City of Sherwood Oregon

Home of the Tualatin River National Wildlife Refuge

SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
March 1, 2016

EXECUTIVE SESSION

1. **CALL TO ORDER:** Mayor Krisanna Clark called the meeting to order at 5:35 pm.

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

3. **STAFF PRESENT:** City Manager Joe Gall, Assistant City Manager Tom Pessemier and City Attorney Josh Soper.

4. **TOPICS:**

   A. ORS 192.660 (2)(i), Six month performance evaluation of City Attorney.

5. **ADJOURN:**

   Mayor Clark adjourned the executive session at 5:58 pm and convened to a work session.

WORK SESSION

1. **CALL TO ORDER:** Mayor Krisanna Clark called the meeting to order at 6:00 pm.

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

3. **STAFF PRESENT:** City Manager Joe Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Police Chief Jeff Groth, Public Works Director Craig Sheldon, Community Services Director Kristen Switzer, Community Development Director Julia Hajduk and City Recorder Sylvia Murphy.

4. **TOPICS:**

   A. Boards & Commissions, Code Clean up and Review

   Assistant City Manager Tom Pessemier provided the Council with documents and said the first discussion topic will include Chapter 2.08 of the Municipal Code (see record, Exhibit A). He stated the language proposed is new language that would replace the current language as well as the subsequent chapters

for the different boards and commissions that are in the code. He noted this is the start of a conversation to attempt to organize the boards and commissions language, and feedback is appreciated. He said the second discussion will include the specific boards and commissions in Chapter 2.10 through 2.22 and the potential addition of a Utility Advisory Board and a Youth Advisory Committee. He said Resolution 2001-918 established the Sherwood Cultural Arts Commission (see record, Exhibit B) and said he did not include this committee in the proposed code language. He asked for Council feedback. He said the third discussion will include a companion piece of legislation, a resolution regarding the procedure for appointments (see record, Exhibit C).

Mr. Pessemier asked Council for their feedback regarding the proposed language for Chapter 2.08. Council discussed Chapter 2.08.010(5) and agreed that the language was restrictive and should allow Councilors to participate in any citizen advisory body work session. Council discussed Chapter 2.08.010 and asked for consistency in the mini-titles. Mr. Pessemier agreed that there needs to be clean up.

Mr. Pessemier referred on Chapter 2.08.020(2) which refers to a Code of Ethics and noted that the City Council does not have a Code of Ethics at this time. He said Council can strike that language or adopt a Code of Ethics.

Councilor Robinson mentioned the planning commission and recommended that each committee have some sort of manual for incoming commissioners. Mr. Pessemier agreed that this would be important and helpful to have the manuals online as citizens consider applying for positions.

Council discussed the recommended 3 year term for all committees. City Attorney Josh Soper noted that 3 year terms makes it easy to stager terms with 9 member committees. Discussion followed regarding implementation timeframe for the proposed language.

Councilor Robinson asked what is a city advisory board that is required by State law. Mr. Pessemier said the City is required to have a Budget Committee and if you serve on the Budget Committee you can serve on another City board.

Council discussed Chapter 2.08.030(5) regarding participation and attendance and noted that Council is usually not made aware of attendance. Discussion followed about possible ways to handle attendance issues and soften the language in this section.

Council discussed Chapter 2.08.030(6) and asked why remote participation is not allowed. Mr. Pessemier said that Budget Committee by State law has to permit remote participation and this proposed language may pertain to the difficulty of having a number of members calling in.

Council discussed Chapter 2.08.050(1) and asked why all appointments expire on April 30. Mr. Pessemier said the date is arbitrary and asked for suggestions. Council commented regarding the first of the year being a busy time and noted April 30 is in the middle of budget season. Discussion followed regarding the timeframe for recruiting and advertising and the procedure for receiving applications. Council agreed to leave the April 30 language for now.

Council discussed Chapter 2.08.090(5) regarding "members should provide at least 48 hours' notice for any planned absence from a scheduled meeting" and said that will be difficult to enforce. Mr. Pessemier

commented on the need for staff to determine if there will be a quorum. Council agreed to leave the language as is.

Council asked about automatic reappointments. Mr. Pessemier said there is no language in the proposed code language or the proposed language for procedure of appointments and said clarifying language could be added. He asked if Council supports automatic reappointment and commented on the advantages and disadvantages. Mayor Clark commented on the need for members to reapply and not having automatic reappointments.

