City of Sherwood Oregon

Home of the Tualatin River National Wildlife Refuge

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

February 15, 2022

WORK SESSION

1. **CALL TO ORDER:** Mayor Mays called the work session to order at 5:33 pm.

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

3. **STAFF PRESENT:** City Manager Keith D. Campbell, City Attorney Josh Soper, Finance Director David Bodway, Public Works Director Craig Sheldon, IT Director Brad Crawford, Community Services Director Kristen Switzer, Community Development Director Julia Hajduk, City Engineer Bob Galati, HR Manager Rebecca Tabra, and City Recorder Sylvia Murphy.

   OTHERS PRESENT: Curt Vanderzanden Project Manager with KPFF, Kurt Lango with Lango Hansen, Craig Totten Lead Bridge Engineer with KPFF, Wes Shoger Landscape Architect with Green Works, and John Breshears with Architectural Applications.

4. **TOPICS:**

A. Festival Plaza Update

Community Services Director Kristen Switzer introduced Kurt Lango with Lango Hansen and explained that the project had been going through a design review process that reviewed different options for what the plaza could look like. She recapped that the design review process involved representatives from Crusin' Sherwood, Robin Hood Festival Association, the Cultural Arts Commission, the Parks and Recreation Advisory Board, as well as Council President Rosener and Mayor Mays. Ms. Switzer added that Mr. Lango previously helped the City with the design of Cannery Square and the Downtown Streetscape Master Plan. Mr. Hansen presented the "Sherwood Festival Plaza" PowerPoint presentation (see record, Exhibit A) and explained that the goal of the visioning process was to design a festival plaza that still had parking in it. He reported that upgrading the materials used for the construction of the plaza would allow for other festivals to occur there throughout the year as well as possibly bringing part of the Saturday Market to that area. He provided an overview of the dimensions of the site and stated there were currently 20 parking spaces available. He explained that in order to build the festival plaza, the city would have to go through a conditional land use review process that outlined the code upgrades the site would need in order to function as both a festival plaza and a parking lot. He provided an overview of a parking lot code requirements on page 3 of the presentation which included a 10' wide landscape perimeter buffer on both sides as well as 45 sqft of interior landscaping per parking stall. He reported that he included those criteria in the design of the festival plaza concept plan. He stated the site would use paving to differentiate the parking stalls and commented that there was room for 18-20 cars in the lot depending on how people parked. He stated that the current entrance to the lot would be maintained and there would be access to the alleyway. Mr. Hansen explained that the festival plaza would be shifted further down in order to provide a generous walkway/seating area along the Pine Street sidewalk. He stated that the walkway/seating was planned to be multifunctional and the area was large enough for 10'x10' tents to be set up. He reported that the site would still have landscaping along each side and commented that an art wall/art fence may be constructed along the back of the site to provide additional screening. He stated that the committee had stated that the plaza needed to be equipped to handle the electrical needs of different festivals. He reported that he had added five light poles on the Pine Street side of the lot and five light poles at the back of the lot that could also function as attachment points for a removable canopy piece that would provide shade or shelter during inclement weather. He commented that the plaza could also use the same stonework featured in Cannery Square to tie the two sites together. He addressed the Robin Hood Theater sign and reported that the committee had discussed the possibility of moving the sign. He stated the festival plaza would feature interpretive signage that described the history of the site. He stated that the walkway area adjacent to the existing sidewalk would use pavers and the parking areas may utilize colored concrete instead of pavers. He addressed the light poles and commented that some of the lights provided lighting for the parking lot or evening events and other lights would allow for festival lighting. Mr. Hansen reported that he was finishing up the festival plaza schematics and was getting ready to prepare the materials for the land use submittal. He stated the project would necessitate a public hearing and he hoped to have the festival plaza constructed by the Crusin' Sherwood festival in 2023. Councilor Griffin commented he was pleased with the design and asked how people would be sheltered from inclement weather and wind and how would the 10'x10' be anchored to the ground if pavers were used? Mr. Hansen replied that fasteners could be mounted slightly below the brick that would allow the tents to be anchored. Councilor Scott commented that people typically used sand weights to anchor their tents, so fasteners may not be necessary. Mr. Hansen addressed Councilor Griffin's question about inclement weather and commented that the canopy would mostly provide shade in the summer months. Council President Rosener recapped that the committee had also discussed the possibility of putting a wrought-iron fence or removable decorative fencing around the outside planters to limit the amount of chain-link fencing needed when the plaza was being utilized as a beer garden. He commented that being able to do so may depend on OLCC rules. Councilor Scott commented he liked the idea of a permanent perimeter fence around the planter areas and removable fencing around the opening area. Councilor Scott asked if the festival plaza could be rented out for private parties? Mayor Mays replied that that would be a policy decision for Council, but it was a possibility. Councilor Scott asked what would happen to the Robin Hood Theater sign? Mayor Mays replied that the sign was non-conforming and could not be kept because the site was being redeveloped and commented there were many opportunities to repurpose the sign in the festival plaza area. Mayor Mays stated that the plan was still being finalized and that a discussion around fencing needed to be had. He stated that he and Community Services Director Switzer had discussed the need for more space in the parking spots that abutted the raised beds so that people could still open their doors. Councilor Griffin commented on the proposed art wall and suggested using the comedy and tragedy masks. Councilor Young commented she was glad the festival plaza would also provide parking. Councilor Brouse asked if the back wall to the plaza was something that needed to be built or if the site would back up to Clancy's? Mayor Mays explained that the trees and concrete planters that were currently there would be removed, and the festival plaza would go to the property line of the lot with a decorative fence and some vertical plantings that would create a visual barrier. Councilor Brouse asked if the canopies would be up the entire summer or only for certain events? Mayor Mays replied that was a policy decision. Councilor Garland commented he liked the design of the festival plaza and stated he wanted to ensure that the landscaping would provide adequate sightlines around corners for pedestrian safety. Councilor Garland asked if a representative from Clancy's was included in the design committee meetings about the festival plaza? Community Services Director Switzer replied that Clancy's was not involved on the design committee meetings and commented that Clancy's had previously been supportive of improvements to the site. Councilor Garland commented that going forward, involving Clancy's in the conversation about the festival plaza would be helpful. Council President Rosener spoke on the current Robin Hood Theater sign and commented he would like to see a new sign that was similar in design that could still feature messages in that area and stated that community feedback should be requested regarding the sign. Mayor Mays stated that the committee had had conversations about where the informational signage should be located. Council President Rosener stated that Allen with Clancy's had commented that he would like to see a common garbage area. Council President Rosener commented he liked the design of the festival plaza. Councilor Scott commented that he was pleased that the festival plaza would not lose much parking. He commented that he had hoped to see a built-in raised stage area for events. He commented that the internal row of trees that ran parallel to Pine Street may need to be changed to lower shrubs to maintain sightlines. He stated that the back of the lot needed to have good sight obstruction and should provide clear delineation between the two sites. He suggested trees, or a fence, or a solid wall with a mural on it. Councilor Scott asked about potential names for the festival plaza. Mayor Mays commented that people liked "Robin Hood." Councilor Griffin stated he agreed with Councilor Scott regarding the need for a clear delineation between the sites and suggested a solid wall with fencing in front of it that would allow for LED lighting on the wall. He asked if the alleyway was a part of this project or a part of the continuation of the Oregon street project? Mayor Mays replied improving the alleyway with lighting and removable bollards had been discussed. Councilor Scott commented he liked the idea of utilizing the pathway that ran along City Hall and down the alley. Councilor Griffin commented he did not like the idea of having garbage on-site and that he was fine with replacing the current non-conforming sign with something different and commented that the history of the lot could be honored in its naming.

