



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, September 3, 2024

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

6:00 pm City Council Work Session

7:00 pm City Council Regular Meeting

City Council Executive Session
(ORS 192.660(2)(e), Real Property Transactions)
(Following the Regular City Council Meeting)

This meeting will be live streamed at
<https://www.youtube.com/user/CityofSherwood>



6:00 PM CITY COUNCIL WORK SESSION

1. **Sherwood West Update**
(Eric Rutledge, Community Development Director)
2. **LOC 2025-26 Legislative Priorities Ballot Discussion**
(Craig Sheldon, City Manager)

7:00 PM REGULAR SESSION

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**
5. **CONSENT AGENDA**
 - A. **Approval of August 20, 2024, City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
6. **CITIZEN COMMENTS**
7. **PUBLIC HEARING**
 - A. **Ordinance 2024-003, Adding new sections to the Sherwood Municipal Code designating City Manager Pro Tem in the absence of the City Manager and amending Chapter 1.10**
(Sebastian Tapia, Interim City Attorney)
8. **CITY MANAGER REPORT**
9. **COUNCIL ANNOUNCEMENTS**
10. **ADJOURN to CITY COUNCIL EXECUTIVE SESSION**
 - A. **ORS 192.660(2)(e), Real Property Transactions** (Sebastian Tapia, Interim City Attorney)
11. **ADJOURN**

AGENDA

SHERWOOD CITY COUNCIL September 3, 2024

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7:00 pm City Council Regular Session

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(ORS 192.660(2)(e), Real Property
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Council Meeting)

Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140

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How to Provide Citizen Comments and Public Hearing Testimony: Citizen comments and public hearing testimony may be provided in person, in writing, or by telephone. Written comments must be submitted at least 24 hours in advance of the scheduled meeting start time by e-mail to Cityrecorder@Sherwoodoregon.gov and must clearly state either (1) that it is intended as a general Citizen Comment for this meeting or (2) if it is intended as testimony for a public hearing, the specific public hearing topic for which it is intended. To provide comment by phone during the live meeting, please e-mail or call the City Recorder at Cityrecorder@Sherwoodoregon.gov or 503-625-4246 at least 24 hours in advance of the meeting start time in order to receive the phone dial-in instructions. Per Council Rules Ch. 2 Section (V)(D)(5), Citizen Comments, "Speakers shall identify themselves by their names and by their city of residence." Anonymous comments will not be accepted into the meeting record.

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, generally by the Thursday prior to a Council meeting. When possible, Council agendas are also posted at the Sherwood Library/City Hall and the Sherwood Post Office.

To Schedule a Presentation to the Council: If you would like to schedule a presentation to the City Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder, 503-625-4246 or Cityrecorder@Sherwoodoregon.gov

ADA Accommodations: If you require an ADA accommodation for this public meeting, please contact the City Recorder's Office at (503) 625-4246 or Cityrecorder@Sherwoodoregon.gov at least 48 hours in advance of the scheduled meeting time. Assisted Listening Devices available on site.



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
August 20, 2024

WORK SESSION

1. **CALL TO ORDER:** Mayor Tim Rosener called the meeting to order at 5:30 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Taylor Giles, Renee Brouse, Dan Standke, Keith Mays, and Doug Scott.
3. **STAFF PRESENT:** City Manager Craig Sheldon, Assistant City Manager Kristen Switzer, Interim City Attorney Sebastian Tapia, Community Development Director Eric Rutledge, Interim Public Works Director Rich Sattler, HR Director Lydia McEvoy, Finance Director David Bodway, IT Director Brad Crawford, Economic Development Manager Bruce Coleman, City Engineer Jason Waters, Police Chief Ty Hanlon, Records Technician Katie Corgan, and City Recorder Sylvia Murphy.
4. **TOPIC:**

