfront. He said development does pay its way and said the operation and ongoing maintenance of that doesn't necessarily get reflected in taxes for single family development. He said police services currently provided by Washington County Sheriff Patrol and fire services are provided by TVFR. He said these services are public services and TVFR would still provide fire service if this area was annexed in and Washington County would no longer provide services, the City would be required to provide those services.

Brad said there has been a question regarding taxes for those that currently live in the Brookman Area and what their taxes would be if annexed today. He said the County average was about \$1449 per \$100,000 and the City tax rate average is about \$435 more than that. He said in speaking with the assessor's office those are caveats as some of those owners are on farm or forest deferral so they may not pay that, but this is the average of what one would pay for urban development.

He said in considering the recommendation tonight, we have additional knowledge that justified the need to have additional land come into the City. He said the Housing Needs Analysis shows we have approximately 95 buildable acres within the existing City limits and it also shows that there is a 4-10 year supply with Brookman included into the City. He said this depends on the average growth rate. He said we have traditionally accommodated an aggressive growth rate of about 3.4 and Metro has modeled it to say that we would go down to 0.7. He said this is likely because we don't have the land available. He said it is unlikely that the demand to come into Sherwood and live in Sherwood would go away, people like Sherwood, the community and schools, so we will still have a lot of demand. He said this increase will result in impacts that will affect the existing character of Sherwood. He said for example, the infill development on Main Street, the request to rezone property to go from commercial to residential or to go from lower densities to higher densities. He said the Council is at the point where they make the decisions to grow up or grow out. He said there is owner support to come into the City as the filed petition indicates.

He explained there are only 5 of the 8 that have proposed to come in and only 1 of those 3 that did not come in actually provided comments saying they would like to be excluded from this and not included in the annexation. He said the staff report identifies the applicable criteria and we think from a technical perspective the applicant has met the intent of the code and you should place this annexation onto the ballot.

Brad said there is discretionary criteria that staff doesn't feel comfortable recommending on; Is the timing right? Would annexation of this area negatively or positively affect the quality or quantity of urban services? Does it encourage development within the existing City and if so, is that desirable for the community or not? Does the annexation support the orderly transition from rural to urban? He said there has been a case previously made that we should be trying to annex the entire area. He said we tried that and it did not work. He said our recommendation is to approve the annexation request by adopting a resolution that calls for the election, approves the ballot title, summary and explanatory statement. He said if the Council decides not to take action on the request tonight, we would ask that the Council at least adopt the ballot title and explanatory statement, as this moves us forward to ensure we meet the requirements for the November election. He said the Council could say no and not approve tonight and if no action is taken the next available election is March 2016. He said the Council decision needed tonight would be to approve the annexation and place it on the November ballot, or deny the annexation and identify specific findings explaining why the annexation should not be approved, or the alternative is, if you approve the annexation alternative which would include those 3 properties and the additional letter received tonight from Brad Miller asking to be included in the alternative, then we would have to amend that and ask the Council to approve the alternative resolution provided in the packet. If the Council does this and wants to include Mr. Miller's property, then we ask that those people provide the required paperwork. He said staff asked them to have these documents ready tonight when they come forward to petition the Council. He said the only thing he did not ask they have available tonight is the legal description as he did not want to speculate the Council would approve the request to add the property and he did not want the owner to spend money on a legal description.

He said tonight in addition to the packet materials, he is providing copies of written testimony he has received and would like them entered into the record. He said the record would be the staff report that currently has exhibits A-I and we would be adding: Exhibit J-a letter from Ms. Jaynes-Lockwood supporting the application. Exhibit K-a letter from Tom and Marie Bartlett asking to be excluded from the application and if the Council chose not to exclude them, asking that the property rights they currently have are protected. Brad said he spoke with Mr. Bartlett and said it would be protected under the nonconforming uses. Brad said he asked Mr. Bartlett that if he was annexed to make sure he met with staff to document the uses he currently has. He said Exhibit L-is a letter from Chris Goodell at AKS and is in place of exhibit I of the staff report, so the letter was an amended letter and Chris provided an amendment and it got crossed in email, therefore this exhibit L replaces exhibit I. He said Exhibit M-is a letter from Thad Metzger a local builder in support of the application. He said Exhibit N-is a letter from George Lorance a property owner in support of the application and he has not petitioned to be annexed. He said Exhibit O-is a letter from Brad Miller with Legacy Homes requesting his property be include in the application. Brad said his parcel number and acreage are noted and if the Council were to include his property in the alternative, it would increase the total acreage from 99.4 to approximately 101.79. Brad said he stated "approximately" because they need to provide a legal description that indicates the exact area, as we would be wanting to get into the Brookman right-of-way.

The City Recorder reminded the Council they received an email (Exhibit P) this afternoon from Scott Eddington and Brad stated Mr. Eddington asked if it was a good idea to bring Brookman in at this time given the fact that Brookman was reclassified as an arterial over a collector and whether or not it would be more prudent of the City to look at the Brookman area and the future expansion area under a different concept planning process before we consider bringing any of the Brookman area in.

Brad offered to answer Council questions.

Councilor Harris asked for maps indicated the properties that wanted to be excluded and those that wanted to be added. Brad said there are two separate maps and explained the map with the red stars, indicating one of the stated properties indicated they wanted to be excluded and the other two stated properties did not sign the application or petition. Council referred to the star on the left, the Bartlett property of about 2 acres and Brad said they are included in the original request.

Brad referred to a map and said the properties that wanted to be added are adjacent to the area and there has been a question in regards to the stripped properties, whether or not it is feasible to provide sewer to that area. He said from a planning perspective when you extend services, you extend to the far end of your property and it's up to that owner to design and make sure the extension of that service is feasible. He said if not, then they would have to go a different direction to tie in. He said there are some wetlands in that area and a need for a deep sewer in that location so that would have to be a consideration at the time that development is proposed on either of those properties.

City Manager Gall indicated that the request from Mr. Miller to be added was not indicated on the map. Brad confirmed and showed where the property is located on the map and said it is 2.39 acres. He confirmed this would bring the total acreage to 101.79 and when asked if this included the Bartlett's he said it does not deduct the Bartlett's.

Councilor Harris asked if there was a request to deduct the Bartlett's. Brad said they did not propose it, they provided a letter entered into the record asking to be excluded and said he spoke with Mr. Bartlett and from a planning staff perspective, what you would be doing is creating an island and this is not a preferable thing to do and this is why he added language that if the Council does decide to approve the annexation and decide not to exclude him then they want to make sure how they enjoy their property today is the same when the area is brought in. He said they don't have any intension of developing until they absolutely have to.

Mayor Clark called the applicant forward to provide testimony.

Chris Goodell provided a copy of written testimony from George Boyd and Colleen Brewer (see record, Exhibit D). Chris Goodell with AKS Engineering and Ryan Tuttle with the Holt Group presented information to the Council, (see record, Exhibit E). Chris stated Rian was the applicant and they were working with the property owners on this annexation.

Chris referred to the exhibit and stated the 8 properties were outlined in yellow, and were a total of 84.21 acres which includes right-of-way along Brookman Road. He said this was a triple majority annexation governed by ORS 222.10.170 and requires 50% of the property owners signatures, 50% of the land area and 50% of the assessed value of land. He said they received petitions from the owners of the land area in the amount of 77% and 70% of the assessed value. He said they exceeded the technical requirements

for the triple majority and said these are conservative numbers. He said they had one property that had multiple owners and had several of their signatures but not all of them and they did not count those in the percentages.

Mr. Tuttle stated that is one of the properties that is shown with a red star as not wanting to be part of the application. He said we do have some of the owners that have signed the application related to that property.

Mr. Goodell referred to the zoning and said currently the County zoning is FD20, and that is future development and the City has a comprehensive plan for medium density residential. He said one of the issues that we understood, was that people did not have a concept of how the area could be developed and what it could look like. He said they worked with the Holt Group to put together a concept plan showing where utilities could be accessed, what densities could look like, street layouts, water service, storm water facilities, open space and trails. He said we used the Brookman Concept Plan as a guide. He said in terms of density, the two zones allow for between 5.5 - 11 units per net acre and this layout is about 6 dwelling units per net acre. He said it shows about 24 acres of open space and said there is a variety of natural resource areas, wetlands, drainage corridors, etc. and we included park areas. He said it shows public infrastructure, utilities and roads.

Mr. Goodell said in terms of the approval criteria, this annexation is consistent with the adopted City County Urban Area Planning Agreement, and said they see the City as the jurisdiction that is best suited to oversee development in the area. He said it is consistent with the service provider cooperative agreements, TVFR and Clean Water Services and is consistent with the Brookman Concept Plan. He said the sanitary/sewer trunk line is northeast of the development site and the arrow indicated a recently completed project that brought sanitary/sewer to the site. He referred to the exhibit showing a looped water connection and said in general this enhances water service to all properties by creating a loop. He showed where existing streets would be improved along Brookman and said this was one of the reasons these properties were chosen to provide a continuous frontage improvement along Brookman Road, rather than a spotty improvement. He said this is serviced by TVFR and shows protected greenways and natural areas as well as the storm water management areas shown in the Brookman Plan. He referred to the dotted areas on the map as trail areas. He said in terms of this being a transition from rural land use to urban land use, the annexation allows for the continued growth of the City, consistent with past planning practices rather than encouraging dense infill projects. It provides residential land that meets the housing supply. Mr. Goodell referred to the information provided by staff and said the annexation is the next natural order of progression and said this shows a vision of what could be out there, but annexation alone doesn't do any of this.

Mr. Tuttle said he appreciates the Council's time and thanked the landowners that were present in support of the application and the present homebuilders. He spoke of growth, the water rate discussion and development bringing in SDC's. He said the question before the Council is what type of growth the City wants to see, infill growth or an expansion. He said what he has heard is the City wants to see growth that is consistent to what we've had and this is the efforts of our proposal. He said this is not an aspect of the annexation and he would like to point to part of their efforts towards communications with the community, the Council and staff. He said their desire is to have an open book development that is able to receive comments from the surrounding neighbors and the City towards a development that is desirable for the community. He referred to the 2013 annexation efforts and said they made the analysis that annexation is separate from subdivision approval and unfortunately they were faced with

misunderstanding of what their desire for the project was because we did not provide this information. He said they have moved forward with this plan and have invested money under the idea that they want to present a plan that people can see and comment on and we are able to make adjustments related to those comments. He said as previously stated this is not an approved plan and there is variation that will occur and we are working towards this plan or a plan that represents single family homes that are similar types to what we have seen in Sherwood. He said a question for the Council is how will this campaign go differently from the previous one? He said we have invested with campaign consulting companies, CFM Solutions, that are going to help supervise a campaign plan to push this information out to the community and to make ourselves available to the community related to this plan. He said our goal is not to do one development in Sherwood, it's to be a part of the City. He mentioned Sherwood West and said Sherwood is looking at moderate growth for a long period of time and this is something they want to be a part of. He said they are working with AKS and CFM and polled the community and one thing they saw from 2013 and from recent polls is that our communication with the community through door-to-door efforts, online availability and phone availability is going to be important in this campaign. He said we intend, with the Council's approval, to proceed with that effort. He asked the Council approve the application and forward it to the November ballot and offered to answer questions.

Mayor Clark asked for Council questions.

Councilor Kuiper referred to the Bartlett letter and maybe not being approached and had not signed a petition. She asked for more information.

Mr. Tuttle said this also points to other applicants that have come forward after our application. He said we tried to approach the neighbors and we saw a need for continuous availability of frontage along Brookman and it seemed important that they were part of the annexation. He said we are not trying to force somebody who doesn't want to be part of the annexation but we are also trying to hold that balance for consistent development that offers benefits to the community. He said also related to the other applicants that came forward and wanted to be included in the annexation, we fully would have intended to include them in the process and in trying to provide the best cohesive information we had gotten far enough along that they approached staff. He said we did not have a way to incorporate them in this plan and we are happy to include them in the annexation. He said as far as legal descriptions and fees related to those properties we are happy to absorb that in our application.

Councilor Kuiper referred to the plan as an Open Book Development and said she understands this as people being able to look at it and provide comment and asked if they planned on having design charrettes or open meetings to talk about the plan and those additional properties that want to be annexed in. She asked if the plan would be revised to incorporate that.

Mr. Tuttle replied, yes the plan would be revised to incorporate that and yes we will hold community meetings and be available for comments on the plan and make efforts to include those comments and change the plan as can be within the confines of the code.

Councilor Kuiper referred to the identity of Sherwood and this being important to people and keeping natural resources in mind, what other kinds of campaign efforts would you do to help incorporate that, to give the citizens an understanding of what this development is about, aside from the door-to-door campaign?

Mr. Tuttle said within our campaign currently what we have included, and are open to suggestions, our first priority is door-to-door and face-to-face with the community. The second is online availability and we intend to have a webpage. He referred to 2013 and communications via face book and they want to be available here as well. He said we intend to be in the Sherwood Gazette. He said we also would like to see ways we can be involved in the community and if there are places we can show and be part of the community we would like to have that available to us.

Mayor Clark stated Councilor King had to leave for work. Councilor King left at 10:00 pm.

Councilor Kuiper asked if they can do all this work in three months. Mr. Tuttle replied yes and they are ready to begin the work and have had it in place to follow after this meeting. He said CFM has their team and is ready to proceed and this is the last hurdle.