B. Hwy 99 Pedestrian Crossing Presentation

Community Development Director Julia Hajduk introduced Curt Vanderzanden with KPFF and presented the "Sherwood Hwy 99 Pedestrian Bridge Project" PowerPoint presentation (see record, Exhibit B) and recapped that a feasibility study had been completed in 2019 that identified that it was feasible to build a bridge in that area. The study also showed that more work needed to be done prior to construction that included survey work, geotechnical work, and more coordination and community outreach. She recapped that the city had been awarded some state lottery funds to help construct the bridge and the city had formed a new URA which would also help provide funds to construct the bridge. She recapped that previous discussions on the bridge had led to pursuing pre-fabricated options to help save money and speed up the construction timeline and significant design work was needed for the bridge ramps, landings, support structure, and identifying and resolving utility issues. She reported that through the RFP process, KPFF was selected to help design the bridge project. She outlined that staff and KPFF was seeking Council input on the work they had completed on the project thus far prior to the online open house for the project. Mr. Vanderzanden outlined the agenda on page 2 of the presentation and recapped that KPFF was hired to get the bridge to 30% design. He explained that his team was utilizing the work that had been completed by DKS in 2020 to further develop and evaluate alternative alignments and structure types to help the city come up with the preferred alternative design for final design permitting and construction. He stated KPFF's analysis would include a more detailed look at the advantages and disadvantages, potential risks associated with the different alternatives, a closer look at potential property impacts, utility conflicts, connections to existing facilities, and potential permitting challenges. Mr. Vanderzanden outlined the three alternative alignment options as: Option A, Option B, and Option C. He stated Option A was the most direct route and would include a system of ramps along the front of the YMCA that connected to the bridge and then landed on the high school site. He reported that he had also explored the option of routing the bridge down and around the powerlines to minimize utility impacts and stated it would be possible to do so but it may not provide a very direct route between the YMCA and the high school. Wes Shoger outlined that landings were required on both sides of the bridge and stated that if there was a slope of less than 5% there would not be a landing requirement along the route. He explained that intermediate landings would be required if the slope was 5% or more. He stated that the landings on the 99W side were challenging because people had to get up to 20 feet off the ground, which equated to 300+ feet of walkway needed. He provided an overview of Landing Options A1 and A2. He commented that the intent of some of the landing options was to play into the bridge architecture. He stated both Landing Options A1 and A2 had less than 5% slope. He provided an overview of Landing Option A1 on the high school side and commented that it may be possible to have the landing hit the embankment near the practice field in the stormwater facility. Mr. Vanderzanden added that they were looking into the option to also add stairs and additional ramps into the landing on the high school side to provide a more direct connection to the sidewalk on Kruger. Council President Rosener commented that an additional ramp on the high school side would be helpful for people attending events at the high school stadium. Councilor Scott commented that the YMCA side also needed a staircase for people coming up from the Cedar Creek Trail. Mr. Vanderzanden addressed Option B and stated it was a more direct route with a curved approach to the same landing spot at the high school and stated it was the longest bridge span option. He stated the YMCA landing was a switch-back design and commented that the height of this option may block views out of the second floor of the YMCA. Mr. Shoger addressed the YMCA Landing Option B2 and explained that it had a staircase going up and a ramp system on the back end. He commented this option would abut very closely to the YMCA property. Mayor Mays commented he did not like Landing Option B2. Council President Rosener commented that the presentation stated that overall, Option A was a longer bridge than Option B, but he evaluated that Option B was longer because of the ramps. Mr. Vanderzanden replied that Option B was the longer bridge when it came to the bridge structure and commented that Council President Rosener may be correct about overall length and stated he would review the figures. Mr. Shoger commented regarding the landings and stated that the landings did not necessarily have to be as long as what was shown and could be shortened by pushing back the start of the ramps. He addressed the high school side of Landing Option B1 and stated that they were keeping the same paths of travel as Landing Option A1. Mr. Vanderzanden addressed Alignment Option C and explained Option C was created as a way to shorten the facility so it would land at the pedestrian crossing at the roundabout on the high school side. He stated that Option C would require some property acquisition on the high school side and commented that with the lighter volumes on Kruger, Option C would still be a safe option. Mayor Mays commented that the current lighter volume on Kruger should not be a driving factor in deeming Option C safe as the volume would likely increase over time. Mr. Shoger addressed Landing Option C1. Mayor Mays commented he was not interested in