A. Murdock Park Master Plan Update

Interim Public Works Director Rich Sattler presented the “Murdock Park Master Plan” PowerPoint presentation (see record, Exhibit A) and introduced Brett Hoornaert with Lango Hansen. Mr. Sattler reported that the city had held an open house and published an online survey to gather community feedback. He reported that a final open house would be held on August 29th at Murdock Park. Mr. Hoornaert recapped the guiding principles of the project as: provide green solutions, promote health and accessibility, enhance the play experience, improve and expand park amenities, and provide an elevated park design. He reported that the project was currently in Phase 3 with the goal of confirming the preferred design approach and refining the plan to ensure that it met the community’s expectations. He reported that this plan would serve as the basis for potential future park construction. He referred to the online survey and reported that there had been over 700 responses to the survey. He explained that the survey was designed to understand which of the three options people liked best as well as which elements of the individual options people preferred. Mr. Hoornaert reported that Option 2 was the most preferred option. He stated that the location of the picnic shelter and playground from Option 1 and the path system and separated restroom/shelter area from Option 3 were preferred. He referred to the sports court area and reported that responses were evenly split between those who wanted a sports court and those who did not. Mr. Hoornaert outlined that the sports court was discussed with the Parks and Recreation Advisory Board and the Board agreed that due to its proximity to Snyder Park, which provided many sport courts and future parks to the east of Murdock Park, a full-scale sports court was not necessary. Other feedback included retaining park amenities that were not in need of replacement and a desire to enhance the natural feel of the park. He provided an overview of the preferred plan on page 5 of the presentation and explained that Option 2 had been used as the framework for the

preferred plan. He outlined the activity cluster area which included the playground, activity shelter, restroom, a flexible lawn/play area allowing the park to have both active and passive recreation. He addressed the playground and explained that it was located where the current playground was located, but it had been enlarged and enhanced, allowing the existing equipment to be utilized. He referred to feedback desiring protection from the elements and reported that they had added seating along the edges of the vegetation. He commented that the Parks and Recreation Advisory Board asked that even more intense shade cover be provided. He noted that feedback also asked that the playground be inclusive. He referred to the shelter and stated it would be centrally located, overlooking the pond and near the playground. He referred to the turf area and explained that the area would need to be built up to provide a nicer quality turf area. He addressed the flexible play area and explained the area would allow for informal play and could host multiple types of smaller activities. He addressed the pathway network and outlined that they had tried to adapt the pathways from Option 3 into the preferred plan and explained that the pathways would be ADA accessible. He noted that benches had been placed at regular intervals along the circulation network. Councilor Scott commented that perhaps there were too many covered benches versus uncovered benches and discussion occurred. Mr. Hoornaert referred to the pond lookout and explained that the existing lookout would be retained, and the placement of the new lookout would be taken from Option 1. Mayor Rosener asked if any of the plans preserved existing trails to help cut down costs and Mr. Hoornaert replied that some of the existing trails could remain, but large portions of the existing trails were not accessible and would need to be fixed to be ADA accessible. He reported that the pond qualified as a wetland and therefore required a 50-foot planting buffer to be installed to Clean Water Services (CWS) standards. He stated that it would be necessary to remove the roughly 10 cottonwood trees around the pond as they were in declining condition. Mayor Rosener commented that removing all of the cottonwood trees at once would result in a large cosmetic change to the park and asked if it was possible to remove the trees as they became hazards instead. Mr. Hoornaert suggested that an arborist visit the site and complete a report on the health of the cottonwood trees. Councilor Giles asked that native trees and plants be planted when the cottonwood trees were taken down or vegetation was added. Mr. Hoornaert explained that the plan was to utilize a diverse array of native trees and plants throughout the park. Mr. Hoornaert provided an overview of the precedent imagery on pages 6-7 of the presentation. Mayor Rosener referred to the pathway and vegetation precedent imagery and asked how well the proposed pathway material and plants would hold up to wear and tear of heavy usage. Mr. Hoornaert referred to plantings and explained that they would be mindful to use non-toxic plants and plants that were heartier in nature. He provided an overview of the precedent imagery on pages 8-11 of the presentation. He outlined the cost estimate of \$3.3 million on page 12 of the presentation and explained that the figures were preliminary numbers. Mayor Rosener asked that staff draft a 5-year cost of ownership for the park that included the required 2-year maintenance costs for the CWS plantings. Councilor Giles asked that it also include a phased approach to adding certain features to the park and Mayor Rosener commented he preferred to complete the project all at once because it would only get more expensive as time went on. City Manager Sheldon commented that there were some “quick wins” for the park that could be done immediately thereby making the phased approach feasible. Councilor Standke referred to sun sails utilized at other parks and their impact on playground usage and asked if sun sails could be added to Murdock Park. Mayor Rosener referred to the structure precedent imagery and commented that it was important that the structure have eaves on both sides in order to protect the area from inclement weather. Mr. Hoornaert recapped that Council’s feedback would be incorporated into the Master Plan and shared at the open house on the 29th. Interim Public Works Director Sattler outlined that there was some grant funding that would become available in April that the city could pursue. Mayor Rosener asked that those funds be added to the city’s lobbying list. City Manager Sheldon stated that he expected a final plan to come to Council for approval in October or November.

