



*Home of the Tualatin River National Wildlife Refuge*

# **CITY COUNCIL MEETING PACKET**

**FOR**

**Tuesday, November 17, 2015**

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

**5:30 pm Work Session**

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



*Home of the Tualatin River National Wildlife Refuge*

### **5:30 PM WORK SESSION**

1. Marijuana Options (e.g. tax, ban, regulate) (J. Soper)
2. Temporary Sign Code and Enforcement Procedures (J. Hajduk)

### **REGULAR SESSION**

#### **1. CALL TO ORDER**

#### **2. PLEDGE OF ALLEGIANCE**

#### **3. ROLL CALL**

#### **4. APPROVAL OF AGENDA**

#### **5. CONSENT AGENDA**

- A. Approval of October 20, 2015 City Council Meeting Minutes
- B. Approval of November 3, 2015 City Council Meeting Minutes
- C. Resolution 2015-082 Appointing Joyce Venjohn to the Library Advisory Board
- D. Resolution 2015-083 Reappointing Amanda Stanaway to the Cultural Arts Commission
- E. Resolution 2015-084 Completing the annual performance evaluation of the City Manager for the City of Sherwood
- F. Resolution 2015-085 Adopting criteria to be used in the annual performance evaluation of the City Recorder

#### **6. PRESENTATIONS**

- A. Eagle Scout Recognition
- B. Proclamation Human Rights Day
- C. Tree's for All, Clean Water Services Presentation (Bruce Roll, Watershed Management Department Director)
- D. TVFR Community Academy

#### **7. CITIZEN COMMENTS**

#### **8. NEW BUSINESS**

- A. Resolution 2015-086 Amending the employment contract with the City Manager and providing an increase in compensation (Josh Soper, City Attorney)

### **AGENDA**

#### **SHERWOOD CITY COUNCIL November 17, 2015**

**5:30 pm Work Session**

**7:00 pm City Council Meeting**

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

**B. Resolution 2015-087 Authorizing the City Manager to execute an IGA with Washington County for the Kruger/Elwert Intersection Project (Bob Galati, City Engineer)**

**9. CITY MANAGER AND DEPARTMENT REPORTS**

**10. COUNCIL ANNOUNCEMENTS**

**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](http://www.sherwoodoregon.gov), by the Friday prior to a Council meeting. Council agendas are also posted at the Sherwood Library/City Hall, the YMCA, the Senior Center, and the Sherwood Post Office. Council meeting materials are available at the Sherwood Public Library. **To Schedule a Presentation before Council:** If you would like to schedule a presentation before the City Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder Sylvia Murphy, 503-625-4246 or [murphys@sherwoodoregon.gov](mailto:murphys@sherwoodoregon.gov)



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

**EXECUTIVE SESSION**

1. **CALL TO ORDER:** Mayor Clark called the meeting to order at 5:50 pm.
2. **COUNCIL PRESENT:** Mayor Krisanna Clark, Council President Sally Robinson, Councilors Dan King Linda Henderson, Jennifer Kuiper, Jennifer Harris, and Councilor Renee Brouse via conference call.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Attorney Josh Soper. City Manager Joseph Gall joined the meeting at approximately 6:35 pm.
4. **TOPICS:**
  - A. **ORS 192.660(2)(i), Performance Evaluation of Public Officials.** City Manager annual performance evaluation.

**5. ADJOURN**

Mayor Clark adjourned the Executive Session at 6:58 pm and convened to a regular session.

*Record Note: The scheduled work session was not held due to time.*

**REGULAR SESSION**

1. **CALL TO ORDER:** Mayor Clark called the meeting to order at 7:08 pm.
2. **COUNCIL PRESENT:** Mayor Clark, Council President Robinson, Councilors Linda Henderson, Jennifer Kuiper, Jennifer Harris and Dan King. Councilor Renee Brouse via conference call.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Police Chief Jeff Groth, Community Development Director Julia Hajduk, Planning Manager Brad Kilby, Senior Planner Michelle Miller, Department Program Coordinator Kirsten Allen, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.

Mayor Clark addressed the Approval of the Agenda and stated she received a request to amend the agenda to allow the public hearing to occur before Item 7, New Business. With no objections from the Council, she asked for a motion.

**4. APPROVAL OF AGENDA:**

**MOTION TO AMEND: FROM MAYOR CLARK TO AMEND THE AGENDA, PUBLIC HEARING NUMBER 9 TO RIGHT BEFORE NUMBER 7, SECONDED BY COUNCILOR HARRIS. MOTION PASSED 7:0, ALL PRESENT VOTED IN FAVOR (COUNCILOR BROUSE VIA CONFERENCE CALL).**

**MOTION AS AMENDED: FROM COUNCIL PRESIDENT ROBINSON TO APPROVE THE AGENDA AS AMENDED, SECONDED BY MAYOR CLARK. MOTION PASSED 7:0, ALL PRESENT VOTED IN FAVOR (COUNCILOR BROUSE VIA CONFERENCE CALL).**

Mayor Clark addressed the next item on the agenda.

**5. CONSENT AGENDA:**

- A. Approval of September 15, 2015 City Council Meeting Minutes**
- B. Resolution 2015-076, Appointing Roni Zettlemyer to the Cultural Arts Commission**
- C. Resolution 2015-077, Appointing Skye Boughey to the Cultural Arts Commission**
- D. Resolution 2015-078, Authorizing the City Manager to execute a Contract with FCS Group for updating City Transportation System Development Charge (SDC) Methodology and Rates, and other Street Fees**
- E. Resolution 2015-079, Appointing Amy Kutzkey to the Budget Committee**

**MOTION: FROM COUNCILOR KUIPER TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR HENDERSON. MOTION PASSED 7:0, ALL PRESENT VOTED IN FAVOR (COUNCILOR BROUSE VIA CONFERENCE CALL).**

Mayor Clark addressed the next item on the agenda.

**6. PRESENTATIONS:**

**A. Eagle Scout Recognition**

Mayor Clark recognized and congratulated Benjamin LaFave for obtaining the rank of Eagle Scout. He was not present and Mayor Clark indicated the certificate would be mailed.

**B. Clean Water Services – State of the District Update**

City Manager Gall stated that Clean Water Service (CWS) will provide a general overview of the district which will be beneficial for the new Councilors and the citizens to understand how CWS operates and how they are funded.

CWS Government and Public Affairs Manager Mark Jockers and CWS Deputy General Manager Diane Taniguchi-Dennis provided a presentation (see record, Exhibit A) regarding investing in clean water and provided the Council with handouts regarding clean water facts (see record, Exhibit B). Mr. Jockers provided a background on the history of the district as well as the budgeting process and the challenges going forward. He said currently CWS serves more than 560,000 residents of urban Washington County, has 12 partner cities, cleans 60 million gallons of water a day, provides a high level of treatment, has a

close working relationship with Washington County and has a budget of \$64.6 million for operations and \$66 million for capital. He discussed the three core business areas, which consist of resource recovery, surface water management and water supply. He referred to the challenges CWS faces and the importance of using innovation and partnerships.

Ms. Taniguchi-Dennis stated the financial strategies include keeping rate increases reasonable and predictable, ensuring capacity to issue debt on favorable terms, establishing and maintaining healthy financial reserves and following sound financial policies. Mr. Jockers stated that in the last 20 years the number of employees has been reduced per population served by a third while continually taking on new initiatives. Ms. Taniguchi-Dennis discussed the need for investing and repairing the aged infrastructure, protecting and restoring the watershed, optimizing assets, and planning for growth and recovering resources.

Mr. Jockers discussed the current rates and fees and how they compare across the region. He said there was a 3.65% combined sanitary sewer and surface water management increase on July 1. He said 83% of the sanitary sewer rates go to CWS for treatment, interceptors, pump stations and industrial permitting and source control. He stated 17% of the sanitary sewer rates go to the City for the maintenance and investment in the local sewer. He noted the surface water management fee rate is split with 25% going to CWS for the regional program and administration and 75% going to the City for local drainage and water quality program. He said there was a 4.1% increase in the sanity SDC this year. He stated the standard fee for sanity sewer and surface water management is \$48.04 and under the IGAs with the seven major cities each city has the prerogative to add local surcharges to meet the local needs. He compared the local surcharges, provided comparable rates throughout the region and discussed the 10 year rate history.

Councilor Henderson clarified that the SDC charge was increased to \$5,100 and asked what the fee was before the increase. Mr. Jockers replied \$4,900, which represents the 4.1% increase. Councilor Henderson asked if CWS has considered providing the opportunity to pay the SDC charges over payments on a case by case basis. Ms. Taniguchi-Dennis said CWS currently provides financing for single family residential and the Board has discussed doing the same for small businesses.

Councilor Kuiper ask for a copy of the presentation and City Manager Gall said he would have it posted on the City website.

Councilor Henderson asked if there are municipalities that are direct billed. Mr. Jockers said CWS directly bills around 50% of the customers.

Mayor Clark asked if there is qualification for direct billing. Ms. Taniguchi-Dennis said they consider the agreement with the banks and the IGAs with the smaller communities.

Councilor Henderson noted that Sherwood is highly invested in the Tualatin River. Mayor Clark stated as well as the "One Tree for All" program provided by CWS.

Mayor Clark thanked CWS and addressed the next agenda item.

## 7. PUBLIC HEARINGS

**A. Ordinance 2015-007 Amending Title 6 of the Municipal Code and Division II of the Zoning and Community Development Code and Chapter 6 of the Municipal Code as it relates to the regulation of backyard chickens**

Senior Planner Michelle Miller provided a presentation (see record, Exhibit C) and stated the purpose of the hearing is to have a second reading of the proposed ordinance, present the proposed revised code amendments to the Municipal Development Code on chickens, and take public testimony. She noted the first reading was September 15 and provisions were initiated to add a new section to the municipal code on chickens, which allow for a certain number of chickens, based on the lot size, no roosters and described certain enclosure location limitations. She said in addition, there were procedures that an applicant would have to obtain a license and agree to certain requirements and written notices to property owners abutting the license holders' property. She said the proposed language includes penalties for infractions or violations of this section and classified as a Class C violation. She said additionally there was a change in the Zoning and Development Code, which includes adding a footnote reference to Chapter 6.03. She referred to the deliberations at the September 15 hearing said the proposed changes include enlarging the minimum lot size allowed to 7,000 square feet, clarifying the neighbor notification requirements with specific information to be included with the notification, and specifying that multiple violations of the ordinance could result in a revocation of the chicken license. She said based on the deliberations from the September 15 hearing staff made additional recommendations which include making a chicken license valid for five years, adding a penalty provision for someone that does not obtain a license before attempting to raise chickens, and that would be a Class A violation, and it also includes someone who had chickens illegally before this ordinance goes into effect, removing "Backyard" from the title of the chapter, and adding a provision that entitles the City Manager to adopt rules that implement Chapter 6. She said the Council packet also includes a draft chicken license application, and a draft letter to neighbors notifying them that one of their neighbors has received a license to raise chickens. She stated that staff recommends a license application fee of \$50. She said the alternatives before Council include accepting the Planning Commission recommendation and not approve the ordinance, approving the ordinance as written, approving the ordinance with changes or sending the issue back to the Planning Commission for further review.

Council President Robinson referred to the proposed application for raising chickens and said there is onus on the applicant to provide the name and address of their neighbors and said that may not be reliable for enforcement purposes. Ms. Miller said that would be a starting point and then it would likely be verified with the GIS system.

Council President Robinson said she does not agree with the revocation only lasting one year and asked what the rationale behind that was. Ms. Miller said if there were two violations the revocation would be a year to see if the situation could be remedied. Council President Robinson said the language states that each violation shall constitute a separate violation and each day the violation is committed or permitted to continue constitutes a separate violation. She said her understanding is that code enforcement would give notice and asked if the violators would then have the opportunity to cure or remedy the violation before they are deemed in violation. Ms. Miller said those would all be tools for the code enforcement officer to warn them and give them the opportunity for remedy. She said if the remedy did not occur based on the severity, the officer could cite them. Council President Robinson stated the language that each day the violation is committed constitutes a separate violation is not clear regarding when the daily violation fine commences.

Council President Robinson asked if the recommendations from Council at the previous hearing was to add 5 hens or was it to just possibly increase it. Ms. Miller said that she reviewed the meeting minutes and it seems unclear as to what Council recommended. She commented on Councilor Robinson's concerns about the language being unclear and provided examples of how the language provides code enforcement flexibility. Council President Robinson asked if staff did not think it was necessary to specify from what day the violation is committed. City Attorney Soper recommended not changing the language to maintain the maximum flexibility and discretion with code enforcement.

Council President Robinson asked if staff considered a clause that stated how long an existing chicken holder has to be compliant. She said it may be helpful to provide a time limit.

Councilor Kuiper said if the ordinance is adopted the residents with chickens should have a grace period to be compliant. Ms. Miller said that is Council's discretion.

Mayor Clark commented on code enforcement having flexibility and asked if they would address those residents that already owned chickens. Mr. Soper said the Council could put a specific grace period in the code.

City Manager Gall suggested that if the ordinance passes Council could for example give 30 days for compliance to meet the requirements. Mayor Clark asked if that needs to be added to the ordinance. Mr. Gall said the Council could provide direction to the City Manager to adopt rules to implement the program.

Assistant City Manager Tom Pessemier states that Section 5 gives an effective date of 30 days after passage of the ordinance.

Mr. Gall stated the ordinance does not need to be modified and Council can give direction to staff to provide a reasonable amount of time for residents to comply.

Councilor Harris asked what is the percentage of lots in Sherwood that are 5,000 square feet versus 7,000 square feet versus 10,000 square feet. Ms. Miller said there are approximately 2,400 lots that are 7,000 square feet or larger out of approximately 6,500 tax lots but some are commercial and different uses.

Mayor Clark opened the public hearing.

Naomi Belov Sherwood resident approached the Council and reiterated her comments from the first public hearing regarding neighboring towns that have ordinances allowing backyard chickens. She said she is looking forward to Sherwood figuring this out.

Carole Miller Sherwood resident came forward and provided a scenario of soil being contaminated with chicken feces and the rain washing it into neighbor's yards. She commented that Salmonella germs thrive in the intestines of chickens and the CDC estimates over 1 million illnesses and approximately 450 deaths occur in the US every year due to Salmonella. She said the CDC warns us to not let children younger than 5, older adults, pregnant women and people with weak immune systems to handle or touch chickens. She stated the Council has a duty to protect Sherwood residents. She stated that it's essential that the written notice to neighbors include facts about the diseases chickens spread. She noted that to protect the Council from future lawsuits, the City should require the neighbors to sign authorization



acknowledging they have read the attached warnings. She said the neighbors must have the right to veto chickens next door. She commented on the cost of code enforcement, sending notices and handling complaints. She commented on the lack of publicity and the survey that represented only 3% of Sherwood's 19,000 residents. She said in other states the backyard chicken fad is fading and animal shelters are being flooded with discarded chickens.

Amy Zents Sherwood resident approached the Council and said there is an education role in chicken ownership and it can help children make the connection between what they are eating and where it comes from. She said there is a problem with obesity in children and helping children understand where healthy foods come from and how to make healthy choices is important.