Option C. Councilor Scott commented he agreed with Mayor Mays and stated that he was not interested in any option that did not cross the entire roundabout. Councilor Griffin, Council President Rosener, and Councilor Young stated they agreed with Councilor Scott. Community Development Director Hajduk explained that there were concerns with the PGE powerlines that Option C would have helped to alleviate and recapped that at a previous work session, Council had stated that they were fine with a longer spanning bridge in order to get the ideal connections. Councilor Scott asked if there was enough room to start at this location and avoid the powerlines and finish on the other side of the roundabout? Mr. Vanderzanden replied that he thought it would be feasible and suggested having the bridge continue over Kruger. Ms. Hajduk stated that a portion of the area he had suggested was outside the Urban Growth Boundary which could prove challenging to overcome. Councilor Scott commented he would be open to an Option C variant as long as it crossed Kruger. Council President Rosener commented he agreed that the bridge had to cross Kruger and added that he liked the landing on the north side because it connected well with the trail systems and was one last street that pedestrians would have to cross to get to the bridge. Councilor Brouse commented Option C was appealing if it crossed Kruger and that she liked the look of the landing configuration more than the others. She added that if the landings went onto the YMCA property, and they wanted to purchase the property and expand the facility, the landing would be encroaching on their property. Mr. Vanderzanden replied that the proposed landing options did take a future YMCA expansion into consideration. Mayor Mays asked if the ramp on the YMCA side of Option A was as long as possible? Mr. Vanderzanden replied that finetuning was still needed and explained that finalizing the structure type and necessary ODOT vertical clearance requirements would likely allow the ramp to be shortened. Mayor Mays asked if the 90 degree turn on the bridge could move? Mr. Vanderzanden replied that it could potentially move a bit further south. Councilor Garland asked if it could be more rounded? Mr. Vanderzanden replied that that location was where a primary bridge support would be located. Councilor Griffin commented it looked like it would be a future congestion point and should be reworked. Council President Rosener asked if Option C kept the ramps at 5% or below whereas Options A and B were at 8.3%? Mr. Shoger replied that was correct and added that Option C had two other landing options that had a less than 5% walkway. Community Development Director Hajduk voiced that staff had hoped to receive the most feedback from both Council and the public regarding the different design options for the bridge. Councilor Scott commented that the amount of concrete used in Option B for the YMCA landing side was very jarring and stated he was not in favor of that type of look. Mr. Vanderzanden explained that the mockup shown in the exhibit did not necessarily mean that concrete was the intended material and explained that a lighter structure design could be used instead. Mr. Shoger clarified that columns could be used to support the ramp system. Mayor Mays asked which option Council liked more, Option B or Option A? Council stated they liked Option A more. Councilor Brouse commented that she liked Option A but liked the YMCA landing in Option C better than the other two options. Councilor Young commented she agreed with Councilor Brouse. Mr. Breshears addressed bridge types and explained that bridge type was more than how the bridge looked, it also had to do with where you put the material to make the bridge. He stated there were five different options for bridge types and explained that whichever alignment Council chose, all of the bridges were comprised of the same basic parts: the primary span that went across the highway, the span on the YMCA side, and the span on the high school side. He addressed the Tall Arch bridge type and explained that the high school approach side was comprised of smaller trusses and commented that a degree of mixing and matching between bridge types was possible when it came to approach spans. He provided an overview of the Bowstring Truss bridge type and its suggested approach span and explained that this approach span provided some visual delineation between the approach and the bridge itself. Council President Rosener asked what the estimated financial impact would be to have a bridge that spanned the entire highway without using a pillar in between northbound and southbound lanes? Mr. Totten replied that each option presented in this meeting assumed that there would be no pillar. Mr. Vanderzanden added that they were planning for a bridge that clear-spanned the 200 foot main span. Mr. Breshears provided an overview of the Da Vinci Truss bridge type and commented its approach types were similar style to the main span to provide visual similarity. He provided an overview of the Curved Triangular Section Truss bridge type and stated this bridge type would work well with Alignment Option B, but could also work with any of the other alignments. He provided an overview of the Twin Girder with Feature Railing bridge type and explained that this was the simplest bridge type that was made nicer looking with different types of art that could be installed on the bridge railing. Mr. Breshears reported that for certain bridge type designs, the construction allowed for the walking surface to be lower which meant that the bridge was not as high and therefore the ramps and approaches were lower and shorter. He explained that there were cost tradeoffs with doing so and said that in the girder type