Councilor Kuiper asked why is the Bartlett property so important for this development? Mr. Goodell said they included it for a couple of reasons, to have a continuous frontage present and in addition we did not want to create an island.

Councilor Kuiper asked when they would expect to break ground and what would be the timeline? Mr. Tuttle commented that this is often misunderstood. He said the process that they have before them is that after annexation they would move through a preliminary plat approval process, application materials need to be prepared and it is expected that they would see approval of that preliminary plat somewhere towards the middle of 2016. He said they would like to see if they can develop a portion of the site next year, not all of it and it is based on absorption of the community. He said this might not be possible as we live in the Northwest with a finite construction season and we may not see any work on site until the 2017 construction season. He said this is only site work which will take the full construction season and not have buildable lots available to the homebuilder until the first of the following year, 2018.

Mayor Clark referred to the Barlett property being so important to move forward and yet they are against it, she asked what will they do about this?

Mr. Tuttle said where they are important is from an annexation and not creating an island, he said he believes there is a need as Brookman develops that would get full frontage development. He said that would happen on a property-by-property basis so it can occur as their property chooses to develop. He said in many ways, they can continue to enjoy the life they currently and previously have enjoyed on the property, while their neighbors are able to develop as they have invested towards and desire to do.

Councilor Harris referred to the general concept plan and said this is just an idea and if we annexed and placed this on the ballot, you could do anything you wanted within the zoning.

Mr. Tuttle replied yes, and he would not come to the Council and have this displayed and waved in his face later, if he did not intend to proceed with this plan. He said he appreciates the question and the concern and while in a public forum, it has some weight to it.

Mayor Clark said what they are saying is this is their intention to move forward with that plan. Mr. Tuttle replied yes it is and as Brad mentioned we have options on some of the properties and some of them we do not. He said there is a certain amount of control that is outside of our ability and believes the Council will hear and have seen letters from property owners that they intend to be part of this development and

we are in conversations to continue toward that plan with those property owners. He said there has been an apprehension from a number of property owners that say to wait and see what happens with the annexation.

Councilor Kuiper referred to the exhibit and a property with crosshatch marks that is designated green space and said in order to maintain that piece, do they have any idea how they would extend that area?

Mr. Tuttle replied he believes they are speaking of the Bissett property and said Chris can speak to this, but he believes the property has some developable upland area on it. He said they have not had a consultant walk the property and he knows there is a creek corridor that is in a portion of it.

Councilor Kuiper said she was speaking in terms of protecting some of that developable land as a corridor, Mr. Tuttle clarified, “undevelopable land” and said this would be protected through the habitat restrictions and Chris can speak to this.

Mr. Goodell referred to the exhibit and said there is some portion that is developable and some that is not.

Councilor Harris asked if this plan takes into account Brookman as an arterial? Chris replied we have met with Washington County and their engineering staff and said at that point it had not been designated as an arterial, but was obvious it was going to be. He said they built this plan with that knowledge. He said there are a couple differences in terms of right-of-way dedication, you dedicate more right-of-way along frontage and they assumed that and knew the County would require more. He said the other difference would be access spacing, and said the access to some degree on this road will be dictated by site distance as there are some vertical curves. He said access spacing won't play as critical of a role and they want to limit access on arterials so you don't see a lot of accesses. He said where we have it shown, we think this is the best location from an engineering safety perspective, because it has the best site distance. He said we could have placed it in other places that may have made more sense for the development, but we have shown the area that we thought was the safest. He referred to the exhibit and said the property to the east is kind of isolated and has greenways on both sides so there will only really be one place that can access, so whether or not it's a collector or an arterial, it won't matter that much. He said we have another access shown on the west side and we tried to show good connectivity and that access could or could not go to Brookman.

Councilor Harris said her concern is with the traffic that would then come through the existing neighborhood. She said she doesn't see a lot of roads going from this new are to the old existing area.

Mr. Goodell clarified “old existing area” was to the north and said there is really no place to connect. He said there's no way to get to Cobble Court and believes there are restrictions on Red Fern Drive.

Councilor Henderson referred to the density of about 250 homes. Mr. Goodell said yes, at a bit less than 6 units per acre net. She said knowing what the capacity issues are with our school district and knowing that the likelihood of families moving into this neighborhood is pretty high, she asked if they met with the school district to talk about their plans. She spoke of capacity at the high school and at Laurel Ridge and both being at capacity or over.

Mr. Tuttle said they met with the school district in 2014 and received comments that they were making adjustments to the boundaries and that there was capacity available. He said he understands the high

school at this stage is beyond capacity. He said we have reached out to the school district and have not received comments back and said they made tremendous efforts this last week to try and have an answer for the Council.

Councilor Henderson asked what is the size of the park they are proposing? Mr. Goodell replied about 15,000 square feet and explained the plan for the park and connectivity through the site.

Councilor Henderson asked about improvements to Brookman. Brad Kilby gave the example of the Day Break development along Elwert and said you can expect the same improvements here and it is evaluated on a case by case basis as development comes in. He explained there would be an evaluation process.

Councilor Henderson spoke of traffic and comments received and said this will increase traffic in the area and said she would like to know what the Council thinks about the density that is being proposed.

Mr. Tuttle added in regards to the capacity at the schools, that homes won't been built until 2018 and slowly built out from there based on community absorption and there will be some time to work to resolve that.

Councilor Henderson commented regarding having time to pass a new bond. She said this is the only option we have and we are still paying off a bond. She said this is not Holt's fault or their issue, but this is not something that she wants to make a decision and think that their decisions or recommendations won't affect everybody in the community. She said the original Brookman plan had some land set aside for a future school? Julia Hajduk, Community Development Director replied, there was no land set aside it was land identified as potential for a future school. She said the school district did not formally comment and referred to pages 72-73 of the meeting packet, and said we did address the school issue to a certain extent and she copied that information and sent it to Phil Johanson at the school district and asked if this was accurate. Julia said he added the discussion about the high school being over capacity. She said they have seen it and she doesn't know necessarily that we are talking about a bond, from what she understands they have forecast studies that show in general that the student population is decreasing as the students age out of the system. She said this is something the school district will need to consider and we will need to work with them and plan accordingly.

Councilor Kuiper asked if the school district has this data. Julia replied they do have it and said it's still population projections that may or may not be accurate. General Council comments were received.

Councilor Henderson commented regarding the recent school boundary adjustment and the commuting of students to other schools and some people not being happy with the adjustments. She said she wanted to make sure we were communicating with the school district to help them plan and do what we can to think about the future. She commented regarding the development not coming in until 2018-2020 and planning ahead.

Mr. Tuttle said he appreciated the point and said growth will occur in Sherwood and there's a desire to live in the City as it is a wonderful City. He said it's what type of growth and students will come as growth occurs.

Councilor Kuiper asked are all the homes planned to be two story and are there any single level homes.

Mr. Tuttle replied they don't intend to build the homes, they will be delivering lots to local builders. He said he is interested to hear their comments on what is the desirable product type for the community. He shared information regarding a project they currently have in Ridgefield and the building of single family homes and finding a mix of home types.

Mayor Clark asked with the 6 dwellings per acre, do they achieve that. Mr. Tuttle replied it's based on lot width and they have not dimensioned this. Comments were received that this is just an idea. Mr. Tuttle added in regards to green space and some of it being protected and they have not delineated the green spaces to understand specifically the boundaries. He said we are dealing with some confined developable upland area.

Councilor Harris added that each builder can tweak it a bit to their specifications and the Council will see this when that is brought to them. Mr. Tuttle replied their intent is to bring a project to the Council much like it is seen here and said if they are not able to finalize an agreement with one or more landowners they may end up having another developer or builder bring that forward. Councilor Harris said she just did not want anyone to get focused on this specific look.

Tom Pessemier informed the Council the applicant has about 3:45 minutes remaining for rebuttal.

Mayor Clark opened the public hearing to receive testimony from those in favor.

City Manager Gall reminded the Mayor Councilor Brouse was still connected via conference call and she may have questions.

Brad Miller 18025 SW Brookman Road came forward and stated he is a builder and this plan is a good plan and it's descent. He said it makes sense for properties that may want to come in later. He said this is why he has brought forward his request to come in later. He said there are not many roads that are coming out and said his property will be surrounded by development. He said he loves living here and it's a great spot and a good road. He said it's important that the road gets improved at some point and said the road is not safe. He said this plan will eventually improve the road. He said many people have gotten confused over annexations and spoke of his grandfather's property on Middleton and building that occurred around his property. He said it's been shown that Brookman is the next spot of development that the City is going to bring in. He said it's practical in a couple of ways, because if the City doesn't want to stop growing then you have to have developable land, it's next on the docket and is zoned FD. He gave an example of a neighbor wanting to build a horse arena and obtaining an ag permit. He said if he wanted to build a horse arena he would go through a land use application and he could get turned down. He said our properties are different and it's not the same from one side of the street to the other. He said it seems practical to him for these reasons. He said he believes the applicant has put together a good package and he did not go in on the annexation and would be coming in afterwards, if approved by the Council. He said the applicant seems to have a good developer and a good support team. He said Randy Sebastian is a good builder and people know Renaissance Homes and he has a good package they are presenting. He said the City has infrastructure there already and to him it makes sense and is practical. He said people have to remember Sherwood is so nice because it has been developed properly and people voted yes on those annexations to bring it in and that is what has funded the City and the parks and continues too. He said it's easy to say let's keep Sherwood how it is and said it's this way because development has been done correctly.

George Lorance 17601 SW Brookman Road came forward and stated he is the property owner of this address and has owned it for 10 years. He said he is in support of the annexation and has known Greg Holt with the Holt Group for several years, personally and at the industry level and they are well experienced experts that go to market in a professional manner with a keen eye for community and quality. He said they have been working diligently with surrounding property owners and himself for the past couple of years to forward a project that is long overdue. He said Sherwood and Washington County are in dire need of buildable lots to address the demand for single family residential homes. He said if we were moving dirt today it would probably be 1 ½ to 2 years just for the infrastructure to be in and the project ready for construction. He said please help us get the process rolling with annexation with the City's support on the November ballot. He said it has been nearly 15 years since this property has been brought into the UGB and it is time to start developing. He said the annexation is just one step as noted earlier in the process. He said you're not going to have buildable lots in 2018 if you don't have an annexation in 2015.

Linda Scott 17433 SW Brookman Road came forward and stated they have been here since 1976 when it was a lama farm and there wasn't much else in Sherwood. She commented regarding people feeling the community would be ruined with development and said they felt the same way when Woodhaven was built. She said but it has been done well and it hasn't ruined it, it has changed it in ways that are different from what it was, but it's been done well. She said we need to continue to develop well. She said one thing she feels bad about in Sherwood, is most of her kids can't afford to live here or buy a house here. She said she is hoping with the building of these homes, it will open up other homes in Sherwood for young families. She said she doesn't see this happening right now. She said another concern she has, is when they put in well #4, it went into the same aquifer that they were drilled into. She said our water level dropped drastically so they can't water their lawns in the summer. She said if they start pumping more because of the people in Sherwood, it will drastically affect them. She said she would rather be hooked up to the water system in Sherwood than to have to drill more wells. She said she is very much in favor and said it needs to be done well and would rather see something like this than a big manufacturing plant in 15 years because the property hasn't been used. She said it's been a great place to raise her kids and grandkids and said it needs to be done well and we currently have people that are doing a good job on it. She said it won't stay and be the Sherwood that it was 40 years ago, but it can still be a special place.

Richard Scott 17433 SW Brookman Road came forward and stated he is in favor of the development and they have been involved since 1999 in looking at their property with Metro, Washington and Clackamas County's and the City of Sherwood. He said he was on a committee that planned the original concept area 54, from Hwy 99 to Parrot Mountain Road, the one that got voted down. He said there was a year of meetings with all these government agencies as well as half a dozen private citizens that were on this committee. He said this area has been studied extensively and now it's down to 85 acres that hopefully we can manage and get a grip on and understand that this is an area we need to have developed for homes for our future, our kids and grandkids. He said they have 10.5 acres and it was zoned as you requiring 10 acres to build a single family structure on and we have three children that were born, raised and graduated from Sherwood schools and the only house they know is the one on Brookman Road. He said, but where are our children going to live unless he passes it on to one of them, where will the other two live. He said they need places to accommodate their future and that of our grandkids. He said this has all been discussed at Metro meetings, the future of the region, of Oregon, the Pacific NW, Portland Metro and there is nothing new being presented here that he sees. He said ODOT looked at Brookman Road and it will look similar to what Sunset looks like. He said it started out as a country road when we moved in in 1976. He said he recalls commenting to his wife that Brookman Road would be the southern

City limits of Sherwood someday. He said we have bought the property, raised their family and now it's time to move on and said they see this as an opportunity. He commented regarding shifting in the market with people selling their homes to buy these new homes and opening up the market. He said he is definitely in favor of this and said they have been working on this for 16 years. He said he and two of his neighbors hired a realtor and looked at the possibility of selling their properties, about 35-37 acres in total at the time. He said they had to go through Metro, and attended several meetings, they spent a year attending meetings in Sherwood with the original Area 54 concept. He said they have a lot invested, emotionally and financially and said their property is paid off and it is their retirement. He said he is recently retired with health issues and can't maintain the property like it should be.