Tony Bevel Sherwood resident came forward and commented that we all have diseases. He said he went to Oregon State University and met with Professor James Hermes who is the Head Advisor Extension Poultry Specialist. He said Mr. Hermes noted the biggest problem with City Councils is they vote from their own personal prejudice. He said Mr. Hermes stated this can be remedied with the proper management of chickens and good parameters. He referred to common sense and the proposal to reduce the fee from \$4,000 to \$50. He read Mr. Hermes conclusion: "Diplomacy and cooperation with neighbors can help avoid conflicts. If you have chickens in an urban environment, follow these suggestions and you can reduce complaints and have a long and happy relationship with your neighbors. Happy neighbors mean that chickens will remain and animals that can be raised successfully and legally in urban environments."

Nadia Belov Sherwood resident approached the Council in support of chickens and reiterated her comments from the first public hearing. She has experience with raising chickens and commented on knowing where your food comes from. She commented on the fear of diseases and agreed with Mr. Bevel that we all have diseases. She referred to using common sense and washing your hands. She said don't live in fear and the benefits outweigh the negatives.

With no further testimony, Mayor Clark closed the public hearing.

*Record note: email from Matthew Young (see record, Exhibit D) and handout from Tony Bevel entered into the record (see record, Exhibit E).*

Council President Robinson said she agrees the \$4,000 fee is not reasonable and does not agree that any chicken should be allowed on lots smaller than 10,000 square feet. She does not agree that 5 chickens should be allowed on any lot. She said staff added 5 chickens without direction from Council and there has been no evidence received or a real need for 5 chickens on 10,000 square feet lots. She said if this ordinance passes she would want a 30 day grace period for compliance and revocation of a license should be the same as how long the license is good for which would be 5 years in this case.

Councilor Harris said she is opposed to the proposed square footage requirement but in favor of chickens. She calculated that 7,000 square feet lots represent approximately 38-40% of the homes in Sherwood and she would be a proponent of 4 chickens on 7,000 square feet lot. She referred to an email that reminded Council that they talked about increasing the number of chickens from 3 to 4 if they increased the lot size as well.

Councilor Kuiper stated that email was just a statement that Councilor Harris made that she thought that if the minimum lot size is increased the number of hens allowed should increase from 3 to 4 and there were not any comments from the other Councilors after that statement was made. She stated she is not a proponent of less than 7,000 square feet lot size and 3 hens are fine and possibly 4. She said her biggest issue is education of the applicants and the permit should include an informational handout for the care and keeping of chickens and notification to neighbors of diseases.

Councilor Henderson thanked Mr. Bevel for the information, which stated that in urban settings livestock-type animals do not receive the same reception from neighbors and City authorities as do domestic pets like dogs and cats and chickens are regulated in urban settings because not everyone enjoys chickens. She asked staff about comments on the safe disposal of animal waste and suggested that be part of the education piece. She referred to the guidelines and suggestions in the handout with regard to appearance and property values and proper landscaping which can provide screening and muffle sound. She referred to coops not being more than 4 feet high with 6 feet fences. She referred to Councilor Harris's comments and said based on the recommendation of 3 hens on lots over 7,000 square feet she has a fundamental problem that it exempts 63% of the constituents from having a chicken. She referred to a regressive tax, a tax that heavily may be burdened upon those people that have small incomes or living at the poverty level, and said this is the opposite, we are basically only allowing the wealthy, and said if you can afford a 7,000 square feet lot or 10,000 square feet lot, you either probably moved here 20 years ago or you live in some very small development where their lots are 10,000 square feet. She said she doesn't believe the Council has ever drafted an ordinance that put anybody at a disadvantage based on lot size, with the exception of maybe setbacks. She said she can't in good faith vote for an ordinance that would exempt 63% of the people that live here, because they could not afford a larger lot size.

Councilor Kuiper asked where the 63% came from.

Councilor Henderson said there are 6,500 total tax lots and 2,400 are 7,000 square feet or greater.

Councilor Kuiper said not all the remaining lots are 5,000 or less. Discussion followed regarding the approximate number of lots that will be allowed to have chickens. Staff added the numbers don't include vacant lots. Ms. Miller said there is also an exemption for, it has to be a single family detached home and we have some homes that are attached and fall well below the 5000.

Councilor Kuiper asked how many lots are 5000 square foot lots and Michelle replied she did not have that information and offered to go gather it.

Councilor Henderson said she agreed with the citizen comments from Carole Miller that we have an obligation to protect the life, health and safety of our citizens and part of the education component should include information or resources on safe handling of chickens, waste or feed. In addition, they acknowledge that those are byproducts of having waste in your backyard.

Ms. Miller commented that other jurisdictions have the same issues and have speakers with expertise come and educate the population.

Councilor Kuiper said with the current setback we have now, how difficult would it be for a 5000 square foot lot with a home on it to adhere to those setbacks.

Ms. Miller replied she had an earlier slide showing the 5000 square foot lot and how that could work and said it would be somewhat onerous but it is possible.

Mayor Clark asked Councilor Henderson, what she is hearing is, the ordinance as it is, she could not support and asked if she would like to make a motion to see if she has support from the Council to amend the ordinance to an ordinance that she could support?

Councilor Henderson said she still has questions. She said under licenses, license to be renewed for 5 years, she believes this is too long and recommended 3 years and said the life of a laying chicken is about 18 months. She said she believes this is a good time to ensure that people are still actively caring for their chickens. She said maybe it is a checklist that is sent. She said she is not in favor of using Code Compliance to do this and believes there are a lot of better things they could be spending their time on instead of inspecting chicken coops, not something they are experts on. She said maybe the renewal could be less costly or laborious.

Councilor Henderson said her concern is we are excluding and doesn't believe we have ever had an ordinance that we were directly excluding members of our community from participating in a permitted activity. She said it may not be direct, but is a contributing factor based on income.

Mayor Clark replied she is not disagreeing and asked if there is a motion to support that argument.

Councilor Henderson asked if we have heard from everybody.

Councilor Harris said she would like speak to that and said even with the 5000, we are still going to have a large majority of Sherwood that is constricted by their HOA's. She said keeping that in mind for people who are apprehensive for going down to 5000 square feet.

Councilor Kuiper stated her confliction is the duty to protect human health and the size of the lot. She gave a scenario and said we have a 3-5 year old child next to a 5000 square foot lot that has chickens and asked if a 7000 square foot lot was any more protective than a 5000 square foot lot, and this is a conflict that she is dealing with. She asked where is the balance of being protective of human health and allowing citizens to have chickens.

Mayor Clark asked Michelle Miller to address the setback and explain. Michelle referred to the 10 feet and 25 feet from the property line and said a chicken enclosure would need to be at least 10 feet from a side yard or a rear yard and then from any adjacent property structure, it would have to be 25 feet from another dwelling unit.

Councilor Kuiper stated she understands and realizes there will be many HOA's that there CC and R's will preclude chicken ownership anyway.

Councilor Henderson referred to written comments received which said a City ordinance would trump an HOA and said this is not correct. Comments from the Council were received that this is incorrect, an ordinance would not trump an HOA. Mayor Clark asked the City attorney if this was correct.

City Attorney Soper replied we would allow chickens under our code so as far as we are concerned they are allowed. If the HOA wants to restrict it, then they are not allowed to have them in that HOA's jurisdiction.

Councilor Henderson said the HOA could set up their own fees and fines if you have chickens, Mayor Clark replied they could as they are their own jurisdiction.

Councilor Brouse stated this is a very conflictive decision the Council has to make and thanked the public for their attendance and sharing their thoughts and comments. She said as a Council member, the people she has spoken to have all been against and said it is a very difficult decision being an emergency preparedness individual that raising chickens could be an opportunity for that. She said taking into consideration what Councilors Henderson and Kuiper are saying, she asked if there was any way the Council could send this back to planning.

Mayor Clark replied she is not interested in kicking the can and asked other Council members. No comments were received in favor.

Mayor Clark said she believes a decision can be made and said what her problem with this subject is, this subject has been kicked so many times that people have chickens, they exist in the City. She said for her this is not an issue of whether or not she wants chickens, she does not. She said she doesn't have a problem with personal liberties of others as long as they don't infringe on her. She said how this works is, there are parameters around how that doesn't infringe on me. She said she is a proponent of the 5000 square foot, did not like it going to 7000 square feet, and liked the comment of how it causes an inequity if someone cannot afford a lot that is larger. She said she would entertain a motion to change that and said the big thing for her is that this is about having parameters in place for something that is already happening. She said it's kind of the same issue as the dog park and said we will have a dog park very soon and we have always had a dog park, it's called the high school football field. She spoke of parameters of use and said chickens currently exist in Sherwood and the idea of a \$4000 fee is ridiculous. She said she is a proponent of chickens because she loves the idea of us living in a community where we work together and have civil liberties that don't impact one another and we are not forcing people to break the law because we won't make parameters of use for something that is happening anyway. She said she believes in addressing the issues that are already here and moving forward.

Councilor Harris said as far as diseases and children, she believes it's pretty clear that our dogs and cats, their feces and the way we handle them, in our faces and our beds, we are just at risk with our dogs and cats as we are with chickens. She said there are parameters in place whether it is Washington County Animal Control through code enforcement and our neighbors to manage this. She said research she has done indicates zero deaths in the last four year from backyard chickens and there have been a lot of deaths from dogs. She said the fear of people dying from chickens is a small amount and one is more likely to die walking home, statistically. She said to use that as a fear and a reason not to do this, when we clearly have a strong support for chickens is, for her, showing where our priorities are with our citizens.

Councilor Kuiper stated there is a difference between reality and perception and what we need to be managing here is not just a reality that dogs and cats can make you sick, but the perception as well. She said there is a perception among many of the public about chickens and what she is suggesting is that we

have some sort of fact sheet, informational, for chicken ownerships when they come in to get a permit. She said it is more of managing perception, than acknowledging reality. She commented regarding the \$4000 fee and asked if this is because it is a conditional use permit. Staff confirmed.

Councilor Kuiper stated the fee wasn't an arbitrary \$4000 fee to keep people from owning chickens, it was a permit fee because chicken ownership in Sherwood is actually allowed, but is allowed under a "conditional use permit", this means there is no real mechanism to have chickens and this is why we are looking at the ordinance now. She said because of this it falls under a conditional use permit and there is a fee associated with that and it happens to be \$4000.

Julia Hajduk, Community Development Director clarified the \$50 fee that is proposed if this were to pass, we would have to come back with a resolution to amend the Fee Schedule to add this as a permit.

Mayor Clark stated by not addressing it, it falls into a category of a catch-all and it doesn't belong there.

Councilor Harris said she loves the idea of a fact sheet, and classes on chickens and any other kind of classes. She said the Library has experts come in all the time to talk about different things. She commented regarding our world changing and people not wanting industrialized food and said everyone knows it's not as healthy or nutritious as growing and raising your own. She said it is a change and commented regarding our society changing. She said she would support a 5000 square foot amendment knowing that not every house is 5000 square feet. She said in her and Councilor Robinson's neighborhood the HOA doesn't allow them. She said she likes the idea of having the information.

Councilor King stated his issue is the enforcement side and follow through with the enforcement officer.

Councilor Harris asked Police Chief Groth if they get a lot of calls regarding animals and how much time an officer spends on this. Chief Groth replied, he would not say a lot, but they get a fair amount of animal complaints on a yearly basis and the vast majority of them are probably related to barking dogs or other nuisances created by dogs.

Councilor Harris said some of the things we are talking about are already being done and we have a code enforcement officer that is managing animals from time to time. A comment was received this is during the week and Councilor Harris asked Chief Groth what is done on weekends. He stated a police officer would respond. Councilor Harris stated we can always call Animal Control. Chief Groth said you can, but there are limitations based on their hours and what they will intervene with. He said they are not going to enforce local ordinances related to animals, they will enforce state statute and county ordinances. Councilor Harris stated she assumes if someone is calling Animal Control it is because the animals are really bad. Chief Groth stated either there is some serious neglect or some type of abuse issue and we need their expertise or it involves the need for a shelter if we picked up a stray animal or some aspect of licensing or quarantine or if someone was bitten. He said for barking, we handle the vast majority of those and somebody could call animal control but it will be hit or miss whether they get someone out there. He said they will likely be told depending on the number they call, to get a hold of us.

Councilor King elaborated and said he at times thinks in the process of trying to pass an ordinance and how enforceable it is and how reasonable it is. He said we know we have chickens, and at this point how is that going to change. He said we could make modifications to the ordinance. He commented on enforcement taking up a fair amount of code enforcements time.

Councilor Harris asked Chief Groth if he has spoken to the Code Enforcement Officer. He said there has been plenty of discussion and planning staff has been great with communicating. He said there is a bit of anxiety as it is an unknown. He said he can tell the Council there will be an impact, he just doesn't know what it will be until we get there. He said it will be enforced and from our perspective, ordinances exist for a reason and the Council expectations and the communities expectations are that ordinances will be enforced.

Councilor Harris stated, Chief Groth came from the City of Tualatin and they have chickens and asked if they experienced a high number of chicken complaints. He replied he has no experience with chickens and is not sure when their ordinance was passed and believes it was probably after he came to Sherwood. Staff confirmed the Tualatin ordinance was passed after Chief Groth came to Sherwood.

Councilor Harris commented regarding Chief Groth hearing about or chatting about chickens in his field of work with other municipalities and they having problems with chickens. He stated chickens have not been the topic of conversations. City Manager Gall stated in talking with other City managers that have chicken ordinances, it doesn't rise to the level of it being an issue.

Council President Robinson asked City Attorney Soper, if the Council passes this ordinance and there are dogs next door to the chicken that come in and the chicken causes the dogs to constantly bark, which ordinance are you going to enforce or what ordinance would prevail if by existence of the chickens they are making the dogs bark constantly. Mr. Soper replied unless they are violating a provision of the chicken ordinance, and it doesn't sound like they would be, the person who would be violating the ordinance is the person who is allowing their dogs to bark. She asked how fair is that, that a chicken owner can out-do all three dog owners that are around it.

Councilor Harris commented that her neighbor's dog barks every time her kids are in the backyard and said you are not allowed to let your dog bark for long periods of time regardless of what it is barking at. She said if the dog is barking this is a problem with the dog, not the chicken or kid.

Councilor Robinson said she respectfully disagrees, and said if you have a chicken up against the fence your dog is going to bark. Comments were received regarding "supervised chickens" and them running freely.

Councilor Henderson commented regarding a similar scenario with an acquaintance and their neighbor having chickens and the dog of the acquaintance constantly pacing. She said this was a consideration for moving. She quoted language from the proposed ordinance that said, "chickens must be kept in an enclosed structure unless under direct supervision". She asked how many people are going to let their chickens out and stand and watch them. She said this sentence is ludicrous, chickens are not going to be supervised.

Mayor Clark stated she thinks the language is reasonable and City Attorney Soper said just like with cats, it happens, but the language is there to allow us to enforce it when it becomes a problem.

Councilor Henderson said overwhelmingly the constituents she has spoken to, about 100 people, do not want chickens. She said we have a number of HOA's in town and they have outlawed chickens for a reason. She referred to the largest HOA in the state, the Woodhaven HOA and said they have disallowed

chickens. She said she thinks that is a key indication of what people want from our community with some of the smaller lots in Woodhaven. She said this definitely influences her decision when she thinks about lot size and everybody who lives here.

