CITY COUNCIL MEETING PACKET

FOR

Tuesday, January 4, 2022

Sherwood City Hall
22560 SW Pine Street
Sherwood, Oregon

6:30 pm City Council Work Session

7:00 pm City Council Regular Meeting

Pursuant to House Bill 4212 (2020), this meeting will be conducted electronically and will be live streamed at https://www.youtube.com/user/CityofSherwood

City of Sherwood Oregon

Home of the Tualatin River National Wildlife Refuge

AGENDA

SHERWOOD CITY COUNCIL
January 4, 2022

6:30 pm City Council Work Session

7:00 pm City Council Regular Meeting

Pursuant to House Bill 4212 (2020), this meeting will be conducted electronically and will be live streamed at
https://www.youtube.com/user/CityofSherwood

6:30 PM WORK SESSION

1. **Becoming an Age Friendly City**
(Maiya Martin Burbank, Sr. Center 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 December 7, 2021 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
   B. **Resolution 2022-001, Appointing Maggi Gerhard to the Sherwood Library Advisory Board** (Adrienne Doman Calkins, Library Manager)
   C. **Resolution 2022-002, Adopting an Executive Session News Media Attendance Policy** (Keith D. Campbell, City Manager)
   D. **Resolution 2022-003, Authorizing the City Manager to amend the professional services contract with Murraysmith to cover unanticipated costs due to project changes and delays** (Bob Galati, City Engineer)

6. **CITIZEN COMMENTS**

Oregon Law typically requires the City to permit any person to appear in person to ask questions or comment on public hearing matters. However, due to COVID-19 restrictions, persons interested in participating may provide written comments at least 24 hours in advance of a City Council meeting by either (1) emailing Cityrecorder@Sherwoodoregon.gov or contacting the City Recorder at 503-625-4246 at least 24 hours in advance of a meeting. An email submitted 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. In either case, the email must be received at least 24 hours in advance of the scheduled meeting time.

In addition, the City Council will accept comments during the public meeting via phone. During the live meeting, community comments on non-agenda items and public hearing testimony can be provided by calling into the meeting. To participate via phone, please email or call the City Recorder Cityrecorder@Sherwoodoregon.gov, 503-625-4246 by 5:00 PM, 24 hours in advance of the meeting 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.

7. **PRESENTATIONS**

   A. **Proclamation, Proclaiming December 15, 2021 as Arbor Day** (Mayor Mays)
   B. **Introduction of new Westside Economic Alliance Executive Director** (Bruce Coleman, Economic Development Manager)

8. CITY MANAGER REPORT

9. COUNCIL ANNOUNCEMENTS

10. 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, 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 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.

SHERWOOD CITY COUNCIL MEETING MINUTES

22560 SW Pine St., Sherwood, Or

Pursuant to House Bill 4212 (2020), this meeting will be conducted electronically and will be live streamed at https://www.youtube.com/user/CityofSherwood

December 7, 2021

WORK SESSION

1. **CALL TO ORDER:** Mayor Mays called the work session to order at 6:01 pm.

2. **COUNCIL PRESENT:** Mayor Keith Mays, Councilors Doug Scott, Kim Young, Sean Garland, Russell Griffin, and Renee Brouse. Council President Tim Rosener was absent.

3. **STAFF PRESENT:** City Manager Keith D. Campbell, IT Director Brad Crawford, Community Development Director Julia Hajduk, Community Services Director Kristen Switzer, Public Works Director Craig Sheldon, Finance Director David Bodway, Police Chief Jeff Groth, Interim Police Chief Ty Hanlon, Planning Manager Erika Palmer, Public Works Utility Manager Rich Sattler, and City Recorder Sylvia Murphy.

   OTHERS PRESENT: Deb Galardi with Galardi Rothstein Group.