Randy Sebastian 16771 Boones Ferry Road, Lake Oswego came forward and stated since 2000 Renaissance has been the largest builder in Sherwood and said he has been around a long time and building here. He said our homes are well received in Sherwood and people love their homes and want more of their homes built. He said people are asking where their next project is and he has to tell them not in Sherwood. He said people love the schools and the community. He said because of Senate Bill 100, urban growth boundary passed in 1972, he said it's a good thing, but only 2% of the land mass in Oregon is available for residential building. He said the rest of it is farmland, timber, state and national parks and industrial. He said this land is in the urban growth boundary. He said schools are always a big thing and he has been doing this for 31 years and people argue about schools and traffic and nobody wants their kids in portables. He said other than bonds this is the only way districts get money. He said he had a big annexation fail in Canby a few years ago because the district went against it, and two years later the district was hurting for money and they were supporting annexations. He said he has seen this in West Linn, with people complaining about schools and overcrowding. He said it works itself out and referred to Tigard, Tualatin and Sherwood. He said in regards to product type, about 80% in Sherwood are family size homes and there is about a 20% group of people that are typically the parents of kids that live in Sherwood with grandkids. He said the problem is, these people usually sell because they are downsizing and they move slower when it comes to buying. He said you have intenders that are 80-20, but it's really about 90-10 and said a big part of this is because the schools are good and families want to be here. He said he is here, because he has an option with the Holt Group to buy lots once they are developed and said this plan fits Renaissance Homes lot dimensions and he knows the owner of Holt and he is the type of developer we would want in Sherwood. He said he would love to see the Council put this on the November ballot and is in full support.

Jim Claus 22211 SW Pacific Hwy Sherwood came forward and stated he doesn't think this is the only option. He referred to the Elks and property in this area, about 40 acres combined and said there is a lot to develop and said this is really the issue and asked who do you want to develop it. He said this is inside the urban growth boundary. He referred to people saying they have been long time residents and said he did not see them at the hearings he attended. He referred to Bull Mountain and Tigard not being in support and said the County then come in and built it. He said they were not happy with what they got. He said he likes our staff, they are open and friendly, they talk, and they are reachable. He said he likes this City Council and said obviously if we get too disenchanting with a City Council member, they aren't on the Council any longer. He said this is not possible in the county, it's a bigger thing. He referred to the Woodhaven development and said they were going to put in 495 houses to begin with, open space and a golf course. He said if we had not had control of that here, that would have been Aloha. He said he is hoping the Council takes their pace, slows down and gets control of it, as well as staff getting control of it, and really find out what it will cost, as this will back the county off. He said that will leave it in Sherwood's control. He spoke of density in Sherwood at 15-17 and said they are talking with this area about 10, but

not really talking about 10 because they are setting aside open space. He said if you take out the open space, you're talking about much lower density, compatible and usable density. He said this Council is better at controlling that than anyone else and he recommends that the Council do something to get the county in here so that the council can control them as they are pushing it. He said it's a very conditional thing. He referred to Lutten (spelling?), the guy that started King City, Yoshida who had the money to buy the Woodhaven area. He said at least we controlled it and put in a nice subdivision and he is hoping the Council gets ahead of this and anyone trying to go in out there.

Mayor Clark asked a question of staff and stated it is 10:45 pm and said she has enough notations for against that people have waited this late for to get her to 11:15 pm. She said she is not personally in favor of continuing to midnight and asked for options.

City Manager Gall said he would have Julia Hajduk weigh in and his concern is a tabling action or waiting and timeline issues we discussed in terms of the election.

Julia stated our understanding is that August 14 is the deadline that the Council has to take action on the ballot title and explanatory statement, for certain actions through the elections office. She said this doesn't mean the Council can't adopt that with the understanding that the Council will have another hearing and another meeting and if the Council were to decide something different the Council would rescind the resolution. She said this is an option. She said from a procedural public meeting standpoint, we have people that have been sitting here tonight.

Mayor Clark clarified that everyone in attendance would be speaking tonight and when we get to 11:15 pm she wants to know her options. Julia stated another option would be to continue the meeting to next week as there is not a planning commission meeting or another date before the 14. She said if the Council were to do that, staff would ask for direction as they are struggling with, if the Council picks and chooses, considers people adding or being removed from annexation consideration, what direction the Council would want to go in so that staff is prepared.

Mayor Clark asked the Council how they feel, once they have heard the additional public testimony, to continue the meeting to August 11 as opposed to continuing on tonight?

Councilor Harris stated she is comfortable approving the ballot title and continuing onto next week to decide if we are going to place it on the ballot.

Mayor Clark stated she would prefer a continuance. Julia added that the Council would not have to do that tonight (*adopt ballot title and explanatory statement*) and if the Council were to extend it beyond the 14, staff would ask the Council to do that, but if you're going to continue to the 11, then you would need to have something in place to continue that process.

Councilor Kuiper stated she was fine with that.

Councilor Henderson said she is schedule to have surgery on the 11 and confirmed she is ok with a continuance.

Councilor Brouse stated she is in favor of a continuance.

Mayor Clark stated the Council will continue to hear testimony from those in attendance tonight and then she would call for a continuance.

Jean Simpson Sherwood resident came forward and stated she is here as a concerned citizen to ask the Council to vote no on the resolution. She said she doesn't live in the area but has been involved in the process and is concerned that this piecemeal annexation is not the best for Sherwood. She said when the Brookman Concept Plan was adopted in 2009 it stated, *"a significant challenge to development of the Brookman Road area is providing connections to the surrounding street network without degrading livability on residential streets"*. She said in the 2009 plan Brookman Road was identified as a collector with access spacing requirements of 100-400 feet. She said higher densities and employment opportunities were situated adjacent to highway 99 with the expectation that there would be easy highway access for the new multifamily houses and businesses. She said in 2014 Washington County insisted that the City's transportation plan change the Brookman Road designation to an arterial, with 5 lanes of right-of-way and access spacing requirements of at least 600 feet. She said this could seriously impact the neighborhoods to the north if traffic is pushed onto Old Highway 99 and Timbrel if and when the west end is annexed and developed as it is currently planned. She said in the City's adopted TSP it stated, *"it is recognized that changing the role and function of Brookman Road would require modifications to the Brookman Addition Concept Plan to determine how future development would occur"*. She said there are only 108 residential acres in the Brookman planning area, if all the acres proposed tonight are annexed there would not be much opportunity to modify the plan as suggested in the 2014 STP documents. She asked what happens to the rest of the Brookman area then, when and how does it become part of the Brookman area and developed? She said she understands the limited number of buildable acres within the City, but the timing is not right and that is a criteria that has to be met and the Council has to consider. She said it should be just as important that the City protect the existing residents and their quality of life. She said doing the annexation methodically, completely, and with a current concept plan seems more appropriate. She asked the Council to vote no on the annexation resolution and allocate resources to make sure the Brookman Concept Plan is still what the Transportation Plan and the neighborhoods to the north can accommodate. She said a short delay would ensure that the timing is right.

Meerta Meyer 24002 SW Middleton Road Sherwood came forward and stated she is a neighboring property owner to the Brookman area and she is gravely concerned about the impact to the neighboring areas. She said she echo's many of Ms. Simpson's comments and thinks that should the Council agree to place this on the ballot, voters should be made keenly aware of the implications of this development to the community. She said in her review of the application, she did not see that there is a lot of detail to the implications to current residents, to the schools, to traffic and safety issues and that concerns her greatly. She said if Mr. Sebastian's comments and percentages are remotely accurate, then she is even more concerned, and 80% of these homes are place on this land include children, that could mean up to an additional 600 kids to place in our local schools. She asked where are they going to go? She said while Mr. Sebastian feels this is an issue that just comes up as developments happen, it's a development in her City and in her neighborhood and affects her kids and impacts your kids as well. She said she is not okay with just accepting this is what happens when development occurs. She said she thinks voters need to have a very clear understanding of financial implications as well as tangible and intangible implications to how this development will impact our City. She said the permissible density is also a concern to her and feels that should be considered now or in the future. She said if this is placed on the ballot, she will be very deliberately voting no and will be very deliberately campaigning against the campaign of this development group, with her neighbors, to assure we have a no vote on this development.

Phil Lapp 17400 SW Brookman Road came forward and stated he is to the south side of the proposed development and has 60 acres of producing hazelnuts that he has maintained since 1960. He said he has an agricultural operation and does everything that is required of an agricultural endeavor to control insects and disease. He said consequently he does things that City folks don't like. He said he creates noise and dust and is required to burn the brush, thus creating smoke. He said all of these things are offensive to City folk. He said as it is now, he has a good relationship with his neighbors and most of those people moved out here to live in the country and primarily understand. He said he can't fight eastern filbert blight, but he can't fight urban sprawl. He said if this development goes in he would be adversely affected to continue his operation and doesn't know how to fight this. He said aside from that, it's personal as a farmer. He said he looks at this development and before it was the entire stretch on Brookman Road, there was some opportunity for some jobs, places for schools and better access onto Ladd Hill Road and Pacific Highway. He said this thing is right in the middle and is an island and there is no access to the north and all the traffic now has to come down onto Brookman Road and go one of two ways, either up to Ladd Hill Road with a bad intersection there or Pacific Highway, another bad intersection. He said the access to the north is limited because of the existing development and the railroad tracks. He said there are a lot of things that he sees as poor planning and said this is a nice drawing, but as stated, this is not the ultimate. He said he knows how things go once we have gone from coming into the reserve and then coming into the urban growth boundary and now annexation, this is just one more step and they take it away little by little. He said the next process, if the Council approves this, is getting a plan and they are going to make it as dense as they possibly can to get as many houses in there as possible. He said everybody that has spoken in favor, there has been one motivating factor and that is dollars and every one of them will make money, by selling their land and moving. He said he wonders how many of those that have spoken will actually buy and live in that development. He said he did not think they will and are in there for one reason. He said the City is looking at it as an increase in revenue and has talked about increased water and increased schools, increased staff and said a way to limit those things is to stop.

Kurt Kristensen 22520 SW Fair Oaks Court Sherwood came forward and stated he is a school teacher and is glad to hear Councilor Henderson voice her concerns about the impacts this development will have on crowding in schools and the necessity of a new bond. He said the data he has for the Sherwood School District shows that we have 5017 students in 7 schools with portables at several already. He said we have 451 students at Archer Glen, 676 at Edy Ridge Elementary, which was built with \$100 million bond a couple of years ago. He said we have 512 students at Hopkins, which is way over what it should be. He said we have 495 at Middleton Elementary and they have 3 portables. We have 567 at Laurel Ridge Middle School and 1621 at the high school. He said he concurs with Ms. Simpson's analysis and it's accurate and to the point and the congestion and the disruption that will occur by piecemealing is on the spot. He said there is no way that we can figure out to pay for the accurate costs of these types of developments, they just come in, build it and they leave and the costs of completing it as we saw earlier tonight, we will see in higher water rates because it will necessitate the City to put in pump stations and pipes and everything. He said we have 3 current bond measures for schools on our tax rolls and his property taxes account for 42% going to schools and he is glad to pay it. He said he thinks the timing is worth taking a look at and said we need to slow down and think about the cost of the average person to bear the cost of all this development. He said he asked the School District Financial Officer to give him an idea of when the current 3 bonds will be paid off and he would also like to know when the water bond is paid off. He said it's like any other household and if he has a lot of bills he can't pay, he is not going to go out and eat or buy a new car. He said he doesn't see any advantage to current residents for this ballot measure and feels like with this 3rd attempt at annexation, in 2013 it was the Holt Group and it was

defeated by 60%. He said he feels it is time to say the voters have spoken, two times already and asked how many times are we going to bear the cost of discussing this issue. He requested the Council table it, move on and reconsider it at another time when we can afford it. He said he appreciated the work everyone is doing at this time.

Steve Kuske 23270 SW Cinnamon Hills Sherwood came forward and stated he moved here 15 years ago and moved here because it was beautiful and going up Sunset and seeing the trees and the beauty, that is Sherwood. He said the first thing that will happen when they open this, is they will cut all those trees down and what we see out of our back windows and what we see as we drive over these roads, is those trees will be gone. He said someone mentioned Aloha and said his wife was raised in Aloha and it used to be like Sherwood, the up and coming hip suburb of Portland and they grew and cut down trees and made it tighter and it's not the Aloha it used to be. He said we need to keep Sherwood as Sherwood and he is sure this development will be beautiful but he worries that all the beautiful trees and skylines will disappear. He said as we go forward we need to think about the current residents and their current experiences in Sherwood and devastating that area and removing the trees would affect this greatly.

Neil Shannon 23997 SW Redfern Drive Sherwood came forward and stated with perhaps the exception of Julia, he has been to more meetings on Brookman Road than anyone else in this room. He said it was unfortunate in 2011 when the City submitted the Brookman Road annexation for its first vote and said he thinks we are all aware of the depths of the recession that occurred at that time, the drop in property values and the concerns people had of whether or not they could pay their mortgages. He said even with that, 48% of the City voted in favor and of the 37 voters that were in the Brookman Road area at that time, 10 of them voted for the annexation. He said he is excited about the information and the energy that the Holt Group is bringing here, but he doesn't believe a piecemeal annexation is appropriate. He said he would like to see Brookman Road annexed, he is not opposed to the growth in Brookman Road, but he would like to see it annexed as an entire competent package. He said he would prefer to see the Council reject this application and understands they have a \$7500 deposit which is to supposedly pay for the added costs of putting something on the ballot. He said to return this to the Holt Group and invite them to take some of that energy to work on annexing all of the property, rather than just a portion of the property.