Councilor Harris said alcohol used to be illegal, cannabis used to be illegal and the HOA did not just outlaw chickens, they have been disallowed since the HOA was started. She said she thinks things are changing and there was a time when people thought it was crazy to have a chicken and eat an egg from your backyard. She said that perception and that desire is changing. She said she has heard about hundreds of people not wanting chickens but has not seen any against, other than 3 emails and 2 people that came and voiced that concern. She said if there are a lot of anti-chicken people, she would like to hear from them.

Councilor Robinson referred to emails the Council has received asking them to deny.

Mayor Clark stated she personally doesn't like economic inequality of changing it from 5-7 (5000 square feet to 7000 square feet). She stated the following motion:

**MOTION TO AMEND: FROM MAYOR CLARK, ON 6.03.020, NUMBER OF CHICKEN LICENSE, PART A, UP TO 3 HENS ARE ALLOWED ON PROPERTIES AT LEAST, 7000 AND MY MOTION IS TO MOVE IT BACK TO 5000 SQUARE FEET IN SIZE. SECONDED BY COUNCILOR HARRIS. MOTION PASSED 4:3 (CLARK, HARRIS, KUIPER AND BROUSE VOTING IN FAVOR. ROBINSON, KING AND HENDERSON WERE OPPOSED.)**

Mayor Clark stated the motion carries and it is changed to 5000.

Councilor Harris interjected and asked about a motion to include an informational packet as suggested by Councilor Kuiper. Julia Hajduk replied staff has heard the Council and said as we prepare the application materials, if this passes, we will include educational elements both in the application packet as well as the letters to the property owners. She said she likes the idea of coordinating classes through the library.

Mayor Clark referred to material provided by the OSU professor.

**MOTION AS AMENDED: COUNCILOR HARRIS MOVED TO READ CAPTION AND ADOPT ORDINANCE 2015-007 AS AMENDED. SECONDED BY MAYOR CLARK.**

Prior to calling for a vote Council President Robinson asked if the Council could have discussion and Mayor Clark indicated the Council has already had discussion.

**VOTE: MOTION FAILED 4:3 (BROUSE, KING, HENDERSON AND ROBINSON WERE OPPOSED. CLARK, HARRIS AND KUIPER VOTING IN FAVOR).**

Councilor Harris asked what she can do now to have it removed from the special permit, to take chickens out of that category.

City Manager Gall clarified, and asked if she was referring to not having chickens under the conditional use permit and the \$4000 fee. He said this is a larger process that could not be done tonight and would be a code amendment and other things. Julia Hajduk added, right now it's a conditional use because it's

the raising of animals other than household pets and believes what Councilor Harris wants is an amendment to the code to clarify that chickens are not in that category and then, without having any provisions for chickens, there would have to be some sort of a process.

City Manager Gall added it would have to go to the planning commission and ultimately the Council.

Councilor Harris said she would like to look at the “household pet” category so we make sure that only animals listed are being used and if it’s inclusive or we need to add pets in there or remove.

Mayor Clark stated staff will go forward on that.

Mayor Clark recessed at 9:05 pm and reconvened at 9:14 pm. Mayor Clark addressed the next agenda item.

## 8. CITIZEN COMMENTS

John Hoover, General Manager of Jersey Mike’s came forward and stated he is here for signage, flag signs and not being allowed to have them. He said as a manager and a previous owner, flag signs bring in customers. He said he removed his flag signs when the police told him they weren’t allowed, yet he sees them around town. He said he wants to get this changed and said they are not an eyesore and are better looking than the small plastic ones which get ruined and are then not picked up. He said the flags are \$300 and if they are ruined we will get new ones. He would like to get this changed to allow flag signs.

Eugene Stewart Sherwood property owner, said he has an office on Barbur Blvd. and he received notice from the City about increasing density again. He said the traffic on Barbur is as heavy as it was before they put I-5 in. He said one of the problems is we go into the City to go to work and as they allow this density to keep building up, it’s becoming more difficult to travel, it’s less than 10 miles and it’s 30-45 minutes just to get to work. He said if you ride a bus, it doubles the time and the buses don’t help. He said something that will help, if we are not going to improve our roads to handle the traffic, is we need to create more opportunities for people to work closer to where they live. He said that was one of the goals originally to provide 50% of the jobs locally for our citizens. He said so often we go along and change zoning from commercial to residential and we don’t change to keep the balance up anyplace else. He said our inventory is out of date, it’s from the 80’s and needs to be brought up to date and you need to know your numbers, so when you make a decision to change from commercial to residential you’re not creating an imbalance that is going to make it worse for the citizens of this town. He said you need to look at part 1 of the comprehensive planning and revise it, it has not been revised since we originally adopted it in 1977. He said we need to stop ignoring it, step up and correct it.

Peter De Paoli stated he is the pastor of Rushing Wind Fellowship and said they are the displaced church out of the YMCA from the decisions that have been made. He said he appreciates that Mayor Clark came and talked to the ministers on Thursday and said she spoke of being a problem solver. He said he wanted to bring forward a few problems to see if there were solutions. He said he is concerned because across the street at the arts building there is a 501c3 coffee shop that is affiliated with a church and that is a City building and yet we are in the YMCA, which is also a City building but we are no longer able to meet there. He said it was mentioned to have the ministers go to the police station to meet there, as they were also asked to leave, but this is also a City run building. He said he is confused about it being ok to meet there but not at the YMCA. He said he is on the Board at the YMCA and the agreement he read in



Section 6, states: this facility is to be used and operated only as a full branch of the operator, which is the YMCA, continuously through the term of the agreement for the purpose of providing a public benefit for the residents of the City and surrounding area, including social and recreational health and fitness. He said he is wondering if they are of a social benefit to the community? He referred to the Christian mission of the YMCA and said it says they are to have Christian principles of love, respect, honesty, responsibility and service into the practice through the programs that build a healthy spirit, mind and body, and not just an exercise facility. He said he thinks we do that to and this was a concern of his that they add to this. He said in Section 6 of the agreement it says the Y, the operator, is to have full control over all programs in there. He said he believes they meet the purpose and mission of the YMCA and is aware that other churches are meeting at Y's around the country. He said he is confused and would like to see if there is a solution to this. He said he doesn't think when the YMCA was asked to be the operator of the building, it was just for physical fitness, it's a full orb, a hub of the community and he sees them as a part of that. He referred to a church and free speech and said is this part of free speech and said he knows free speech extends to the City and allowing religious groups equal access to renting facilities just like anybody else that is willing to rent. He asked what's the solution and said he did not want to see Sherwood's not being able to be spelled with a C.

Mayor Clark asked City Manager Gall to comment. Mr. Gall stated there were a number of sections that were cited that are the wrong sections of the contract, Section 33 of the contract is the section that has been interpreted that is currently out of line. He said this is with the consultation of the City Attorney. He said this church never got permission, went through the process to get permission to use that space. He said they have been in there for over a year, the City owns the building and the YMCA has been collecting a monthly fee and they don't own the building. He said we have issues with the contract.

Councilor Harris confirmed this church was leasing from the tenant and not the owner. Mr. Gall replied that is correct.

Mr. Gall said we have a situation and we are working with the Y. He said Mr. De Paoli should have contacted him instead of coming here and he, along with the City Attorney would be happy to explain why the contract does not allow the use as it currently exists, that includes the small number of users. He referred to a letter that details 3-4 groups that under the current contract, are not allowed. He said we would like to fix this with the YMCA.

Councilor Harris asked Mr. Gall to clarify if this is because they are Christian. Mr. Gall stated is has nothing to do with religion, it's about Section 33 of the contract. He asked City Attorney Soper to comment as this was his interpretation as City Attorney in terms of looking at the contract.

City Attorney Soper stated, Section 6 that the gentlemen was discussing, the general provision in the contract and a general rule in interpreting contracts is the more specific provision is the controlling provision. He said in this case, the more specific provision is Section 33, which governs the uses of the facility by entities other than the YMCA themselves. He said under the guidelines in that section, it is clear that the uses of the facility have to be, social, recreational, health and fitness programs, but they also have to be for the general purpose of providing a community recreation center. He said the determination we made was based on whether these uses are consistent with a recreation center. He said there are a number of uses we determined were not recreation center type uses, some of those uses were by religious groups and at least one was not. He said it had nothing to do with the groups that were using the facility, if they were religious groups or not.

Mayor Clark thanked staff for the clarification and said staff can get back to Mr. De Paoli on his questions.

Mayor Clark stated she has one more citizen comment on an agenda item and as the Council does not take comments on agenda items, she is more than happy to accept comments but will take them after the Council deliberates.

Mayor Clark addressed the next agenda item.

## **9. NEW BUSINESS:**

### **A. Resolution 2015-081 Approving amendments to City Council Rules pertaining to Agenda Headings**

City Manager Gall stated if the Council was to pass this resolution it would amend the Council Rules. He said the Council Rules currently defines your order of business. He said the major topics on the agenda are outlined in the Council Rules and in order to modify those or add an item, the Council would need to change their rules and this is done through a resolution. He said this is a request that Mayor Clark made and she would like to have the Council consider adding an invocation at the beginning of regular business meetings. He said he will let the Mayor explain her rationale for this and City Attorney Soper is prepared to speak on the legality of invocations at public meetings. He said there was a 2014 US Supreme Court case that dealt with this that Councilors may have questions on.

Mayor Clark stated she asked for the invocation to be added, not for the reasons she has heard in social media of being reactionary. She said she is glad that the Reverend came forward to discuss some of the issues we have been having with the use of the YMCA facility, which has an operating agreement, as it is a City building. She said it has a different function than all of our other City buildings that are run by the City. She said all of our City buildings are open to all, but the YMCA has an operating agreement. She said one cannot work out at the YMCA unless you have a membership and pay the YMCA. She said when we found out the YMCA was subleasing to a church, which did not fit, then a bunch of other groups who also did not fit the use, some Christian some not, she received a lot of calls from ministers and they asked what was going on. She stated they said they felt displaced and she then met with the ministers group and got a strong feeling that there was a disconnect. She said she felt it was time to honor all groups and to bring brevity to Council that we have enjoyed since she was sworn in, which she doesn't believe is because of her. She said we have had respect at the Council and she would like to keep that going and would like to keep the Council as a place where people can come up to the mic and give testimony about what they feel about any subject. She said she wants the Council to be a place where everybody is welcome and a place of calm discussion. She said she has been known to say it is 100% possible to disagree without being disagreeable. She said she thinks an invocation can provide that. She said this is not a religious indictment, and said she reached out to other mayors and spoke of the disconnect and the minister group being upset that they are moving from one location and we have an equally comfortable location, (Police department, Fire department, Library, Center for the Arts, Senior Center) that they can meet and pray and talk about issues in Sherwood and serve their community. She asked why there is such a great response to that and why there is an uprising of onward Christian soldiers. She said she wants everyone to take a breath before we talk about things and say we are here to build community, here for everybody. She said the Mayor from Redmond told her they have had an invocation for a very long time. She said it gives everybody an opportunity to be involved in the Council in

a way that can be fun. She said it's something where you can have a moment to bring something forward and have everybody think about. She said you can read from the reader's digest if you want. She said City Attorney Soper provided information from 2014 that this issue was talked about and it was talked about because invocations are done at the state legislator, at the state senate, it's done in many bodies of government. She said in the US Supreme Court in the town of Greece v. Galloway it states, "*lends gravity to public business, reminds lawmakers to transcend petty differences in pursuit of higher purpose, and expresses a common aspiration to a just and peaceful society.*" She said isn't that what we are here for? She said she has always said, from her first address as Mayor, we are going to talk about stuff and talk about stuff that is uncomfortable at times. She said it might make people uncomfortable sometimes, but doesn't mean we run each other down the rail or to become ugly about it. She said we can simply state, it is a great option, this is how I feel and what I believe, and be respectful about it. She said she thinks personally that an invocation can be a reminder of that. She said we are all here for everybody, because we love Sherwood and a lot of the emotion comes out because of that. She said she thinks a moment of silence, which is another option, will reflect on that. She said we are lucky to be here in this town, in the US and have the option to come together and make great policy to move the City forward and this is why she brought this forward.

She said the Council will be discussing their Council Rules in the future as there is room to work on the rules. She said they will be talking about the rules in January at the Council retreat. She said this was something extra, not to appease, as she is not interested in appeasing people, she is interested in including people.

Councilor Harris said she likes the language, "*lends gravity to public business, reminds lawmakers to transcend petty differences in pursuit of higher purpose, and expresses a common aspiration to a just and peaceful society*", and said she thinks we should just read this comment for every Council meeting.

Mayor Clark agreed with the idea.

Councilor Kuiper said in the interest of all that is good, invoking good feelings, calm and mutual respect, she likes the idea of a positive word or maybe a quote of interest could be presented. She said she would be in favor of this. She said even the quote as previously mentioned, or a quote from a famous or thoughtful person.

Councilor Harris stated she is a strong believer of separation of church and state, and is having a difficult time with this. She said she considers herself a Christian and thinks the idea of it could be a nice idea, but it's not the right place and she is not opposed to a moment of silence and if someone chooses to pray they could do that. She said she would not be opposed to this or a thought of affirmation. She said she is not 100% comfortable with a prayer before a meeting.

Councilor Kuiper stated she is uncomfortable with the language and definition of "invocation" and said she is also a big believer of separation of church and state. She said, but, looking at another option that would provide the same effect, before a meeting begins and having an affirmation or positive quote would result in the same.

Mayor Clark stated the division between church and state is "the church", and said in this description under 3.b (referring to Exhibit 2 of staff report), it is stated very clearly, "*the invocation shall not be used to proselytize or advance anyone, or to disparage any other, faith or belief.*"

City Attorney Soper stated “invocation” is just a word that has traditionally been used for this, and believes Congress, the Legislature and the Supreme Court used it in this case. He said there is no reason we couldn’t use a different term if the Council prefers. He said he is aware that some definitions of invocations have some type of religious meaning. He said if you look at different dictionaries and definitions, there are many that don’t involve religious affiliation with the term. He read from Marion Webster’s Dictionary, “*the act or process of petitioning for help or support*”, and “*a prayer in treaty*” are two definitions.

Councilor Henderson asked if a script is used in Salem, or if they randomly invite somebody to come and give the invocation.

Mr. Soper stated he did not know what procedure was used. Mayor Clark replied she has been to swearing in’s and has never seen a script.

Councilor Harris stated some of the Council members were in Bend at a conference and they started out with an invocation and she was immediately on guard as she felt it was a government meeting and it should not have been there. She said the room had 500+ people, and a pastor from Hillsboro gave the invocation and she was great. She said the invocation consisted of, “I wish you well, I hope that everyone makes good choices and comes up with wonderful ideas and we could really use a little rain, enjoy your meeting”. She said we can’t guarantee that this will happen in this situation, but if that was the parameters we set, she would be fine with that. Councilor Harris said the speaker was a pastor and her job was irrelevant to her, but what was said was uplifting and started the meeting off on the right foot. She said this is not what she is concerned about, there are a lot of other areas one could be concerned about, it’s the people that are trying to forward their church or their cause, whether it’s a good cause or not. She asked, how would that work, can we stop them in the middle of their invocation?

City Attorney Soper said prior to the Supreme Court case, there were a lot of entities that had invocations that had a guideline that said, it must be a non-sectarian invocation and the idea there was that this was going to avoid some of the first amendment establishment of religion issues. He said the Supreme Court said this actually does the opposite, that you’re controlling what people are allowed to say in their invocations. He said instead, what they say is, if you have a Christian minister get up, they can deliver a Christian prayer and others can deliver a prayer that is consistent with their religion, and if you have someone that is not religious, they can deliver a statement that has no religious affiliation. He said the City Council should not be policing the content of the speech to that degree.