4. **TOPICS**

A. Sanitary and Storm Rate Review Update

Public Works Director Craig Sheldon introduced consultant Deb Galardi and explained that Ms. Galardi had been working with the City doing rate reviews since 2012 and recapped the projects she had assisted the City with. Ms. Galardi presented the “Utility Rate and Water SDC Update” PowerPoint presentation (see record, Exhibit A) and provided background on Master Plans and System Development Charges (SDCs) and explained that both were updated in 2016 and identified 20-year capital improvement needs for local systems. She reported that as a part of the work on the Master Plan, they had developed an SDC that differed by area to take into consideration the additional costs associated with the Brookman and Tonquin areas. She explained that at the time, the regional storm SDC was determined to be sufficient to cover the growth costs because the regional level was sufficiently funding. She commented that generally, storm systems had more robust funding and better matches. She reported that the rates were reviewed in 2017, and the City developed a new IGA with Clean Water Services to establish the City versus the regional portion of the fees. She reported that a structural problem with the sewer rates was identified at that time with respect to forecast capital improvements beyond the near term. She addressed current stormwater rates and explained that the rates were flat fees that were assessed per equivalent service unit, and equivalent service units were based on impervious area. She explained that the fee was comprised of multiple components that included a CWS regional rate, a CWS regional franchise fee, and a local rate that included a portion that was set by CWS and a portion that was set by the City. Ms. Galardi explained that rates were evaluated with respect to both the operation and maintenance and the ability to fund the planned capital improvements in the five-year planning period, as well as the ability to fund other further out future projects. She reported that stormwater funding totaled $2.2 million and currently matched well with the current requirements. She referred to the chart on page 7 of the presentation and explained that Operation and Maintenance totaled $1.3 million, and close to $800,000 was available to fund capital in the form of capital transfers for large capital improvements as well as road related capital and equipment replacement. She provided an overview of the Stormwater Capital Phasing chart on page 8 of the presentation and reported that there was a projected increase in the last half of the plan and was associated with stormwater paying a share of the Public Works facility, other storm replacements, and ongoing water quality facilities work. Ms. Galardi explained that if the phasing continued as it was projected, there would be a need to draw down some of the reserves in order to potentially fund those projects. She provided an overview of the 10-year Stormwater Capital Funding table on page 9 of the presentation. She addressed the Stormwater fund forecast chart on page 10 of the presentation and stated that the chart assumes a 2% increase for the local portion and commented that CWS controlled the increases for the local share of their regional rate. She continued that it was possible that CWS's regional rate would increase more and would result in more funds available, negating the need to draw down fund balances. She reported that the combined reserves had well above the minimum contingency fund balance that was recommended and commented that it was well-matched for revenues and expenses at the 2% rate for all customers. Mayor Mays commented that Ms. Galardi had estimated too much time for when the larger capital projects would be started as he felt that many of the larger project would be completed sooner rather than later. Ms. Galardi commented that there was flexibility in the Stormwater Fund to move up projects. She addressed current sewer rates and stated that the fee was comprised of multiple components and explained that the equivalent dwelling unit was the basis for the sewer rates and was based on plumbing fixture units and included a volume component per 100 cubic feet. She reported that the City's locally controlled fee was $5.72 on the fixed and $0.35 per CCF on the variable and commented that a small portion of the overall customer's bill was for the City's portion of the cost. She addressed the structural issue and stated that in terms of the revenue, currently roughly $780,000 covered the operation and maintenance costs, but it was not enough to fund the capital which included equipment and vehicle replacement and capital transfers for local sewer improvements. She recapped that in the first five years, the majority of the projects and costs were associated with the Regional Capital Improvement Plan (CWS CIP) and much of the funding came from Clean Water Services rates and the collective funding of the district. She referred to the Sewer Capital Phasing chart on page 14 of the presentation and explained that the red bar represented the TEA CIP and included developer funding and URA funds to fund most of that infrastructure. She explained that the light blue color represented what needed to be covered by the City's CIP. She recapped that the second half of the 10-year plan included the projection that there would be more significant local needs and based on the projections and the ability to transfer capital from the Operating Fund, the second half of the 10-year period could run into some potential shortfalls if additional funds were not available. She reported that there was $2.2 million for the beginning fund balance for Sewer Capital Funding, which would allow for near-term improvements to be funded with significant funding coming from the Rock Creek trunk and other pipelines in the TEA. She reported there was a projected total of $2.5 million for the second half of the 10-year period, and additional funding would be needed. She addressed the Sewer Fund Forecast chart on page 16 of the presentation and stated that the chart used a 3% rate increase for commercial. She stated that many cities charged their commercial customers higher rates than residential and there were specific services that the city performed only for commercial customers such as a fats, oils, and grease program as well as inspections. Ms. Galardi explained that even with a 3% increase for commercial and a 2% increase for residential, there was still not much funding available for capital. She explained that the chart on page 16 did not assume that the fund balance would be drawn down completely and the fund balance intended to fund vehicle and equipment replacement as well as meeting the minimum operating contingency. She addressed the Sewer and Stormwater Bill Comparison chart on page 18 of the presentation and reported that Sherwood was between Wilsonville and Tigard in terms of the total for its sewer and stormwater bill. She recapped that stormwater revenue incorporated a 2% rate increase for local charges, while CWS rates may vary. She stated that there was good availability of funding to meet the projected requirements. She recapped that sewer revenue included residential and commercial rate increases of 2% and 3% per year. She explained that the city was currently relying on fund balance to cover city capital and equipment costs and that there was insufficient funding for projected capital requirements in the latter half of the plan. Public Works Director Sheldon commented that he was concerned about the City's ability to pay debt with the sewer fund when even completing projects would be difficult with the small amount of funds available. He commented that the City received a franchise fee from CWS, roughly $150-170,000 a year which went into the General Fund, that could instead stay in the Sanitary Fund over the 10-year period and could help offset the meter rate increases for the commercial side. He commented that another option would be to look into potentially using ARPA funds for sanitary project funding. Mayor Mays commented he wanted to see a suite of options and suggestions from staff to fix the sewer issue instead of only a suggested 3% increase for commercial before he wanted to give his opinion on anything. He stated that the presentation did not touch on SDC rates, and commented that he understood that there would be adjustments made to the Master Plans for those and asked if that was correct? Public Works Director Sheldon replied that in regard to SDC rates, CWS set the Storm Regional Rate, and the City needed to make some minor modifications in the Master Plan to account for changes since it was last updated in 2016. He continued that CWS also set the Sanitary Rate of roughly $6,000 for SDCs, and the City's portion of that was 3.9%, with CWS receiving the 96.1% of the SDC charges. He stated that he would need to get legal advice on if an SDC surcharge could be added. He commented that there were projects that are not completely funded by CWS and would be funded by the rate payers and future developments instead. He commented that he did not feel comfortable pulling data from the Storm and Sanitary Master Plan to be used since the data was from 2016-2017 and that he wished to incorporate more Old Town data into the plan. Mr. Sheldon reported that rate increases would be scheduled for July 1st of 2022. Mayor Mays asked that Mr. Sheldon ensure that the Stormwater Fund remain healthy in the event that some of the larger capital projects were to happen before 2029. Mr. Sheldon commented that he projected that there would be a contractor shortage in the coming years, so some of the projects that were scheduled for the next three years may get shifted based on contractor availability. Councilor Young asked if 2% was the maximum the rates could be raised for residential? Mr. Sheldon replied that was correct. Mayor Mays commented that fundamentally, the reserve level needed to increase over time because of the cost value of money, and the City should always have a larger and larger carry forward balance. He continued that for water it was even more important because at some point, the infrastructure would have to be replaced. Councilor Griffin asked what percentage comparable cities used for their residential rates? Mayor Mays commented that it depended on the "bucket" but for sewer it was more than 2%. Councilor Griffin asked if the maximum percentage should be increased in order to help offset costs? Ms. Galardi replied that, nationally, sewer and water rates had been going up at double the rate of inflation, mostly due to the need to replace infrastructure. She continued that other cities in the region and nationally were generally increasing their rates to be significantly higher. Councilor Griffin commented that the future development of Sherwood West needed to be taken into consideration when planning rate increases and future funding.