Council discussion occurred regarding the remaining time the applicant has for testimony and staff stated the Council could allow 3 minutes and 45 seconds, which is their remaining time and then ask questions. The Council concurred this was fine. Mayor Clark stated the following motion.

MOTION: FROM MAYOR CLARK TO CONTINUE THIS COUNCIL MEETING TO 7:00 PM, TUESDAY, AUGUST 11, 2015.

Councilor Henderson asked if the Council will be accepting additional testimony. Discussion followed and the City Recorder asked staff to assist the Council with motion language based on their intent. Julia Hajduk said it sounds like the Council has not closed the public hearing and their proposal is not to close it and continue the public hearing to 7:00 pm on August 11th. Additional comments were received about the record remaining opening for additional written testimony. The Council concurred the record would remain open.

MOTION: FROM MAYOR CLARK TO CONTINUE THE COUNCIL MEETING TO 7:00 PM, TUESDAY, AUGUST 11, 2015, AND THE RECORD WILL REMAIN OPEN TO THAT DATE. SECONDED BY

COUNCILOR HARRIS. MOTION PASSED 5:0 (CLARK, HARRIS, KUIPER, HENDERSON AND BROUSE IN FAVOR). COUNCILORS KING AND ROBINSON WERE ABSENT.

Mayor Clark adjourned the meeting at 11:14 pm. Due to the time, the Council did not address the remaining business on the agenda, City Manager Report and Council Announcements.

12. ADJOURN:

Mayor Clark adjourned the meeting at 11:14 pm.

Submitted by:

Sylvia Murphy, MMC, City Recorder

Krisanna Clark, Mayor



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
August 11, 2015

REGULAR SESSION

1. **CALL TO ORDER:** Mayor Clark called the meeting to order at 7:02 pm.
2. **COUNCIL PRESENT:** Mayor Clark, Council President Robinson, Councilors Linda Henderson, Jennifer Kuiper, Jennifer Harris, Dan King and Renee Brouse.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Community Development Director Julia Hajduk, Planning Manager Brad Kilby, City Engineer Bob Galati, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy. Legal Counsel Carrie Richter.

Mayor Clark welcomed the new City Attorney Josh Soper. She addressed the Approval of the Agenda and asked for a motion.

4. APPROVAL OF AGENDA:

MOTION: FROM COUNCILOR KUIPER TO APPROVE THE AGENDA, SECONDED BY COUNCILOR HARRIS. MOTION PASSED 7:0, ALL PRESENT VOTED IN FAVOR.

Mayor Clark addressed the next item on the agenda.

5. CITIZEN COMMENT

Eugene Stewart, Sherwood business owner, approached the Council regarding the PGE franchise fee error and said now it will be doubled. He said Northwest Natural Gas charges 2% and PGE charges 1.5% and it seems like they should be the same. He commented on being charged so the utilities can use the right of way and the citizens own that. He referred to the water and asked if there is a percentage charged for the right of way. He said these issues need to be brought forward in a public forum to discuss what could be done to eliminate them. He stated at one time the PGE franchise fee was used to offset the amount that was charged for the streetlights. He referred to the trestle fire and commented on the distance between homes that has been narrowed to 10 feet in some instances and asked if this is fire safe. He suggested the City and the Fire Department review the area and determine potential hazards.

Jim Claus, Sherwood resident, came forward and referred to the remarks made by the City Attorney at the previous Council meeting. He said his family is by far the largest donors of money and land in the history of Sherwood. He stated they just recently completed another donation. He said the most valuable thing that is happening now is because of the City Council. He said the Council has opened up to people being able to come and speak publically. He said if there is antagonism people can come and comment about it and it dissipates. He stated he hopes the Council continues this practice and said the staff is really trying to diffuse conflicts.

Mayor Clark addressed the next agenda item and the City Recorder read the public hearing statement.

The City Recorder asked the Council to disclose any ex-parte contact that they may have had since the August 4, 2015 City Council meeting and indicate if the Council member intends to participate or abstain in the hearing.

Mayor Clark stated she had an ex-parte contact at an American Legion event with Mr. Lapp who testified at the previous meeting. She said he did not provide any addition information about the annexation and said she has no financial interest and it does not change her ability to vote or discuss at this meeting.

The City Recorder asked if any members of the audience wish to challenge any Council member's ability to participate. With no comments received, the City Recorder said the Mayor may proceed.

Legal Counsel Carrie Richter commented that there are more Council members present at this hearing than last week and asked those Council members who were not present whether or not they watched the video and whether or not they feel they are able to participate.

Councilor Brouse said she heard parts of the hearing via conference call and said she read the materials from both meetings and watched the video.

Council President Robinson stated she was unable to attend last week and has read through the material. She noted she has not had sufficient time to watch the video but feels she can appropriately participate in the discussion.

City Manager Gall introduced Legal Counsel Carrie Richter and said the City has obtained her services regarding this annexation application. He said the new City Attorney Josh Soper started yesterday and is busy with other projects.

6. PUBLIC HEARING

A. Resolution 2015-068 Calling an election on and approving a ballot title, summary, and explanatory statement for the annexation of 8 tax lots comprising 84.21 acres of land in the Brookman Road Plan Area for the November 3, 2015 Election

Planning Manager Brad Kilby provided a presentation on the continued public hearing regarding the Brookman Road annexation (see record, Exhibit A). He provided a recap and stated the Council held a public hearing on August 4, 2015. He stated the Council heard the staff report, the applicant's presentation and listened to public comments for and against the application. He noted because of the

late hour, the Council listened to all of the public testimony from that evening and continued the hearing until tonight to allow others to testify, listen to the applicant's rebuttal and to deliberate.

He said between last week and tonight, staff received the following testimony: email from Liz Oulette dated August 4, 2015 in support of the application; email from Liz Oulette dated August 5, 2015 speaking to the school district boundaries within the area; email from Phil Johanson dated August 7, 2015 with Sherwood School District comments; letter from Don Richards dated August 10, 2015 in support of the application; email from Neil Shannon dated August 10, 2015 opposed to the current request but not to annexation; and an e-mail from Teresa Jaynes-Lockwood dated August 10, 2015 in support of the application. He entered this testimony into the record.

Mr. Kilby reminded the Council that the current annexation proposal was brought forward on behalf of five property owners by the Holt Group, Inc. for eight parcels totaling 84.21 acres. He stated three of the eight property owners did not sign the petitions and the application proposes to annex the property through the Triple Majority Method meaning that they have petitions signed by the majority of the landowners with the majority of the assessed values and registered voters. He said this will require City voter approval but does not require the approval of the owners within the Brookman Road annexation area.

Mr. Kilby referred to a map in Exhibit A illustrating the Holt Group's proposal with the eight properties in question and another map illustrating the three property owners that did not sign the application. He reminded the Council that Mr. Bartlett, whose property is in the middle of the area, submitted testimony that he be removed from the application. Mr. Kilby said whether Council decides to include the Bartlett property or not, staff recommends taking in the right of way in front of the house so that there can be a continuous improvement along there if the annexation is successful and subsequent development is allowed.

Mr. Kilby referred to the alternatives that staff provided to Council which include: the original proposal, the original proposal minus the Bartlett property, the original proposal plus five additional properties that petitioned the Council to come in and the original plus five additional properties minus the Bartlett property. He said staff recommends that the Council conduct the public hearing, approve the annexation request by Order, and approve the resolution tonight that calls for the election, approves a ballot title, summary, and explanatory statement. He stated if Council decides not to take action on this request this evening August 18, 2015 is the last meeting to take action for the November 2015 election. He stated that according to Beery Elsner Hammond, the resolution has to be passed by August 14, 2015 to allow 61 days prior to the election. He said if no action is taken by August 18, the next available election will be March 5, 2016. He stated Council should hold a public hearing and consider whether to: approve the annexation and place it on the November 3, 2015 ballot; or approve one of the alternatives; or deny the annexation and identify specific findings explaining why the annexation should not be approved.

Councilor Brouse asked if Mr. Bartlett's request was in the packet.

Mr. Kilby said it was submitted into the record at the August 4 meeting as Exhibit K.

Community Development Director Julia Hajduk reminded the Council that at the close of the last public hearing the applicant had less than 4 minutes left and the Council said they would likely allow additional time beyond that to do an additional response and perhaps a rebuttal. She reminded the Council that it was their discretion as to how much time to allow.

Mayor Clark asked the applicant to come forward and indicate if they need more than 4 minutes. Ms. Hajduk reminded the Council that some citizens submitted requests to testify and were unable to stay and suggested that they be offered a chance to testify at this time. Mayor Clark said that everyone will be allowed to testify and the applicants will have a chance for a rebuttal.

The applicants said they would prefer to hear all of the testimony then come forward with a rebuttal.

Mayor Clark opened the public hearing.

Bonnie David, 17117 SW Brookman Road, came forward and said on June 18 she received a letter and a concept plan map from Joe Broadhurst and said that was the first she heard of this until she came to the meeting on August 4. She said she was surprised to see a star by her property as no one has ever contacted her and she had no idea everyone around her was trying to sell. She said she moved to the property because of the trees and privacy and said it would be sad to see all the trees removed and the wildlife being displaced. She said someone will make money from all the timber. She stated Brookman Road is used as an escape route from 99W for cars and bikes. She commented on the traffic speed and hopes that they won't vote for this. She referred to the planned cul-de-sac which is where her property is and has been nicely planned with room between the houses and a green space behind it. She said the other part of the development has houses crammed together and she does not think the roads or schools would tolerate any of that. She said if it were better planned she would not be against it because Brookman Road will be developed at some point. She stated she loves her property and hopes the annexation is voted down.

Mara Broadhurst, 28440 SW Ladd Hill Road, approached the Council and said Brookman has always been part of the Sherwood community and children from Sherwood Schools and the Brookman area worked hard to establish the districts winning reputation and participated in sports even through the stench of the tannery behind Hopkins. She said the proud community spirit overcame this challenging issue with the willingness to build and grow in a planned positive manner. She noted that many of the property owners in the Brookman area participated in those early plans in good faith. She said when this area was allowed in the Urban Growth Boundary (UGB) about 15 years ago it was rezoned from agricultural farm to future development. She said this put limits and restrictions on the properties but also granted them rights. She said this future development area was to be planned and accommodated for. She stated there were years of community, staff and property owner involvement to get the Brookman Concept Plan identified and approved. She said the Sherwood School District (SSD) attended these meetings and worked closely with the process. She stated the Brookman area was calculated for high density and included in the \$98,000,000 bond passed in 2006. She said when adopting the Brookman Concept Plan the City further restricted these properties by zoning them MDRL or MDRH. She said the City initiated the first attempt at annexation and included the whole area. She stated this failed even though the Council removed the connection of Red Fern from Sunset to Brookman from the Concept Plan. She referred to the second attempt where the property owners chose to be included or not. She said at that time the Bartlett property was not included. She said this third attempt takes into consideration the concerns of the last election and City planning. She noted the number of acres is reduced to limit initial impact. She stated the plan includes a single family home subdivision designed consistent with the zoning provided showing no apartments or multi-family housing and a complete serviceable phase is being proposed creating no islands or leap frogging. She said these properties need to be combined for the maximum benefit to the City, property owners, and best use of the land. She said the Holt Group has

the financial capability and development expertise to offer Sherwood this timely opportunity and tackle these infrastructure hurdles. She said local builders in Sherwood support this annexation and the opportunity to build about 250 houses once the lots are developed over the years. She thanked the Holt Group for taking another chance at the annexation and said this is a desirable part of Sherwood that deserves its right to due process. She said the Brookman area is Sherwood's boundary not its back yard and the area will develop either in the City or as a Washington County project. She said in the County, without the Concept Plan or a developer to pay, they will do what they have to so they can pay for a Brookman Road similar to 124th and lose the fees for the City. She stated one of the main reasons cited for Sherwood's top ranking for quality livability is the wetland park trail system. She said this annexation includes about 30 acres of Cedar Creek wetlands that citizens can protect now for future generations. She stated Sherwood needs this now and noted that the Brookman Area is included in the school bond and more houses would help pay off the bond quicker. She said the City has already extended the services and Brookman Road needs to be safe. She noted there will be more arterial traffic whether this gets annexed or not. She said Sherwood West will be held up at Metro and stated we have to get ready for the future and this is a great place to start. She requested that the Council allow this annexation on the ballot while these opportunities still exist and encouraged the citizens to vote for planned successful growth. She congratulated the City on the Tannery clean up grant.

Adrian Broadhurst, 28440 SW Ladd Hill Road, came forward and stated that he attended school in Sherwood and has children currently in the district. He appreciates the schools, the parks, the activities in Sherwood and the rising home values. He said positive development has helped, especially the parks. He stated he is a proponent of the trail systems, the large trees, the parks and the connectivity. He said this proposed annexation has more than 20 acres of wetland and approximately 30% will be open space including the park. He commented on safety and the need to connect the area to the existing trail system and the importance of allowing people access to enjoy the large timber in the area and the opportunity to save and preserve it. He said this is an opportunity to preserve the wetlands and timber and to be able to utilize the area. He said is in favor.

Phil Lapp, 17400 SW Brookman Road, approached the Council and stated that he has lived in the community since 1960 and is a farmer and has agricultural land and this development will impact his land. He referred to the 2004 Growth Comprehensive Plan map on the wall of the Community Room which shows a roadway from I-5 to 99W on the north side of Brookman Road inside the UGB. He said that is according to the law, that roadways will be built inside the UGB rather than going through agricultural land. He stated the development plan presented last week does not show anything about that proposed roadway. He said that needs to be included in the plan.