Councilor Harris asked how does that work if somebody tries to use it as their soapbox? Mr. Soper replied if it gets to the point that they are proselytizing or attacking other religious groups, then he believes we would just not invite them to come back.

Mayor Clark stated she thinks it would probably work similar to our public comments, that one is allowed to publically comment about whatever they want. She said she is guessing there would be parameters about how much time is allowed for the invocation. City Attorney Soper said, the language states, “brief comments.”

Mayor Clark stated she does not like the idea of exclusivity and said we have exclusiveness types of things that make people feel detached from one another. She said it would be great if everyone felt

welcome here. She said Estacada just began doing this as well as Bandon and Redmond. She said this is something that is occurring in cities around us in Oregon and appears to be working well. She said she spoke with the Redmond Mayor and they have been doing this for years and said all different types of groups have come in and it has been great, interesting and fun to see different perspectives.

Council President Robinson stated as a lawyer in the room, she strongly believes in separation of church and state and thinks that this violates that concept for her. She said she thinks an invocation is most notably associated with religion and her concern is that we offend some people and it may actually do the opposite of what the Mayor is trying to do. She said she sees some issues with the guidelines that are recommended which also contributes to her interpretation, that this is religion based, and that is, by the City reaching out to local faith communities. She said a short moment of silence in most people's minds has been associated with religion or prayer. She said she thinks at this time she is not inclined to support a resolution of this nature, however she would like to reconsider the issue when we do a Council retreat in January and talk more of the revisions to our Council Rules and adopt maybe some different things that we can do in our meetings. She said most notably for her she is thinking of her experience with Rotary, here in town, where we have a thought of the day, and that thought of the day is nowhere near any religious connotation at all. She confirmed with City Manager Gall that this is still done. She said it is nice and it doesn't violate the concept that she is concerned about.

City Manager Gall stated it's a very nice part and starts off their rotary meetings. He said they have a rotation process and it's amazing that you always learn something.

Councilor King said he would like some time to think about it and asked if the Council can address this at their next meeting after having a few weeks to think about it.

Mayor Clark said she did not have a problem with that and is always open to giving people time. She asked the Council how they feel. She confirmed with staff that the Council did not need to act on the resolution tonight and she was fine with this discussion being the first Council discussion on the issue.

Councilor Harris agreed with the idea and said personally the agenda title did not lead her to believe what it really was and she had to drill down into the packet to understand what they were talking about and believes this could be true for some of our citizens. Council comments were received about allowing more time to talk about it.

City Manager Gall said the Council's next business meeting is November 17 and said the Council will probably not have a business meeting on November 3. Mayor Clark said this gives the Council a bit of time.

Councilor Henderson said she has her own thoughts and said the Council can table the resolution and revisit it this year or during the Goal Setting Session. Mayor Clark was in agreement to table and asked to receive public comments.

Sean Garland Sherwood resident came forward and said he is against this and believes it's an unnecessary solution to a nonexistent problem. He said he sent an email to the Council earlier today and Mayor Clark responded. He said quoting from the US Supreme Court decision, "lends gravity to public business and reminds lawmakers to transcend petty differences." He said he doesn't see this as being a problem with this Council right now. He said he has attended a fair amount of Council meeting since this

new Council and thinks the Council is doing great. He said in comparison to the last Council, the civility on this Council, considering that he knows there are personal differences amongst the Council members, he thinks they are doing great. He said he is not sure why this would be brought to the Council and asked if there is a thought to bring this to other public boards as well. He said he is a member of the Police Advisory Board and said they don't have any type of civility issues and said they actually have a minister on the board and religion has not been mentioned once in their meetings. He commented regarding a quote from the Mayor in her response to his email, that she is dedicated to making sure that *everyone feels welcome and a part of our great City of Sherwood and tolerance of others we believe would be a giant step forward towards that goal*. He said he agrees with this and doesn't see this as being a problem. He said if you can't promote cooperation and work towards a common goal without having an invocation as part of the City Council meeting then maybe the City Council isn't the best place for you, if that invocation is required. He commented regarding feeling welcomed and said we have a packed house and have had people young and old come up without hesitation. He said in his conversations with citizens, they are not comfortable coming here to speak on this topic and don't feel comfortable expressing their views on religion. He said we will all agree that religion is a divisive topic. He said he is an atheist and is not shy about this and is a nice guy. He said he doesn't have a religious belief but this doesn't mean that he is against religious beliefs. He commented regarding not minding if Council members pray at home or in a conference room before, but where he does have an issue is when he feels that religion creeps into schools and government and this feels like it is getting close. He referred to comments made by Council President Robinson about reaching out to civic leaders. He commented regarding inclusivity and all of us being together here, but not all being religious. He said talking about inclusivity, the Council will exclude a few people by adding an invocation. He commented regarding the disconnect that is being felt from the ministers, he said they have a place to connect with people, they have churches.

Mayor Clark confirmed with Councilor Brouse that she was fine holding her comments until the Council brought back the discussion. Mayor Clark said the Council is tabling it and made the following motion.

**MOTION: FROM MAYOR CLARK TO TABLE RESOLUTION 2015-081 TO A DATE UNCERTAIN, SECONDED BY COUNCILOR HARRIS. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.**

## 10. CITY MANAGER REPORT

City Manager Gall stated he did not have a report and offered to answer Council questions.

Mayor Clark addressed the next agenda item.

## 11. COUNCIL ANNOUNCEMENTS

Councilor King reported Sherwood Main Street was putting on a Halloween event on Saturday the 31 and it starts at 3 pm in Sherwood Old Town. He said we have the November election coming up and stated his opinion is noted in the Archer, voting for the expansion. He referred to associations in the City (HOA's) and said to send him an email.

*Record Note: Councilor King left the meeting at 10:00 pm.*

Mayor Clark said she has a Sherwood Mayor's face book page, Sherwoodmayorkrisannaclark, and said she posts everything she is working on and doing and encouraged people to like her page. She reported

the Chamber of Commerce had an awesome Onion Festival and many Councilors served. She thanked the many people that worked very hard during this event.

She reported she and three Councilors (Harris, Kuiper and Brouse) attended the League of Oregon Cities Conference in Bend and said it was fabulous. She briefly reported on the conference events. She reported last weekend was the Washington County Open Arts Studio and said we have three great artists in Sherwood that were highlighted and said this is a testament to the talent and visual arts talent we have in Sherwood. She said she will be leaving to attend the Emerging Leaders Conference at Edgefield and will be attending the National League of Cities Conference in Nashville. She reminded everyone that November 3 is Election Day and encouraged people to vote.

Councilor Harris reported the Library Levy is on the ballot and said 21% of our library budget comes from the levy and encouraged people to vote. She reported Trick or Treating as mentioned by Councilor King will be in Old Town. She reported on library-scheduled events. She reported the Library had for the 2015 fiscal year 251,536 total visits, over 3000 open public hours, 367,124 check-outs including digital check-outs. She reported regarding volunteers and said over 2294 total hours were volunteered and said this boosted the library workforce by 1.2 FTE. She said there were over 467 programs done at the library and all these numbers are on target to increase. She reported on events at the Arts Center and said the first term of arts classes are underway, and the average cost per class is \$50 and said the new course catalog is expected to come out mid-December for winter and spring classes. She reported on the VPA Peter Pan event that had over 1400 people in attendance at four separate performances. She reported the Arts Center is booked on weekends through February with the exception of 3-4 weekends. She commended the Center's staff for working on the booked events. She reported on upcoming events at the Arts Center.

Mayor Clark added she attended a Career Day at Middleton Elementary and Governor Robert's was there as the main speaker. She shared a story of a communicating she received from a dad regarding his daughter.

Councilor Kuiper reported the official opening of the new Dog Park is Saturday November 14. She reported November 11 is a Veteran's Day Ceremony at the Arts Center with Mayor Clark and Senator Thatcher scheduled to speak. She reported on the Halloween event on Old Town and said there will also be games starting at 3 pm.

Council President Robinson reported that at the recent Planning Commission meeting they approved a new high school construction project, the building of a new home in Old Town. She said the location is near the roundabout and said the students are already working on the project. She reported the next planning commission meeting is October 27 and is a work session to discuss industrial land use classifications.

Councilor Henderson stated last week she attended the Community Development Block Grant Policy Advisory Board Meeting at the North Plains Senior Center. She reported they are getting ready to receive applications for a number of programs and capital projects. She said Sherwood will be hosting next month's meeting at the Sherwood Center for the Arts, with a scheduled tour to help promote the center. She reported on the Coloring between the Wines event, the history, and its organizers.

Councilor Brouse reported on the recent Sherwood School District Board meeting and said there are three vacancies on their budget committee. She said they adopted their Strategic Plan for 2015-2016 and

it is available on their website. She said November 4 they will have a work session to discuss capacity issues. She reported she attended the Water Consortium meeting and they will be adopting their budget at their next meeting. She said October 24 at Red Robin is the Fall Tip a Cop event and said the Sherwood Chamber has a new website.

Julia Hajduk reminded the Council there is a Sherwood West Open House this coming Thursday at the Arts Center.

Mayor Clark asked for a motion to adjourn.

## 12. ADJOURN

**MOTION: FROM COUNCILOR HARRIS TO ADJOURN, SECONDED BY MAYOR CLARK. MOTION PASSED 6:0, ALL PRESENT VOTED IN FAVOR (COUNCILOR BROUSE VIA CONFERENCE CALL). COUNCILOR KING WAS ABSENT.**

Mayor Clark adjourned the meeting at 10:17 pm.

Submitted by:

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Sylvia Murphy, MMC, City Recorder

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Krisanna Clark, Mayor



**SHERWOOD CITY COUNCIL MEETING MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**November 3, 2015**

**WORK SESSION**

1. **CALL TO ORDER:** Council President Robinson called the meeting to order at 5:35 pm.
2. **COUNCIL PRESENT:** Council President Sally Robinson, Councilors Linda Henderson, Jennifer Kuiper, Jennifer Harris, Renee Brouse and Dan King. Mayor Krisanna Clark was absent.
3. **STAFF PRESENT:** City Manager Joe Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Community Development Director Julia Hajduk, and City Recorder Sylvia Murphy.
4. **TOPICS:**

**A. Trimet New Route, Line 97 Alternatives**

Community Development Director Julia Hajduk provided a handout to the Council (see record, Exhibit A). Julia informed the Council the exhibit had an error in the bus stop locations. Discussion followed regarding current Trimet bus routes for lines 97, 93 and 94. The Council discussed current bus stops, bus layover locations, and park & ride locations. Staff to schedule a future Council meeting with Tom Mills from Trimet to answer Council questions and discuss alternate routes in detail.

**B. Transient Tax Options**

City Attorney Josh Soper presented information to the Council on Transient Lodging Tax (see record, Exhibit B). Josh explained the following:

A Transient Lodging Tax (TLT) is also known as a transient occupancy tax, transient room tax, or a hotel tax. It is paid by hotel guests as a percentage added to their room rate and is collected by hotel operators and remitted to the government imposing the tax, less a "collection reimbursement charge" to cover the costs of collecting the tax. He said the state has a statewide 1% TLT, but that is different from this TLT. He said local governments (counties and cities) can also impose TLTs.

Josh explained state laws and said this is governed by ORS 320.345, which sets a minimum 5% collection reimbursement charge. He said it requires that revenue from all TLTs imposed after July 1, 2003 be used as follows: Minimum 70% for tourism-related purposes and a maximum 30% to City/County general funds. He explained tourism related purposes included spending on tourism promotion and tourism related facilities, where a substantial purpose is to draw visitors who either travel 50 miles or more or spend the night in a community other than their community of residence. He said preexisting TLTs are grandfathered with regard to the use of restrictions.

Josh explained the Washington County Code and said the County has a partially grandfathered TLT at 9%, County Code Chapter 3.08, which applies throughout the County, including inside cities. He said it has been raised since 2003, but only the additional amounts are subject to the 70% for-tourism rule. He said the County Code allows for sharing the revenue with cities if a City agrees not to impose its own

TLT via an IGA with the County, then the County will remit to the City a percentage of its tax revenue from hotels located within the City. He said Sherwood and County entered into an IGA in 2001 and the rate at that time was 7%. He said the City can terminate the IGA with 30 days written notice. He informed the Council the cities of Beaverton, Hillsboro, Tualatin, Tigard and Forest Grove all have TLT IGAs with the County. He explained a table showing the total County TLT per City and the cities shares.

Josh explained the City has two options:

**Option 1:** Continue under the revenue sharing agreement with Washington County (and amend the IGA to the new 9% rate)

- Under Option 1:
- The County controls how the tourism-dedicated dollars are spent
- The City doesn't have to do much—the County administers the program and remits the funds owed to the City

**Option 2:** Terminate the IGA and impose a City TLT

- Under Option 2 (City Tax):
- The City's TLT would be in addition to the County's (hotel guests would pay both)
- But, the City would only receive revenue from its own TLT; the County would no longer share a portion of its TLT revenue with the City
- 70% of net of the City's TLT would need to be spent on tourism, but the City would control how it was spent
- The remaining 30% could be put in the general fund
- The City would need to administer its own TLT program

Discussion followed and Josh explained possible scenarios for each option as well as pros and cons. The Council consensus was in favor of Option 1 and staff will work on preparing an amended IGA for Council consideration.

### **C. Review of City Recorder Performance Evaluation Criteria**

City Attorney Soper presented current performance evaluation criteria for the City Recorder adopted in 2009 (see record, Exhibit C). He informed the Council changes to the criteria would need to be adopted by the Council via resolution. Discussion followed regarding evaluation procedures for the City Recorder to be consistent with the process recently conducted for the City Managers performance evaluation, including receiving feedback from the senior management group. The Council did not request changes to the evaluation criteria adopted in 2009.

## **5. ADJOURN:**

Council President Robinson adjourned the work session at 6:34 pm.

Submitted by:

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Sylvia Murphy, MMC, City Recorder

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Krisanna Clark, Mayor

**Council Meeting Date:** November 17, 2015

**Agenda Item:** Consent Agenda

**TO:** Sherwood City Council

**FROM:** Adrienne Doman Calkins, Library Manager  
**Through:** Kristen Switzer, Community Services Director and Joseph Gall, ICMA-CM, City Manager

**SUBJECT: Resolution 2015-082, Appointing Joyce Venjohn to the Library Advisory Board**

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**ISSUE:**

Should the City Council appoint Joyce Venjohn to the Library Advisory Board?

**BACKGROUND:**

The Library Advisory Board currently has one open position, vacated by Conrad Thomason, who resigned five months early after serving nearly two full 4-year terms. Since the Board conducted interviews recently for a prior vacancy this summer and have a qualified and enthusiastic candidate still interested, Council Liaison Jennifer Harris, Library Advisory Board Chair Christine McLaughlin, with assistance of staff, are recommending Joyce Venjohn for appointment. Venjohn has extensive professional and non-profit experience, a long-standing member of the Sherwood Book Group, and is interested in connecting Sherwood Public Library services with the Senior Center.

According to Chapter 2.12 of the Sherwood Municipal Code, members of the Library Advisory Board shall be appointed by the Mayor with consent of the City Council.