Council reviewed the proposed code language for the Police Advisory Board Chapter 2.10. Mr. Pessemier said this language is from the adopted ordinance and asked Council for any changes. Councilor Robinson suggesting grammatical changes in Section 2.10.010(1) by striking "establish" and inserting "in the establishment of" and in the last line striking "goal" and inserting "goals". Councilor Kuiper commented on the use of the word "board" when referring to all boards and suggested clarifying the language.

City Manager Gall commented on Chapter 2.16 Parks and Recreation Board and suggested being consistent with the other sections and changing the title to Parks and Recreation Advisory Board. Council recommended being consistent with regards to the membership section of each of the advisory boards and to use a format of bullets or numbers. Council suggested being consistent with capitalization of words such as City and Council.

Mr. Pessemier asked for direction on the suggested Utility Advisory Board and Youth Advisory Board. Mr. Gall said he would provide the Council with examples from other cities and then the Council could resume the discussion.

Mr. Pessemier referred to Exhibit C which outlines the process for making appointments to committees. Council suggested adding language to Section 2 C to include forwarding the applications to the Council liaison as well. Council commented on the need to be consistent with capitalizations. Council suggested adding "additional" to Section 4 B to state "The staff will coordinate additional interviews with the Mayor if requested". Mr. Pessemier thanked the Council for their feedback.

5. ADJOURN:

Mayor Clark adjourned the work session at 6:57 pm and convened to a regular session.

REGULAR SESSION

1. **CALL TO ORDER:** Mayor Clark called the meeting to order at 7:03 pm.

2. **COUNCIL PRESENT:** Mayor Krisanna Clark, Councilors Linda Henderson, Renee Brouse, Sally Robinson, Dan King and Jennifer Kuiper. Council President Jennifer Harris arrived at 7:14 pm.

3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joe Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Police Chief Jeff Groth, Public Works Director Craig Sheldon, and City Recorder Sylvia Murphy.

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

4. APPROVAL OF AGENDA:

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

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

5. CONSENT AGENDA:

A. Approval of February 16, 2016 City Council Meeting Minutes
B. Resolution 2016-010 Authorizing the City Manager to sign the Collective Bargaining Agreement (CBA) between the City of Sherwood and the American Federation of State, County and Municipal Employees (AFSCME) (Tom Pessemier)
C. Resolution 2016-011 Establishing a Paid Time Off Cash Out Policy for Senior Leadership; Amending the Employment Agreements for the City Manager, City Recorder, and City Attorney to Incorporate Said Policy

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

Mayor Clark addressed the next item on the agenda.

6. PRESENTATIONS:

A. Proclamation, National Community Development Week

Mayor Clark read the proclamation and stated the week of April 6-11, 2016 has been designated as National Community Development Week by the National Community Development Association to celebrate the Community Development Block Grant (CDBG) Program and the HOME Investment Partnerships (HOME) Program. She said over the program's history, our community has received a total of $2,228,482 in CDBG funds.

B. Proclamation, 10th Annual McCabe Real Estate Group's, Egg Hunt for Hope

Mayor Clark read the proclamation and stated the McCabe Real Estate Group in Sherwood has coordinate an annual community Egg Hunt for Hope benefit since 2007. She said through the efforts of Todd and Leslie McCabe, local Sherwood residents, and real estate brokers with McCabe Real Estate Group & Keller Williams Realty, they started a local event that brings the community together each year to hold an Easter Egg Hunt that emotionally and financially supports a local family affected by cancer. Mayor Clark proclaimed the City an Egg Hunt for Hope community and urged the citizens to participate in an event to be held at Laurel Ridge Middle School on Saturday, March 12, 2016 at 1:30 p.m. Mayor Clark stated she is personally thankful for the program as her family and late husband Del was a recipient of the Egg Hunt for Hope Easter Egg Hunt and it was a tremendous emotional and financial boost to her family

in dealing with the effects of cancer. She wished the program well and stated she was excited to attend the event this year. Mayor Clark presented Leslie and Todd McCabe with the proclamation.
Mayor Clark addressed the next item on the agenda.

C. Water System Plan Financial Update

City Manager Gall stated this information will not be new for the Council as they held a work session last month where consultant Deb Galardi with Galardi Rothstein Group presented information. He said staff and the Council felt the public should see the information as it pertains to water rates. He said Ms. Galardi ran new numbers and she will review her analysis again. He said Ms. Galardi and Public Works Director Craig Sheldon were available to answer Council questions. He said Ms. Galardi added a chart at the end of the presentation.

Ms. Galardi presented information (see record, Exhibit D) and said she will be reviewing the same information provided a month ago and will speak about the background, where we have been, what has changed in the update, and new options for the Council to consider. She said as the Council may recall there was a Water System Master Plan done in 2015 that identified 20 years of capital improvement needs and said we did a rate and system development charge analysis as part of that. She said the City implemented the first phase of those rates and SDC's effective July 1, 2015. She said that was a 4% rate increase and some restructuring of some irrigation rates to increase those to be consistent with the block 2 residential rates.