Nancy Taylor, Sherwood resident, came forward and said in 2011 and 2013 the voters said no and now they want to put it before the voters again. She said it seems like voters have not had much to want to change their minds. She stated there is still a lot of land that is infill that can be developed. She said she attended a number of meetings regarding school district redistricting and noted how contentious it was. She stated Edy Ridge is at 112% capacity, Hopkins is at 96% capacity, Archer Glen is at 90% capacity and Middleton is at 82.5% capacity. She said the redistricting took Edy Ridge students and moved them to Middleton. She said Sherwood Middle School is at 72% capacity and Laurel Ridge is a 97% capacity. She stated she does not know where the additional children will go. She said perhaps this is not the time and there is not infrastructure to annex.

Eugene Stewart, PO Box 534, approached the Council and said his concern as a taxpayer is who is paying the bill for the annexation and who will pay for the improvements. He said the citizens have already paid for the sewer line up to the property and asked if they will be reimbursed. He asked what the real financial impact is and said it should be positive for the current residents of Sherwood and not a negative impact. He commented on traffic and said the part that is not annexed will become unsafe and asked if it can be fixed for safety or if bike paths can be added. He said there are a lot of fiscal impacts that need to be considered and brought forward so the voters can decide. He noted the people have a right to develop. He commented on the development impacting agriculture and said he lives outside the City on property and when he bought the property he had to agree that he would not complain about any agriculture activities going on beside his property and maybe that is something to consider.

Rian Tuttle with the Holt Group and Chris Goodell with AKS Engineering came forward as the applicants and thanked the Council for considering this proposal and continuing the public hearing. Mr. Tuttle referred to the concerns that the area should not be developed because it will destroy trees and open space and he noted the development will change the area but this area has been set aside for development similar to other areas in Sherwood. He said Sherwood has managed this transition in the past and given this history the City will do this again with the Brookman area. He commented on the important environmental assets in the Brookman area and said they are more likely to be protected with annexation. He said this may seem counter intuitive but today the existing trees and wetlands have far less protection under the County's guidelines than they will be when they are subject to the City's more stringent environmental codes. He said the plan provides for the preservation of the natural areas around Cedar Creek as well as 24 acres of park and open space. He referred to suggestions to delay annexation while it reconsiders the established planning for the proposed annexation area. He said a key concern was related to the arterial. He stated the City may revisit the Comprehensive Plan for the area at any time and the concept from the Holt Group has come from a long and thoughtful public process. He said in 2002 the Brookman area was brought into the UGB and after a lengthy public process the City adopted a Concept Plan in 2009. He stated in 2015 they are proposing to move to the next phase and vote to annex part of the land. He said the right of way (ROW) dedications within the Concept Plan would comply with the arterial designation that the County has adopted. He said this means they can meet both the ROW dedication requirement and the access spacing standards relating to that designation. He said it was suggested that the City restart the process to annex the entire Brookman area. He stated the Holt Group is not in the position to develop the entire Brookman area nor can they wait any longer for a larger area to be reviewed. He said they are willing to add the properties that have expressed interest and are willing to pay the fees related to legal descriptions and certification with the County to add them to the application. He noted that a larger annexation attempt will not likely succeed. He stated their proposal is a smaller thoughtful development plan allowing moderate growth which is an important aspect of the annexation proposal.

Mr. Tuttle said they have been working on this plan for several years and have a plan to create a new neighborhood that will be a positive addition to Sherwood including new parks and connecting to the trail system. He said they are equally confident that the plans will be in line with what the City ultimately approves for the larger Brookman area. He referred to suggestions to trade Brookman for other areas of land not currently inside the UGB and commented on the complex process. He referred to staff comments from last week that it is unlikely that Sherwood will be granted additional land for development in the future if the City has not made use of the land it already has within the UGB. He referred to comments that Brookman area developers and property owners are greedy. He said the fact is they run a business that designs and builds quality neighborhoods and they do make a profit in the work but that does not

negate their efforts for quality subdivisions and a mutual benefit for the community. He said several of the landowners in the proposed annexation have owned their land for many years and for them it represents no less a personal investment than anyone else's home and property. He referred to comments regarding congestion and said they know that Brookman Road needs work and they are prepared to improve the road and make other necessary road development to improve the area for current road users and make it more accessible for new homeowners. He said without the development the full cost of the road improvements will fall upon taxpayers. He commented on their contribution to the improvement of the surrounding transportation system will include: with development the right of way will be dedicated to the County taking the burden of the acquisition cost off of the County, they will pay for frontage improvements with the development, the transportation development tax of \$7,000 per unit will be paid at the time of each individual building permit, and an additional transportation analysis will be completed at the time the preliminary application is submitted. He said at that time additional off site intersections requiring mitigation will be improved and paid within the development. He referred to comments that farming and urbanization are incompatible and said they recognize the challenge as it exists everywhere the UGB ends and exclusive farm use (EFU) begins. He referred to comments about overcrowded schools and development in Brookman will make this worse. He said they take this issue seriously and sought the consultation of an expert for more information to address this concern.

Mr. Tuttle introduced Bill Reid to speak to findings regarding school capacity. He said Mr. Reid brings 15 years of experience in Planning, Real Estate and Economics and is currently and adjunct professor of Real Estate at Portland State University (PSU) and principal at PNW Economics.

Mr. Reid said he was asked what the impact the Brookman annexation would have on the Sherwood school district (SSD). He said the PSU Population Research Center just this past year answered that question for SSD and the answer was no new unexpected impact from the Brookman addition. He said the SSD has been forecasting enrollment for the schools for a number of years and they have been counting the Brookman addition for a number of years in their enrollment forecast and they have forecasted that with the Brookman addition the overall school enrollment does not change over the next 15 to 20 years, because most new households moving into the area are non-child rearing years age and the Brookman addition area is the only sizable addition to residential inventory that actually provides capacity for households that will have children and bring families that will have children. He said without the Brookman area being annexed the SSD is looking at permanent loss in enrollment and the hardest hit will be elementary schools because affordability in Sherwood will get worse and households that rear children are more price sensitive particularly those who enroll in public schools. He stated according to PSU's work for the SSD, without the Brookman addition long term enrollment goes down and per household burden to pay off existing school bond debt increases. He said he verified the information with the forecaster.

Mr. Tuttle said the goal with the plan has been to arrive at a plan that fits the current nature of the City. He said they have proposed close to the minimum density related to these properties. He said the minimum is 5.5 units per net developable acre and they are proposing 5.7 units per net developable acre. He noted they want to fit the needs of the City and be a part of what makes Sherwood desirable. He said the effort was put together with their consultants at AKS Engineering, CFM and Mr. Reid and said they intend to push the campaign process and annexation proposal to the citizenship to educate them through the process towards the November ballot.

Councilor Brouse referred to the survey results and said it is her understanding that 51% of those surveyed were in favor.

Mr. Tuttle said he believe that initially 51% were opposed in the initial questioning and then as they went through a questioning process to help offer education related to the annexation the opinions moved in favor somewhere in the range of 55%. He stated that speaks to the ability to educate the citizenship on the benefits of the project and the need for development.

Councilor Brouse asked who was surveyed.

Mr. Tuttle said he would need to have CFM Solution address that question. He said they were able to have 250 citizens surveyed.

Council President Robinson asked Mr. Tuttle to explain the campaign process to educate the public prior to the election.

Mr. Tuttle said the campaign plan is ready as soon as they receive approval from Council. He said they intend to have door to door personnel, media outreach, social media outreach and be available for questions related to the project. He said there will be mailers, signage and community outreach.

Mayor Clark commented on the door to door campaign and asked for specifics.

Mr. Tuttle said this will be almost 50% of the campaign and the goal has been to speak to everyone once, the opposition or undecided twice and again a third time as the numbers reduce.

Councilor Kuiper referred to the comment regarding having enough ROW dedication to achieve the arterial designation.

Mr. Goodell from AKS said when the County updated their Transportation System Plan they designated Brookman as an arterial, instead of a collector, and said what comes with that is an additional amount of ROW that would need to be dedicated along the properties frontage when it develops and generally for an arterial road it is 90 feet for ROW width, so 45 feet from the center line. He said the plan could do that and the other component to the road being an arterial road is access spacing which the County has an access spacing standard for arterial roadways of 600 feet, which the Concept Plan has.

Mayor Clark referred to the Holt Group paying for the frontage improvements and asked what that will look like. Mr. Goodell said the improvements would be paving, curb and gutters, storm drainage, landscape strips, concrete sidewalks, street trees, etc. Mayor Clark asked if Brookman Road would have sidewalks. Mr. Goodell said they have spoken with County engineering staff and there could be a number of things. He said if the County wanted to do a road project for a significant length, exceed their frontage, then the development would pay a fee in lieu. He said another option is to construct the frontage improvement themselves.

Mayor Clark referred to comments that the Holt Group would pay for the intersections and asked if they would be lit intersections or stop signs. Mr. Goodell said it is not known at this point. He referred to the process and said if they are successful in the election a land use application will be submitted to the City and as a component of that a professional traffic engineer would have to be engaged and prepare a traffic

study. He said the developer at that point would be responsible for upgrading the intersections with the correct mitigations.

Councilor Harris commented on the difference between an arterial versus collector and said an arterial brings opportunities for businesses to have the traffic they need to be supported. She commented on the current zoning and now that Brookman is an arterial versus the collector and asked if high, medium or low density is the best use of the frontage space on the arterial. Mr. Goodell said arterials represent a challenge in land use design in that you have limited direct access. He said what you typically end up with is a road that provides access to those lots but then you have them backing into an arterial. He said through the development review process there are ways to deal with that, such as additional landscaping, larger back yards, buffers, etc. Councilor Harris clarified that they make sure there is enough buffer between the homes and the road. Mr. Goodell said that is one way.

Community Development Director Julia Hajduk noted that Sunset Boulevard, Edy Road, Roy Rogers Road are examples of arterial roads. She said the zoning does not necessarily have to be changed and said it is not uncommon to have higher density along busier streets. She said the area was brought into the UGB primarily for residential purposes and said there would be push back from Metro if they proposed to rezone it something more commercial or industrial.

Councilor Harris said it was her understanding they were proposing two lanes in each direction with a turning lane. Ms. Hajduk commented that is the ultimate and it would be further explored at the land use phase.

Councilor Kuiper referred to Mr. Stewart's comments about the increased number of trips and vehicles on the road and what will happen with the portion of Brookman that will not be improved and the comments on safety issues. Ms. Hajduk said when they do a land use application they will look beyond the frontage and they will explore the safety issues and require what is necessary to make the situation safe.

City Engineer Bob Galati explained the difference between an arterial and a collector status road. He said in the developing of the TSP, both the County and the City TSP, the language was coordinated to give flexibility. He said they do want a smaller road and would prefer a collector status road but there is a large amount of traffic that may go down that road even if it was not a southern arterial which is the collector between Hwy 99 and I-5. He said the County could have a southern arterial located further south in the UGB but it is outside the County's border. He said you can have a three lane arterial and stated Elwert Road is classified as a three lane arterial in the TSP. He said the difference between an arterial and a collector is the spacing of the intersections and that area has some constraints such as wetlands and railroad tracks and the blocks don't fit conveniently with the access spacing. He said when a development comes in, staff will have to take this into account. He stated that is how the TSP was developed. He commented on safety and said they will look at offsite mitigation to the traffic infrastructure. He referred to the Walmart development and said their infrastructure impacts went clear up to Hwy 99 and they have to do improvements to Hwy 99 that are associated with the development.

Councilor Brouse referred to Mr. Lapps comments regarding the I-5 to Hwy 99 roadway in the UGB. Ms. Hajduk clarified that the map in the back of the Community Room is from 2004. She said the Brookman Concept Plan initially envisioned and accommodated for an I-5 connector going south of the area. She stated later there was an Alternative 7 identifying multiple arterials including 124th to provide relief, versus an actual Hwy 99 connector. She said Brookman could be an arterial south placeholder or something

further south depending on development and UGBs. She said annexation of Brookman and development within that area especially with an arterial being identified does not preclude the I-5 to Hwy 99 connector scenario from happening.

Councilor Harris referred to Mr. Stewart's comments regarding signing an agreement about not complaining about the farms around him and asked how that works. Legal Counsel Carrie Rickter said State law provides for right to farm laws. She said farmers are entitled to farm land that is designated EFU and not potentially suffer nuisance trespass lawsuits. She said they can be private arrangements or the state law just generally provides a right to farm and farmers are allowed to farm within the limits set by the Department of Agriculture.

Mayor Clark asked if the City needs to implement any additional in order for him to have the right to farm. Ms. Rickter said no.

Councilor Harris said the developer could write up something. Mr. Tuttle said according to Ms. Rickter it is permit able and if possible they would be willing to incorporate some language in the CC&Rs for the project. Mr. Goodell replied that it is more standard in rural land use planning where a new home is introduced into an EFU and it is more of a county issue and said it does exist and can be done.

Councilor Henderson referred to the proposal for 5.7 units per acre and the minimum is 5.5 units and she asked if the zoning is the same throughout the entire proposed parcel. Mr. Tuttle said there is MDRL and MDRH but this would meet the minimum density for both zones.