**RECOMMENDATION:**

Staff respectfully recommends adoption of Resolution 2015-082, appointing Joyce Venjohn to the Library Advisory Board.



**RESOLUTION 2015-082**

**APPOINTING JOYCE VENJOHN TO THE LIBRARY ADVISORY BOARD**

**WHEREAS**, there is currently one seat vacant for a member of the Library Advisory Board due to the resignation of Conrad Thomason prior to his term expiring; and

**WHEREAS**, Joyce Venjohn has applied for the Library Advisory Board; and

**WHEREAS**, the applicant has been endorsed by the Council liaison, Board chairperson and staff liaison and by the Mayor; and

**WHEREAS**, Joyce Venjohn currently resides in Sherwood, has professional, non-profit and book group experience, and is interested in connecting Sherwood Public Library to the Senior Center.

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

**Section 1.** Joyce Venjohn is hereby appointed to the Library Advisory Board for a four year term beginning November 2015 and ending November 2019.

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

**Duly passed by the City Council this 17<sup>th</sup> day of November 2015.**

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

Attest:

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

**Council Meeting Date:** November 17, 2015

**Agenda Item:** Consent Agenda

**TO:** Sherwood City Council

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

**SUBJECT: Resolution 2015-083 Reappointing Amanda Stanaway to the Cultural Arts Commission**

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**ISSUE:**

Should the City Council reappoint Amanda Stanaway to the Cultural Arts Commission?

**BACKGROUND:**

Amanda Stanaway was appointed to the Cultural Arts Commission by Resolution 2013-012 and has served one 2 year term. The Cultural Arts Commission currently has 2 vacancies and Amanda Stanaway has requested reappointment.

Council Liaison Jennifer Harris and the Chair of the Cultural Arts Commission Vicki Poppen, with assistance from staff, are recommending Amanda Stanaway for reappointment.

According to Chapter 2.08.010 of the Sherwood Municipal Code, members of the Cultural Arts Commission shall be appointed by the Mayor with consent of the City Council for a two year term.

**RECOMMENDATION:**

Staff respectfully requests adoption of Resolution 2015-083 reappointing Amanda Stanaway to the Cultural Arts Commission.



**RESOLUTION 2015-083**

**REAPPOINTING AMANDA STANAWAY TO THE CULTURAL ARTS COMMISSION**

**WHEREAS**, Amanda Stanaway was appointed to the Cultural Arts Commission by Resolution 2013-012;

**WHEREAS**, the Cultural Arts Commission currently has vacancies and Amanda Stanaway has requested reappointment; and

**WHEREAS**, Council Liaison Jennifer Harris and the Chair of the Cultural Arts Commission Vicki Poppen, with assistance from staff, are recommending Amanda Stanaway for reappointment; and

**WHEREAS**, according to Chapter 2.08.010 of the Sherwood Municipal Code, members of the Cultural Arts Commission shall be appointed by the Mayor with consent of the City Council for a two year term.

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

**Section 1.** The Mayor is authorized to reappoint Amanda Stanaway to a two year term, expiring December 2017.

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

**Duly passed by the City Council this 17<sup>th</sup> day of November 2015.**

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

Attest:

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

**TO:** Sherwood City Council

**FROM:** Josh Soper, City Attorney

**SUBJECT:** Resolution 2015-084, completing the annual performance evaluation of the City Manager for the City of Sherwood

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**Issue:**

Shall the City Council approve Resolution 2015-084, completing the annual performance evaluation of the City Manager for the City of Sherwood?

**Background:**

The City Council met with the City Manager in Executive Session on October 20, 2015 to conduct the annual performance evaluation of the City Manager required under the City Manager's employment contract. The purpose of this resolution is to complete that evaluation process by summarizing and memorializing the results of the evaluation.

**Financial Impacts:**

There is no financial impact directly related to adopting this resolution and completing the evaluation process. A separate agenda item proposes an increase in the City Manager's compensation related to his performance evaluation; however, approval of this agenda item does not require approval of the other.

**Recommendation:**

Staff respectfully recommends adoption of Resolution 2015-084, completing the annual performance evaluation of the City Manager for the City of Sherwood.



**RESOLUTION 2015-084**

**COMPLETING THE ANNUAL PERFORMANCE EVALUATION OF THE  
CITY MANAGER FOR THE CITY OF SHERWOOD**

**WHEREAS**, the City Council has conducted the annual performance evaluation for the City Manager for 2015, the results of which are attached as Exhibit A; and

**WHEREAS**, Council wishes to formally approve the final evaluation form to conclude the evaluation process.

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

**Section 1.** The Sherwood City Council hereby approves the final 2015 Performance Evaluation for the City Manager as contained in the attached Exhibit A.

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

**Duly passed by the City Council this 17<sup>th</sup> day of November, 2015.**

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

Attest:

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



## EXHIBIT A

### CITY OF SHERWOOD CITY MANAGER EVALUATION COUNCIL NUMERICAL RATING AVERAGES November 17, 2015

#### Rating Scale (1-5):

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

#### CITY COUNCIL RELATIONSHIPS

- |  |      |
|--|------|
| 1. Effectively implements policies and programs approved by City Council   | 3.29 |
| 2. Reporting to City Council is timely, clear, concise and thorough  | 3.43 |
| 3. Accepts direction and instructions in a positive manner   | 3.57 |
| 4. Effectively aids City Council in establishing long range goals  | 3.00 |
| 5. Keeps City Council informed of current plans and activities of administration and new developments in technology, legislation, governmental practices and regulations, etc. | 3.71 |
| 6. Provides City Council with clear reports of anticipated issues that could come before the City Council  | 3.29 |
| 7. Assists City Council in resolving problems at the administrative level to avoid unnecessary Council action  | 3.14 |
| 8. Council agenda packet preparation is thorough and timely  | 3.43 |
| 9. Participates in City Council discussions and makes recommendations where appropriate, but allows Council to make policy decisions without exerting undue pressure           | 3.57 |

#### COMMUNITY AND PUBLIC RELATIONS

- |  |      |
|--|------|
| 1. Represents City with positive outlook and image                                     | 3.71 |
| 2. Is courteous to the public at all times   | 4.14 |
| 3. Seeks to use criticism of self or City in positive ways                             | 3.29 |
| 4. Maintains effective relations with media representatives                            | 3.33 |
| 5. Available and visible to citizens   | 3.86 |
| 6. Open to suggestions from the public concerning improvements in services             | 3.43 |
| 7. Resolves citizen complaints consistent with Council policy in a timely manner       | 3.67 |
| 8. Open and honest with citizens   | 3.57 |
| 9. Development of community correspondence and events to inform and involve the public | 3.33 |

#### EFFECTIVE LEADERSHIP OF STAFF

- |  |      |
|--|------|
| 1. Encourages Department Directors to make decisions within their own jurisdiction without City Manager approval, yet maintains general control of administrative operations       | 3.50 |
| 2. Instills confidence and initiative in subordinates and emphasizes support rather than restrictive controls for their programs   | 3.00 |
| 3. Provides clear expectations and assignments, with deadlines, for Department Directors and holds them accountable  | 3.17 |
| 4. Has developed a friendly and informal relationship with the workforce as a whole, yet maintains the prestige and dignity of the City Manager office                             | 3.43 |
| 5. Recruits and retains competent personnel for City positions   | 3.71 |
| 6. Provides an overall environment that encourages good employee morale, lessens employee turnover, and creates employee satisfaction in ability to participate in decision-making | 3.57 |

#### FISCAL MANAGEMENT

- |   |      |
|---|------|
| 1. Prepares and proposes in a timely manner a balanced, understandable and realistic budget | 3.29 |
| 2. Budget is well documented and organized to assist City Council with policy decisions     | 2.71 |

3. Seeks efficiency, economy and effectiveness in all programs	3.33
4. Controls expenditures in accordance with the approved budget	3.17
5. Keeps City Council informed about revenues and expenditures, actual and projected	2.83
6. Makes sound decisions that consider cost/benefit	2.71
7. Shows innovation in reducing expenses	3.00

### **PERSONAL TRAITS**

1. Controls emotions effectively in difficult situations	3.14
2. Is creative in developing practical solutions to problems faced in the course of work	3.33
3. Is flexible in accepting and adjusting to change	3.86
4. Demonstrates personal honesty and frankness in day-to-day relationships	3.17
5. Seeks to improve own skills and knowledge	3.86
6. Completes work in acceptable time periods	3.29
7. Anticipates problems and develops effective approaches for solving them	3.29
8. Invests sufficient efforts toward being diligent and thorough in the discharge of duties	3.29
9. Composure, appearance, and attitude fitting for an individual in his executive position	3.57

### **COMMUNICATION**

1. Written communications are clear, concise and accurate	3.43
2. Oral communications are clear, concise and expressed effectively	3.29
3. Keeps all City Councilors informed about important issues	3.33

### **DECISION MAKING**

1. Attempts to obtain all available facts prior to making a decision	3.17
2. Is objective in decision making	3.29
3. Considers possible alternatives and their consequences before making a decision	3.57
4. Ability to reach timely decisions, and initiate action, without being compulsive	3.43
5. Uses common sense, tact and diplomacy	3.71
6. Notifies all affected parties prior to implementing decisions	3.17

### **INTERGOVERNMENTAL RELATIONSHIPS**

1. Represents City to intergovernmental bodies	3.86
2. Effective communication with local, regional, state and federal government agencies	3.50
3. Financial resources (e.g. cost sharing, grants, etc.) from other organizations are pursued	3.57
4. Contributes to good government through participation in local, regional, and state committees and organizations	4.43
5. Lobbies effectively with legislators and state agencies regarding City programs and projects	3.33

**Overall Performance Rating:** Considering the results obtained against established performance standards as well as overall job performance, the following rating is provided (not an average of the above scores): 2.86

**Council Meeting Date:** November 17, 2015

**Agenda Item:** Consent Agenda

**TO:** Sherwood City Council

**FROM:** Josh Soper, City Attorney

**SUBJECT: Resolution 2015-085, adopting criteria to be used in the annual performance evaluation of the City Recorder**

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**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 Recorder's job performance and describing the process for obtaining staff assessment of the City Recorder's performance?

**Background:**

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

The documents are based on the documents adopted by the City Council for the same purpose in 2009, but are brought in closer alignment with the documents adopted by the City Council in 2015 for the purpose of evaluating the City Manager. The City Council held a work session on November 3, 2015, at which these changes were discussed. Staff has made the requested changes and now presents these documents for approval by the City Council.

**Financial Implications:**

No direct financial implications.

**Recommendation:**

Staff respectfully recommends that the City Council adopt Resolution 2015-085, adopting criteria to be used in the annual performance evaluation of the City Recorder.



**RESOLUTION 2015-085**

**ADOPTING CRITERIA TO BE USED IN THE ANNUAL PERFORMANCE EVALUATION OF THE CITY RECORDER**

**WHEREAS**, the Sherwood City Council wishes to adopt a set of criteria to assist it and the City Recorder in evaluating the City Recorder’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 Recorder to obtain input from senior staff concerning their perceptions of the City Recorder’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 Recorder’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 Recorder’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 17<sup>th</sup> day of November, 2015.**

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

Attest:

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

## EXHIBIT A



### **CITY OF SHERWOOD PERFORMANCE EVALUATION CITY RECORDER**

#### **PURPOSE**

The purpose of the City Recorder's employee performance evaluation is to ensure communication between the City Council and City Recorder concerning the City Recorder'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 Recorder'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 self-evaluation from the City Recorder.
2. Each Council member will complete the form 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 Recorder's self-evaluation are then distributed to the Council members when they meet with the Recorder in executive session to review the evaluation unless the Recorder requests the review be done in open session.

#### **INSTRUCTIONS**

Review the City Recorder'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.

## EXHIBIT A

### CITY RECORDER PERFORMANCE EVALUATION

#### 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.

## EXHIBIT A

### **City Recorder Profile**

1. Exhibits professionalism, integrity, high ethical standards
2. Approachable, positive, motivated self starter
3. Receptive to new ideas and change, exhibits follow through
4. Takes innovative realistic approach to problem solving, decision making and goal achievement
5. Communicates clearly and effectively verbally and in writing
6. Strives for continued professional growth and development

### **Performance Skills, Knowledge and Responsibilities**

1. Serves as City Elections Official
2. Serves as Custodian of City Records
3. Serves as a member of the City's Senior Management Team
4. Responsible for production of City Council meeting materials, public noticing as required by City and State laws, coordination of professional public meetings
5. Manages Municipal Code, responsible for codification of City Ordinances
6. Strong overall knowledge of City process, City Code and governing policies
7. Supports Council approved policies and programs
8. Reports to Council on a regular basis, accepts directions and instructions
9. Prepares department budget, exercises fiscal responsibility
10. Effectively handles citizens communications, complaints and issues
11. Promotes transparency of City Council and public information
12. Educates public on City processes and policies
13. Promotes positive City image
14. Maintains contact and good working relationship with community groups, other government entities and media representatives
15. Attends all Council meetings unless excused by the Mayor and City Council
16. Administers and enforces adopted legislation
17. Continually strives to create programs that create healthy community relationships
18. Performs all administrative functions for the City Council and other duties as assigned.

**TO:** Sherwood City Council

**FROM:** Josh Soper, City Attorney

**SUBJECT: Resolution 2015-086, amending the employment contract with the City Manager and providing an increase in compensation**

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**Issue:**

Shall the City Council approve an amendment to the employment contract between the City Manager and the City of Sherwood, and an increase in compensation for the City Manager?

**Background:**

The City Council met with the City Manager in Executive Session on October 20, 2015 to conduct the annual performance evaluation of the City Manager required under the City Manager's employment contract. The purpose of this resolution is to adopt a change to the City Manager's employment contract that was requested by the City Manager (to allow the funds currently provided to him for YMCA membership to be used more broadly for any fitness club membership), and to provide a 3.75% increase in base pay recommended by the Mayor.

**Financial Impacts:**

The change requested by the City Manager will not have any financial impact. The estimated fully loaded financial impact of the proposed increase in compensation, with an effective date of November 1, 2015, for FY2015-16 is \$3,963.

**Recommendation:**

Staff respectfully recommends adoption of Resolution 2015-086, amending the employment contract with the City Manager and providing an increase in compensation.





**RESOLUTION 2015-086**

**AMENDING THE EMPLOYMENT CONTRACT WITH THE CITY MANAGER  
AND PROVIDING AN INCREASE IN COMPENSATION**

**WHEREAS**, Joseph P. Gall (“Gall”) has been employed by the City of Sherwood (“City”) as its City Manager since 2012, and Gall and the City are parties to an employment agreement dated June 30, 2014 and effective until June 30, 2017 (“Agreement”), which Agreement was amended on June 2, 2015 to change the timing of the annual performance evaluation required under the Agreement; and

**WHEREAS**, Section III (A) of said Agreement provides that “EMPLOYEE’S salary will be reviewed in conjunction with EMPLOYEE’s yearly performance evaluation”; and

**WHEREAS**, the City Council conducted the evaluation of Gall in executive session on October 20, 2015, and the Mayor has recommended that the City provide Gall with a 3.75% increase to base pay; and

**WHEREAS**, Section III (I) of the Agreement provides that “Employee shall be paid a monthly YMCA allowance in the amount of \$52.00. Employee shall demonstrate at the beginning of each fiscal year that they have a valid YMCA membership in order to receive this benefit”; and

**WHEREAS**, Gall has requested that the Agreement be amended to allow the above-described YMCA allowance to be used more broadly for any fitness club membership;

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

**Section 1.** The Sherwood City Council hereby approves a 3.75% increase to base pay for Joseph P. Gall, effective November 1, 2015.