Ms. Galardi referred to page 4 of the presentation and said the Capital Improvement Plan presented is something that Craig Sheldon can provide details. She said roughly half of the 24 million that is identified in the ten year summary, about half of that is related to the Willamette River Water Treatment Plant (WRWTP) projected improvements, which includes expansion along with the City's partners in that project, as well as local distribution and other more local improvements. She said those are adjusted for expected inflation.

Record Note: Council President Harris arrived at 7:14 pm.

She referred to page 5 and said this is what the capital spending looks like and is very important for rate planning. She said it moves along smoothly and there is an upward movement, almost $12 million in a single year and that is when we estimate the expansion at the plant will be needed. She said this is important because in order to smooth rates.....it would be difficult to raise enough cash to pay for improvements of this magnitude in a single year. She said we have assumed, and this table (referring to page 6) shows a summary of, at the bottom of the page, those capital improvement costs, and on the top of the page, the different funding sources. She said the City is fortunate through advanced planning to have some reserves that you can apply to those in the short term, but then you will need to issue some additional debt to fund a portion of that roughly $12 million for the plant expansion. She said system development charges will contribute, their variable depends on the rate of growth, so we have been somewhat conservative in projecting how those can contribute. She said obviously those can help payoff that debt service as well.

Ms. Galardi referred to page 7 and said this shows what the prior recommendation was and said the slope of the line represents the rate increases that we were projecting, the amount of revenue that we were showing that would be needed to fund the different components of cost that were projected for each

year. She said the bars that are stacked represented the total projected costs and the blue is the operations and maintenance costs which includes the City's purchased water from the treatment plant, it's share, the debt service on the existing debt service going along and then increasing here (referring to the green areas in columns of FY2021-22 through FY2024-25) with that additional plant expansion cost. She said then cash funding, some of those were local distribution projects. She said at the time we were projecting a 4% rate increase for the next five years and potentially increasing to 5% per year in the second half of the plan. She said part of the objective was to smooth and not have major fluctuations in rates in any single year.

She referred to page 8 of the presentation and said the good news is, there are a number of factors that contribute to a more positive forecast. She said the weather was hot and dry last year and that is good for water sales and there were some additional revenue generated beyond what had been projected. She said on the flipside, system development charges were a bit lower than projected. She said the other factor is that the City will begin assessing charges, water rates to customers who had not been previously charged which includes some public agencies and the City itself. She said on the cost side, the treatment plant costs, Sherwood does a true-up with the City of Wilsonville each year to see the proportionate share of who should pay what for those water treatment plant production costs and Sherwood received a reimbursement because your cost had been lower than what had been projected and that resulted in some savings. She said and there has been some short term deferral of capital improvements based on project timing.

Ms. Galardi referred to page 9 and said the net effect of those factors are, we have updated the financial plan model and basically both options are lower than what we projected before and you have the option to take that benefit in that lower, as a single year benefit, or do you spread that out over the remaining years of the plan. She said in one option, you would have a 2.6% instead of a 4% increase each year through 2020 and then it's 4.5%, compared to the 5% that had been estimated, or do you not have a rate increase this year and then have a, still below 4%, but significantly higher than the 2.6% in option 1.

Ms. Galardi referred to page 10 and said in the course of over a year there were changes to the plan and said we can only do our best in terms of making assumptions that balance the risk to the City and the water fund. She asked what are things that could drive these rate increases down further; continued hot and dry weather, faster customer growth, deferral of the treatment plant expansion and that is a decision that will be made with your partners and there is a facility plan going on right now that will help inform that decision. She said if that timing changes and it gets pushed out then some of that rate increase can be pushed out as well. She said if additional future partners come on to participate in those costs that would bring down some of the costs for the City. She said there are things that can drive the rate increase up; increase cost of borrowing as you have assumed debt service in this plan, a slowdown in growth, reduction in water use for unbilled accounts, and we have assumed that once you start charging these accounts that have not been charged before, that they will reduce their usage as most people do in response to getting a bill for their use. She said if they cut back more than anticipated, that means less revenue. She said the important thing is to continue to monitor the plan annually and make adjustments so that you avoid having to make a major correction at some point in time.

Ms. Galardi referred to page 11, Residential Utility Bill Comparisons for other jurisdictions and said this shows a comparison for a total utility bill for a typical residential customer, which includes water, waste water and storm water. She said this information was prepared recently by the City of Newberg and it shows Sherwood being in the middle.