bridges, the girders needed to be six feet deep, which meant that the bridge deck had to be 4-6 feet higher, which would then impact the approaches and ramps. He provided an overview of pre-manufactured bridges versus custom bridges and explained that the arches, bowstrings, trusses, and girder bridge types could be done via either method in a variety of materials. He explained that with custom design, it was possible to vary the sections more. Mr. Breshears asked Mr. Totten to weigh-in on his experience with prefabricated bridges versus custom bridges. Mr. Totten commented that the prefabricated industry was extremely efficient and commented any of the alignment options could be done either by pre-fab or custom work. He reported that shorter pre-manufactured spans made of steel or wood were generally significantly less expensive than a custom design. For spans 200 feet or more, custom designs became more competitive cost-wise with prefabricated. He reported that he would get cost estimates for prefabricated and custom bridges for each bridge type before the next work session. Community Development Director Hajduk asked if there was a difference between prefabricated or custom when it came to how the bridges were constructed on-site? Mr. Totten replied that prefabricated and custom bridges could be pre-manufactured and lifted into place. Council President Rosener commented that he wanted to avoid the build in place type of construction. Council President Rosener asked about the durability of wood arch bridges compared to steel bridges? Mr. Totten replied he would look into it and report back at the next work session and explained that there had been major strides in terms of wood preservatives. Mayor Mays stated he did not want a steel girder with sub supports that was poured in place; he wanted something that was lifted into place. Councilor Young asked if the discussion around design features of the bridge would happen at a later date? Community Development Director Hajduk explained that art would be a part of the bridge, but it was a question of where and how. Would art be part of the design or on the bridge or bridge's components? And those questions would be answered after an alignment and a type was more solidified because that would drive the conversation around the other elements and amenities. Councilor Scott stated he wanted the bridge to have LED lighting to show off the bridge at nighttime and asked if any of the bridge types precluded that? Mr. Breshears replied that nighttime LED lighting was possible on all the bridge types shown and stated that bridge lighting in general needed to be discussed. Mayor Mays commented he liked the arch type design because it reminded him of an archery bow. Ms. Hajduk asked Council if there were any bridge type designs that they wanted to take off the table? Councilor Scott and Councilor Griffin stated they did not like the railroad approaches shown in the Tall Arch option. Mayor Mays commented he wanted to let the public provide feedback on all the options before removing any of them. He stated he did not like the Da Vinci bridge type. Councilor Griffin and Councilor Young stated they agreed. Councilor Scott stated he liked the Da Vinci design for the span. Community Development Director Hajduk commented it was important to pick a bridge type that fit the location, not just the bridge design you liked the best. Councilor Scott stated he was concerned about the cost for constructing a Twin Girder with Feature Railing both in cost and materials needed and commented that that bridge type would not be very visually appealing to drivers compared to an arch. Mayor Mays stated he did not like the Twin Girder with Feature Railing bridge type because of the necessary extra height. Mr. Breshears clarified that the Twin Girder with Feature Railing bridge type would not necessarily cost more because of the extra height needed. Mr. Vanderzanden recapped next steps and stated that there would be an online open house February 21-March 2. Community Development Director Hajduk reported that the City would put up a temporary sign on the YMCA property to advertise the open house and the project. Councilor Scott asked that signage be placed in other parts of the city as well. Ms. Hajduk replied that she would do so. Mayor Mays spoke on the open house and asked that the people be asked to focus on picking some variant of Option A so engineering could continue to make progress. Councilor Scott asked if there was any value in asking for public feedback on the bridge alignments or should they focus on bridge type design? Mayor Mays commented he wanted the public to focus on bridge type. Ms. Hajduk stated that if there were options that were completely off the table, then they should be removed as an option for the open house. Council President Rosener commented that he was hoping that some of the engineering work could begin in parallel with the open house process. Mr. Vanderzanden replied that if Council had selected an alignment, engineering work could begin on that, but the bridge type would have an impact on the ramp length and other factors. Council President Rosener clarified that if the team was focused on one alignment, it would take the other alignment off the table and would help to shorten the time span of the project. Mayor Mays asked how long it would take for them to calculate the cost of the Twin Girder with Feature Railing bridge type? Discussion occurred. Ms. Hajduk replied that a work session was scheduled for March that would provide Council with the information from the open house and information from the consultants for estimated costs. Discussion regarding the need to get the bridge constructed as soon as possible due to need and increasing construction costs occurred.

5. ADJOURNED:

Mayor Mays adjourned the work session at 7:04 pm.

REGULAR SESSION

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 7:09 pm.

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

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 Ty Hanlon, City Attorney Josh Soper, HR Manager Rebecca Tabra, Senior Center Manager Maiya Martin Burbank, and City Recorder Sylvia Murphy.

4. **APPROVAL OF AGENDA:**

Mayor Mays stated he wished to move the New Business agenda item 7.A, Resolution 2022-010, to after Council Announcements. No objections were received.

MOTION: FROM COUNCIL PRESIDENT ROSENER TO APPROVE THE AGENDA AS AMENDED. SECONDED BY COUNCILOR YOUNG. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

5. **CONSENT AGENDA:**

A. Approval of February 1, 2022 City Council Meeting Minutes
B. Resolution 2022-008, Appointing Deborah Diers to the Sherwood Library Advisory Board
C. Resolution 2022-009, Authorizing the City Manager to sign an Intergovernmental Agreement for the Washington County Older Adults Nutrition Program for program years 2022-2023

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

Mayor Mays addressed the next agenda item.

6. **CITIZEN COMMENTS:**

The City Recorder reported that no citizen comments had been received.

7. NEW BUSINESS:

B. Resolution 2022-012, Expressing opposition to certain mining activities in the vicinity of Rock Creek

Community Development Director Julia Hajduk recapped that the proposed resolution was regarding Council's position on events occurring in the Tonquin Employment Area and elsewhere where mining activity was occurring that could potentially impact natural resources and the wildlife refuge. She explained that the proposed resolution made it clear that there was concern over how those mining activities and the permits associated with those activities might impact Sherwood's livability and natural resources. She explained that the resolution authorized the City Manager and staff to express their concerns to the permitting authorities. She stated that the resolution's intent was to make it expressly clear that in order for mining associated with a grading permit in the TEA to occur, developers would be required to get a permit from the Department of Geology and Mineral Industries. She explained that they were concerned over mining operations that might impact the groundwater and wetlands. She explained that the intent of the resolution was to make clear what Council's concerns were and what Council's concerns were not and to help staff have, "a little bit of wind behind their sails" when making comments to permitting agencies. Mayor Mays stated his support of the resolution and commented that if there were mining projects next to or near Sherwood's creeks or wetlands, those activities should not be encouraged. Mayor Mays asked for Council's thoughts or feedback on the proposed resolution. Councilor Garland stated that he was in favor of the resolution and commented that much of the time, Council focused on business and development, but citizens also looked to Council to preserve what was in Sherwood. Councilor Scott commented he neither supported nor opposed the resolution as he felt he did not have enough information on the matter. Mayor Mays explained that there was an application that had been in process for some time, located just on the other side of Washington County in Clackamas County along Rock Creek across Morgan Road. He explained that the project sought to remove 6 million yards of aggregate and go down more than 200 feet over the next 10-20 years on a 35-acre piece of land. He stated that some of that 35 acres was wetland which abutted the wetland that was located in the nearby swale that was part of the refuge. Councilor Scott asked how far down the water table was? Mayor Mays replied that the creek was at-grade and therefore the water table was probably not that much further down. Councilor Young asked if the resolution would prevent the owner of the property to do any sort of activity with their land? Mayor Mays replied that Sherwood had no authority over the property and the resolution was expressing an opinion. He stated that ultimately, it was a state and Clackamas County issue. Council President Rosener stated he was in favor of the resolution and commented that the project was too close to the stream corridor and the wetlands, all of which drained into the Tualatin River Wildlife Refuge. Councilor Brouse asked if the resolution would help provide staff with "backbones" when people came to staff with questions. Ms. Hajduk replied that was correct and commented that the project in question had been going on for roughly ten years, and over the years Council had been asked at times to take a stand. She explained that the resolution authorized the City Manager or the Community Development Director to write a letter, with the consent of Council, expressing their concern or opposition over any project that dealt with similar mining activities that had the potential of impacting natural resource areas. She explained that the passage of the resolution would prevent staff from having to come to Council and asking them to make a formal stance on a project. Councilor Brouse commented she supported the resolution.

MOTION: FROM COUNCILOR YOUNG TO APPROVE RESOLUTION 2022-012, EXPRESSING OPPOSITION TO CERTAIN MINING ACTIVITIES IN THE VICINITY OF ROCK CREEK. SECONDED BY COUNCILOR GRIFFIN. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

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

8. PUBLIC HEARING:

A. Ordinance 2022-001, Amending Title 6 of the Municipal Code as it relates to the regulation of backyard chickens *(Second Hearing)*

Community Development Director Julia Hajduk stated this was the second reading on the proposed ordinance that would allow chickens in residential areas. She stated that no changes had been made to the proposed ordinance since the first hearing. She recapped that a note had been added to the permit application that specified that applicants living in an HOA needed to check with their HOA to see if chickens were allowed. Mayor Mays asked for public comment on the proposed ordinance. Hearing none, Mayor Mays closed the public hearing portion of the meeting and asked for questions or discussion from Council. Councilor Young commented that after hearing the information that staff had provided them about how surrounding cities were handling backyard chickens and learning that other cities were having very few issues with their chicken code compliance, she felt that allowing backyard chickens in Sherwood was appropriate. She commented that she felt like this ordinance was a good compromise to the conversations that were held in 2015. Councilor Scott thanked staff for their work revising and updating the work that was completed in 2015 and stated that he felt that the proposed ordinance was the best of both worlds as it was not too aggressive nor too conservative. Mayor Mays thanked staff for their hard work and stated he supported the ordinance and asked for a motion.

MOTION: FROM COUNCILOR BROUSE TO READ CAPTION AND ADOPT ORDINANCE 2022-001 AMENDING TITLE 6 OF THE MUNICIPAL CODE AS IT RELATES TO THE REGULATION OF BACKYARD CHICKENS. SECONDED BY COUNCILOR GRIFFIN. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

B. Resolution 2022-011 Adopting a Supplemental Budget for fiscal year 2021-22 and making appropriations

Finance Director David Bodway presented the "Supplemental Budget" PowerPoint presentation (see record, Exhibit C) and provided background on Oregon and local budget law. He stated that supplemental budgets were common and authorized by Oregon State Law to account for unforeseen financial needs or for new revenue sources. He explained that the City typically completed one mid-year adjustment and another adjustment near the end of the year. He reported that this year's adjustment amount was large enough to necessitate a public hearing. He reported that the General Fund came in almost $600,000 higher than originally projected, and staff had recommendations on uses for the rollover fund balance. He reviewed the proposed changes to the General Fund. General Fund proposed changes included City Safety Committee recommendations that would include replacing the emergency kits for staff that were about to expire, the installation of several panic buttons in the library, and several automated external defibrillators. He reported that there was a request for funds to conduct an additional study for Sherwood West and a request to replace the air conditioning unit on top of the Civic Building, as the previous unit had stopped working in summer 2021. Staff also recommended putting aside more money for contingency purposes to help offset rising inflation costs and economic uncertainty. He explained that Council approval was needed in order to spend money from the Contingency Fund. Mr. Bodway reported that the City had received a Shuttered Venue Operators grant of $117,931 through the Arts Center and the City had been reimbursed $67,145 from

Washington County for Sherwood's Congregate Meals program through the Senior Center. He addressed the Street Operations Fund and explained that typically, in the last few fiscal years, the Street Operations Fund had transferred over funds to the Street Capital Fund to assist with Capital projects that were occurring. He stated that transferring funds from Street Operations to Street Capital had accidentally been missed during the budget season, and therefore staff recommended correcting the oversight and transfer over the funds to help support ongoing Capital projects. Mayor Mays asked for public comment on the proposed resolution. Hearing none, Mayor Mays closed the public hearing portion of the meeting and asked for questions or discussion from Council. Mayor Mays commented it was exciting that the City had received grants and commented the grants would be a huge benefit to the Senior Center and the Arts Center.