B. Discuss potential Water Fund Debt Refinancing

Consultant Deb Galardi recapped the financial plan revisions that had been completed since Council last met and reported that the operating and capital fund overhead and fleet reimbursement projections had been updated, a January 1, 2022 commercial/irrigation rate increase had been added, and a debt option had been developed. She explained that the numbers she would be presenting to Council were based on a $10 million, 20-year, Full Faith and Credit obligation, at a 2% interest rate. She recapped SDC revisions and commented that this was "a dynamic time" in terms of construction costs. She added that additional information had been received from the consulting engineers about what they anticipated in terms of capital costs increases between now and when the City adopted a new SDC methodology. She continued that the SDC revisions also included updated usage information to include 2021 peak demand, and it also included an alternative replacement cost methodology for the reimbursement component of the SDC which was based on replacement costs. She provided an overview of the Water Capital Phasing chart on page 22 of Exhibit A and explained that the green bar on the chart was the Capital Fund Balance which showed an assumed $10 million debt issued, which would be spent down to fund the near-term capital. She explained that the idea was that the debt would be issued, then use the proceeds to pay for improvements, and then spend some of the existing Capital Fund in order to not have transfers over in the short term from the operating side. She stated this would help to preserve the combined fund balance. She addressed the Water Capital Funding table on page 23 and reported that the table covered a 10-year period and roughly $34 million of improvements, of which $10 million would be funded from debt, and an assumed $2 million from Urban Renewal funding. She stated there was significant SDC funding and commented the number could be higher depending on if Council chose to go with the higher option in terms of the updated SDC methodology. She addressed the Updated Water Fund Forecast chart on page 24 and explained that the Capital Transfers would not be needed in the short-term because the debt proceeds could get paid down and then the transfer could be restarted, which would increase the fund balance in the Operating Fund. She clarified that the chart assumed a continued 3% rate increase for commercial in the subsequent years and commented that in the latter years, due to the inflationary environment and the need to continue to fund significant capital projects and pay existing debt service, the 3% commercial rate would be unable to meet the funding needs. She reported that at the current level of rate increase, there was still a decline in the reserves. Finance Director David Bodway addressed the Debt Scenarios table on page 26 of the presentation and explained that the figure of $10 million at 20 years at a 2% rate used in the model would equate to a $611,567 payment. He explained that the chart showed different debt scenarios to help illustrate the current precarious inflationary times. He explained that a $10 million debt over 30 years would result in lower payments and help to build up the funding reserves in the Water Fund. Ms. Galardi addressed the preliminary SDC Options on page 27 of the presentation and explained that there were two options. She explained that the current SDC methodology was based on original cost for the reimbursement fee and both of the options had been updated to reflect the higher inflation figure as well as a projected higher cost of the project list. She stated that the Replacement Cost option for the reimbursement fee was significantly higher than the Original Cost method that was the basis, and the Compliance Fee was the same in both options. She reported that under the Original Cost the total was $8,074 and the Replacement Cost was $8,836, an increase of 23% and 35%. Ms. Galardi explained that it was up to Council to decide how they wished to value the existing system based on the original cost or the book value that took out the depreciation or replacement cost. She explained that based on the year the asset was placed in service, she then added the inflation that had occurred as recorded by the Construction Cost Index. She reported that cities around the state used anything from the book value up to the Replacement Cost. She provided an overview of the SDC Comparison chart on page 28 of the presentation. Ms. Galardi recapped that debt proceeds preserved projected reserve levels and that a continued 2% for residential and 3% for commercial rate increase was sufficient to fund projected requirements based on current assumptions. For SDCs she recapped that the project list incorporated recent cost inflation, the reimbursement fee valuation basis (Original Cost or Replacement Cost) was a policy issue to be decided by Council, and that the revised SDCs were comparable to other communities. Public Works Director Sheldon commented that he would recommend using the Replacement Cost for raising the SDCs. He reported that since 2012, the community had voiced their desire for development to pay for development and not the ratepayers. He recapped that he was expecting a 30% increase in ductile iron this year, and a 30% increase next year through 2024, and those were the numbers they used in the report. He stated that everything that was in the Master Plan and equipment replacement list was covered and he felt that there was a better replacement cost for upsizing any of the existing mains that could be covered from the SDCs, and that was why he recommended the higher amount. He explained that there was a roughly 90-day process that needed to be completed for the SDC rate increase. He also recommended taking out some sort of debt on the Water Fund to be able to fund some of the projects and help keep up the reserves. Mayor Mays asked for Council feedback on the SDC methodology and commented he agreed with Mr. Sheldon's recommendation. Council commented they also agreed. Mayor Mays asked for City Manager Keith Campbell's thoughts on taking out debt. City Manager Campbell replied that Craig's recommendation came from staff looking at the short term and also looking at financing that was available, and he also concurred with Public Works Director Sheldon's recommendation of the $10 million 20-year loan. Mayor Mays asked if City Manager Campbell preferred the 20-year term over the 30-year term? Mr. Campbell replied that he preferred the 20-year term, but it was a decision for Council. Councilor Griffin asked Mr. Campbell why he preferred the shorter term? Mr. Campbell replied because he felt that better rates were available, and it was typical for cities to do 20-year terms for long-term debt obligation and commented that the city would pay less in terms of inflationary rates. Councilor Griffin asked Finance Director David Bodway for his thoughts on 20-year versus 30-year loans. Mr. Bodway replied that typically cities used 20-year terms and 30-year loans were few and far between. He commented that looking at the needs of the Water Fund, the 20-year option would be the best option and commented he could ask for different term options during the RFP process. Mayor Mays commented he wanted to get feedback on both options. Mayor Mays commented he wanted to see options brought back to Council for the Sewer Fund in order to fix the rates. Councilor Griffin commented that as a resident he has enjoyed the 2% rate increase limit but felt that it was not sustainable for the growth of Sherwood and the replacement of infrastructure. Councilor Brouse asked if they wished to increase the rate beyond 2%, would it require a vote? Mayor Mays replied that was correct. Councilor Griffin thanked Public Works Director Sheldon for his expertise and hard work for the city. Mr. Sheldon replied it was a team effort.

5. ADJOURNED:

Mayor Mays adjourned the work session at 6:53 pm and convened an executive session.

<u>EXECUTIVE SESSION</u>

1. **CALL TO ORDER:** Mayor Mays called the executive session to order at 6:55 pm.

2. **COUNCIL PRESENT:** Mayor Keith Mays, Councilors Doug Scott, Kim Young, Sean Garland, Russell Griffin, and Renee Brouse. Council President Tim Rosener was absent.

3. **STAFF PRESENT:** City Manager Keith D. Campbell and Legal Counsel Spencer Parsons.

4. **TOPICS**

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

5. **ADJOURNED:**

Mayor Mays adjourned the executive session at 7:04 pm and convened a regular session.

<u>REGULAR SESSION</u>

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 7:10 pm.

2. **COUNCIL PRESENT:** Mayor Keith Mays, Councilors Doug Scott, Kim Young, Sean Garland, Russell Griffin, and Renee Brouse. Council President Tim Rosener was absent.

3. **STAFF PRESENT:** City Manager Keith D. Campbell, IT Director Brad Crawford, Community Development Director Julia Hajduk, Public Works Director Craig Sheldon, Finance Director David Bodway, Community Services Director Kristen Switzer, Police Chief Jeff Groth, Interim Police Chief Ty Hanlon, Planning Manager Erika Palmer, Public Works Utility Manager Rich Sattler, Legal Counsel Spencer Parsons, and City Recorder Sylvia Murphy.

4. **APPROVAL OF AGENDA:**

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

Mayor Mays addressed the next agenda item.

5. **CONSENT AGENDA:**

A. Approval of November 16, 2021 City Council Meeting Minutes
B. Resolution 2021-099 Authorizing the City Manager to sign Public Utility Easement Dedication Agreement and Deeds adjacent to property owned by the City at 20159 SW Roy Rogers Road to the benefit of Washington County for the Construction of the SW Roy Rogers Road Improvements
C. Resolution 2021-100 Authorizing the Issuance of Gift Certificates to Members of the City's Boards and Commissions

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

Mayor Mays addressed the next agenda item.