**Section 2.** The Sherwood City Council hereby approves Amendment No. 2 to the employment agreement between the City of Sherwood and Joseph P. Gall as shown in Exhibit A and authorizes the Mayor to execute said Amendment on behalf of the City.

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

**Duly passed by the City Council this 17<sup>th</sup> day of November, 2015.**

---

Krisanna Clark, Mayor

Attest:

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Sylvia Murphy, MMC, City Recorder

**EXHIBIT A**  
**Amendment No. 2**  
**Employment Agreement between Joseph P. Gall and the City of Sherwood, Oregon**

This Amendment No. 2 to the Employment Agreement between Joseph P. Gall and the City of Sherwood, Oregon dated June 30, 2014 and previously amended via Amendment No. 1 on June 2, 2015 (“Agreement”), is made and entered into by Joseph P. Gall and the City of Sherwood, Oregon on the date last set forth below.

The parties hereby agree to amend Section III(I) of the Agreement to replace the text of said section in its entirety to read as follows:

Fitness Club Allowance. Employee shall be paid a monthly fitness club allowance in the amount of \$52.00. Employee shall demonstrate at the beginning of each fiscal year that Employee has a valid fitness club membership in order to receive this benefit.

All other terms and conditions of the Agreement shall remain in full force and effect.

City of Sherwood

Joseph P. Gall

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

\_\_\_\_\_  
Joseph P. Gall

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**TO:** Sherwood City Council

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

**SUBJECT:** Resolution 2015-087, authorizing the City Manager to execute an IGA with Washington County for the Kruger/Elwert Intersection Project

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**Issue:**

Shall the City Council approve a Resolution authorizing the City Manager to execute an Intergovernmental Agreement (IGA) with Washington County for the design and construction of the Kruger/Elwert Intersection project?

**Background:**

In February 2012, the City requested that the Washington County Coordinating Committee (WCCC) recommend to the County Board of Commissioners that the Kruger/Elwert Intersection project be included in the MSTIP-3d project funding list. This request included several important facts:

1. The Kruger/Elwert Intersection project was (and is) identified by the City's TSP as having mobility and safety issues, and involves facilities of three separate jurisdiction agencies (State of Oregon DOT, Washington County DLUT, and the City of Sherwood).
2. The Kruger/Elwert Intersection project is listed in the City's current TSP project listing (D22, Short Term Priority), the 2035 Regional Transportation System Plan (RTP Project #10680), and the Washington County 2008 TIF Base Report in Table IV.1 – "Kruger/Elwert/Hwy99" project.
3. The construction of the intersection project will correct the operational deficiency of the existing intersection and improve traffic flow. Elwert essentially acts as a bypass route for commuter and freight traffic traveling to and from Hillsboro, Beaverton, and Tigard. The continued outlying community growth and related traffic flow increases are overloading the intersection's operational capacity and decreasing safety.
4. The importance of the project to the City and its residents is such that the City expended \$1.3 million in purchasing property necessary to locate the intersection improvements.

In July 2012, the County Board approved the MSTIP-3d list which included the Kruger/Elwert Intersection project. Since all projects on the list cannot be done at the same time, the MSTIP-3d program allocates funds over a five year period. The Kruger/Elwert project is scheduled to begin with design in FY2016-17 with construction scheduled in FY2017-18.

This project is listed on the City's 5-year Capital Improvement Project (CIP) listing, and the City is highly supportive of the project being constructed, and supports Washington County in its efforts for design and construction of the project.

Elwert runs along the boundary between the City limits and County jurisdiction, and the project area includes areas under City and County jurisdiction.

To avoid any confusion regarding authority to design and decision-making, both parties have agreed that an IGA is recommended. City staff has coordinated with Washington County staff in defining the IGA language (see attached EXHIBIT A). The IGA sets out terms under which the City and the County will cooperate in the planning, design and construction of the improvements, and provides that the City defers to the County to exercise its transportation planning authority over planning, design, and construction of the project.

**Financial Impacts:**

Funding for the design and construction of the Kruger/Elwert Intersection project is being fully funded by the Washington County MSTIP-3d funding package. The City will dedicate the property necessary for development of the road right-of-way, and the land adjacent to the existing road right-of-way has already been purchased. Other than the City staff time necessary to coordinate with Washington County on the design objectives and conditions, no other City capital improvement project funding is anticipated.

**Recommendation:**

Staff respectfully recommends adoption of Resolution 2015-087 authorizing the City Manager to execute an Intergovernmental Agreement (IGA) with Washington County for the design and construction of the Kruger/Elwert Intersection project.



## RESOLUTION 2015-087

### AUTHORIZING THE CITY MANAGER TO EXECUTE AN IGA WITH WASHINGTON COUNTY FOR THE KRUGER/ELWERT INTERSECTION PROJECT

**WHEREAS**, in February 2012, the City requested that Washington County Coordinating Committee (WCCC) recommend the Kruger/Elwert Intersection project be included in the Major Streets Transportation Improvement (MSTIP) 3d project funding list; and

**WHEREAS**, the Kruger/Elwert Intersection project was (and is) identified in the City's Transportation System Plan (TSP) as having mobility and safety issues, and involved three separate jurisdictional agencies, specifically, the State of Oregon DOT, Washington County DLUT (COUNTY), and the City of Sherwood (CITY); and

**WHEREAS**, the Kruger/Elwert Intersection project is listed in the City's current TSP projects listing (D22, Short Term Priority), the 2035 Regional Transportation System Plan (RTP Project #10680), and the Washington County 2008 TIF Base Report (Table IV.1, "Kruger/Elwert/Highway 99); and

**WHEREAS**, the construction of the intersection project will correct for identified operational deficiencies and improve traffic flow and safety; and

**WHEREAS**, the importance of the project to the community is such that the CITY expended \$1.3 million in purchasing property necessary to locate the intersection improvements; and

**WHEREAS**, the County Board of Commissioners placed the Kruger/Elwert Intersection project on the MSTIP-3d project list and allocated the necessary funding; and

**WHEREAS**, while Kruger and Elwert Roads are under the jurisdictional control of COUNTY, portions of the roads are in the city and will impact city owned property and properties within the city limits; and

**WHEREAS**, in order to ensure a clear understanding of each jurisdictions role and responsibilities in the design and construction of this project, an Intergovernmental Agreement (IGA) has been developed with input from COUNTY and CITY staff and legal counsel. (see attached EXHIBIT A).

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

**Section 1.** That the City Manager is authorized to execute the Intergovernmental Agreement (IGA) with COUNTY for the design and construction of the Kruger/Elwert Intersection project (see attached Exhibit A).

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

**Duly passed by the City Council this 17th day of November, 2015.**

---

Krisanna Clark, Mayor

Attest:

---

Sylvia Murphy, MMC, City Recorder

# **EXHIBIT A**

## **INTERGOVERNMENTAL AGREEMENT BETWEEN WASHINGTON COUNTY AND THE CITY OF SHERWOOD FOR TRANSPORTATION IMPROVEMENTS RELATED TO THE ELWERT-KRUGER INTERSECTION PROJECT**

THIS INTERGOVERNMENTAL AGREEMENT (“Agreement”) is entered into between Washington County, a political subdivision of the State of Oregon, acting by and through its elected officials, hereinafter referred to as “COUNTY”; and the City of Sherwood, a municipal corporation, acting by and through its City Council, hereinafter referred to as “CITY,” collectively referred to as the “Parties”.

### **RECITALS**

1. WHEREAS, ORS 190.010 authorizes agencies to enter into intergovernmental agreements for the performance of any or all functions and activities that a party to the agreement has the authority to perform; and
2. WHEREAS, Washington County has an approved and funded Major Streets Transportation Improvement Program (MSTIP) project to construct road improvements to and realign SW Elwert Road (a County Rural Arterial Road) and SW Kruger Road (a County Rural Local Road); and
3. WHEREAS, SW Elwert Road runs along the boundary between the CITY limits and COUNTY jurisdiction and the project area includes areas under CITY and COUNTY jurisdiction; and
4. WHEREAS, CITY recognizes COUNTY jurisdiction over COUNTY owned and operated roads and defers all decision making to COUNTY as road authority over COUNTY roads within CITY limits; and
5. WHEREAS, this project is listed as a project with committed funding in the CITY Transportation System Plan (TSP); and
6. WHEREAS, CITY has no land use process established for road improvement projects that are identified in the adopted TSP; and
7. WHEREAS, the CITY desires COUNTY to design and construct the road improvement project; and
8. WHEREAS, under such authority, it is the mutual desire of the COUNTY and CITY to enter into an Agreement to cooperate in the planning, design and construction of the improvements, with the allocation of responsibilities as detailed below.



# **EXHIBIT A**

## **AGREEMENT**

NOW, THEREFORE, the premise being in general as stated in the foregoing recitals, and in consideration of the terms, conditions and covenants as set forth below, the Parties hereto agree as follows:

### **1. PROJECT DESCRIPTION AND PROJECT PLANNING**

- 1.1 The COUNTY road project improvements will include: construction of a roundabout with connecting roadways to existing roads, road realignment and widening, curbs, sidewalks, bike lanes, street lighting, drainage, landscaping, traffic control, water quality improvements and all necessary permitting on SW Elwert Road and SW Kruger Road, hereinafter "ROAD PROJECT" as shown generally on the attached Exhibit A.
- 1.2 The CITY has no transportation land use process for County roads within City limits. The CITY expressly defers to COUNTY authority over COUNTY's own road and the land use process utilized by the COUNTY. To the extent the ROAD PROJECT is upon CITY roads or CITY property, CITY agrees that COUNTY shall be the planning authority for said roads or property. The process of implementing the COUNTY land use provisions for the road improvements for both CITY and COUNTY is hereinafter referred to as the "PROJECT LAND USE PROCESS."
- 1.3 The ROAD PROJECT and PROJECT LAND USE PROCESS are referred to herein as the "PROJECT".

### **2. COUNTY OBLIGATIONS**

- 2.1 COUNTY shall, upon execution of this Agreement, assign a Project Manager to be responsible for coordination of PROJECT with CITY.
- 2.2 COUNTY shall exercise its transportation planning authority over planning, design, and construction of the PROJECT.
- 2.3 COUNTY shall perform, or cause to be performed, all actions necessary for the design and construction of the PROJECT including project management, design and construction engineering, right-of-way acquisition, easement acquisition, regulatory and land use permits and approvals, public information, contract administration, inspection and construction management. COUNTY shall coordinate the design of, advertise for, award, and administer the construction contract for the PROJECT.
- 2.4 COUNTY shall provide CITY with the opportunity for design review of 50% design development and final plans prior to bidding. COUNTY shall conduct

# **EXHIBIT A**

comment review with CITY at the 50% design development and final plan review period. COUNTY agrees to consider CITY comments that do not significantly impact PROJECT costs and/or schedule.

## **3. CITY OBLIGATIONS**

- 3.1 CITY shall, upon execution of this Agreement, assign a city project manager to be responsible for coordination of PROJECT with COUNTY and to participate in the design process including public open houses.
- 3.2 CITY shall dedicate to COUNTY any reasonably necessary right-of-way or ancillary easements from any CITY-owned property for the ROAD PROJECT. Additionally, CITY shall grant access to COUNTY to construct the ROAD PROJECT in any applicable easements of record that were granted to (controlled by) CITY. These easements shall be provided to COUNTY at no cost to COUNTY.
- 3.3 CITY shall participate in the PROJECT LAND USE PROCESS in a manner including but not limited to, submission of written or oral testimony during the COUNTY's public hearing(s), particularly on matters related to COUNTY road authority, consistency between CITY and COUNTY land use planning and regulations, and CITY's deferral to COUNTY's transportation planning process.

## **4. COMPENSATION**

- 4.1 There will be no exchange of compensation between CITY and COUNTY for PROJECT services rendered by either party. COUNTY and CITY shall each be responsible for their own costs in carrying out their respective obligations under this Agreement.

## **5. GENERAL PROVISIONS**

### **5.1 LAWS OF OREGON**

The parties shall comply with all applicable laws and regulations regarding the handling and expenditure of public funds. This Agreement shall be construed and enforced in accordance with the laws of the State of Oregon. All relevant provisions required by ORS Chapter 279A and 279C to be included in public contracts are incorporated and made a part of this Agreement as if fully set forth herein.

# EXHIBIT A

## 5.2 DEFAULT

Time is of the essence in the performance of this Agreement. Either party shall be deemed to be in default if it fails to comply with any provisions of this Agreement. The non-defaulting party shall provide the other party with written notice of default and allow thirty (30) days within which to cure the default.

## 5.3 INDEMNIFICATION

This Agreement is for the benefit of the parties only. Each party agrees to indemnify and hold harmless the other party, and its officers, employees, and agents, from and against all claims, demands and causes of actions and suits of any kind or nature for personal injury, death or damage to property on account of or arising out of services performed, the omissions of services or in any way resulting from the negligent or wrongful acts or omissions of the indemnifying party and its officers, employees and agents. To the extent applicable, the above indemnification is subject to and shall not exceed the limits of liability of the Oregon Tort Claims Act (ORS 30.260 through 30.300). In addition, each party shall be solely responsible for any contract claims, delay damages or similar items arising from or caused by the action or inaction of the party under this Agreement.

## 5.4 MODIFICATION OF AGREEMENT

No waiver, consent, modification or change of terms of this Agreement is binding unless in writing and signed by both parties.

## 5.5 DISPUTE RESOLUTION

The parties shall attempt to informally resolve any dispute concerning any party's performance or decisions under this Agreement, or regarding the terms, conditions or meaning of this Agreement. A neutral third party may be used if the parties agree to facilitate these negotiations. In the event of an impasse in the resolution of any dispute, the issue shall be submitted to the governing bodies of both parties for a recommendation or resolution.

## 5.6 REMEDIES

Subject to the provisions in paragraph 5.5, any party may institute legal action to cure, correct or remedy any default, to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation of this Agreement. All legal actions shall be initiated in Washington County Circuit Court. The parties, by signature of their authorized representatives below, consent to the personal jurisdiction of that court.

In the event of any controversy or claim arising out of or relating to this agreement, or the breach thereof, the Parties may use all available remedies. In the event of mediation or arbitration, the costs shall be shared

## **EXHIBIT A**

equally by the Parties to the dispute. Each party shall be responsible for its own costs and attorney fees for any claim, action suit or proceeding, including any appeal.

### **5.7 EXCUSED PERFORMANCE**

In addition to the specific provisions of this Agreement, performance by any party shall not be in default where delays or default is due to war, insurrection, strikes, walkouts, riots, floods, drought, earthquakes, fires, casualties, acts of God, governmental restrictions imposed or mandated by governmental entities other than the parties, enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulation, litigation or similar bases for excused performance that are not within the reasonable control to the party to be excused.

### **5.8 SEVERABILITY**

If any one or more of the provisions contained in this Agreement is invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions of the Agreement will not be affected or impaired in any way.

### **5.9 INTEGRATION**

This Agreement is the entire agreement of the parties on its subject and supersedes any prior discussions or agreements regarding the same subject.