Councilor Henderson noted that the area includes zoning for high density. Mr. Tuttle said the zoning has similar minimums and there is high density allowed but not required. He said in the Concept Plan the zoning is similar to MDRL.

Councilor Henderson asked if the survey included discussions of density and asked if that was a factor. Mr. Tuttle said the survey spoke to single family homes but not to specific densities.

Councilor Henderson referred to comments that the survey initially had a 51% opposition and asked what information people needed to change their minds and approve of the project. She asked if the project goes forward how they are going to make best use of that information and provide it to the citizens. Mr. Tuttle agreed and said that is what the survey questioning was trying to understand. He said what they heard were concerns about schools, transportation and open space. He said they need to provide information that schools will not be negatively impacted, if services to the development are paid for within the development and then illustrate the open spaces.

Councilor Henderson commented that Brookman is a long street with different topography. She said if Holt Group is going to do the road improvements, how can they improve it so they don't have to dig it up later. Ms. Hajduk responded that may be why the County has discussed a fee in lieu and may want to do more than is required. She said there are different funding options.

Mr. Galati responded that as part of the TSP they recognized the discussions with the City and the Washington County transportation officials and stated they recognized that development is not necessarily going to be phased in a way that the road can be entirely improved. He said development will provide pressure to get the road done and pressure for the County to become a partner. He said you

cannot build a road piecemeal. He said it will depend whether or not development is progressing quickly enough. He said if development is occurring there will be pressure to get the infrastructure improvements done quicker.

Assistant City Manager Tom Pessemier stated that when a development application of this size comes in there will be a transportation analysis specifically looking at intersections. He said there could be offsite improvements required as well to make sure the intersections are safe.

Council President Robinson asked about a Metro recommendation regarding the UGB and asked Ms. Hajduk if they postponed the recommendation to the October meeting. Ms. Hajduk said it is postponed to November 19, and said the Chief Operating Officer is recommending not expanding the UGB and potentially reviewing in three years.

Council President Robinson said if the Council does not approve the annexation and the recommendation is accepted in November, there will be no other residential development other than the existing limited supply. Ms. Hajduk said that is correct and there are 94 buildable acres in the City.

Council President Robinson said there would be pressure from the developers and property owners wanting to come in and there may be zone change requests from commercial and industrial land to residential land because of the lack of land. Ms. Hajduk said that is their expectation of what would happen.

Councilor Harris clarified that the homeowners that want the annexation, plan to sell their land so it can be developed. She referred to the owners that have indicated they don't want to sell their land and asked the Holt Group how this affects their plan. Mr. Tuttle said they do not have to sell their land and can remain on their property. He said if the annexation is approved then development will occur around them. He said this will take years to put it in place and the development will come in phases.

Councilor Harris referred to homeowner's comments that if the area is annexed into the City can they be grandfathered under their current laws and rules. Mr. Kilby said they would be treated under the non-conforming use chapter so long as they continue that practice in the way that they currently do today. He said if the property owner expanded the use or did something different they would require that they bring it into compliance with the current code. He said he spoke with Mr. Bartlett and he explained that his family has been in the area for a long time and he does auto restoration and raises a beef cow each year that he wants to continue to do if the area is annexed. He said they don't want to make people do what they don't want to do but they also don't want to create islands.

Councilor Harris asked how this affects the tax structure. Mr. Kilby said for every \$100,000 assessed the taxes will go up \$435 a year. Councilor Harris asked if they can be grandfathered out of that. Mr. Kilby said no but if they are in some sort of tax deferral they will remain in that deferral as long as they don't develop their property.

Mayor Clark said if they are just a single family dwelling they will be taxed at the value of that dwelling. Mr. Kilby commented on the amenities of the annexation such as police services, the ability to vote, fire services, sewer and water stubbed to the property.

Mayor Clark asked if the developer will pay for the services all the way to and throughout their development. Mr. Kilby said yes, to the property line. He said the City requires that when they develop they have to make utilities available to the next property.

Councilor Henderson asked if there is concern about the properties that don't wish to be annexed have utilities right of ways next to them or on them. Mr. Goodell responded that one of the properties is partially owned by a neighbor and referred to the two pan handle properties next to each other and commented that the case with the property on the right is that not all of the owners signed.

Councilor Harris clarified that the majority of the cost for the City will be staff time. Ms. Hajduk asked if she was referring to the cost of the annexation or the development. She commented on the annexation and said the applicant paid a deposit to cover staff time, the election, legal fees, etc. She said that is 100% cost recovery. She said there is a fee for submitting an application for a subdivision that is intended to cover the cost of staff time.

Councilor Henderson asked the City Recorder what the approximate cost is to put something on the ballot. The City Recorder responded that the formula provided by the County Election Office is \$1.50 per registered voter. She said that is the formula she uses when they budget. She noted the costs fluctuate based on all of the other election participants. She stated it is a shared cost so it is difficult to determine the specific cost.

Mayor Clark said if this is approved to go on the ballot is it the City's onus to pay that fee. Ms. Murphy said the City will be invoiced by Washington County. Ms. Hajduk noted that the applicants deposit is intended to cover that cost and historically it has.

Councilor Henderson asked if Ms. Hajduk was referring to the \$7500 fee. Ms. Hajduk replied yes. Councilor Henderson noted that Sherwood has approximately 10,000 registered voters so that will not cover the cost.

Councilor King said it is based on the percentage of what is on the ballot.

City Manager Gall reminded the Council that the November ballot will include a county wide Library Levy, a Public Safety Levy and Tigard has three Charter Amendments.

Ms. Hajduk reminded the Council that it is a deposit and if the fees were to exceed that the City would request the additional money.

Councilor Henderson referred to the marketing plan and said if this annexation is placed on the ballot and fails it may result in the Library Levy to fail and that would dramatically impact our ability to provide services for the City and residents that utilize the Library. Mr. Tuttle said he appreciates that issue and they intend to fully run a campaign for the annexation to the point that it will offer support for other items on the ballot. He said there will be an education process with the community and they have a plan in place.

Councilor King asked how much has been budgeted for the campaign. Mr. Tuttle said they have budgeted over \$200,000 for the campaign.

Councilor Henderson asked how they will respond to questions regarding the affordability of the homes. Mr. Tuttle said the homes will be consistent with the surrounding neighborhoods.

Mayor Clark asked what the target price is. Mr. Tuttle said it will be comparable with the Sherwood market but noted they are 3 years from delivering a home and it is difficult to speak to a target price.

With no further questions from Council, Mayor Clark closed the public hearing.

Mayor Clark called for a recess at 8:40 pm and reconvened at 8:46 pm.

Councilor Harris commented that the applicant has presented the information well and seems to be dedicated to the cause. She does not personally agree that it is time for the annexation but believes the citizens should be able to vote on the issue.

Councilor Kuiper said she appreciated the discussion regarding the applicant's campaign and said it will be a challenge. She noted the property has been in the UGB for quite a while and is designated for development. She agrees that it should be on the ballot for the citizen's vote.

Council President Robinson referred to comments that the public has paid for sewer service to come out to this development and asked Ms. Hajduk to clarify. Ms. Hajduk said the sanitary sewer line was extended to the northern portion of the Brookman area. She said SDCs paid for the line to be extended, so it was paid for by development that already occurred. She said it was not tax dollars.

Council President Robinson stated that there was not much education in the two previous annexation attempts. She said part of the education should include what the alternative is to not approving the annexation. She said they need to educate the public that if this is not developed and what is left to develop. She noted that Sherwood has continuously been ranked as one of the greatest places to live in the country and that encourages people to move here whether we like it or not. She stated there will be more growth in Sherwood and she would rather see a designated area developed that has been set aside in the UGB, versus getting applications from developers to turn commercial property into residential. She said she is in favor of putting this annexation on the ballot with the expectation that the developer will do a better job than the last two attempts to emphasize that their development can be similar to what Sherwood has now. She referred to ways in which a developer can make things better and provided examples. She stated she is in favor of putting the measure on the ballot.

Councilor King referred to the importance of the education component and said he is convinced this is worth pursuing. He said it is important to realize that with expansion they are making the pie bigger and the costs are being spread out which should benefit all the taxpayers in town.

Councilor Brouse agreed with Councilor King and said the concerns she has heard from citizens are transportation, schools and open space. She said the applicant has responded to those concerns. She referred to Mr. Shannon's letter regarding the 2011 Annexation Proposal and asked if there is any validity in that option. Ms. Hajduk said the City initiated annexation process does not require property owner's support. She said the registered voters are the only ones that can decide. She said in 2011 the annexation failed with 2/3 of the registered voters against it. She said it would be nice to have the whole area annexed but from a technical standpoint it is not necessary. Councilor Brouse stated she is in support of placing this on the ballot.

Councilor Henderson said she appreciates the dialogue on this issue. She is confused about which properties will be included and the various options and stated this has to be clarified.

Mayor Clark agreed with Councilor Henderson on the need for clarity. She commented on the importance of continuing the issue from the previous meeting in order to have time to consider all of the information. She agreed with Councilor Harris that even though she may not be 100% on board with the annexation, the applicant has completed the annexation process and it fits the code and now the voters should decide.

Mr. Kilby said the original proposal includes eight properties and referred to the three starred properties and noted that the only one that said they did not want their property included is the Bartlett property.

Ms. Hajduk referred to comments from Ms. David, who owns the starred narrow property and who said she was not notified. She asked Ms. David her position on the annexation and she responded from the audience that she is unsure.

Mr. Kilby presented the second option which is the original proposal minus the Bartlett property. He said that reduces the annexation from 84.21 acres to 82.21 acres.

Mayor Clark asked how many tax lots are in the second option. Mr. Kilby said the original minus Bartlett would be 7 tax lots.

Mr. Kilby said another option is the original proposal plus the five properties that have requested to be part of the annexation, which include the Bissetts, the Clarks and Richards (who own three parcels), and the Millers. He said this option would be twelve total parcels and 101.79 acres.

Mr. Kilby said another option is the original proposal plus the five properties that have requested to be added, minus the Bartlett property which would include an annexation of 99.79 acres.

Mr. Kilby said in total there are 5 alternatives before the Council with one being to deny the application. He stated each resolution option has a map as an exhibit and a subsequent Order.

Councilor Henderson referred to a letter dated August 4, 2015 from the Bartlett's and clarified that if the Bartlett property is included in the annexation they can continue to use their property for as long as they want to in the current use. She said if the Bartlett property is not annexed in and they want to eventually develop they would have to petition that parcel individually. Mr. Kilby said that is correct. He said this option will create an island because the City is requesting the right of way to come in.

Councilor Henderson asked Legal Counsel about the EFU. Ms. Rickerts asked if the Bartlett property is zoned EFU. Mr. Kilby said it is zoned Future Development 20 (FD20) and would be protected under the non-conforming clause.

Councilor Kuiper referred to the option that includes the five properties that have requested to be added and asked about density. Mr. Kilby said they are zoned the same, MDRL or MDRH. He stated the difference between MDRL and MDRH is MDRL is 5.5 units to 8 units. He said MDRH is 5.7 units to 11

units per acre. He stated the concept plan presented today is aspirational on behalf of the applicant. He said ultimately they will all have to meet the development code.

Mayor Clark referred to the original request and asked if the 82.21 acres and the 7 tax lots would include removing the Bartlett's. Mr. Kilby said that is correct.

Mayor Clark said she would approve either the original resolution with 84.21 acres or removing the Bartlett property with 82.21 acres and 7 tax lots.

Council President Robinson said she would support the original request plus the 5 properties that want to be included. She said the Bartlett property can continue using the property as they wish but this would save a step down the road for bringing them into the City limits. She said that would include 101.79 acres consisting of 13 tax lots.

Councilors Harris, King and Brouse stated that is also the resolution they would support.

Councilor Kuiper agreed and said that would prevent them from having to go through another request.

Mayor Clark clarified that the applicant has an aspirational plan so adding the addition acreage would not make those owners subject to the applicant's plan. Mr. Kilby said yes, they will not be subject to the plan nor will the three properties that have not signed options with the applicant to develop. He reminded the Council that the applicants plan is aspirational and added that you typically don't see developers move out to the edge of the UGB and develop high density apartments, especially in an area like this. He said we are likely to see a continuation of single family development in this area. He said that is what it is zoned for and all of the residential zones allow for single family homes to be built. He referred to the Metro Housing Preference survey which shows that there is a strong demand for single family detached homes in the suburbs.

Mayor Clark said she is in support of letting the citizens decide and asked for a motion.

MOTION: FROM COUNCIL PRESIDENT ROBINSON TO ADOPT RESOLUTION 2015-068 WITH THE VERSION OF THE ORIGINAL REQUEST PLUS FIVE PARCELS THAT REQUESTED TO BE ADDED AT THE PUBLIC HEARING AS REFLECTED ON PAGE 167 THROUGH 178 OF THE COUNCIL PACKET, SECONDED BY COUNCILOR KING.

Record Note: The Resolution and Order reflected in pages 167-178 of the meeting packet are as follows:

Resolution 2015-068 calling an election on and approving a ballot title, summary, and explanatory statement for the annexation of 13 tax lots comprising 101.79 acres of land in the Brookman Road Plan Area for the November 3, 2015 election.

Order 2015-001 In the matter of annexation of 101.79 acres known as the Brookman Annexation, City File Number AN 15-01

Mr. Kilby asked Ms. Rickter if the Council should approve the Resolution and the Order together.

Ms. Rickter said Council should make a motion approving the resolution and the order shown on pages 167 through 172.

Council President Robinson agreed to the suggestion and Councilor King agreed to second the motion.

MOTION PASSED 7:0. ALL MEMBERS VOTED IN FAVOR.

B. Order 2015-001 In the matter of annexation of 101.79 acres known as the Brookman Annexation, City File Number AN 15-01

Councilor King exited at 9:10 pm.

7. CITY MANAGER REPORT

City Manager Joseph Gall commented on the unfortunate trestle fire in Sherwood that has generated local, regional and national interest. He said this was a loss to the community in terms of a historical icon. He applauded TVFR, the City and the Police Department in dealing with the issue. He said fortunately the fire was contained and no one was injured.

Mayor Clark addressed the next agenda item.

8. COUNCIL ANNOUNCEMENTS

Mayor Clark applauded TVFR and the Police Department for the phenomenal job on the trestle fire. She said this event has touched the hearts of the people of Sherwood. She noted the trestle was a historical monument and a piece of history that has been lost. She suggested working with the Historical Society and have a commemorative plaque put in place or something to commemorate the loss. She said she believes in turning tragedy into triumph and she would like to give tribute to this loss. She thanked everyone for their involvement in the Robin Hood Festival, including Mr. Gall for driving the award winning float. She thanked the Robin Hood Association for their support. She said she attended the Archery Competition and presented ribbons to the award winners. She announced that Sherwood hosted Japanese students for nine days and they stayed with Sherwood families. She said she attended the going away party and supports the Sister City program. She attended the Oregon Mayor's Conference in Cottage Grove and said it was a great experience and a chance to exchange ideas with other Mayor's. She encouraged everyone to attend Music on the Green on Wednesdays at 6:30 – 8:30 pm. She announced the YMCA Family Triathlon is August 15 and said she will be participating again this year. She announced the Chamber Golf Tournament is August 28 at Meriwether Golf Course. She said she attended the Chamber Breakfast and enjoyed the presentation by Superintendent Heather Cordie.

Councilor Harris announced that on August 12 at 6:30 pm author Jen Bosworth will be presenting her young adult novel "Struck" at the Library. She said over 1400 children participated in the Summer Reading program which is 16% more than last year and represents approximately 1/3 of the youth in Sherwood. She said the Library is emphasizing reading as a family. She said the Adult Reading program goes through August and Sherwood Library is leading the country in adult participation. She stated the Sherwood Library Summer Reading Program is funded by the Oregon State Library Ready to Read Grant. She said the program is also funded by WCCLS, City of Sherwood, and Friends of the Sherwood Library and she thanked all the businesses that sponsor the program.

Council President Robinson commented on the letter she received from PGE and as a homeowner it appeared to indicate that the City was the one to authorize the increase to the residents where in fact it is a cost that utilities elect to pass on to the customers and is not a City imposed tax. She stated that Sherwood charges all of the utilities the same and PGE elected to fall into this category and chose to pass it on to customers. She said she shares in the concerns of Mr. Stewart. She stated she has been working with the Chief of Police on an issue that has been continuing and noticed four times that there are semi-trucks in the parking lot of Walmart overnight which is against the code. She said she is working to have the code enforced and encouraged others to call the non-emergency line if they noticed violations. She welcomed City Attorney Josh Soper as the new in house attorney. She announced the Planning Commission has one vacancy with four applicants and interviews were conducted yesterday. She said the Budget Committee will be meeting on a quarterly basis and the next meeting is Thursday, August 13 at 6:30 pm.

Councilor Kuiper announced the City received the bids for the Dog Park on Friday, a contract has been signed and the groundbreaking will be in a few weeks and there will be a ribbon cutting. She said there will be Movies in the Park on Fridays in August. She said the Sherwood Main Street will have an Arts Walk on September 17.

Councilor Brouse apologized for not personally attending the previous meeting and thanked IT Director Brad Crawford to trying to patch her in via Skype. She stated she was in Columbia serving the community. She said there will be a T-Mobile ribbon cutting ceremony on Thursday at 6:00 pm. She said Cannery Row and Sherwood Main Street will host a mixer on August 18 at 5:30 pm. She stated the Onion Festival will be October 10.

Councilor Henderson noted that Bowmen cards are available for purchase from Sherwood High School football players. She said the Police Advisory Board will meet August 20 at 7:00 pm. She said Friday is a Hawaiian lunch party at the Senior Center. She said the Senior Center Steering Committee has openings for members.

Mayor Clark addressed the next agenda item.

9. ADJOURN:

MOTION: FROM COUNCILOR HARRIS TO ADJOURN, SECONDED BY COUNCILOR KUIPER. MOTION PASSED 6:0. ALL PRESENT MEMBERS VOTED IN FAVOR. (COUNCILOR KING WAS ABSENT).

Mayor Clark adjourned the meeting at 9:35 pm.

Submitted by:

Sylvia Murphy, MMC, City Recorder

Krisanna Clark, Mayor

City Council Meeting Date: September 1, 2015

Agenda Item: Consent Agenda

TO: Sherwood City Council

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

SUBJECT: Resolution 2015-072, Appointing Rob Rettig to the Planning Commission

Issue:

Should the Council appoint Rob Rettig to the Planning Commission?

Background:

Planning Commissioner James Copfer, whose 4 year term expires at the end of July 2016, recently resigned from the Commission. Rob Rettig submitted an application for consideration of appointment to the Planning Commission. After reviewing the applications of four potential candidates, and a subsequent interview process, the review panel of Mayor Krisanna Clark; Jean Simson, Chair of the Planning Commission; and Brad Kilby, Planning Manager recommend appointment of Rob Rettig to the commission to fulfill the unexpired term.

Financial Impacts:

There are no financial impacts from this proposed action.

Recommendation:

Staff respectfully recommends City Council adoption of Resolution 2015-072 appointing Rob Rettig to the Planning Commission.



RESOLUTION 2015-072

APPOINTING ROB RETTIG TO THE PLANNING COMMISSION

WHEREAS, a vacancy on the Planning Commission exists due to the resignation of Commissioner James Copfer with a term expiring July 2016; and

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

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

WHEREAS, Rob Rettig completed an application expressing interest in serving on the Planning Commission; and

WHEREAS, after conducting interviews with potential candidates, Mayor Krisanna Clark, Jean Simson, Planning Commission Chair, and Brad Kilby, Planning Manager recommend appointment of Rob Rettig.

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

Section 1. The Sherwood City Council hereby appoints Rob Rettig to fill the remainder of a term expiring at the end of July 2016.

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

Duly passed by the City Council this 1st day of September 2015.

Krisanna Clark, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Josh Soper, City Attorney

SUBJECT: Resolution 2015-073, Adopting Protocol and an Evaluation Document Containing Criteria for the Review and Evaluation of the City Manager's Job Performance and Describing Process for Obtaining Staff Assessment of Manager's Performance

Issue:

Shall the City Council approve a resolution adopting the protocol and an evaluation document containing criteria for the review and evaluation of the City Manager's job performance and describing the process for obtaining staff assessment of the City Manager's performance?

Background:

The attached resolution will adopt the protocol and an evaluation document containing criteria for the review and evaluation of the City Manager's job performance and describes the process for obtaining staff assessment of the City Manager's performance.

The resolution, protocol, and evaluation document are based on the documents adopted by the City Council for the same purpose in 2013. The City Council held a work session on August 18, 2015, at which a small number of adjustments to the 2013 documents were discussed. Staff has made the requested changes and now presents these documents for approval by the City Council so the evaluation process can begin sufficiently in advance of the October 17, 2015 deadline to conduct the evaluation pursuant to the City Manager's contract.

If the Council approves this resolution, staff will begin the process of circulating the evaluation document, compiling responses, and scheduling an evaluation meeting, as outlined in the resolution and attachment.

Previous Council Actions:

In 2013, the City Council adopted by resolution the documents that form the basis of the attached documents.

Financial Impacts:

No direct financial implications related to this resolution.

Recommendation and Proposed Motion:

Staff respectfully recommends that the City Council adopt the attached resolution adopting the protocol and an evaluation document containing criteria for the review and evaluation of the City Manager's job performance and describing the process for obtaining staff assessment of the City Manager's performance.



RESOLUTION 2015-073

A RESOLUTION ADOPTING PROTOCOL AND AN EVALUATION DOCUMENT CONTAINING CRITERIA FOR THE REVIEW AND EVALUATION OF THE CITY MANAGER’S JOB PERFORMANCE AND DESCRIBING PROCESS FOR OBTAINING STAFF ASSESSMENT OF MANAGER’S PERFORMANCE

WHEREAS, the Sherwood City Council wishes to adopt a set of criteria to assist it and the City Manager in evaluating the City Manager’s job performance;

WHEREAS, Exhibit “A” attached to this Resolution is a document which contains the criteria the Council wishes to use in performing its evaluation; and

WHEREAS, Council believes it necessary and appropriate for review and evaluation of the City Manager to obtain input from senior staff concerning their perceptions of the City Manager’s performance.

NOW THEREFORE BASED ON THE FOREGOING, the City of Sherwood hereby resolves as follows:

- Section 1.** Exhibit “A” is hereby established as the City’s Evaluative device for assessing the City Manager’s job performance. The Mayor and Council President may, if they choose, delegate their duties described in Exhibit “A” to the City Attorney’s Office.
- Section 2.** Senior Staff will be offered the chance, utilizing criteria described in Exhibit “A”, to provide Council with their collective and individualized observations/perceptions on the City Manager’s performance.
- Section 3.** The observations described in Section 2 will be treated as confidential and provided to the City Attorney’s Office for that Office’s compilation, summarization and transmittal to Council.
- Section 4.** The terms of this resolution shall be and are effective as of the date of the adoption of this resolution by City Council.

Duly passed by the City Council this 1st day of September 2015.

Krisanna Clark, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder



CITY OF SHERWOOD PERFORMANCE EVALUATION CITY MANAGER

PURPOSE

The purpose of the City Manager's employee performance evaluation is to ensure communication between the City Council and City Manager concerning the City Manager's performance relative to his/her assigned duties and responsibilities as well as establishment of specific work-related goals and objectives.

PROCESS

The Sherwood City Council will conduct a review and evaluation of the City Manager's work performance at least annually.

1. Evaluation forms to be used by Council members will be distributed to the Council members and will include a memorandum from the City Manager for the Council setting out his/her self-evaluation in a narrative.
2. Each Council member will complete the form, sign it, date it and return it to the Mayor who then, along with the Council President will tabulate and summarize the results of the evaluation forms as submitted.
3. The Mayor's/Council President's summarized and tabulated evaluation form along with the City Manager's self-evaluation are then distributed to the Council members when they meet with the Manager in executive session to review the evaluation unless the Manager requests the review be done in open session.

INSTRUCTIONS

Review the Manager's work performance for the entire period under review; refrain from basing the evaluation solely on recent events or isolated incidents. Disregard your general impressions concentrating instead on each factor, one at a time. Evaluate based on standards you expect to be met for the position giving due consideration for the length of time he/she has held it. Check the number which most accurately reflects the level of performance for the factor being appraised using the rating scale described below. If you did not have an opportunity to observe a factor during the evaluation period, indicate so in the N/O column next to the factor.

**CITY MANAGER
PERFORMANCE EVALUATION**

DATE: _____

RATING SCALE DEFINITIONS (1-5)

Unsatisfactory (1)

The employee's work performance is inadequate and definitely inferior to the standards of performance required for the job. Performance at this level cannot be allowed to continue.

Improvement Needed (2)

The employee's work performance does not consistently meet the standards of the position. Serious effort is needed to improve performance.

Meets Job Standards (3)

The employee's work performance consistently meets the standards of the position.

Exceeds Job Standards (4)

The employee's work performance is frequently or consistently above the level of a satisfactory employee, but has not achieved an overall level of outstanding performance.

Outstanding (5)

The employee's work performance is consistently excellent when compared to the standards of the job.

N/O

No Opinion.