6. **CITIZEN COMMENTS:**

The City Recorder read aloud the comments submitted by Sherwood resident Dave Sweeney regarding potential developer violations on the west side of Cedar Creek. Mr. Sweeney provided photos and a video for Council's review. He stated that the wetland area on the west side of Cedar Creek had been stripped clean of vegetation, and only some of which has been re-planted. He stated that this area was supposed to be a protected wetland and it, "seems we are doing a terrible job of protecting it." He asked why the developer was allowed to strip so much of the vegetation from that area? He stated that it is a town's responsibility to protect its wetlands, as developers would not. He quoted from Chapter 3 of the Clean Water Services document and cited several violations the developer had completed and stated that there needed to be accountability.

The City Recorder read aloud the comments submitted by Sherwood resident Neil Shannon regarding his concerns over the development of the Brookman Road Concept area. He asked Council what they planned to do about, "studying the concerns and moving forward to address the issues of how parks in Sherwood are created and address the needs that the Citizenship has so clearly stated in the Parks Master Plan adopted less than six months ago?" He stated that the City was failing to meet the goals outlined in the Parks Master Plan and opportunities were being lost by letting developers define their own concept of parks. He explained that the approved Middlebrook subdivision developer was providing open space, as required, but the Parks Board was not consulted on if the provided open space was sufficient as a park. He stated he believed the open space may be useful as a field or future sports facility, but the open space did not meet the Parks Master Plan goal of, "a full-size sports field, one being geared toward nature play" and the area did not meet the Parks Master Plan goal of establishing, "trails into the natural areas with trailheads and wayfinding." Mr. Shannon asked that Council work with City staff to determine what could be done to save some of the last available natural areas of Cedar Creek and its tributaries as outlined in the Parks Master Plan. He asked that when Council met to establish goals for the next year, that they make the establishment of natural areas within the Brookman Road Concept area a high priority.

Mayor Mays commented that he had sent a note to City Manager Keith Campbell earlier and commented that the sanitary sewer line extension was either being done by the city or by Clean Water Services. He commented that between the Parks and Recreation Advisory Board and the City, they were working on parks and they might not be, "picking land that's in the backyard of people who are asking for land to be protected…but that happens."

Mayor Mays addressed the next agenda item. The City Recorder read the public hearings statement and reported that no public testimony had been received for any of the agenda items.

7. PUBLIC HEARINGS:

A. Ordinance 2021-010, Amending sections of the Sherwood Zoning and Community Development Code for Residential Design Standards *(Second Reading)*

Planning Manager Erika Palmer stated that they had not received any additional public testimony since the ordinance's first reading and offered to answer any questions Council may have about the proposed ordinance. Mayor Mays closed the public hearing portion of the hearing and asked for questions or discussion from Council. Mayor Mays asked if developers would be able to adapt their roofs in order to maximize the solar potential of their project? Ms. Palmer replied that was possible and explained that the standards they had put together did not prohibit rooftop activity with solar panels. She stated that there was a chapter in the City's existing code that addressed energy conservation. Mayor Mays clarified that developers could change the roof design that would allow them to get a better solar rating? Ms. Palmer replied that was correct and explained that the City did not limit roof pitches in the design standards, but there were roof type materials, and those materials would allow for future solar installation on rooftops. Councilor Scott commented that he believed that there was nothing in the proposed code that would make solar either less doable or more doable as the design standards would not impact it either way.

MOTION: FROM COUNCILOR YOUNG TO READ CAPTION AND ADOPT ORDINANCE 2021-010 AMENDING SECTIONS OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE FOR RESIDENTIAL DESIGN STANDARDS. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCIL PRESIDENT ROSENER WAS ABSENT).

Mayor Mays addressed the next agenda item

B. Ordinance 2021-011, Adopting the Sherwood Economic Opportunities Analysis 2021 as a Sub-Element of the Comprehensive Plan *(Second Reading)*

Planning Manager Erika Palmer explained that the Economic Opportunities Analysis needed to be adopted as a part of the City's Comprehensive Plan and stated that no additional public testimony had been received on the proposed ordinance since the first reading. Mayor Mays closed the public hearing portion of the hearing and asked for questions or a motion from Council.

MOTION: FROM COUNCILOR BROUSE TO READ CAPTION AND ADOPT ORDINANCE 2021-011 ADOPTING THE SHERWOOD ECONOMIC OPPORTUNITIES ANALYSIS 2021 AS A SUB-ELEMENT OF THE COMPREHENSIVE PLAN. SECONDED BY COUNCILOR SCOTT. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCIL PRESIDENT ROSENER WAS ABSENT).

Mayor Mays addressed the next agenda item

C. Ordinance 2021-012, Amending the Sherwood Comprehensive Plan Ordinance 1978-689, as amended to replace in its entirety the current Comprehensive Plan with Updated Comprehensive Plan goals and policies *(Second Reading)*

Planning Manager Erika Palmer explained that the Comprehensive Plan would be the roadmap for development in Sherwood over the next twenty years. She explained that the Comprehensive Plan had been developed with the community over the past two and a half years and they had held multiple meetings with the CAC and TAC teams. She stated they had held open houses prior to the COVID-19 pandemic and they had conducted online surveys to gather community feedback. Ms. Palmer stated that the Comprehensive Plan set goals and policies for everything from infrastructure to housing to parks and recreation. She stated that both staff and the Planning Commission had forwarded their recommendation for adoption of the Comprehensive Plan to Council. Ms. Palmer confirmed that no additional public testimony had been received on the proposed ordinance. Mayor Mays closed the public hearing portion of the hearing and asked for questions or a motion from Council. Councilor Garland thanked Ms. Palmer and those who were involved in the Comprehensive Plan Update process. He commented that the update was well overdue, and he was thankful to those that had worked on the document. Councilor Scott commented regarding the CAC and TAC team and commented that every board and commission had played a part in updating the Comprehensive Plan. He gave his thanks to the Planning Commission who had been involved throughout the entire Comprehensive Plan Update process. Mayor Mays commented he was thankful to be at this point in the process and commented that there was more work ahead now that the document was complete. He thanked the community members who served on the CAC and TAC.

MOTION: FROM COUNCILOR BROUSE TO READ CAPTION AND ADOPT ORDINANCE 2021-012 AMENDING THE SHERWOOD COMPREHENSIVE PLAN ORDINANCE 1978-689, AS AMENDED TO REPLACE IN ITS ENTIRETY THE CURRENT COMPREHENSIVE PLAN WITH UPDATED COMPREHENSIVE PLAN GOALS AND POLICIES. SECONDED BY COUNCILOR YOUNG. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCIL PRESIDENT ROSENER WAS ABSENT).

Mayor Mays addressed a business topic not listed on the agenda.