## **6. TERMS OF AGREEMENT**

6.1 The term of the Agreement shall be from the date of execution until the completion of the PROJECT, but not to exceed five (5) years.

6.2 This Agreement may be amended or extended for periods of up to one (1) year by mutual consent of the parties. It may be canceled or terminated for any reason by either party. Termination or cancellation shall be effective thirty (30) days after written notice to the other party, or at such time as the parties may otherwise agree. The parties shall, in good faith, agree to such reasonable provisions for closeout of the PROJECT. The CITY's adoption and agreement to the COUNTY's PROJECT LAND USE PROCESS shall survive the termination or expiration of this Agreement.

# EXHIBIT A

IN WITNESS WHEREOF, the parties hereto acknowledge that they understand the terms and conditions of this Agreement and agree to be bound to those terms and conditions.

CITY OF SHERWOOD, OREGON

WASHINGTON COUNTY, OREGON

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHAIR, BOARD OF COUNTY  
COMMISSIONERS

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
CITY RECORDER

\_\_\_\_\_  
RECORDING SECRETARY

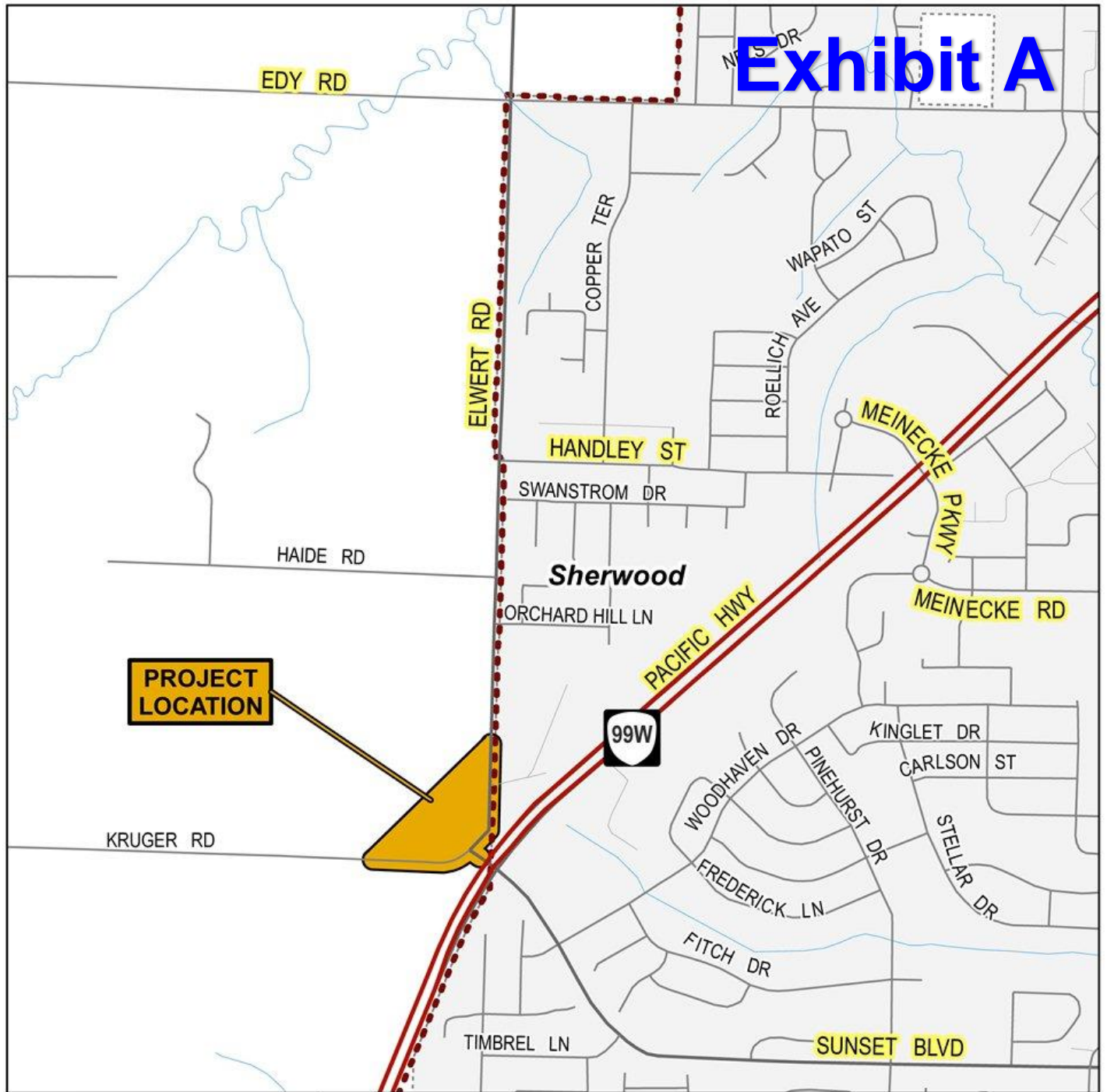
APPROVED AS TO FORM:

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

\_\_\_\_\_  
COUNTY COUNSEL

# EXHIBIT A

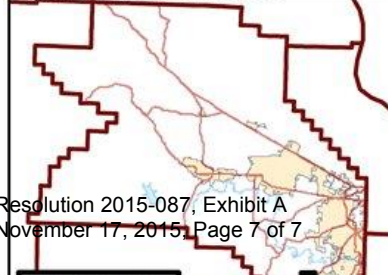


**WASHINGTON COUNTY**  
OREGON

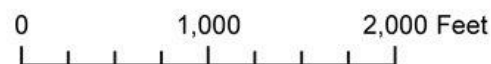
## SW ELWERT ROAD AT SW KRUGER ROAD INTERSECTION IMPROVEMENTS

- Project Location
- Highways
- Major Roads
- Minor Roads
- Private Roads
- Cities
- Urban Growth Bdy.
- County Boundary
- Rivers / Lakes
- Streams

Department of Land Use & Transportation  
Engineering and Construction Services Division  
Capital Project Management



For more information, contact:  
Pat Oakes, Senior Project Manager  
Main: 503-846-7800  
patrick\_oakes@co.washington.or.us  
www.wc-roads.com



**DISCLAIMER:**  
This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the

FY 2015-16  
Budget to Actual  
July 1, 2015 - September 30, 2015  
25% of the Fiscal Year has Elapsed

General Fund	Budget	Actual	% of Budget
<i>Beginning Fund Balance</i>	\$ 3,109,754	\$ 3,119,437	
<i>Revenue</i>			
Admin	9,161,788	741,271	8%
Community Development	1,025,895	135,241	13%
Public Safety	82,512	2,289	3%
Community Services	1,171,617	57,338	5%
Public Works	359,870	14,586	4%
<b>Total General Fund Revenue</b>	<b>11,801,682</b>	<b>950,725</b>	<b>8%</b>
<i>Expenditures</i>			
Admin	2,970,384	858,917	29%
Community Development	1,539,441	441,007	29%
Public Safety	3,687,830	1,045,572	28%
Community Services	1,717,367	402,425	23%
Public Works	2,304,981	486,074	21%
<b>Total General Fund Expenses</b>	<b>12,220,003</b>	<b>3,233,995</b>	<b>26%</b>
<b>Ending General Fund Balance</b>	<b>\$ 2,691,433</b>	<b>\$ 461,140</b>	

General Construction	Budget	Actual	% of Budget
<i>Beginning Fund Balance</i>	\$ 1,142,410	\$ 1,163,684	
<i>Revenue</i>	1,672,000	220,704	13%
<i>Expenditures</i>	2,330,898	26,305	1%
<b>Ending General Construction Fund Balance</b>	<b>\$ 483,512</b>	<b>\$ 1,358,083</b>	

Debt Service	Budget	Actual	% of Budget
<i>Beginning Fund Balance</i>	\$ 6,615	\$ 3,170	
<i>Revenue</i>	897,582	4	0%
<i>Expenditures</i>	899,219	-	0%
<b>Ending Debt Service Fund Balance</b>	<b>\$ 4,978</b>	<b>\$ 3,174</b>	

Street Operations Fund	Budget	Actual	% of Budget
<i>Beginning Fund Balance</i>	\$ 1,141,998	\$ 1,765,099	
<i>Revenue</i>	1,724,000	343,659	20%
<i>Expenditures</i>	2,209,679	337,838	15%
<i>Transfers Out</i>	18,859	-	0%
<b>Ending Street Operations Fund Balance</b>	<b>\$ 637,460</b>	<b>\$ 1,770,919</b>	

Street Capital Fund	Budget	Actual	% of Budget
<i>Beginning Fund Balance</i>	\$ 2,984,122	\$ 2,298,576	
<i>Revenue</i>	1,854,000	76,019	4%
<i>Expenditures</i>	485,515	9,722	2%
<i>Transfers Out</i>	650,000	14,760	2%
<b>Ending Street Capital Fund Balance</b>	<b>\$ 3,702,607</b>	<b>\$ 2,350,113</b>	

FY 2015-16  
Budget to Actual  
July 1, 2015 - September 30, 2015  
25% of the Fiscal Year has Elapsed

Water Fund	Budget	Actual	% of Budget
<i>Beginning Fund Balance</i>	\$ 7,918,805	\$ 8,159,919	
<i>Revenue</i>			
Operations	4,333,000	2,037,170	47%
Capital	1,025,300	159,606	16%
<i>Expenditures</i>			
Operations	5,560,361	703,014	13%
Capital	265,405	3,896	1%
<b>Ending Water Fund Balance</b>	<b>\$ 7,451,339</b>	<b>\$ 9,649,784</b>	

Sanitary Fund	Budget	Actual	% of Budget
<i>Beginning Fund Balance</i>	\$ 3,128,675	\$ 3,208,407	
<i>Revenue</i>			
Operations	596,300	155,046	26%
Capital	382,700	5,720	1%
<i>Expenditures</i>			
Operations	612,699	130,176	21%
Capital	443,832	41,125	9%
<b>Ending Sanitary Fund Balance</b>	<b>\$ 3,051,144</b>	<b>\$ 3,197,872</b>	

Storm Fund	Budget	Actual	% of Budget
<i>Beginning Fund Balance</i>	\$ 1,992,830	\$ 2,692,426	
<i>Revenue</i>			
Operations	1,269,500	438,282	35%
Capital	497,100	5,053	1%
<i>Expenditures</i>			
Operations	1,286,119	171,414	13%
Capital	866,129	190,418	22%
<b>Ending Storm Fund Balance</b>	<b>\$ 1,607,182</b>	<b>\$ 2,773,929</b>	

Telecom	Budget	Actual	% of Budget
<i>Beginning Fund Balance</i>	\$ 102,598	\$ 164,436	
<i>Revenue</i>	470,638	114,906	24%
<i>Expenditures</i>	310,632	31,116	10%
<i>Debt Service</i>	180,774	-	0%
<b>Ending Telecom Fund Balance</b>	<b>\$ 81,830</b>	<b>\$ 248,226</b>	

URA Fund	Budget	Actual	% of Budget
<i>Beginning Fund Balance</i>	\$ 1,950,180	\$ 1,627,199	
<i>Revenue</i>	3,753,535	23,951	1%
<i>Expenditures</i>	753,119	40,458	5%
<i>Debt Service</i>	1,589,605	-	0%
<b>Ending URA Operations Fund Balance</b>	<b>\$ 3,360,991</b>	<b>\$ 1,610,692</b>	



# Community Development Department – Monthly update

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November 4, 2015

The City of Sherwood Community Development Division consists of three departments which, provides quality current and long range planning, building and engineering services to support the infrastructure, livability, well-being and economic development of the community. The following is a summary of the key projects or tasks each department routinely does for the community and an update on current projects or status.

## Planning:

### Current Planning- Projects in Review

- Claus Property Rezone (22211 SW Pacific Highway) – Proposal to rezone 2.66 acres of a 5.86 acre site from General Commercial to Medium Density Residential Low.
- Mandel Property Rezone (21340 SW Elwert Road) – Proposal to rezone the Neighborhood Commercial portion (3 acres) of an approximately 21 acre parent parcel to Medium Density Residential High– under review.
- Mandel Property Subdivision (21340 SW Elwert Road) – Proposal to divide approximately 21 acres into 78 individual lots. Two of the lots make up the neighborhood commercial acreage that the applicant is proposing to rezone in a separate application.
- Parkway Court Zone Change (corner of SW Parkway Ct and Meinecke Parkway) – Proposal to rezone approximately 1 acre from General Commercial to Medium Density Residential Low. – under review
- Endurance Products Site Plan (13990 SW Galbreath Drive) – Proposal to add a new 15,550 sq. ft. building on site. The current building is approximately 13,400 sq feet. – under review
- Bowman House 3 Landmark Alteration (15824 SW 1<sup>st</sup> Street) – Proposal to construct a new single family residence in Old Town by the Sherwood High School students. All projects within Old Town require approval by the Planning Commission. **Approved.**

For approved projects or more detail, check out “projects” under “more resources” on the website at <http://www.sherwoodoregon.gov/projects>, or contact Brad Kilby at (503)625-4206.

### Long Range Planning

- **SW Corridor Plan** – The primary focus lately has been on evaluating High Capacity Transit choices from Portland to Tualatin. The Steering Committee is expected to make a decision on line terminus and alignments in Central Barbur, Tigard and Tualatin in December. A mode decision (light rail or bus rapid transit) is anticipated in February. A final preferred package to move into the next stage in project development is anticipated in April 2016.
- **Tri-Met Local Service** - Tri-met has added into their budget the addition of a new line between Sherwood and Tualatin. They anticipate having serve start in June 2016. They are currently refining the exact alignment, including ending location in Sherwood, and stop locations. A work session was held on 11/3/15 with Council to discuss the Tri-Met proposal. Staff will coordinate Council’s input to Tri-Met and follow-up further.
- **Cedar Creek Trail (Regional Flexible Fund grant)** – The engineering design work continues on the Oregon St-99W segment with the wetland delineation and the geotechnical work progressing, as well as the refinement of the trail design. The Local Trail and Technical Trail Advisory committees met and began considering the alignment of the north of 99W-Roy Rogers segment by taking a look at the opportunities and constraints within the creek corridor and discussed the evaluation criteria to be used to determine the alignment. We held an open house on the project to provide citizens and residents along the trail corridor an opportunity to comment on the design as well as give feedback on

prioritizing the evaluation criteria used to inform the alignment decision. The committees will meet this month to review the alignment alternatives. Another open house is scheduled for early December

- **Sherwood West Concept Planning (CET grant funded)** – 1,290 acre preliminary concept plan west of Elwert Road, north of Highway 99W, and south of Scholls-Sherwood Road. The department held a public open house at the Sherwood Center for the Arts on October 22, 2015 to introduce the draft hybrid alternative. Changes, based on input from that meeting and an online survey, will be made to the plan and presented to the Community Advisory Committee and the Technical Advisory Committee on November 19<sup>th</sup> to review and make comments on what will become the preferred alternative. The next steps include a presentation and review of the materials by the Planning Commission (Nov/Dec) followed by a presentation and review with the City Council (Jan 2016). This project is scheduled to wrap up near the end of the year with a Planning Commission recommendation to Council.
- **Washington County Transportation Study** – No new information for this report. Staff is continuing to actively monitor and participate in the study to evaluate the long-term transportation strategies and investments needed to sustain the county's economic health and quality of life in the coming decades. The study results will provide a better understanding of long-term transportation needs, tradeoffs between alternative transportation investments, and inform future choices and decisions.
- **Tannery Site Assessment (EPA grant funded)** – The City is doing an environmental site assessment on a portion of the former Frontier Leather Tannery site to help the City identify issues, risks and costs associated with acquiring the property from Washington County and potentially developing it. Field work to collect soil samples began on 11/2 and is expected to take a couple of weeks. Once the samples have been obtained, they will be tested in the lab over the next month. Additional field work is expected to occur in the Spring of 2016 followed by the second planned public meeting to discuss the preliminary assessment findings.
- **City of Sherwood Comprehensive Plan Update** – Staff is beginning to gear up for a multi-year effort to update the City's Comprehensive Plan. The last major update of the plan was in 1991 when the City's population was under 4,000 people. Council approved a resolution September 15, 2015 supporting the project and authorizing staff to seek state funding for the effort. Staff submitted a Technical Assistance grant request to DLCD on September 30<sup>th</sup> for \$66,500. The City will need much more than this to fully complete a comprehensive plan update; however based on significant input from DLCD staff it was determined that this was the maximum amount we could try for at this time. Staff will be identifying how to break the project up into phases that will allow the project to move forward in a timely manner. The comprehensive plan update project is expected to take 2-3 years to fully complete due to the extensive community outreach and engagement required.
- **Tualatin-Sherwood Road widening project** – Staff met with County staff and representatives for the owners of the Haggen property (MGP) on October 16th. County staff reiterated that there is no option on the table that includes the light staying. County staff did express a willingness to continue exploring maintaining a left in, however they were skeptical that it would be able to work. The representative indicated they would speak to their client. As of this date, the County has not heard back. Meanwhile, progress is being made on the Tekfal property (Regal, Roses, KFC site) in reaching a settlement. Additionally, staff has prepared a letter confirming that the County is the proper review authority for this type of decision; however the County may request this be formalized in an IGA.