MOTION: FROM COUNCILOR YOUNG TO APPROVE RESOLUTION 2022-011 ADOPTING A SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2021-22 AND MAKING APPROPRIATIONS. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

9. CITY MANAGER REPORT:

City Manager Keith Campbell thanked Community Services Director Kristen Switzer, Community Development Director Julia Hajduk, and City Engineer Bob Galati for their presentations in the work session prior to this meeting.

Police Chief Hanlon reported that on February 5th, the Sherwood Police Department had the opportunity to recognize Sherwood Police Officers for their work in 2021 at their annual awards banquet. He explained that the SPD had been recognizing officers for their efforts every quarter. He explained that the February 5th recognition was to acknowledge everything the SPD had done in the fourth quarter and then an overall acknowledgment for Police Officer of the Year and the Chief's Award. He reported that Officer Jentzsch was selected as Police Officer of the Year and explained that the Police Officer of the Year award winners were selected by their peers. He read aloud the comments from the SPD about Officer Jentzsch and stated that Officer Jentzsch was, "the backbone of our department and goes above and beyond with every task he undertakes." He reported that Officer Jentzsch ran the SPD's firearms program, he was the SPOA union president, he assisted with IT projects, he was a field training officer and a K-9 officer, and, "always steps up as a leader when needed." The letter stated that the SPD was, "so grateful to have him as a part of our family and team for the last 25 years." Chief Hanlon addressed the Chief's Award and commented he was honored to be a part of that selection. He recapped the criteria for the Chief's Award and explained that the award was given to an employee or officer selected by the Chief that best exemplified the mission and values of the police department, had brought tremendous credit to the department or had demonstrated leadership qualities, and had a personal commitment to the success of the department. Chief Hanlon explained that choosing a recipient for the Chief's Award was difficult because everyone was worthy, but Officer Humphrey had stood out this year. He stated that Officer Humphrey had been with the SPD for 14 years and had also received the Meritorious Award for his work creating a relationship with loss prevention at Home Depot. Chief Hanlon reported that Officer Humphrey had responded to and assisted with a behavioral health call, he had also responded to an AED assist and administered CPR using a defibrillator.

Mayor Mays addressed the next agenda item.

10. COUNCIL ANNOUNCEMENTS:

Councilor Young congratulated Senior Center Manager Maiya Martin Burbank for her work procuring a Washington County grant to help with the meal program. She reported that she and Councilor Brouse attended a Sherwood High School Women in Politics Club meeting and commented that they had asked good questions and she appreciated being invited to the meeting.

Councilor Scott gave his kudos to Senior Center Manager Maiya Burbank for her work procuring a Washington County grant to help with the meal program and their work at the Senior Center. He reported that the Planning Commission would hold three public hearings at their February 22nd meeting, the Cedar Creek multi-family development, Sherwood Commerce Center, and Oregon Street Business Park. He reported that the Planning Commission continued to hold work sessions to discuss how to implement HB 2001.

Councilor Griffin reported he attended the Parks and Recreation Advisory Board meeting on February 7th where they heard a presentation on SDC methodologies. They also discussed the Middlebrook subdivision. He reported he and Parks and Recreation Advisory Board member Rodney Lyster visited the Middlebrook subdivision park and commented that the park and the trail were nice and well planned out. He gave his kudos to Senior Center Manager Maiya Martin Burbank and her team for her work procuring a Washington County grant to help with the meal program and their work at the Senior Center.

Councilor Brouse reported that the Senior Advisory Board did not meet in February but would meet in March. She asked Senior Center Manager Maiya Martin Burbank to report on how many meals had been delivered in 2021. Ms. Burbank replied they had provided over 10,500 meals to the community and had originally forecasted that they would provide 8,500 meals. Councilor Brouse reported that Councilor Scott would attend the Library Advisory Board meeting on February 16th in her place. She reported that the Sherwood Police Foundation gala had been rescheduled to June 24th and would be held at the Center for the Arts. She reported she attended the chaplain dinner on February 11th and commented she was thankful that Sherwood had Chaplain Parrish and Chaplain White to help support officer wellness.

Councilor Garland thanked Council President Rosener for attending the Regional Water Providers Consortium Board meeting in his place. He gave his kudos to Center for the Arts Manager Chanda Hall and her staff in helping put on the production "Frozen JR." He thanked Sherwood teachers and staff for their hard work teaching during the past two years.

Council President Rosener recapped the Regional Water Providers Consortium Board meeting he attended. He reported he attended an NLC Technology and Communications meeting where they discussed upcoming legislation and upcoming grants and opportunities around broadband. He reported he planned on attending the NLC's upcoming in-person meeting in Washington D.C. in March. He reported he attended the WRWC meeting. He gave his kudos to Senior Center Manager Maiya Martin Burbank and her team for her work procuring a Washington County grant to help with the meal program. He reported the Sherwood Education Foundation Sip and Spell event had raised over $125,000 to be used for grants for the Sherwood school system.