5. ADJOURN

Mayor Rosener adjourned the work session at 6:05 pm and convened a URA Board of Directors work session. See URA Board meeting records. The City Council's regular session started after the URA work session.

REGULAR SESSION

1. **CALL TO ORDER:** Mayor Tim Rosener called the meeting to order at 7:10 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Taylor Giles, Renee Brouse, Dan Standke, Keith Mays, and Doug Scott.
3. **STAFF PRESENT:** City Manager Craig Sheldon, Assistant City Manager Kristen Switzer, Interim City Attorney Sebastian Tapia, Community Development Director Eric Rutledge, Interim Public Works Director Rich Sattler, HR Director Lydia McEvoy, Finance Director David Bodway, IT Director Brad Crawford, Economic Development Manager Bruce Coleman, City Engineer Jason Waters, Police Chief Ty Hanlon, and City Recorder Sylvia Murphy.

4. APPROVAL OF AGENDA:

MOTION: FROM COUNCIL PRESIDENT YOUNG TO APPROVE THE AGENDA. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 7:0; ALL MEMBERS VOTED IN FAVOR.

Mayor Rosener addressed the next agenda item.

5. CONSENT AGENDA:

- A. Approval of August 6, 2024, City Council Meeting Minutes
- B. Resolution 2024-062, Appointing Cliff Taylor to the Sherwood Senior Advisory Board
- C. Resolution 2024-063, Authorizing the City Manager to sign a lease agreement with H F & Sons, LLC to operate Sesame Donuts

MOTION: FROM COUNCILOR BROUSE TO APPROVE THE CONSENT AGENDA. SECONDED BY COUNCIL PRESIDENT YOUNG. MOTION PASSED 7:0; ALL MEMBERS VOTED IN FAVOR.

Mayor Rosener addressed the next agenda item.

6. CITIZEN COMMENT:

There were no citizen comments and Mayor Rosener addressed the next agenda item.

7. PRESENTATIONS:

A. Auditors Annual Update

Finance Director David Bodway introduced Dan Miley and explained that Mr. Miley was in charge of the city's audit engagement with Talbot, Korvola & Warwick. Mr. Miley explained that his firm was an independent

auditor. He reported that the city's audit was completed in April with an unmodified opinion. He explained that this meant that the city's financial statements were materially correct. He outlined the audit was completed in accordance with generally accepted auditing standards and governmental auditing standards. He reported that the city had implemented one new accounting standard for subscription-based IT arrangements, referred to as GASB (Governmental Accounting Standards Board) 97 and SaaS fees (software as a service) and provided a brief overview. He stated that this did not have any significant impacts to the URA since the city provided most of its services through the city. He stated that as a municipal auditor his firm was required to review Oregon minimum standards and reported that there had been several local budget law violations that mostly had to do with over expenditures. He reported that there were also some differences in the types of budget notices the city had used and explained that the type of notice used had to do with the type of budget amendment that was occurring. Mr. Miley reported that in the year ending on June 30, 2023, the city had expended \$4.5 million, with one major program accounting for \$4.4 million of that total and reported that the audit was completed with no findings. He provided an overview of several new accounting standards for fiscal year 2024 and fiscal year 2025. He reported that the city had implemented a new accounting standard. Councilor Giles asked Finance Director Bodway if he felt that he had the appropriate level of resources to manage the new changes. Mr. Bodway replied that he felt that the department was ready for the changes and explained that staff attended classes to educate themselves on the new standards as well as several other resources that were available to them. Mayor Rosener asked for more information on GASB 97, and Mr. Miley explained that before SaaS fees became popular, if someone bought a piece of software, it would be capitalized similar to any other capital asset. He explained that the Governmental Accounting Standards Board determined that this was similar to leases in that there was a contract to use a capital asset. He continued that this was a contract to use a piece of software and the GASB had determined that they were similar. Council President Young commented that she appreciated including a complete list of the city's software subscriptions in the audit report. Finance Director Bodway referred to Council's desire for a comprehensive contract database and explained staff was working towards this goal. He added that a materiality threshold would be utilized to determine if a contract/subscription qualified to be included in the database.

Mayor Rosener addressed the next agenda item.

8. CITY MANAGER REPORT:

City Manager Craig Sheldon reported that August 23rd was the last Movies in the Park event. He reported that the YMCA would hold a community BBQ on August 22nd.

Police Chief Ty Hanlon reported on recent police activity which resulted in the confiscation of drugs and firearms and stated that the investigation was ongoing.