OTHER BUSINESS:

Legal Counsel Spencer Parsons stated that if the City wished to participate in the opioid settlement, Council needed to approve by motion authorization in that settlement and at the same time delegate authority to the City Manager to sign the necessary documents to participate in the settlement. He stated that he recommended that if Council was inclined to participate in the settlements, and because the documents were not finalized, that the finalized documents be subject to review and approval by the City Attorney. Mayor Mays asked if Council could authorize the City Manager to review, approve, and sign the documents if the City Manager liked the proposal as well as the authority to not sign the documents if the City Manager did not like the proposal? Mr. Parsons replied that was correct and clarified that Council would not be directing the City Manager to sign the documents, Council was only delegating the authority to sign the documents if the City Manager deemed them to be in the City's best interests. Mayor Mays asked for a motion from Council.

MOTION: THE MOTION WAS SO MOVED BY COUNCILOR BROUSE. SECONDED BY COUNCILOR YOUNG. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCIL PRESIDENT ROSENER WAS ABSENT).

8. CITY MANAGER REPORT:

City Manager Keith Campbell acknowledged that today was the 80th anniversary of Pearl Harbor and stated he wished to give his remembrance to that event. He reported that this meeting was the last meeting of the year and he wished staff, Council, and the community happy holidays and a joyous new year.

Councilor Griffin asked when the first Budget Committee meeting would be held? City Manager Campbell replied that a date had not been set as yet, but he and Finance Director David Bodway were working on it and he would get a date out to Council by the end of the week.

Councilor Griffin commented that he felt that the recent posts on the City of Sherwood Police Department's Facebook page were well done and that he liked the pictures and information presented within the posts.

Mayor Mays gave his thanks to City staff and Public Works for setting up the holiday lights in Old Town as well as putting up the tree. He thanked the Police Department for helping with the Robin Hood Festival holiday parade.

Mayor Mays addressed the next agenda item.

9. COUNCIL ANNOUNCEMENTS:

Councilor Young thanked Public Works for their hard work putting up the holiday lights in Old Town. She thanked Public Works employee Jordan Thompson for driving the Council float in the holiday parade. She reported that discussions regarding manufactured home communities was happening at the policy advisory board for the CDBG. She explained they were discussing potential strategies to prevent the loss of households to the redevelopment of manufacturing home communities, as had happened in previous years.

Councilor Garland spoke regarding the Consent Agenda item of providing gift certificates to boards and commissions members and explained that this was the second year that the City was unable to hold the annual appreciation dinner for board and committee members. He thanked those who had served on the City's various boards and committees and stated that they were, "unpaid volunteers who put their time and effort into making our city better." He thanked City staff for their hard work throughout the year and wished everyone a safe holiday.

Councilor Scott thanked those who had served on the City's various boards and committees throughout the year. He wished his daughter Lindsey a happy birthday.

Councilor Brouse wished everyone happy holidays and gave her kudos to Public Works Director Craig Sheldon and the Public Works staff for their work setting up the holiday lights in Old Town. She reported that the Senior Advisory Board would meet on December 8th to complete their SWOT analysis and continue their work on becoming an age-friendly city. She reported that the Library Advisory Board met and completed their SWOT analysis. She reported that February 24, 2022 would be the annual awards dinner for the Chamber of Commerce, and they were currently accepting nominations.

Councilor Griffin reported he attended the Parks and Recreation Advisory Board meeting on December 6th where they discussed planning a work session for January to discuss how they wanted to implement the Parks and Recreation Master Plan as well as other ways for the board to provide input on activities within different city departments. He reported that the holiday tree in Cannery Square was 33 feet tall and was purchased from Sleighbells of Sherwood. He gave his kudos to Public Works for their work setting up the holiday lights in Old Town. He spoke on funding at the Senior Center and commented that he felt that there were, "such great people working at the City."

Mayor Mays wished everyone happy holidays. He wished a happy birthday to both his mom and aunt.

10. ADJOURN:

Mayor Mays adjourned the regular session at 7:54 pm.

Attest:

Sylvia Murphy, MMC, City Recorder	Keith Mays, Mayor

City Council Meeting Date: January 4, 2022

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Adrienne Doman Calkins, Library Manager
Through: Kristen Switzer, Community Services Director

SUBJECT: **Resolution 2022-001, Appointing Maggi Gerhard to the Sherwood Library Advisory Board**

Issue:
Should the City Council appoint Maggi Gerhard to the Sherwood Library Advisory Board?

Background:
Position 1 on the Library Advisory Board was vacated mid-term by Vishwas Setty upon moving outside of Sherwood. The City and Library have advertised this and another vacancy and received one application from Maggi Gerhard. The Council Liaison to the board Renee Brouse, Library Manager Adrienne Doman Calkins, and Chair Melanie Dobson interviewed the candidate and unanimously recommended appointment of Maggi Gerhard to fill the vacancy. The Mayor has recommended this appointment to Council. In accordance with City Council Rules of Procedure, all such appointments are subject to the approval of City Council by resolution.

Financial Impacts:
There are no financial impacts from this proposed action.

Recommendation:
Staff respectfully recommends City Council's adoption of Resolution 2022-001, appointing Maggi Gerhard to the Sherwood Library Advisory Board.

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

RESOLUTION 2022-001

APPOINTING MAGGI GERHARD TO THE SHERWOOD LIBRARY ADVISORY BOARD

WHEREAS, a vacancy exists on the Library Advisory Board due to a member resigning mid-term; and

WHEREAS, the term of office for this vacancy expires in June 2023; and

WHEREAS, the City advertised the vacancy on the City website, Sherwood Public Library website, social media, print publications, and onsite at the Library; and

WHEREAS, Maggi Gerhard applied to be appointed and was interviewed by the interview panel; and

WHEREAS, the interview panel considered all of the applicants and recommended to the Mayor that Maggi Gerhard be appointed to fill the vacancy; and

WHEREAS, the Mayor has recommended to City Council that Maggi Gerhard be appointed; and

WHEREAS, in accordance with Council Rules of Procedure, all such appointments are subject to the approval of the City Council by resolution.

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

Section 1. The Sherwood City Council hereby appoints Maggi Gerhard to position 1 of the Sherwood Library Advisory Board for a term expiring at the end of June 2023.

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

Duly passed by the City Council this 4th day of January 2022.

____
Keith Mays, Mayor

Attest:

____
Sylvia Murphy, MMC, City Recorder

City Council Meeting Date: January 4, 2022

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Keith D. Campbell, City Manager
Through: Josh Soper, City Attorney

SUBJECT: **Resolution 2022-002, Adopting an Executive Session News Media Attendance Policy**

Issue:
Shall the City of Sherwood create a formal definition of "news media" to align with the intent of ORS 192.660(4).