Ms. Galardi referred to page 12 and stated she cannot stress enough the importance of continuing to make incremental adjustments and keeping up with inflationary costs and pass-through costs. She said the treatment plant contract has built in it certain escalation factors for the operator of that system. She said there are capital improvements beyond just normal repair and replacement and upgrades of the plant, which will continue to require a rate increase that is slightly above inflation. She said the chart shows the impacts of not going forward with a rate increase at the level that is recommended, in this case 2%. She said it shows in this case over a 15 year period of time, potentially running a deficit for capital improvements of over $5 million. She said even a small reduction in all other factors remaining the same, compared to what we have projected here, could have a significant compounding effect down the road. She said this shows, based on both the revised options, we are basically just raising rates enough to meet your costs and spending all your reserves and in the 2% per year option you would be $5 million + in deficit.

Ms. Galardi said in summary there are a variety of factors that impact the financial plan, the need for rate increases, water sales and lower costs have contributed to a more positive plan than we had projected a year ago and gives you flexibility in the short term to potentially change the rate increase from 4% to something between 0% and 2.6% to stay online with what we are projecting is needed. She said please continue to monitor and adjust incrementally, it will avoid having to make a major correction in the future. Ms. Galardi offered to answer Council questions.

Councilor Robinson referred to page 12 and said this shows what our projected income is with the revised rates of only 2.6% increase for a couple of years followed by 4.5% increase, versus only having a 2% increase due to Mr. Middleton's initiative that will be on the ballot coming up and if that ballot passes we will find ourselves with a $5.2 million deficit of which will significantly and adversely affect our whole community in being able to provide water services to the community in the City. She asked if that is correct.

Ms. Galardi replied yes and referred to the Operating Transfers and said this is annual revenue that is received from the rates that is then transferred over to fund capital. She said you can see that it is basically cut in half (from $10,175,000 to $4,900,000) and the ability to fund capital, and we have assumed the same level of debt funding and SDC's and so on, but it also, and what you can't see in this, and one of the reasons we have not added any more debt is that you would not have the capacity to issue more debt. She said you would be limited in what you could fund in terms of capital. She said Craig Sheldon could address this more specifically and what projects would have to be cut to meet this $5 million deficit.

Councilor Kuiper asked so we would not have the ability to issue any more debt? Ms. Galardi replied based on these projections while your existing debt is still being paid off, you will basically just be covering that debt and your O & M (Operations and Maintenance) costs at the end of the plan which would not be sufficient.

Mayor Clark asked Mr. Sheldon to comment on projects that would not be funded. Craig replied we would have to move projects out probably in the beginning in our distribution system and those projects are similar to: We have a fire flow on June Court and we have some smaller projects, as well as fire flow at the Senior Center which would probably get moved out, to provide service there that is not meeting fire flow capacities at this time. He said we would also have to look at the expansion at the treatment plant in 2022-2023 when this comes into effect. He said usually when you do an expansion at a treatment plant

that doesn't just start in 2022-2023, it probably would start in 2021 a couple of years ahead of time. He said growth related stuff like, Brookman and Sherwood West and whatever is coming in at that time we would have to see if we could provide the upgrades to our distribution system. He said no different from when this community grew in the late 1990 and 2000, the City provided service upgrades in certain neighborhoods and we would have to look to see if we could do that. He said you can then get into development, but there are certain things in this master plan, this $2.2 million on the ratepayers, is for projects like that to be able to upsize stuff that is currently being used by existing customers for fire flow or whatever type of flow we need to get too. He said the other projects we would probably have to push out are, there are certain things we have to do for the State, such as our water management and conservation plan, we would have to continue to fund that and it is due in 2017, this is something you could not push out as it is a requirement. He said but you would limit yourself on what you could do and projects would get pushed out. He said $50,000 + a year is going towards just replacement. He said we have all of old town and the older parts of town on the hill, their water mains will need to be replaced and $50,000 a year, we went $50,000 in the master plan, doesn't get you very far in replacing pipe. He said April Court was $40,000 and this was just a court that was upsized this last year.

Councilor Kuiper referred to page 10 of the presentation and increased costs, and what would be based on deferral. She asked Craig and said she knows Sherwood is part of multiple water groups, and this is the one with Wilsonville, what has the conversation been about potentially deferring the waste water treatment plant and has there been discussion. Craig said we are mainly talking about water and not waste water and said originally when we started negotiating with Wilsonville to come up with agreements, the original plan was 2016 and we are here, we pushed it out and pushed it out. He said there are certain requirements that we have to add, surge protection and have to add clear well, and once we reach 12 million gallons a day between both cities. He said so far the cost sharing has been the usage that comes out of there, it is not all Sherwood or all Wilsonville paying for it. He said we are using close to 4 million gallons a day and we have ownership into it for 5 million, so eventually this community will have to pay for the next 5 or lease it. He said he thinks this gets into the bigger picture of the whole, TVWD, Hillsboro, Beaverton coming to the Willamette and how that looks is partnerships, as we move forward as there are lease options and other things that maybe Sherwood doesn't have to buy the full 5, but it might cost us more for the water. He said there are things that could come once they get here, but we will continue to move out the plant expansion as long as we can.

Councilor Kuiper asked how's it looking with future partnering and what is your sense? Craig replied, so with the Water Treatment Master Plan probably sometime this summer and we should be wrapping up and we are looking at some sort of an agreement for the Council to look at some time the first of the year and Sherwood will need to make a decision if we want to partner on that. He said there are some benefits for Sherwood to partner, but that is up to the Council. He said there have been people worried about TVWD and Hillsboro that we are paying into their plant, and said there could be some benefits for Sherwood and Wilsonville to take water from the upper plant and maybe not expand the lower plant. He said these things will come out in the Master Plan in the next 4-6 months, because of technology today versus what was put into the plant in 2000.

Councilor Robinson asked Craig if he is of the firm belief that we as a City really cannot afford to merely have 2% increases and be able to service.....City Attorney Soper interjected and said he would caution Craig not to answer that question and said we need to stick to providing factual information with regards to a ballot measure.

Mayor Clark referred to page 5 in the presentation and the WRWTP improvement construction and said what you're saying is, this is the projection of what we think, but through the negotiations we might have an opportunity with what Hillsboro and what another municipality does, that there might be an ability to work, and that we would be working towards that, staff would be working on that and giving the Council good direction to try to move that down, if at all possible. Craig replied he thinks there are some options and said they're not planning to start operating the other plant until 2026. He said unless things get ahead of schedule, there might be some options for partnership that we might be able to do when we get that far along, but it's going to have to happen. He said Wilsonville is growing and Sherwood is not growing like Wilsonville so we will still be back into the percentage of what we are using in water and this is really how we pay for our water now.

Mayor Clark asked, should Wilsonville continue to grow at a much more exponential rate than Sherwood, we would still, when the plant was necessary because of their growth and not necessarily our growth, be on the hook to provide that plant, according to the agreement? Craig replied off of usage of what we are using is what we have been doing and this is what he would expect we would continue to do. He said we need 5 million gallons per day and that is what we need in the plant and that goes out to the end of the Master Plan, and we really need about 9. He said when we talk about leasing water, there are some things that we can do, and we might be able to have this agreement in place, that we might be able to use some of those tools before we actually get there, but at some point, when we get to the early 2020's that plant will have to be expanded.

Councilor Kuiper said, if we had a partner our costs would go down? Craig replied, when Ms. Galardi was talking about the water cost for the plant, it has gone down since we went on board with Wilsonville, their cost was about $1.45 and we are at $1.22. He said in 2026 when you have other partners drawing you have to increase the treatment plant staff. He said it's going to go down, it's efficiencies. He said you would produce 12 million gallons no differently than you would produce 70 million gallons at that cost.

Councilor Robinson asked Craig if there would be the possibility that the City as a whole would have to consider conservation and caps and rations on water that we use. Craig replied he thinks if we had growth and did not go through with some of the developments, you would probably have to look at some of those things. He said we already have a really good conservation program that we use with Regional Water Providers, and said we have certain requirements on the river, that we can't take more water in the spring when fish flow, so we have to follow those already. He said there could be other conservation measures but we would have to put money into that to make that happen, more than what we do now.

Mayor Clark asked for other Council questions, with none received she addressed the next agenda item.

7. CITIZEN COMMENTS

Tess Keis, Sherwood resident, provided a document which she read. She said while reviewing the recorded version of the City Council meeting on February 16, she noticed that approximately two minutes of her statement regarding the success of the YMCA dinner dance and auction were missing. She said my comments explained how the money we raised goes directly to our Sherwood Y for the financial aid needed to support many Y programs that help our community grow and thrive. She said she ended by saying the YMCA moves Sherwood positively forward as the Mayor constantly says that is her goal. She said she believes the Y does this. She said she knows there have been ongoing comments from our Mayor that she is looking into turning our YMCA into a Parks and Recreation facility. She said she does

not support this. She said it is important to be able to tell the public about the good things the Y does so all our citizens are aware of what a change really looks like. She said turning the Y over will cost in the $1.5 to $2 or $3 million dollar range just to run it. She said she believes that comes out of taxpayer money. She said when she went to watch the video of the last Council meeting this past Sunday only her comments were missing, and she can't help that this seemed a little more than coincidence and her reaction was an intense email to the powers that be. She said she sent another email apologizing for her accusatory tone and asked that the matter be looked into. She said the next day she got an email explaining why the glitch happened and that the problem was fixed. She said however her skeptical side wanted confirmation so she had consulted two professionals independently in this area as it was not her expertise. She said both concur that this explanation is not possible and that the video was edited. She read the explanation provided by City IT Department staff: "*The missing video was caused by a temporary loss of our UTube internet stream during the meeting, the loss of connectivity was caused when I updated the title of the meeting with the current date, I did not know that changing this title would in fact stop the internet stream. Once I noticed this I restarted the stream and the video picked up at its current location, about two minutes after the stream stopped. This issue was limited to only the video on our UTube channel, the live Comcast and Frontier feed was unaffected by this. We have replaced the video created by the live stream with a version that went out to Comcast, Frontier customers. I left both versions on UTube for anyone who wants to see the difference between the two. On a side note, I hadn't intended for this meeting to be placed on our website as I knew there was an issue, unfortunately one of my staff noticed the video on the UTube channel and went ahead and posted it. I will make sure they know to check with me first in the future. Sorry for this issue, it was clearly unintentional.*" She said the independent IT explanation where the City states, *"the title would in fact stop the internet stream, once I noticed this I restarted the stream and the video picked up at its current location"*, the consultant said the live feed would have also been interrupted whereby a placeholder screen would have appeared to the live stream meaning that the folks who were watching live would have seen the interruption. She said those whom she has spoken to that were watching the meeting live reported no interruption. She said the stream of the meeting going out is the same regardless of whoever is broadcasting it, UTube or Frontier. She said this explanation would also mean that there are two versions of the meeting, the first one posted without the Kies comments and the second so called corrected version. She said this is also indicated by the difference saved file names. If the internet stream was interrupted as you state there would be no complete version. If it is interrupted and you had to restart the stream as you state, that means there was nothing happening for two minutes, therefore there would be a placeholder screen or simply a blank screen. She said this is the extent of the consultant's comments and by all appearances and the explanation I can only come up with the conclusion that the video was edited. She said there are people in this City who have worked very hard with me to get certain things accomplished and I truly respect them. She said I'm wondering if they were misled, the last thing I want to think is that anyone running this City would resort to such nefarious conduct in putting forth a personal agenda that the fairness of several sides of an issue were skewed as to favor one particular view. She said I would love nothing better to believe this was an accident, right now I am having a hard time accepting that, Sherwood and its citizens deserve the truth and the right to be heard and not edited.

Michael Hendrickson, Sherwood resident, came forward and expressed concern for the disruption to neighborhoods surrounding the High School caused by the upcoming Winter Showcase event. He stated the event is an all-day color guard, wind and percussion event that is put on by the Northwest Association of Performing Arts and this year there will be 20 percussion groups practicing simultaneously outdoors and noted there were 12 groups last year. He said in the past groups have come as early as 8 am and two years ago they were making noise up until 10 pm when he called the event organizers. He said last

year the event organizers failed to notify neighbors and failed to obtain the proper noise permit. He stated they have been offered a noise permit this year and neighbors have been notified. He noted that the noise caused by this event goes beyond reasonable levels and affects the livability of the neighbors around the High School. He commented on the effect the noise has on small children and pets. He said the City should consider the effects this has on neighborhoods surrounding the High School before issuing noise permits.