Councilor Standke referred to recent street paving and asked if there were any additional city projects occurring prior to school starting. City Manager Sheldon replied that the Meinecke roundabout would be paved on the evening of September 8th.

Council President Young referred to a Washington County project that would shut down Elwert Road and asked for more details. Mr. Sheldon reported that the county had wanted to complete their Roy Rogers project prior to starting the Elwert project, and the Roy Rogers project had experienced some delays. He reported that Elwert would be closed for three weeks when the project started. Mayor Rosener asked if the county was coordinating with the Tualatin-Sherwood Road project to try and keep traffic flowing as much as possible with the upcoming Elwert closure. Mr. Sheldon replied staff would look into it.

Mayor Rosener addressed the next agenda item.

9. COUNCIL ANNOUNCEMENTS:

Council President Young reported that she attended the most recent Chamber of Commerce breakfast event where she met the new Sherwood School District Superintendent. She reported she was unable to attend the most recent Police Advisory Board meeting.

Councilor Mays referred to the new City Manager contract that had been adopted by Council at the August 6th City Council meeting and commented that he enthusiastically supported Craig Sheldon stepping into the role. He reported that he attended the Oregon Mayors Conference on Mayor Rosener's behalf. He reported that he attended the LOC board meeting and WCCCA meeting. He reported that he attended the most recent Cultural Arts Commission meeting where they discussed public art possibilities for the pedestrian bridge project.

Councilor Scott reported that school would begin prior to Labor Day this year and asked drivers to be mindful of their surroundings.

Councilor Standke reported that he attended the most recent Planning Commission meeting where they discussed food cart pods.

Councilor Giles reported that he attended the Washington County housing update on affordable housing. He reported on recent library events. He reported that the Library Advisory Board had not met. He spoke on student cross country opportunities at the middle school.

Mayor Rosener reported that he had met with the new Sherwood School District Superintendent. He reported that Senator Merkley had hosted a town hall event in Sherwood. He reported on a recent music festival held at Stella Olsen Park. He spoke on the Oregon Mayors Association "If I Were Mayor..." student contest.

Interim City Attorney Sebastian Tapia reported that the Oregon Supreme Court had denied the city's appeal regarding Climate Friendly and Equitable Communities mandates.

10. ADJOURN:

Mayor Rosener adjourned the regular session at 7:45 pm and convened an executive session.

EXECUTIVE SESSION

- 1. CALL TO ORDER:** Mayor Rosener called the meeting to order at 7:47 pm.
- 2. COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Taylor Giles, Renee Brouse, Dan Standke, Keith Mays, and Doug Scott.
- 3. STAFF PRESENT:** Interim City Attorney Sebastian Tapia, City Manager Craig Sheldon, Assistant City Manager Kristen Switzer, and IT Director Brad Crawford.

3. TOPICS:

A. ORS 192.660(2)(f), Exempt Public Records

4. ADJOURN:

Mayor Rosener adjourned the executive session at 8:41 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Tim Rosener, Mayor

TO: Sherwood City Council

FROM: Sebastian Tapia, Interim City Attorney

SUBJECT: Ordinance 2024-003, Adding new sections to the Sherwood Municipal Code designating City Manager Pro Tem in the absence of the City Manager and amending Chapter 1.10

Issue:

Shall the City Council amend Sherwood's Municipal Code and add new code provisions pertaining to a city manager pro tem?

Background:

The City Council met on September 3, 2024 to consider additions to Sherwood's Municipal Code Chapter 1.04 pertaining to a city manager pro tem in the city manager's absence, as well as an amendment to Sherwood Municipal procurement code 1.10.030.

Council has historically adopted a resolution to delegate authority to specific individuals to serve as city manager pro tem when the city manager is unable to fulfill their duties. Staff expressed an interest in having a more permanent solution by designating the assistant city manager as the default manager pro tem during unplanned absences and allowing the manager to delegate their authority during planned absences.

Sherwood's Charter Section 33(h) states, "When the manager is temporarily disabled from acting as manager or when the office becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval." The new code provision defines the term "vacant." It further states that if the office of city manager becomes vacant for any reason, the assistant city manager will temporarily serve as manager pro tem until council meets to appoint a manager pro tem.

A new code provision allows the manager to delegate their authority during planned absences. By allowing the manager to delegate manager pro tem authority to any qualified director during manager's planned absences, directors receive valuable experience in support of future advancement.