Background:
Oregon Public Meetings Law explicitly allows representatives of the "news media" to attend certain executive sessions of the governing body as defined in ORS 192.660(4). When the law was passed there was a clear intent and definition of "news media." Technological advances have resulted in the development of communication mechanisms allowing essentially any individual to promulgate and disseminate information.

A review of the law, and its intent finds that in that absence of a statutory definition of "news media" as that term is used in ORS 192.660(4) it would be appropriate to adopt a policy that implements the intent of the public meetings law relating to executive session attendance without precluding attendance by internet-based or other "non-traditional" information disseminators that are institutionalized and committed to compliance with ORS 192.660(4).

The enclosed resolution formally defines "news media" and provides a framework for other individuals, entities, and organizations to be formally recognized as "news media." The intent of this resolution is to meet the intent and spirit of ORS 192.660(4) while also allowing for the reasonable protection and sanctity of the executive sessions.

Financial Impacts:
There are no additional financial impacts as a result of approval of this resolution.

Recommendation:
Staff respectfully recommends City Council approval of Resolution 2022-002, adopting an Executive Session News Media Attendance Policy.

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

RESOLUTION 2022-002

ADOPTING AN EXECUTIVE SESSION NEWS MEDIA ATTENDANCE POLICY

WHEREAS, Oregon Public Meetings Law provides that "representatives of the news media" shall be allowed to attend certain executive sessions of public bodies, but may be required to not disclose specified information (ORS 192.660(4)); and

WHEREAS, The City of Sherwood finds that in that absence of a statutory definition of "news media" as that term is used in ORS 192.660(4), it is necessary to adopt a policy that implements the intent of the public meetings law relating to executive session attendance without precluding attendance by internet-based or other "non-traditional" information disseminators that are institutionalized and committed to compliance with ORS 192.660(4); and

WHEREAS, The City of Sherwood recognizes that this policy is solely for the purpose of determining eligibility to attend executive sessions, which requires non-disclosure of specified information from executive sessions, and is not intended to otherwise define "news media" or to determine eligibility to report on the City of Sherwood activities or to limit access to other City of Sherwood meetings by any person;

NOW, THEREFORE THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1.

1. "Representatives of the news media" means individuals who gather news and who have a formal affiliation, whether through employment, by contract or some other agency authorization from or with an institutional news media entity, including both general interest media and media that cover specific subject areas for special audiences.

2. A list of recognized Institutional News Media Entities is maintained by staff at Sherwood City Hall.

3. Recognition of Other Institutional News Media Entities. The entity is responsible for providing the City of Sherwood with information with which the City can evaluate whether it should be recognized as a news media entity. The following entities are recognized as institutional news media entities:

   a. A general or associate member newspaper of the Oregon Newspaper Publisher Association, a broadcast member of the Oregon Association of Broadcasters or a member of the Associated Press; or

   b. A newspaper that the City of Sherwood uses for publication of public notices and that meets the requirement of ORS 193.020; or

c. A news media entity that:

i. Is organized and operated to regularly publish, broadcast, transmit via the internet or otherwise disseminate news to the public and,

ii. A business entity that is committed to and structured to support the terms of ORS 192.660(4). In making this determination, the City of Sherwood may consider and weigh any factors that it deems to be relevant, including, without limitation, the existence of any of the following factors:

A. The entity has multiple personnel with defined roles within its organizational structure;

B. The names of the news-reporting personnel and responsible entity management personnel, together with addresses and contact telephone numbers, are readily available; and

C. The entity has an available process for correcting errors, including violations of executive session statutes, by a person with authority to take corrective measures.

4. Attendance at Executive Sessions. News-gathering representatives of recognized institutional news media entities shall be allowed to attend executive sessions, except as described in ORS 192.660(4) and 192.660(5), pursuant to the following process:

a. The representative must provide information showing that he or she is a news-gathering representative for a recognized institutional news media entity, such as, but not limited to:

i. A press badge or identification issued by the recognized institutional news media entity, plus proof of identity (such as a driver's license); or

ii. A recently published news article in the recognized institutional news media entity publication or broadcast, with the person's byline, or a masthead showing the person's name as a member of the news gathering staff of the recognized institutional news media entity, plus proof of identity; or

iii. A letter on letterhead from an editor of the recognized institutional news media entity in which the editor states that the reporter is covering the meeting for the news media entity, plus proof of identity.

b. Representatives of the news media are not permitted to attend executive sessions involving deliberations with person designated to carry on labor negotiations. ORS 192.660(4). If the executive session is being held for the purpose of conferring with counsel about current litigation or litigation likely to be filed, the City of Sherwood shall exclude any representative of the news media from attending if the person is a party to the litigation to be discussed or is an employee, agent or contractor of a news media entity that is a party to the litigation. ORS 192.660(5).

c. The City of Sherwood may consider any relevant evidence provided or gathered in making its decision as to whether a person shall be recognized as a representative of a recognized institutional news media entity.

d. Persons are requested to provide the information to the City in advance of the scheduled executive session. In the event that a person claiming to be a representative of a news media entity fails to provide advance information of their credentials, the person will either be allowed to attend the executive session, or the executive session will be postponed until a later time.

5. Recording Devices Prohibited. Cameras, tape recorders and other recording devices shall not be used in executive sessions, except official executive session tapes that may be made by the City of Sherwood staff.

6. Application to Boards and Commissions. These policies and procedures shall apply to the City of Sherwood and all its boards and commissions.

Section 2: This Resolution shall become effective January 4, 2022.

Duly passed by the City Council this 4th day of January, 2022.

____
Keith Mays, Mayor

Attest:

____
Sylvia Murphy, MMC, City Recorder

City Council Meeting Date: January 4, 2022

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Bob Galati P.E., City Engineer
Through: Keith D. Campbell, City Manager

SUBJECT: **Resolution 2022-003, Authorizing the City Manager to amend the professional services contract with Murraysmith to cover unanticipated costs due to project changes and delays**

Issue:
Shall the City Council authorize the City Manager to take such actions as necessary to amend the professional services contract (PSC) with Murraysmith to cover unanticipated costs due to project changes and delays?

Background:
As part of the City's capital improvement project (CIP) program, the City entered into a Professional Services Contract (PSC) with Murraysmith consulting engineers to provide project design services.

City Council authorized the City Manager to enter into the original PSC with Murraysmith through Resolution 2019-023 for $389,592.00 with a contingency amount of $29,219.00 (7.5% of contract amount) for a project budget amount of $418,811.00.

The PSC contract with Murraysmith was amended through Resolution 2021-011 to account for an approved change order for additional easement acquisition costs ($9,392.00) and adding construction inspection ($183,375.00), bringing the contract amount up to $582,359.00. A contingency amount of $13,753.00 (7.5% of contract amendment amount) was included bringing the total project budget amount to $625,331.00. The project contract time was also extended by 559 days to account for procurement of materials delay and easement acquisition delays.