Mayor Mays gave his kudos to Senior Center Manager Maiya Martin Burbank and her team for her work procuring a Washington County grant to help with the meal program. He reported he attended the WCCC meeting where they discussed the next steps in the MSTIP process and ODOT's tolling program. He commented on Sherwood's utility bill rates and explained that the sewer and storm rates on the bill were tied to a residence's winter water consumption levels. He reported he would attend the LOC board meeting this week. He encouraged residents to review the Festival Plaza work session and website materials to learn more about the project and provide feedback. He reported he would attend a Washington County budget meeting this week.

Record Note: Councilor Griffin left the meeting after Council Announcements.

11. NEW BUSINESS (continued):

A. Resolution 2022-010, Approving Sherwood Police Department Policy Updates – February 2022

Police Chief Ty Hanlon reported that all of the recommended policy updates had been presented and approved by the Sherwood Police Advisory Board at their January 17th meeting. He recapped changes to Policy 323 "Standards of Conduct" and explained that the policy had been updated to reflect the impacts of HB 2929 and pertained to the duty to intervene and report misconduct. It added language to include unjustified or excessive use of force, sexual harassment, sexual misconduct, discrimination based on race, color, religion, sex, sexual orientation, national origin, disability, or age or a crime. He addressed Policy 324 "Information Technology Use" and explained that the update was a result of HB 2936 and updates included the removal of the privacy expectation regarding the prohibition of requiring an employee to provide usernames, passwords, or access to social media accounts. Updates to Policy 416 "Contacts and Temporary Detentions" included a typographical error correction. He addressed Policy 422 "Medical Marijuana" and explained the update was a result of HB 3369 which had changed the term "attending physician" to "attending provider." Policy 423 "Foot Pursuits" changes included spelling corrections and removal of gendered pronouns. He explained that updates to Policy 404 "Medical Aid and Response" were a result of HB 2523 and included a new section called "Medical Attention for Restrained Persons" and required officers to immediately request emergency medical services when a restrained person is suffering a respiratory or cardiac compromise. He addressed Policy 802 "Records Selection" and explained the update was a result of HB 2932 which required law enforcement agencies to participate in the National Use of Force Data Collection operated by the FBI and commented that the SPD already participated in the program through its accreditation. Updates to Policy 1000 "Recruitment and Selection" were a result of HB 2936 that found that racism had no place in public safety and that law enforcement officers held a unique position in the community. He reported that the bill enacted a law regarding background checks and a new provision was that shared peace officer records obtained for background checks were confidential and required agencies to independently verify information contained in shared employment information. He explained that Policy 1007 "Drug- and Alcohol-Free Workplace" was updated to be consistent with the Drug-Free Workplace Act, which required federal grant recipients to maintain a drug-free workplace. He reported it did not remove the state and national expectations or federal requirements of workplace drug use. Changes to Policy 1011 "Personnel Complaints" was the result of HB 2929 and required DPSST to be notified of a sustained finding of misconduct within ten days. Updates to Policy 1026 "Personal Appearance Standards" were a result of HB 2935 and amended the law to include in the definition of race: physical characteristics associated with race including but not limited to natural hair, hair texture, and protective hair styles. Policy 1032 "Employee Speech, Expression and Social Networking" was a result of HB 2936 which required agencies to adopt policies that set the standards for speech and expression by peace officers. The policy provided guidelines for the regulation and balance of member speech and expression in other communication mediums with the legitimate needs of the agency. It addressed all known communication mediums where a member could potentially have a platform to abuse the limitation on speech or expression. The policy also helped members understand the balance between the individual member's rights and the agency's needs and interests when exercising a reasonable degree of control over member speech and expression. Councilor Garland asked if these updates were available for the public to review? Chief Hanlon replied that they would be available on the City's website once they were adopted. Councilor Young commented she believed that the Police Policy Manual was available online. She gave her thanks to the Police Advisory Board for their work reviewing the policy changes.

MOTION: FROM COUNCILOR BROUSE TO APPROVE RESOLUTION 2022-010, APPROVING SHERWOOD POLICE DEPARTMENT POLICY UPDATES – FEBRUARY 2022. SECONDED BY COUNCILOR YOUNG. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR GRIFFIN WAS ABSENT).

12. ADJOURN:

Mayor Mays adjourned the regular session at 8:15 pm and convened an executive session.

EXECUTIVE SESSION

1. **CALL TO ORDER:** Mayor Mays called the executive session to order at 8:16 pm.

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

3. **STAFF PRESENT:** City Attorney Josh Soper.

4. **TOPICS:**

   A. **ORS 192.660(2)(b), Discipline**

5. **ADJOURNED:**

Mayor Mays adjourned the executive session at 9:11 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Keith Mays, Mayor