## Other

- Street Tree Permits - 64 permits issued this calendar year.
- Pre-application Conferences- Below is a list of pre-application meetings held. If an application is submitted they will be taken off the list. In addition, if additional activity occurs (that staff knows of) this will be reported in this section as well.
  - Proposal to construct a 66,000 square foot flexible industrial building on Galbreath Drive, just west of the intersection with Cipole Road.
  - Sentinel storage expansion – proposal to do a two lot partition on the property fronting Langer Farms Parkway south of Century drive and do an expansion of the existing facility on 5.89 acres on the southern portion of the site.

- Proposal for approximately 18-20 single family homes on Pacific Highway just west of SW Meinecke Road.
- Sherwood Elks Lodge (22770 SW Elwert Road) held a meeting on June 8, 2015 to discuss various development options.
- Proposal to construct 82 multi-family units behind Safari Sam's on the property located at 16380 SW Langer Road (Preapp was held on July 14, 2015). Engineering is providing Traffic Impact Study (TIS) requirements and information on required infrastructure.
- Sherwood Patel Hotel (21930/21970 SW Alexander Lane near the corner of SW Meinecke Pkwy and 99W) Proposal for a hotel with approximately 80 rooms and associated parking. Meeting was held on September 14, 2015. Engineering is providing Traffic Impact Study (TIS) requirements and information on required infrastructure.
- Planning staff is assisting City Administration in preparing land use applications for a new parking lot in Old Town as well as the proposed community gardens.

## Engineering:

### Capital (City or URA) projects

- **Columbia Street Water Quality Facility Phase 2** - Project construction nearing completion. Paving of Main Street being coordinated. Advance notice of paving schedule with associated road closure being developed. Improvements include railroad undercrossing upgrade (bore pipe to replace undersized and poor condition existing culvert) and in-street mainline pipe upgrade (size increase for capacity) Craig Christensen is the project manager for the City.
- **Tonquin Employment Area Sanitary Sewer upgrade**-Project is generally complete, however there were some issues in one segment when the pipe bursting was done causing a "belly" in the pipe. The City is working to remedy pipe bursting issue. Craig Christensen is the project manager.
- **Stormwater Master Plan Update and rate study** -Master plan update is in process. MSA contracted with to perform MP update. Project schedule spans two fiscal years (FY14/15 and Fy15/16). **Once modeling process is complete, a full CIP project listing will be developed and estimated design/construction costs will be generated for use in SDC rate analysis.** Bob Galati is the project manager
- **Sanitary Sewer Master Plan Update and rate study** - Master plan update is in process. MSA contracted with to perform MP update. Project schedule spans two fiscal years (FY14/15 and Fy15/16). **Once modeling process is complete, a full CIP project listing will be developed and estimated design/construction costs will be generated for use in SDC rate analysis.** Bob Galati is the project manager
- **Woodhaven Park Phase 2 (Design)** - Planning has approved the project. It is finishing design and will go out for bid in the near future. Project consists of development of planning approval process documents for park development, and full bid set containing design plans, specifications, and cost estimates. Kristen Switzer is project manager, with Bob Galati providing support and coordination with civil engineering firm (HHPR) performing design and planning approval, and project budget oversight.
- **Downtown Parking Lot Development** - Project consists of constructing public parking lot of City owned lots located on north side of 1<sup>st</sup> Street between Pine and Oak Streets. The project will require Land Use application and approval. Project scheduled to be complete by February 2016, however, it is anticipated that the project design and construction will be completed within the current Fiscal Year 15/16. Survey for the project has been completed and engineering design for land use action is underway. Bob Galati is the project manager.
- **Downtown Streetscapes Monument Removal** - Project consists of removing concrete pylons located at the intersections of 1<sup>st</sup> Street with Pine, Washington and Main Streets. The first phase of the project is a feasibility study to determine the requirements and impacts associated with removal. The second phase will include design and construction of the pylon removal and replacement structures (if any). The first phase has been budgeted in the current Fiscal Year 15/16, phase 2 will be discussed further upon the completion of Phase1. RFP for consultant services has been discussed. The RFP is

under development. RFP being issued to DJC for public notice on Tuesday, November 2<sup>nd</sup>. Bob Galati is the project manager.

- **Transportation SDC and Rate Study** – Project consists of performing an SDC and Rate study associated with the projects identified in the TSP and refined in the TSP Construction Cost Refinement Project. It is anticipated that this project will be completed within the current Fiscal Year 15/16. Consultant services were solicited and Council approved resolution authorizing City Manager to sign a contract with FCS Group. Notice to Proceed (NTP) has been issued. Project data, background needs and project schedule development pending project initiation meeting between FCS Group and City staff. Bob Galati is the project manager.
- **Langer Farms Parkway Pedestrian Crossing** – DKS was contracted to perform an analysis and provide a recommendation on whether a pedestrian crossing on Langer Farms Parkway between the Parkway Village site and the Target site was warranted and whether a safe crossing could be provided if warranted. The report has been prepared confirming it is warranted and recommendations made. Staff has identified potential funding options and will report to Council once a recommendation is finalized.

### *Private Development:*

- **McFall Subdivision** – Subdivision is nearing completion pending submittal of Maintenance Bonds by developer. Private stormwater quality treatment systems will be installed with each individual lot and will not hinder sign-off on subdivision approval. Bob Galati is project manager.
- **Cedar Creek PUD** – D.R. Horton development of multi-family residential units on lot adjacent to Cedar Creek Condos and bounded by Cedar Brook Way street extension. Design review and approval completed. Construction in process. Craig Christensen is project manager.
- **Main Street Subdivision** – Single family residential development is under construction. Public improvements are being constructed prior to construction of buildings. Public improvements scheduled for completion in FY14/15. Craig Christensen is project manager.
- **Roshun Village Development** – Project is under construction. Bob Galati is project manager.

### *Other:*

- **Right of Way permits:** 46 ROW permits issued from 01/01/15 to date. \$6180 revenue generated from permits. 14 permits are currently active with 1 permits pending review approval.
  - The engineering department is working closely with the DR Horton developers on Cedar Brook/Meinecke to facilitate their ability to construct necessary water line and other infrastructure improvements in Meinecke; however partial closures will be necessary. The City is requiring significant coordination with the School District and emergency service providers, advance notice to property owners and public notice via our traditional methods. After coordination and additional input from the School District, the construction schedule has been modified by breaking it up into two different phases. A shorter, 3 day closure of the westbound lane (off 99W onto Meinecke) will occur late October and will avoid closure during the morning drop off period. A longer closure will be needed to install a water line in the street but will be scheduled once the Cedar Brook extension is complete to Meinecke (which will allow for a shorter detour option) and for a period when school is not in session. More information on the longer closure will be provided as that time approaches.
- **Addressing:** No new addresses issued this month
- **Erosion control inspections:** Staff has 7 active/open erosion control permits which require inspections weekly and monthly reports to Clean Water Services. 1 inactive sites requiring bi-weekly inspections. 15 active SFR and/or ground disturbing activity permits issued by Building Department.
- **Traffic Control Management Planning:** In response to numerous requests from residents CDD staff is in the process of developing guidance policy draft for future traffic calming requests. This will be an on-going discussion and no formal action will be taken until conversations with Council are held.

- Request for speed and noise reduction along Langer Drive from resident on Holland Drive. Suggesting installation of stop signs along Langer Drive to control speed and traffic volume. PD notified of complaint. Engineering and PD contacted resident to discuss issue and possible resolutions (if any).
- Request for speed hump on Williams Avenue to deal with traffic volume and speeding issues. Submittal of traffic control request packet sent to citizen. PD notified of complaint with request for enhanced patrol for speeding issue.
- Interim Policy for Speed Humps issued by City Engineer. Policy and related process will be in effect until an overall City Traffic Control Management Plan is enacted, and may also be updated based on technical or procedural improvements.
- Kruger/Elwert Intersection Improvements – The County will begin design of the intersection improvement (which includes a roundabout on the City owned property). It is anticipated that a 30% design will be complete within 1 year and then will be put on standby until 2018. If development is planned prior to 2018 which necessitates its construction sooner, the County will be able to move up the timeline. Resolution for authorizing City Manager signature on IGA with County being presented at November 17<sup>th</sup>.
- CWS MS4 NPDES – Clean Water Services (CWS) is currently in the process of updating their Municipal Separate Storm Sewer Systems (MS4) Nation Pollution Discharge Elimination System (NPDES) permit which will include new EPA requirements that City’s will need to incorporate into engineering and development standards. The impacts to the City of Sherwood’s engineering and development standards appear to be relatively small as the City’s stormwater facilities and natural drainage ways are in good condition. One item that will impact the City and development within the City is the hydro-modification requirement (detention on-site to mitigate stream corridor impacts such as erosion). This item is currently being discussed in depth by CWS with EPA as other municipalities within the CWS service area may be impacted to a larger extent which would result in jurisdictions like Sherwood to mitigate more than actually necessary.

CWS has submitted a draft of the permit to EPA for initial review and discussion. It is anticipated that CWS will be obtaining their permit within the next 6-months. Implementation of the conditions of the Phase I Permit will occur over an estimated 5-year timeline, with full implementation occurring in year 5.

## Building:

### Permits issued and under construction

- Grading permit for new DR Horton sub-division (Cedar Brook)
- Sherwood industrial Park-New Building #3-14944 SW Century Dr-Slab-on-grade
- Sherwood industrial Park-New Building #4-15028 SW Century Dr- Tilt-up panels poured
- Northstar office addition-14200 SW Tualatin/Sherwood Rd
- JB Insulation Office Addition-14175 SW Galbreath
- Ruby Blue Boutique tenant improvement-16079 SW Railroad-Completed
- Killer Burger tenant improvement - 21332 SW Langer Farms Pkwy-Completed
- Old Spaghetti Factory – 21192 SW Langer Farms-Slab-on-grade
- Schmizza Public House Tenant improvement-15982 SW Tual/sher Rd. – Framing
- NW Natural Office Tenant improvement-20285 SW Cipole
- Sherwood Natural Medicine T/I-16771 SW 12<sup>th</sup> St.-Completed
- Koba Grill Tenant Improvement-21370 SW Langer Farms
- Roshun Village Apartments BLD C-Foundation Poured
- 11 Single Family Homes Issued and/or in construction
- 12 Structural Residential Additions/Remodels/Misc.
- Multiple plumbing/mechanical/misc. permits issued

## Permits in review

- 1 Single Family Home in review, 2 ready to issue.
- Roshun Village townhomes-New Building A- 17128 SW Edy Rd-Revisions now in review-3<sup>rd</sup> Ready to issue
- Roshun Village townhomes-New Building B- Revisions now in review-3<sup>rd</sup> Ready to issue
- Issued
- Issued
- Baja Fresh Mexican Grill T/I-16002 SW Tual/Sher Rd.
- Artizan Salon T/I-21430 SW Langer Farms Pkwy #152

**Sherwood Field House Monthly Report October 2015**

<u>October-15</u>	<u>Oct-15</u>		<u>YTD</u>		<u>Oct-14</u>
<b>Usage</b>		People		People	People
	<u>Count</u>	<u>Served*</u>	<u>Count</u>	<u>Served*</u>	<u>Served*</u>
Leagues	3	312	3	975	210
Rentals	68	1020	157	2756	1200
Other (Classes)					
[1] Day Use	12	106	28	287	62
<b>Total Usage</b>		<b>1438</b>		<b>4018</b>	<b>1472</b>
<b>Income</b>	<u>Oct-15</u>	<u>YTD</u>			
Rentals	\$3,972	\$11,432			
League fees (indoor)	\$8,394	\$16,966			
Card fees (indoor)	\$150	\$280			
Day Use	\$307	\$824			
Advertising					
Snacks	\$165	\$337			
Classes					
<b>Total</b>	<b>\$12,988</b>	<b>\$29,839</b>			
<b>FY 14 15</b>					
<b>Income</b>	<u>Oct-14</u>	<u>YTD</u>			
Rentals	\$4,690	\$12,920			
League fees (indoor)	\$2,717	\$12,954			
Card fees (indoor)	\$160	\$390			
Day Use	\$231	\$237			
Advertising					
Snacks	\$219	\$424			
Classes					
<b>Total</b>	<b>\$8,017</b>	<b>\$26,925</b>			

\*Estimated number of people served.



## **Fields and Gyms**

Youth Soccer (K through 2<sup>nd</sup> grade) played 96 games at Hopkins during the month. Grades 3<sup>rd</sup> through H/S also had 70 games throughout Sherwood. A total of 28 games were held on the weekends at Snyder Park.

Youth Football played 19 games at the H/S in October. The 3<sup>rd</sup> /4<sup>th</sup> grade teams finished up their year. Two out of three teams finished 7 and 1 and two of the three won their medal games. It looks like three of older teams will be in the playoffs. Sherwood was picked to host two of the championship games on November 21<sup>st</sup>.

Greater Portland Soccer District rented 12 hours at Snyder Park during the month.

Fall Baseball ended this month and they were able to play seven out of the nine weeks.

Youth Cheer finished this month.

Youth Volleyball is done this month.

Youth Basketball evaluations continue and practice will start soon.

## **Field House**

Youth league registration is slow.

Sundays are booked through February.

Over 100 kids participated in preschool play this month.

Baby Boot Camp went well and will continue in November.

Rentals are picking up.

Temporary on call staff has started to fill in where needed.

Respectfully Submitted

Lance Gilgan

November 2, 2015