Murraysmith has submitted for a contract amendment (see attached Exhibit) citing delays in construction material delays and unforeseen construction issues reduced the amount of pipe installation possible within the dry weather work season, and additional easement acquisition costs associated with the condemnation process.

With the seasonal changes to wet weather, construction within the wetland and vegetated corridor became impossible due to high water conditions. Installation of the remaining pipe will need to occur in the next dry weather season (starting July 2022). The original inspection services contract assumed that installation inspection of the cased pipe and open trench pipe would occur at the same time. With the installation now being broken into two separate time periods, the required inspection services time allocation has increased.

Murraysmith is requesting an additional contract amendment amount of $121,741.00 for inspection services, and $10,109.00 for easement acquisition costs. This amount totals $131,858.00 and would bring the total contract amount to $714,209.00. The current contract amount is $582,359.00 and the current project budget amount is $625,331.00 which includes previously approved contingency amounts.

Staff is recommending approval of the contract amendment for $131,858.00, and contract time being changed to 924 days from the date of the original contract date.

Staff is also recommending authorizing the City Manager to approve Contract Changes Orders in a contingency amount not to exceed $9,889.00 (7.5% of contract amendment amount) for unforeseen construction issues which may arise.

Financial Impacts:

The Rock Creek Sanitary Sewer Upsizing project design and construction costs are being funded by Clean Water Services regional sanitary sewer funds, with the City being reimbursed any costs associated with staff and administration of the project. There are no additional financial impacts to the City as a result of approval of this resolution.

Recommendation:

Staff respectfully recommends that the City Council adopt Resolution 2022-003, authorizing the City Manager to amend the professional services contract with Murraysmith to cover unanticipated costs due to project changes and delays.

Project: Rock Creek Sanitary Trunk Line Upsizing – Phase 1
City of Sherwood Project

Change Order Request (C.O.R.) No. 4

Contractor: Murraysmith	Associated Work Change Directive:
Proposed By: Murraysmith	Date: 11/3/2021
Person/Title: Brendan O'Sullivan/Project Manager	

Reason for Change Order:

Extension of Schedule of Work expiration date from December 31, 2021 to December 31, 2022 (365 days).

Task 1 – Project Management: Extension of contract time and services require an adjustment. Provide overall leadership and team strategic guidance aligned with City staff objectives. Coordinate, monitor, and control the project resources to meet the technical, communication, and contractual obligations required for developing and implementing the project scope.

Task 9 - Construction Management: The City has requested that Murraysmith continue to provide full construction management and observation services.

Task 11 – Contingency Task: To cover any additional efforts during construction in 2022 that may arise and are time sensitive for the completion of the project.

Description of Work to be Performed & Estimated Cost:

Provide engineering and construction phase services, work to include:

Task 1 - Project Management

Sub-task 1.1 Invoices/Status Reports

Consultant will prepare monthly invoices, including expenditures by task, hours worked by project personnel, and other direct expenses with the associated backup documentation. Monthly progress reports will accompany each invoice and include summary of progress completed through the date of the billing statement broken down by tasks.

Sub-task 1.2 Coordination with the Owner

Consultant will maintain communication with the City through meetings via voice, email, and fax communication.

Sub-task 1.3 Management and Coordination of Staff and Subconsultants

Consultant will manage and coordinate the technical and scope issues of the overall project. Progress meetings will be conducted as appropriate.

Task Deliverables:

1. Consultant shall deliver to the City a monthly invoice and status report covering:
   - Work on the project performed during the previous month.
   - Meetings attended.
   - Problems encountered and actions taken for their resolution.
   - Potential impacts to submittal dates, budget shortfalls, or optional services.
   - Issues requiring project team action.

Task Assumptions:

- Consultant assumes up to six (6) 1-hour meetings with the Consultant's Project Manager and the City Project Manager. Meetings will be via conference call.
- Project duration (for design) will be an additional 12 months; therefore, it is assumed that there will be up to an additional 12 progress payments/status reports.

Task 9 – Construction Project Management and Coordination

The major objective of this task is to establish and maintain the line of communication and set forth the priorities between the Owner, Engineer, and Construction Contractor (CC). As the work progresses, the objective will be to coordinate the CA/CEI staff, keep the City informed of the work, and perform day-to-day management tasks.

Task Assumptions:

- Consultant assumes up to six (6) 1-hour meetings with the Consultant's Project Manager and the City Project Manager. Meetings will be via conference call.
- Construction duration assumed to be 3 months.

Sub-task 9.1 – Preconstruction Conference, Round 2

A preconstruction conference will be held, and in conformance with Business Oregon preconstruction meeting checklist (see Exhibit E attached to the Architectural/Engineering Services Contract). The preconstruction conference will be held with City and CC to discuss schedule, utility involvement, required documentation submittals, safety plan, compliance with environmental clearances, and other items relevant to the construction of the project.

Deliverables:

- Develop agenda, attend and lead preconstruction conference with CC and City staff. Conference may also include utility companies located within the project limits.
- Provide meeting minutes of the preconstruction conference and progress meetings.

Sub-task 9.2 – Construction Engineering and Inspection (CEI)

Consultant shall perform CEI services on this project, as required to document conformance of the construction with the approved plans and specifications for the project. Construction is expected to be completed over one (1) dry weather (summer) season, June through September. The City expects that onsite construction activities will require 40 hrs/week for one inspector. Inspection may include but is not limited to:

- Inspect installation of traffic control
- Inspect erosion and sediment control measures
- Inspect pipe bedding, pipe placement, and backfill
- Inspect dewatering system

- Inspect connections of all pipes to manholes and/or connections to other pipe sections
- Ensure that the CC meets the environmental requirements in the specifications
- Inspect asphalt and/or concrete repairs
- Inspect mandrall (deflection) testing of pipes
- Inspect Vacuum test on new manholes
- Inspect surface restoration and landscaping

Task Deliverables:

- Provide project specific safety plan for consultant inspection staff.

Sub-task 9.3 – QA Surveying

Consultant shall perform confidence survey activities necessary to confirm activities of the CC's survey work and grades. Consultant shall provide all supporting computations and field notes, as required, to confirm the correct position, orientation, and elevation of the work.

Task Assumptions:

- Provide independent QA checking for survey calculations and staking.
- Provide calculations and field notes for the work, as required.

Deliverables:

- Provide calculations, field notes, and confidence reports for the layout of the work as required periodically throughout the project.

Sub-task 9.4 – General Documentation

Consultant shall perform construction documentation tasks required to document CC activities during the project. Consultant shall prepare all documentation on forms and reports by the City. Consultant shall submit forms that they want to use to the City Project Manager for approval.