Gail Cutsforth, Sherwood resident approached the Council and discussed the YMCA. She referred to Mayor Clark's comments regarding YMCA operating options. She said she would provide evidence that renewing the contract with the YMCA is in the best interest of the City Council and the citizens. She stated that if the City takes over the facility operations the taxpaying citizens of Sherwood would be at risk of tax increases. She said the City does not have the funds to absorb the $1.5 - $2 million it would require at a minimum to operate a Parks and Recreation facility. She said the leaders would have to make some tough budget choices. She provided examples such as raising taxes on residents and businesses, shifting money away from public services such as law enforcement, stop subsidizing the Art Center, the Senior Center and the Library, cut facility jobs and staff whereby increasing the unemployment rate in Sherwood, cut current programs at the YMCA, or cut the financial assistance the YMCA provides to nearly 1000 Sherwood residents. She commented on the impact on City finances and said running the facility would likely require the City to raise membership costs which would effectively deny access to the facility by low income residents. She said renewing the contract with the YMCA is the most fiscally responsible decision and noted other governments that run local community centers spend 58% more in taxpayer dollars than if they contract with an organization like the YMCA to manage the operations. She said based on hard numbers from area facilities it is reasonable to estimate that a City run facility would add $1.5 - $2 million annually to the City budget just to cover operations. She said that is more than a 5% increase over the current FY 2015-2016 budget. She noted this does not account for facility upgrades, mistakes, equipment upgrades or expansion projects. She stated the City is already facing tough budget decisions. She referred to comments regarding reviewing all of the information available to provide the best possible service to our residents at the lowest cost and said in light of those comments it would be fiscally irresponsible to have the City absorb $1.5 - $2 million to run the facility when the YMCA has a proven track record of meeting its financial obligations and adding value to the community. She said the YMCA has exceeded its contractual obligations to serve the City and local residents. She stated a valuable community partner will be lost if the City fails to renew the contract with the YMCA. She noted renewing the contract with the YMCA is in the best interest of the City Council. She stated in 1996 the community overwhelmingly voted for the facility to house and be run by the YMCA and unless otherwise directed by a popular vote of the people the City Council should negotiate a new contract with the YMCA.

Nancy Taylor, Sherwood resident, came forward and recommended the Council read the opinion piece in the Tigard Times regarding the YMCA campaign in Tigard where they were fined for not having an Orstar account. She commented on the water issue and said Council has to take into consideration that the 2% is probably going to pass. She commented on the excitement of the door to door campaign. She said she also attended the work session on water and said she was surprised that the Public Utility Commission is not involved in rate increase issues. She referred to remarks that there is no reward for conserving water and there is a penalty built in for conservation. She commented on remarks regarding going from 5 million to 9 million and not considering conservation. She commented on the non-transparency with not billing correctly and said the citizens still do not understand and would like transparency.

Alan Shank, Sherwood resident, approached the Council and said he received a red light ticket at the crossroads corner heading towards Tigard on Hwy 99 and turning right onto Tualatin Sherwood Road. He said in 45 years he has never had a red light ticket and did not see it. He stated he has since sat and observed the light and when all lights are green and the right turn arrow is red, just about everybody runs through it. He said he did a freedom of information request to the Police Department and found out that 5,800 people a year run that red light. He stated the entire intersection only has about 7,000 violations. He said that 1 signal out of 13 is getting 5,800 violations a years. He said he emailed the document from the Police Department to all of the Council. He referred to an Oregonian article on the camera lights which stated that 10% of the violations are Sherwood residents. He stated he went to 3 Municipal Court sessions and noted that every case seemed to deal with the right turn signal at that intersection. He said if he was a liability lawyer and a pedestrian was struck at that intersection and the situation has been ongoing. He said there is obviously something wrong with the placement of the light. He stated it is a liability and putting pedestrians in danger and costing violators $260. He noted he will discuss the issue with ODOT and the Oregonian.

Mayor Clark clarified that ODOT is responsible for Hwy 99 and Washington County is responsible for Tualatin Sherwood Road. She said the City does not have jurisdiction over the light.

Chief Groth said the Mayor is correct and the intersection falls under ODOT. He said when the City installed the red light camera and in less than a year ODOT said they wanted to rework the right turn. He stated the City asked ODOT to leave it as is but ODOT reconfigured the right turn and the light configuration and lowered the light to the level it is currently at and made it a slave to the pedestrian crossing. He said if anyone tries to cross the intersection the light automatically turns red. He stated the Police have forwarded people to ODOT in the past regarding the positioning of the light and also the positioning of the left turn light when you are traveling southbound and turning left onto Tualatin Sherwood Road. He noted that light is significantly lower than all of the other lights and the Police Department has expressed concerns to ODOT. He said the challenge is that it is a problem movement and drivers were running the light more when the light was up above. He said the violations have been decreasing and driver modification is being accomplished. He stated they will continue to let ODOT know that the location of the light is problematic.

City Manager Gall referred to the widening of Tualatin Sherwood Road and Roy Rogers Road and asked if the intersection will be reconfigured and would that be an opportunity for ODOT and the County to make the modifications.

Chief Groth said it is his understanding that the intersection will be reconfigured. He stated ODOT will determine where the light magazines are placed.

Mr. Shanks asked Chief Groth who he should contact at ODOT. Chief Groth suggested contacting Tiffany Slaughter. Mr. Gall suggested citizens contact State Representative John Davis.

Mayor Clark addressed the next item on the agenda.