Sherwood Municipal Code Chapter 1.10 assigns contract and procurement responsibility by position title when the city manager is unavailable and has not delegated responsibility to another qualified manager. The assistant city manager was not a listed position when that provision was

adopted. This amendment adds the assistant city manager to the first position and reorders the priority of other job titles. A track change version is attached as Exhibit A to this staff report.

Financial Impacts:

There are no expected financial impacts.

Recommendation:

Staff respectfully recommends that the City Council review and hold a public hearing, and consider adopting Ordinance 2024-003, Adding new sections to the Sherwood Municipal Code designating City Manager Pro Tem in the absence of the City Manager and amending Chapter 1.10.

Sherwood Municipal Code 1.10.030(D)(4)

4. Delegate, in writing, the signature authority described in the above subsection (2) and the purchasing powers described in the above subsection (3). In the absence of a written delegation to the contrary, and in the absence of the city manager, the signature authority described in the above subsection (2) and the purchasing powers described in the above subsection (3) are delegated in order as follows:

- a. Assistant City Manager
- ~~a.b.~~ Public works director;
- ~~b.a.~~ City attorney;
- ~~c.~~ Finance director;
- ~~e.d.~~ Community services director;
- ~~d.a.~~ Finance director;
- e. Police chief;
- ~~e.f.~~ City attorney.



ORDINANCE 2024-003

**ADDING NEW SECTIONS TO THE SHERWOOD MUNICIPAL CODE DESIGNATING CITY
MANAGER PRO TEM IN THE ABSENCE OF THE CITY MANAGER AND
AMENDING CHAPTER 1.10**

WHEREAS, the city manager will occasionally have planned or unplanned absences from the City, and the office could unforeseeably become vacant; and

WHEREAS, the city manager should be permitted to designate the assistant city manager, or other qualified persons to serve during their planned absences; and

WHEREAS, the City Charter Section 33 (h) states, "When the manager is temporarily disabled from acting as manager or when the office becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval."; and

WHEREAS, if the office of city manager becomes vacant or if the manager is temporarily disabled from action as manager, the city government would benefit by having the assistant city manager temporarily serve as city manager pro tem until council can meet to appoint a city manager pro tem; and

WHEREAS, Sherwood Municipal Code 1.10.030(D)(4) authorizes the city manager to delegate in writing the city manager's signing authority and purchasing power. In the absence of such written delegation, the signing authority is currently the following order: public works director; city attorney; community services director; finance director; police chief; and

WHEREAS, The assistant city manager should be included in the list of designees in Sherwood Municipal Code 1.10.030(D)(4) and the above positions shall be reordered as shown in exhibit 1.

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

Section 1. Sherwood Municipal Code Chapters 1.04.010 and 1.04.090 shall be added as shown in Exhibit 1. Sherwood Municipal Code Chapter 1.10.030(D)(4) shall be amended as shown in Exhibit 1.

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Section 2. This ordinance shall become effective the 30th day after its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council September 17, 2024.

Tim Rosener, Mayor Date _____

Attest:

Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Standke	_____	_____
Giles	_____	_____
Scott	_____	_____
Mays	_____	_____
Brouse	_____	_____
Young	_____	_____
Rosener	_____	_____

1.04.010 - Definitions

1.04.010 “Vacant.” The office of the city manager is vacant when the manager either is no longer employed as manager or is permanently unable to fulfill their duties.

1.04.090 City manager absence.

A. The city manager is hereby authorized to delegate in writing the authority of the city manager pro tem to the assistant city manager or a qualified director when manager plans to be unavailable to fulfill their duties. The designated city manager pro tem has the authority and duties of city manager, except they may appoint or remove employees only with council approval.

B. Notwithstanding section A, if city manager has an unplanned absence, the assistant city manager shall serve as city manager pro tem, except they may appoint or remove employees only with council approval.

C. If the city manager’s office becomes vacant and before the council meets to appoint a city manager pro tem, the assistant city manager will temporarily act as city manager pro tem, except they may appoint or remove employees only with council approval.

1.10.030. - Authority.

1.10.030(D)(4),

4. Delegate, in writing, the signature authority described in the above subsection (2) and the purchasing powers described in the above subsection (3). In the absence of a written delegation to the contrary, and in the absence of the city manager, the signature authority described in the above subsection (2) and the purchasing powers described in the above subsection (3) are delegated in order as follows:

- a. Assistant City Manager;
- b. Public works director;
- c. Finance director;
- d. Community services director;
- e. Police chief;
- f. City attorney.