I. PERFORMANCE EVALUATION AND ACHIEVEMENTS

1. City Council Relationships

A. Effectively implements policies and programs approved by City Council.	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
B. Reporting to City Council is timely, clear, concise and thorough	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
C. Accepts direction/instructions in a positive manner	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
D. Effectively aids City Council in establishing long range goals.	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
E. Keeps City Council informed of current plans and activities of administration and new developments in technology, legislation, governmental practices and regulations, etc.	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
F. Provides City Council with clear reports of anticipated issues that could come before the City Council.	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
G. Assists City Council in resolving problems at the administrative level to avoid unnecessary Council action	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
H. Council agenda packet preparation is thorough and timely	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
I. Participates in City Council discussions and makes recommendations where appropriate, but allows Council to make policy decisions without exerting undue pressure.	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>

Comments:

2. Community/Public Relations

A. Represents City with positive outlook and image	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
B. Is courteous to public at all times	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
C. Seeks to use criticism of self or City in positive ways	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
D. Maintains effective relations with media representatives	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
E. Available and visible to citizens	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
F. Open to suggestions from the public concerning improvements in services	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
G. Resolves citizen complaints consistent with Council policy in a timely manner	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
H. Open and honest with citizens	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
I. Development of community correspondence and events to inform and involve the public	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>

Comments:

3. Effective Leadership of Staff

A. Encourages Department Directors to make decisions within their own jurisdiction without City Manager approval, yet maintains general control of administrative operations.	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
B. Instills confidence and initiative in subordinates and emphasizes support rather than restrictive controls for their programs.	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
C. Provides clear expectations and assignments, with deadlines, for Department Directors and holds them accountable.	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
D. Has developed a friendly and informal relationship with the workforce as a whole, yet maintains the prestige and dignity of the City Manager office.	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
E. Recruits and retains competent personnel for City positions	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
F. Provides an overall environment that encourages good employee morale, lessens employee turnover, and creates employee satisfaction in ability to participate in decision-making	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>

Comments:

4. Fiscal Management

A. Prepares and proposes in a timely manner a balanced, understandable and realistic budget	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
B. Budget is well documented and organized to assist City Council with policy decisions	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
C. Seeks efficiency, economy and effectiveness in all programs	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
D. Controls expenditures in accordance with the approved budget	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
E. Keeps City Council informed about revenues and expenditures, actual and projected.	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
F. Makes sound decisions that consider cost/benefit	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
G. Shows innovation in reducing expenses	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>

Comments:

5. Personal Traits

A. Controls emotions effectively in difficult situations	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
B. Is creative in developing practical solutions to problems faced in the course of work	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
C. Is flexible in accepting and adjusting to change	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
D. Demonstrates personal honesty and frankness in day-to-day relationships.	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
E. Seeks to improve own skills and knowledge	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
F. Completes work in acceptable time periods	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
G. Anticipates problems and develops effective approaches for solving them	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
H. Invests sufficient efforts toward being diligent and thorough in the discharge of duties	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
I. Composure, appearance, and attitude fitting for an individual in his/her executive position.	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>

Comments:

6. Communication

A. Written communications are clear, concise and accurate	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
B. Oral communications are clear, concise and expressed effectively	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
C. Keeps all City Councilors informed about important issues	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>

Comments:

7. Decision Making

A. Attempts to obtain all available facts prior to making a decision	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
B. Is objective in decision making	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
C. Considers possible alternatives and their consequences before making a decision	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
D. Ability to reach timely decisions, and initiate action, without being compulsive	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
E. Uses common sense, tact and diplomacy	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
F. Notifies all affected parties prior to implementing decisions	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>

Comments:



8. Intergovernmental Relationships

A. Represents City to intergovernmental bodies	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
B. Effective communication with local, regional, state and federal government agencies	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
C. Financial resources (e.g. cost sharing, grants, etc) from other organizations are pursued	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
D. Contributes to good government through participation in local, regional, and state committees and organizations	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>
E. Lobbies effectively with legislators and state agencies regarding City programs and projects	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> N/O <input type="checkbox"/>

Comments:

II. What have been the finest accomplishments of the City Manager this past year?

III. What areas need the most improvement? Why? What constructive, positive ideas can you offer the City Manager to improve these areas?

IV. SUMMARY RATING

Overall Performance Rating - Considering the results obtained against established performance standards as well as overall job performance, the following rating is provided:

- Unsatisfactory
- Improvement Needed
- Meets Job Standards
- Exceeds Job Standards
- Outstanding

Comments:

V. FUTURE GOALS AND OBJECTIVES

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

This evaluation was reviewed and discussed between the City Council and the City Manager on: _____.

City Council

Concurrence

Krisanna Clark, Mayor

YES / NO

Sally Robinson, Council President

YES / NO

Linda Henderson

YES / NO

Dan King

YES / NO

Jennifer Harris

YES / NO

Jennifer Kuiper

YES / NO

Renee Brouse

YES / NO

City Manager

Joseph Gall

TO: Sherwood City Council

FROM: Jeff Groth, Police Chief
Through: Joseph Gall, ICMA-CM, City Manager and Josh Soper, City Attorney

SUBJECT: Ordinance 2015-006 amending title 9 of the Municipal Code relating to Public Peace, Morals and Welfare by adding a new chapter 9.62 relating to graffiti

Issue:

Should the City Council amend the Municipal Code to establish guidelines to address graffiti and graffiti related issues?

Background:

Graffiti has not previously been a rampant issue in Sherwood, but lately there has been an increase in the appearance of graffiti and delays in getting graffiti removed from private property.

It is well known that graffiti attracts more graffiti and it is very important that graffiti be reported to police and photographed by police and then immediately removed or painted over. This process has shown to be a very effective deterrent to reducing graffiti in many communities.

The existing language in the Municipal Code does not specifically address graffiti. Currently, police officers can only charge offenders with criminal mischief generally, which does not address all aspects of graffiti. This amendment would establish code language that deals specifically with graffiti and the related aspects, including possession of graffiti tools and requirements to report, clean-up and remove graffiti. The amended language will provide valuable tools for police officers and the Municipal Court to address graffiti.

If approved by Council at the conclusion of this hearing, this ordinance will be brought back for a second hearing and vote at least six days after today's hearing, as required by the City Charter.

Financial Impacts:

This code amendment will not directly affect city budget and will not require any additional expenditures.

It should be mentioned, however, that the clean-up provisions could be viewed to have a financial impact on property owners. However, it is staff's position that property owners would expend resources to clean-up their property anyway and the code language simply places a time requirement.

Recommendation:

Staff respectfully recommends adoption of Ordinance 2015-006 amending title 9 of the Municipal Code relating to Public Peace, Morals and Welfare by adding a new chapter 9.62 relating to graffiti.



ORDINANCE 2015-006

AMENDING TITLE 9 OF THE MUNICIPAL CODE RELATING TO PUBLIC PEACE, MORALS AND WELFARE BY ADDING A NEW CHAPTER 9.62 RELATING TO GRAFFITI

WHEREAS, city staff have noticed an increase in the appearance of graffiti and delays in getting graffiti removed from private property; and

WHEREAS, it is well known that graffiti attracts more graffiti and it is very important that graffiti be reported to police and photographed by police and them immediately removed or painted over; and

WHEREAS, Council believes that having specific language in the Municipal Code that addresses graffiti and related aspects will provide valuable tools for the police and Municipal Court to address graffiti.

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

Section 1: After full and due consideration of the information presented, the Council finds that the text of the Sherwood Municipal Code shall be amended to add specific language to address graffiti, and the proposed amendments shall be added as chapter 9.62 in the Public Peace, Morals and Welfare title of the Municipal Code.

Section 2: The proposed amendment for the Municipal Code identified in the attached Exhibit 1, is hereby **APPROVED**.

Section 3: The City Manager is hereby directed and authorized to take such action as may be necessary to document this amendment, including necessary updates to Title 9 of the Municipal Code in accordance with applicable City ordinances and regulations.

Duly passed by the City Council this 1st day of September 2015.

Krisanna Clark, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Brouse	_____	_____
Harris	_____	_____
Kuiper	_____	_____
King	_____	_____
Henderson	_____	_____
Robinson	_____	_____
Clark	_____	_____

9.62 Graffiti

9.62.010 Definitions

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

- (1) "Abate" means to remove graffiti from the public view.
- (2) "Aerosol paint container" means any aerosol container adapted or made for spraying paint.
- (3) "Etching device" means a glass cutter, awl, or any device capable of scratching or etching the surface of any property.
- (4) "Felt tip marker" means an indelible marker or similar implement with a tip which, at its broadest width, is greater than one-fourth inch.
- (5) "Graffiti" means any inscription, word, figure, or design that is marked, etched, scratched, drawn, painted, or otherwise applied to any surface, regardless of content, which is visible from premises open to the public, such as public rights of way or other publicly-owned property, and that has been placed upon any real or personal property, such as buildings, fences, and structures, without prior authorization from the owner.
- (6) "Graffiti implement" means an aerosol paint container, a felt tip marker, an etching device, or a graffiti stick.
- (7) "Graffiti nuisance property" means a property upon which graffiti has been placed if such graffiti has been permitted to remain for more than four (4) calendar days after the owner has been issued written notification pursuant to section 9.62.060(2-3) of this Code.
- (8) "Graffiti stick" means a device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure, and upon application, leaving a mark at least one-fourth of an inch wide.
- (9) "Manager" means the Sherwood City Manager or the manager's designee who is responsible for the administration of the graffiti nuisance property program under this chapter.

(10) "Occupant" means any tenant, sub-lessee, successor or assignee, or other person that exercises control over property.

(11) "Owner" means any person, agent, firm or corporation having a legal or equitable or management interest in a property and includes but is not limited to a mortgagee in possession; a person, agent, firm or corporation that owns or exercises control over a property; and a person, agent, firm or corporation acting as an agent for an owner by agreement that has authority over the property or is responsible for the property's maintenance or management.

(12) "Permit" means to knowingly allow, suffer, and acquiesce by a failure, refusal or neglect to abate.

(13) "Premises open to the public" means all public spaces, including but not limited to streets, alleys, sidewalks, parks, rights of way and public open space, and private property onto which the public is regularly invited or permitted to enter for any purpose.

(14) "Property" means any real or personal property, whether permanent or not, including but not limited to items affixed or appurtenant to real property or premises, houses, buildings, fences, or structures, items of machinery, drop boxes, waste containers, utility poles and vaults, post office collection boxes , and natural surfaces such as rocks and trees.

(15) "Unauthorized" means without consent of the owner.

9.62.020 Graffiti

(1) It is unlawful and a violation of this chapter for any person to apply graffiti.

(2) It is unlawful and a violation of this chapter for any person to solicit or command another person to apply graffiti or aid or abet, or agree to aid or abet, another person in applying graffiti.

(3) A violation of subsection (1) or (2) of this section is a class C violation. Each wall or object upon which graffiti is placed constitutes a separate violation. Each day on which a violation occurs or continues is a separate violation.

9.62.030 Possession of Graffiti Implement

(1) No person may possess, with the intent to apply graffiti, any graffiti implement.

(2) Unlawful possession of a graffiti implement is an unclassified violation of this chapter punishable by a maximum fine not to exceed one hundred dollars (\$100.00). Each day on which a violation occurs is a separate violation.

(3) In addition to issuing a citation, a graffiti implement used or possessed in violation of this section may be immediately seized and impounded by the police department. The court, upon disposition of the issued citation, shall determine whether the instrument shall be returned to the defendant or deemed to be contraband subject to destruction under Oregon law.

9.62.040 Community Service and Restitution

(1) In lieu of a portion of any fine that may be imposed under section 9.62.020 or 9.62.030 of this Code, the court may order the violator to perform community service. Reasonable effort shall be made to require the violator to perform a type of community service that is reasonably expected to have the most rehabilitative effect on the person, preferably community service that constitutes in significant part the removal of graffiti.

(2) In addition to any fine that may be imposed under section 9.62.030 or 9.62.030 of this Code, the court may also order the violator to pay restitution.

9.62.050 Graffiti Nuisance Property

(1) Any property located in the City of Sherwood that becomes a graffiti nuisance property is in violation of this chapter and is subject to its remedies.

(2) Every owner who permits a property to become a graffiti nuisance property is in violation of this chapter and subject to its remedies.

9.62.060 Graffiti Removal; Notice and Procedures

(1) An owner of any property within the City of Sherwood shall report any graffiti applied to that property to the police department within forty-eight (48) hours of the graffiti's appearance, and remove any graffiti from that property within four (4) calendar days of the graffiti's appearance.

(2) Whenever the Manager determines that graffiti exists on any property in the City, the Manager may issue an abatement notice. The owner shall have four (4) calendar days

after the date of service of the notice to remove the graffiti. The notice shall contain the following information:

(a) The street address or description sufficient for identification of the property.

(b) That the Manager has found the property to be potential graffiti nuisance property with a concise description of the conditions leading to his/her findings.

(c) A direction to abate the graffiti, or show good cause to the Manager why the owner cannot abate the graffiti, within four (4) business days from the date of service of the notice.

(d) That permitting graffiti nuisance property is a violation of this Code.

(e) That if the graffiti is not abated and good cause for failure to abate is not shown, the Manager may cause a citation to be issued.

(f) That the above remedies are in addition to those otherwise provided by law.

(3) The notice shall be served by addressing the notice to the owner and delivering it by personal service or by mailing it as certified mail. Service may also be accomplished by posting the notice in a clearly visible location on the subject property. Service by personal service or posting is effective upon the date of personal service or posting. Service by certified mail is effective three (3) business days after the date deposited with the U.S. Postal Service. Service by mail shall be addressed to the owner at the address of the property believed to be a potential graffiti nuisance property, and to such other address as shown on the tax rolls of the county in which the property is located or such other place which is believed by the Manager to give the owner actual notice. If service is by mail or personal service, a copy of the notice shall also be served on occupants of the property, if different from the owner. Such service may be completed by mailing the notice addressed to "occupant" of each unit of the property believed to be a potential graffiti nuisance property. The failure of any person to receive actual notice shall not invalidate or otherwise affect the proceedings under this chapter.

(4) If the owner is unable to remove, or cause to be removed, the graffiti within the four-day period due to a hardship, he or she may apply to the Manager for an extension of time in which to remove the graffiti. For purposes of this subsection, "hardship" includes but is not limited to serious illness or disability, extremely inclement weather that

temporarily prevents removal of the graffiti, or other extraordinary circumstance.

(5) If graffiti is not removed within four (4) calendar days after service of notice on the owner, the Manager may cause a citation to be issued to the owner requiring the person to appear in Sherwood Municipal Court.

(6) Failure to remove graffiti as required by this section is an unclassified violation punishable by a fine of up to one hundred dollars (\$100.00). Each day the graffiti remains after the four day period after notice is served constitutes a separate offense.

(7) The City Manager may adopt rules and procedures to implement this chapter.