8. NEW BUSINESS:

A. Resolution 2016-012 Adopting FY2016-17 City Council Goals and Work Plan

City Manager Gall said in January the Council identified specific projects and action items that fall within the existing Council goals. He said the document provided in the resolution includes a spreadsheet that will work as an action plan illustrating when the projects will happen during the next 16 months. He said staff appreciates the direction from Council and this will help with the budget process. He said these are the Council priorities and the resolution will formally adopt the work plan.

Mayor Clark commented on the process and the importance of a having a work plan.

With no further Council comments, the following motion was received.

MOTION: FROM COUNCILOR HARRIS TO APPROVE RESOLUTION 2016-012, SECONDED BY COUNCILOR KUIPER. MOTION PASSED 7:0, ALL PRESENT MEMBERS VOTED IN FAVOR.

Mayor Clark addressed the next item on the agenda.

9. CITY MANAGER REPORT:

City Manager Gall said he provided the Council with an email regarding Senate Bill 1573 which came out of the Senate Rules Committee last week and was approved by the Senate 17-12. He stated Senator Thatcher voted "no". He said there was a first reading at the House today. He said if this bill is approved the impact for Sherwood will be that annexations will no longer require voter approval. He stated Sherwood is one of the few Cities that require voter approved annexations. He said he sent an email in opposition to the legislation to Senator Thatcher stating that the Sherwood Charter requires voter approved annexations and it is up to the local citizens to decide if the Charter should be changed and not the State Legislature. He said it is a home rule opposition and Senator Thatcher agreed. He said this will have an impact on Sherwood if it passes. He encouraged Council to contact State Representative Davis before the House of Representatives votes on the legislation.

City Attorney Josh Soper added that it would not necessarily mean that there would be no voter approved annexations but certain parameters of annexations would no longer be submitted to voters and in particular it deals with annexation requests that are submitted by 100% of the property owners in the area to be annexed with a few other criteria.

Mayor Clark encouraged citizens that are interested in this issue to go to Representative John Davis' website and send him an email.

Mayor Clark addressed the next item on the agenda.

10. COUNCIL ANNOUNCEMENTS:

Mayor Clark reminded the Council that this meeting will be followed by a URA Board work session. She announced the Tualatin River Keepers Annual Benefit Event will be on April 2 at Nike's Tiger Woods Center. She commented on the success of the Jigsaw Puzzle event last Saturday which was sponsored by Sherwood Foundation for the Arts. She announced the winners of the contests. She said she attended a Chamber event at World of Speed in Wilsonville and encouraged people to visit the museum. She announced that Tuesday the Sherwood Police Department will host an Emergency Preparedness event and encouraged everyone to attend. She noted that she will be attending along with many other Oregon

mayor's the National Conference of Mayors in Washington DC this month. She stated she will be meeting with federal representative staff to advocate for things that we want in Washington County and in Sherwood. She said she will also be learning what other cities are doing to deal with problems.

Council President Harris announced the Sherwood Center for the Arts Gala is April 2 at 6 pm and encouraged everyone to attend. She said the spring Art Walk is April 14. She thanked Councilor Kuiper for attending the Library Board meeting in her absence.

Councilor Kuiper said there were 32,141 check-out's at the Library. She said the Robin Hood Festival Association is responsible for the City's Rose Festival Mini Float this year. She stated they are working with an artist and the theme is "Excessive Celebration" and participation is needed to help with the float.

Councilor Brouse said the Egg Hunt for Hope is March 12 and the recipient is Jeneva Rose who is a beloved employee of the Sherwood High School. She stated the Chamber breakfast is Tuesday at the Sherwood Police Department. She said the Sherwood School District is going through a bond visioning process and considering a bond in November for school expansions. She announced the Sherwood Police will have a Car Seat check on March 12 from 9 am to 1 pm. She announced that May 7 is the Neighbor to Neighbor day with an opportunity to serve seniors in the community and they are looking for volunteers.

Councilor Henderson said with the closing of Albertsons the Senior Center will no longer have a salad bar and asked if there was anyone with produce connections that could help the Senior Center. She said she attended the temporary restraining order hearing concerning animal protesters which resulted in a stipulated settlement.

Councilor Robinson said there is a Budget Committee meeting on March 3 at 6 pm and encouraged the public to attend. She said there is a Planning Commission work session on March 10 at 7 pm regarding recreational marijuana regulations in the event that the electorate does not ban recreational marijuana.

With no further business, Mayor Clark adjourned the meeting.

11. ADJOURN:

Mayor Clark adjourned the meeting at 8:25 pm and convened to a URA Board work session.

Attest:

Sylvia Murphy, MMC, City Recorder

Krisanna Clark, Mayor