General documentation includes general daily progress reports, quantity and quality documentation, monthly estimates for payment, subcontract review, payroll review and labor compliance monitoring, and notification of commencement and completion for CC work on site. These tasks will be on-going throughout the project.

Deliverables:

- Prepare general daily progress report and submit to City; submit weekly. However, if there are identified issues in the field that need attention, contact the City Project Manager and don't wait for the progress report to be reviewed.
- Prepare quantity and quality documentation upon completion of project. Submit to City with final documentation upon completion of project.
- Prepare and submit notifications for commencement and completion of construction and Notification of project completion (substantial and final); submit to City within 3 days of each milestone.
- Prepare monthly progress pay estimate with the quantities of work performed by the CC and submit to City for payment to the CC. Submit to City by the 10th of each month.

Sub-task 9.5 – Review of Construction Submittals

Consultant shall perform review of submittals including traffic control, pollution control, and erosion control and all technical submittals related to the items constructed under the construction contract. Consultant shall review submittal drawings in a timely manner to avoid delay of the CC's operation.

Consultant shall provide project schedule review and analysis throughout the duration of the project. The goal is to assist the CC in maintaining and adhering to an accurate schedule and also alleviate and/or reduce issues and delays.

Consultant shall review and provide comments to City staff on CC's project schedule at the preconstruction meeting. Review shall check for logic and duration of activities along with completeness of the schedule.

Assumptions:
- Consultant shall provide review and responses to up to three (3) submittals.

Deliverables:
- Provide submittal review and approval; goal is to have submittal reviews returned to CC within five (5) business days.
- Submit written comments on baseline schedule within 10 working days after receiving the schedule from the CC.

Sub-task 9.6 – Design Consultation during Construction

Consultant shall provide consultation and technical services regarding design issues raised during construction of the project. Consultant shall clarify construction contract documents, respond to field inquiries (RFIs) and monitor design assumptions.

In conjunction with the above, Consultant shall provide written responses to RFIs as well as prepare design modifications and issue plan changes as required to assure conformance of the final product with the intent of the design. The design consultation will occur only as required and may be ongoing throughout the contract.

Assumptions:
- Consultant shall provide responses to up to two (2) RFIs.

Deliverables:
- Responses to RFIs, goal is to submit within three (3) business days of request.
- Design modifications and plan changes, as required to eliminate or minimize impacts to CC's schedule, but no later than ten (10) business days after it is determined that a plan change is necessary.

Sub-task 9.7 – Contract Change Orders

Consultant shall perform all work related to contract revisions during construction. Generally, any time spent dealing with quality or quantity assurance documentation for work completed relating to a change order or extra work is included under this task. Consultant shall provide analysis to assess the merit of any requested additional Contract Time and/or additional compensations.

Deliverables:
- Prepare and execute Contract Change Orders as changes arise during construction. This may include minor modifications to the contract plans, specifications, and contract time. Contract changes required approval of the City prior to making the change. Contract Change Orders should be written, approved, and included on the monthly progress estimate for the same month the work was completed.
- Prepare an email memorandum to the City discussing the change order or revision, with three (3) business days after sending the Contract Change Order to City for their approval.

Task 11 – Contingency Task The contingency task provides additional budget for potential work not covered by other tasks described herein or for unforeseen efforts that may be required for the extension of the construction schedule/contract. This task provides additional budget for the consultant team. *(New Task)* *Assumptions:* • Continency tasks will be authorized by the City in writing before Consultant proceeds with any work.
Total Costs for this COR = $121,741 (For details, see Exhibit A)

Contractor's Authorized Signature		Date: 12/XX/2021

RECOMMENDED:	AUTHORIZED:
Murraysmith	City of Sherwood
CONSULTANT ENGINEER	OWNER
By:	By:
Brendan O'Sullivan, Project Manager / Date	Bob Galati, P.E., Project Manager / Date
AUTHORIZED :	AUTHORIZED:
City of Sherwood	City of Sherwood
OWNER	OWNER
By:	By:
David Bodway, Finance Director / Date	Julia Hajduk, Comm. Dev. Dir. / Date
AUTHORIZED :	AUTHORIZED:
City of Sherwood	City of Sherwood
OWNER	OWNER
By:	By:
Joseph Gall ICMA-CM, City Manager / Date	

City of Sherwood Oregon

Home of the Tualatin River National Wildlife Refuge

RESOLUTION 2022-003

AUTHORIZING THE CITY MANAGER TO AMEND THE PROFESSIONAL SERVICES CONTRACT WITH MURRAYSMITH TO COVER UNANTICIPATED COSTS DUE TO PROJECT CHANGES AND DELAYS

WHEREAS, as part of the City's capital improvement project (CIP) program, the City entered into a Professional Services Contract with Murraysmith consulting engineers to provide project design services; and

WHEREAS, the City Council authorized the City Manager to enter into the original PSC with Murraysmith through Resolution 2019-023 for $389,592.00 with a contingency amount of $29,219.00 (7.5% of contract amount) for a project budget amount of $418,811.00; and

WHEREAS, the contract with Murraysmith was amended through Resolution 2021-011 to account for an approved change order for additional easement acquisition costs ($9,392.00) and adding construction inspection ($183,375.00), bringing the contract amount up to $582,359.00, with a contingency amount of $13,753.00 (7.5% of contract amendment amount) included bringing the total project budget amount to $625,331.00, and the project contract time was also extended by 559 days to account for procurement of materials delay and easement acquisition delays; and

WHEREAS, Murraysmith has submitted a contract amendment citing delays in construction material delays, and unforeseen construction issues reduced the amount of pipe installation possible within the dry weather work season, and additional easement acquisition costs associated with the condemnation process; and

WHEREAS, Murraysmith is requesting an additional contract amendment amount of $121,741.00 for inspection services, and $10,109.00 for easement acquisition costs totaling $131,858.00 and would bring the total amended contract amount to $714,209.00; and

WHEREAS, Murraysmith is requesting the contract timeline being changed to 924 days from the date of the original contract date; and

WHEREAS, City staff is recommending that the City Manager be authorized to amend the amended contract amount by up to $9,889 (7.5% of the construction amendment) to cover unforeseen issues during construction; and

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

Section 1. The City Manager is authorized to amend the amended Contract for Professional Services with Murraysmith, for expansion of construction management services for the construction of the Rock Creek Sanitary Sewer Upsizing Project Phase 1, in the amount of $131,858.00 to a contract amount of $714,209.00.

Section 2. The City Manager is also authorized to amend the amended Contract for Professional Services with Murraysmith up to an additional $9,889 (7.5% of the construction amendment) to cover unforeseen issues during construction

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

Duly passed by the City Council this 4th of January, 2022.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder