



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
March 7, 2023

WORK SESSION

1. **CALL TO ORDER:** Council President Mays called the meeting to order at 6:00 pm.
2. **COUNCIL PRESENT:** Council President Keith Mays, Councilors Kim Young, Doug Scott, Taylor Giles, Renee Brouse, and Dan Standke. Mayor Tim Rosener was absent.
3. **STAFF PRESENT:** Community Services Director Kristen Switzer, HR Manager Lydia McEvoy, Police Chief Ty Hanlon, Finance Director David Bodway, City Attorney Ryan Adams, Community Development Director Eric Rutledge, IT Director Brad Crawford, City Engineer Jason Waters, Planning Manager Erika Palmer, Economic Development Manager Bruce Coleman, Center for the Arts Manager Chanda Hall, Records Technician Katie Corgan, and City Recorder Sylvia Murphy.
4. **TOPICS:**

A. Brookman Sanitary Sewer Line

City Engineer Jason Waters introduced Clean Water Services Project Engineer Doug Gresham and explained that this project had been on hold since early 2020 and an alignment and feasibility study had been completed in 2019. He reported that the city was planning to hold an open house on the project on April 13th at Middleton Elementary School. Mr. Waters noted that he and Public Works Director Craig Sheldon would present the high-level numbers for the project during the CIP plan. Council President Mays commented that "the numbers will sort out; we want the project done." Mr. Waters presented the "Brookman Sanitary Sewer Trunk Line extension Project" PowerPoint presentation (see record, Exhibit A) and recapped that this project was in response to active development submittals in the Brookman area and the construction of Sherwood High School. He stated that the anticipated alignment followed the Cedar Creek and Goose Creek stream corridors and extended as a sanitary sewer trunk line south and west across Highway 99W, then north to a sanitary sewer main line in the Kruger/Elwert roundabout. He reported that 30-60% design work was underway, and AKS was currently working on the design and noted that there would be some slight changes and stated that the design would be presented at the April open house. City Engineer Waters explained that the sewer main line served the high school and was currently running on a temporary pump station to a public gravity system. He explained that getting the high school off the temporary pump station was critical because it would help save money and CWS (Clean Water Services) did not permit private pump stations, and this had been a temporary agreement. He reported that the modelling had been completed and the final pipe sizes would be determined soon which would inform the project costs. Council President Mays asked if there was a risk of the existing 15" pipe eventually being too small? CWS representative Doug Gresham replied that the 15" pipe did not

have the full-growth capacity for the area and upsizing the existing trunkline would be a future project. Mr. Waters replied he would calculate the timeline for hitting capacity and would forward his findings to Council. He provided an overview of the approximate alignment map from 2019 and explained that the original route presented in the feasibility study had been changed. He provided an overview of the proposed route change on page 4 of the presentation. He explained that this was done in order to accommodate vegetated corridors and streams. Mr. Gresham added that another contributing reason for the change was because the original route came into conflict with some septic systems and wells. City Engineer Waters noted that a portion of the project was located on county land, which was why CWS was handling the project. He outlined the summarized schedule for the project on page 6 of the presentation. He stated that completed project milestones included the alignment feasibility analysis and public outreach and easement negotiations. He noted that there were some remaining easements that needed to be negotiated. He stated that the project was currently developing the construction bid and asked Mr. Gresham for a timeframe for when this phase would be complete. Mr. Gresham replied that the project had finalized the alignment of the sewer line and stated that over the next several months, the project would go to Washington County to begin the land use process. He continued that procuring wetland permits and completing the necessary archeological and environmental studies would also be completed over the next several months. He reported that he anticipated the project being at 60% by summer 2023, which was when the project's legal description and acquisitions would be completed. He said that if everything went well, the plans would be completed in early fall 2023 and the project would go out to bid in spring 2024. City Engineer Waters noted that that timeline presumed the funding for the project would be in place by that time and explained that he would discuss costs with Council in about six months or when the project was at 60-90%. Council President Mays referred to regulations for tree removal and water work and asked if CWS was being proactive in preventing further delays for the project and referred to the project being three years behind schedule due to the COVID-19 pandemic. Mr. Gresham replied that CWS was working through those issues and commented that ideally, trees were removed outside of the migratory bird window and most of this project's wetland impacts were not considered "in-water" or "in-stream." He spoke on the completed first phase of construction and commented that that phase was slow going due to the difficult terrain and it would be difficult to predict how quickly the rest of the project would go. Councilor Giles asked if the pipe would need to be replaced once Sherwood West was fully built out? Mr. Gresham replied that the new construction for the Brookman trunk line was sized for the full build out of the area, but the existing Cedar Creek trunk was not designed to support the full build out of the area and may need to be replaced in the future. Mr. Gresham referred to the map on page 3 of the presentation and explained that it was a 21" line where the red line connected to the blue line and then it dropped down to a 12" by the time it got to the high school. He commented that he believed that the 15" would eventually need to be upsized to 24". Council President Mays asked that CWS use the numbers for the full build out of the Sherwood area and county areas that would be impacting the line, and then choose a pipe size based on that number. City Engineer Waters replied that he believed that the pipe could not be upsized based on areas outside of the UGB growth area. Councilor Scott asked if the city could pay for the upsizing? Council President Mays stated he wanted to know if that was a state law or a CWS policy. Councilor Giles clarified that Council wanted the selected pipe size to be future-looking but not grossly oversized for the future needs of the area. Council President Mays commented that there was not a big price difference between an 18" pipe and a 20" pipe. Mr. Gresham outlined that there were some areas to the south that would ultimately need a spurred trunk line on the other side of Cedar Creek. Council President Mays asked for a shaded map that showed the territory of Oregon that the pipe could serve and discussion on zoning occurred. City Engineer Waters reported that the city had held an open house for the project in 2019, and a new open house was scheduled for April 13th at Middleton Elementary School. He recapped next steps and

explained that they would hold a work session for this project in roughly six months, he and Public Works Director Sheldon would present the high-level assumptions for the projects at the budget meeting in June, and he would present the detailed project finances to Council in the fall.

B. City Procurement Policy

City Attorney Ryan Adams presented "Updates to Public Contracting Code" PowerPoint presentation (see record, Exhibit B) and explained he was seeking Council's feedback on the topic because it was concerning city policy. Mr. Adams reported that Oregon law required competition for almost all projects and contracts undertaken by a municipality. He outlined that contracts that were under \$10,000 required no competition, contracts over \$10,000 but under \$150,000 stipulated that intermediate procurement rules be followed, and contracts over \$150,000 stipulated that formal procurement rules be followed. He clarified that Sherwood's policy put the contract limit at \$5,000. Mr. Adams explained that ORS 279A.065 allowed cities to implement their own policies and provided background to Oregon Public Contracting Code. He recapped that HB 2341 passed in 2003 and substantially amended public procurement law in Oregon. He outlined that Sherwood passed Resolution 2005-006 (see record, Exhibit C) in 2005, which brought the city's code into alignment with the 2003 state law and noted that the city had not updated the resolution since that time. He explained that the city's Contracting Code needed to be updated to reflect the changes to the state law that had occurred since it passed in 2005. He clarified that in 2018, the city decided that the City Manager had the authority to execute contracts valued at \$100,000 or less and stated that that change had not been codified into the city's Contracting Code. He provided an overview of the potential updates to the city's Contracting Code on page 5 of the presentation and provided an example of SMC 1.10 which required that the City Manager interview all prospective contractors if a contract exceeded \$25,000. He explained that this requirement had no specific discretion to delegate interviews to department heads and also required that the City Manager interview finalists a second time and no specific delegation was allowed. He recommended that a list of Council and city staff eligible to sign contracts on behalf of the city be created. Mr. Adams recapped that other potential policy updates included discussing advertising with the LOC (League of Oregon Cities) and discussion occurred. Council President Mays asked for staff to determine if the LOC charged a fee for advertising. Mr. Adams addressed other potential considerations and outlined that Sherwood required formal procurement for contracts over \$25,000, but state law only required a formal procurement process for contracts over \$150,000. Councilor Young asked if the city had been following the policy of following a formal procurement process for contracts over \$25,000? City Attorney Adams replied that he believed that policy was being followed. Mr. Adams addressed other potential considerations and outlined that Sherwood's small procurement limit was currently \$5,000, but state law cited \$10,000. He referred to the LOC's "Model Policy for Public Contracting & Purchasing" manual (see record, Exhibit D) and explained that there were changes he would make to the manual, but it was a good base to start from. He stated that he wanted to provide annual training to management employees on city procurement policies. Council President Mays stated that he would also like a yearly review of the city's procurement code in order to stay current with any changes the state may have made. Mr. Adams replied that the ORS required contracting agencies to perform a review of the changes made to the public contracting model on a yearly basis. He referred to Exhibit D and stated that he wanted to revise the manual with senior staff and review those suggested changes with Council at a future work session. Councilor Young asked what the process was for contracts under the threshold for a formal procurement process? City Attorney Adams explained that the state required three separate quotes in writing for contracts between \$10,000-\$150,000. Councilor Giles commented that the city's \$25,000 threshold for requiring a formal procurement process should be increased because of the amount of work required and commented that

it was possibly impacting how quickly business could be completed. Mr. Adams stated that he also wanted to review the city's protest procedures for contracts with senior staff and provided an overview of the city's current protest process. He explained that any changes to the protest process would be included in the future work session to discuss the procurement policy changes.

C. Cultural Arts Commission's Recommendation – Art for the Pedestrian Bridge Project

Community Services Director Kristen Switzer explained that the Cultural Arts Commission had held two meetings to review options for pedestrian bridge art and were now seeking Council input on their recommendations. Center for the Arts Manager Chanda Hall presented the "Pedestrian Bridge Art" PowerPoint presentation (see record, Exhibit E) and explained that the Cultural Arts Commission had met with KPFF in January 2023 where they had discussed art for the pedestrian bridge and had identified potential public art locations. She reported that they had identified two main areas for pedestrian bridge art and explained that one was located on the east approach of the bridge span near the YMCA and the second area was the green space on the west side of the bridge span near the high school. She outlined that the area near the YMCA was very visible to traffic coming into Sherwood and provided a lot of vertical and horizontal space. Councilor Scott asked if the land for the west side art area would be owned by the city or by the high school? Council President Mays replied that the land would be owned by the city. Councilor Brouse asked if the art area on the east side was close to the sign for the YMCA? Council President Mays replied that was correct and discussion occurred regarding needing to relocate the YMCA sign. Ms. Hall stated that the Cultural Arts Commission had also identified the area provided by the belvederes as an additional area to place art. Councilor Scott referred to previous discussions with KPFF regarding timelines and stated that he thought that KPFF had reported that there was not enough time to incorporate art into the first phase of the project, but it was something that could be incorporated in a later phase. Community Services Director Switzer explained that it depended on what art was going to be included and explained that art such as concrete stamping could be incorporated into Phase 1 of the project. She noted that the Cultural Arts Commission considered the architectural design of the bridge to be the major focus of the project and the Commission was therefore focusing on art for the approaches to the bridge. Ms. Hall outlined that the Cultural Arts Commission had also considered gateway signage and stated that the Commission recommended that gateway signage be incorporated into the overall design given the bridge's location. Council President Mays asked for Council's thoughts on gateway signage and Councilor Young commented that that area was in a critical community gateway location. Councilor Scott commented that he was fine with gateway signage but wanted whatever was installed to be movable so that as the community expanded, the sign could be moved. Discussion occurred regarding wanting a "place-maker" sign instead of a boundary marking sign. Ms. Switzer asked Council if the place-making signage was something the Cultural Arts Commission should work on or did Council want to lead that project? Councilor Giles stated that he wanted the sign to be more artistic and attention grabbing versus signage and asked for the Cultural Arts Commission to work on the project. Ms. Hall outlined the potential art themes identified by the Cultural Arts Commission as: nature/native plants; history of the land and the town; clean, contemporary lines; and modern, unfussy. She explained the last two items were informed by the architectural design of the bridge. Ms. Switzer explained that the themes matched the community feedback collected during summer 2022. Councilor Giles stated that the durability of the art was very important when choosing mediums for the art and commented that he was in favor of concrete imprinting and incorporating the history of the land and the town into the art. Ms. Hall outlined the potential art forms the Cultural Arts Commission discussed as: stone, metal, or concrete art; stamped concrete; and landscape art. She addressed stone, metal, or concrete art and stated that the artist who created the concrete relief art on the side of the library was a local artist and could be hired for this project. She explained that there was ample vertical and horizontal space on the east approach of the bridge and using stone or concrete art would echo the current art at the library and would create design cohesiveness and provide needed durability. She

addressed stamped concrete and explained that this option could be used both vertically and in the areas around the approaches and belvederes. Council President Mays explained that the Cultural Arts Commission was focusing on using stone, metal, or concrete art on the YMCA side but was likely to use landscape art that played with perspective on the high school side. Councilor Giles commented that he liked landscape art because it changed with the season and the viewer's perspective. Council President Mays stated that it was important to get staff feedback regarding maintenance on any landscape art options. Ms. Hall added that they wanted to hire a landscape artist to design an art piece that was appropriate for the area and used native plants. Councilor Giles suggested having a portion of the landscaped area be walkable as it would provide an interaction for pedestrians but was also easy to maintain. Council President Mays commented that the high school side could have sculptures that symbolized the growth in knowledge that students experienced and referred to similar statues at Linfield University. Councilor Scott commented that he wanted the area to be an area that people interacted with, not just looked at and commented that there were a lot of different ways to accomplish that. Ms. Hall recapped that the Cultural Arts Commission recommended that the primary focus of the project would be the east approach of the bridge near the YMCA, art elements to the bridge's belvederes should be added, gateway signage should be incorporated, the west side approach should be the secondary focus, and they were asking that \$250,000-\$350,000 be dedicated to complete the project. Community Services Director Switzer asked for Council feedback on the amount of funding needed. Councilor Scott commented that the project should be considered multi-phased, with Phase 1 focused on the YMCA approach, and the costs for completing that phase be calculated, which would inform the budget, not the other way around. He continued that the belvederes and the area by the high school could be included in the following phases, which would give the Cultural Arts Commission more time to determine what they wanted for that side of the bridge and time to budget for those decisions. Council President Mays stated he agreed. Councilor Giles referred to potential cost savings regarding a concrete pad area on the high school side and commented that the city could pay for the construction of the concrete pad, but the students could provide the artwork, which could be changed out intermittently, and discussion occurred. He explained that because of the phased approach, the city would not immediately be putting art in that area, and it could provide an opportunity to partner with the school for the time period between the bridge's completion and the time that the art for that space was created. Ms. Hall commented that the City of Lake Oswego did something similar. Community Services Director Switzer commented that that might be a good CEP grant opportunity to build that space.

5. ADJOURN:

Council President Mays adjourned the work session at 6:58 pm and convened a regular session.

REGULAR SESSION

- 1. CALL TO ORDER:** Council President Mays called the meeting to order at 7:03 pm.
- 2. COUNCIL PRESENT:** Council President Keith Mays, Councilors Kim Young, Doug Scott, Taylor Giles, Renee Brouse, and Dan Standke. Mayor Tim Rosener was absent.
- 3. STAFF PRESENT:** Community Services Director Kristen Switzer, City Attorney Ryan Adams, IT Director Brad Crawford, Community Development Director Eric Rutledge, Police Chief Ty Hanlon, Finance Director David Bodway, HR Manager Lydia McEvoy, Public Works Director Craig Sheldon, Planning Manager Erika Palmer, and City Recorder Sylvia Murphy.

4. APPROVAL OF AGENDA:

MOTION: FROM COUNCILOR YOUNG TO APPROVE THE AGENDA. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (MAYOR ROSENER WAS ABSENT).

5. CONSENT AGENDA:

A. Resolution 2023-017, Revising the City Financial Policy for Fund Balance

MOTION: FROM COUNCILOR YOUNG TO APPROVE THE CONSENT AGENDA. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (MAYOR ROSENER WAS ABSENT).

6. CITIZEN COMMENTS:

Sherwood resident Jane Vankuren came forward at stated she wished to speak on the rent price increases at the Cannery Row Apartments. She reported she had lived in the apartments since April 2018 and explained that the complex had new owners and new property managers. She stated that SR Watt Co., a company based in California, had purchased the complex. Ms. Vankuren reported that she had contacted Representative Courtney Neron in 2019 when there was a rent increase under different owners and property managers and had been referred to an attorney. She stated that in 2023, she had contacted Representative Neron's office for assistance and commented she was pleased to see the March 2023 Sherwood Gazette issue regarding the rent increases at the Cannery Row Apartments. Ms. Vankuren stated that she was circulating a petition to hold a town hall with residents, the owners of the Cannery Row Apartment complex, property managers Cushman & Wakefield, and Mayor Rosener. She stated that if they worked together, some good could come out of the situation. She commented that Mayor Rosener had told her that under state law, there was no direct action the city could take other than advocating, and thanked Mayor Rosener for his advocacy. She cited Representative Neron's comments regarding excessive rent increases and reported that Representative Neron was the chief sponsor of SB 611. Ms. Vankuren stated that she believed more and more people were being displaced by rent increases and outlined her community involvement in Sherwood since she moved to the city in 2013. She stated that the rent increase issue should be reviewed using the Rotary's Four-Way Test. She asked for help to address the issue and stated that this was an opportunity to "build peace in Old Town Sherwood, Oregon."

Council President Mays addressed the next agenda item and the City Recorder read aloud the public hearing statement for both public hearing items.

7. PUBLIC HEARINGS:

A. Ordinance 2023-001, Approving a Planned Unit Development (PUD) and Subdivision to be known as the Moser Pass PUD (*Third Reading*)

Community Development Director Eric Rutledge presented the "LU 2022-020 SUB/PUD Moser Pass 32-Lot Subdivision/PUD" PowerPoint presentation (see record, Exhibit F) and provided an overview of the Council-directed revisions to the plan on page 2 of the presentation. He outlined changes included: Lots

30 – 32 as shown on the Preliminary Plat would be converted to Tract F for a new park space; parking would be permitted on the south side of Upper Roy Street immediately adjacent to the park; a new sports court/facility would be provided by the developer, based on an identified need or community desire in the 2021 Parks Master Plan; the sports court/facility was to be approved by the Planning Commission; a park restroom would be provided that matched the existing restroom at Cannery Square, or a similar design and would be approved by the Planning Commission; the developer would be responsible for the installation of underground electrical and plumbing in the final location of the restroom; the city would be responsible for purchasing, installing, and the long-term maintenance of the restroom; the city would be responsible for setting the hours of operation, cleaning, and maintenance schedule of the restroom; and the requirement for a second pedestrian pathway between SW Upper Roy Street and Tract C was removed. He stated that staff recommended approving the proposed ordinance based on the findings included in Exhibit 1 to the ordinance. Council President Mays asked for questions or discussion from Council. Councilor Standke referred to the previously identified woodchip trail and asked if the trail would be paved or woodchipped? Mr. Rutledge replied that the previously woodchipped trail would be paved with concrete or asphalt and would have guard rails installed. Councilor Giles asked if it would match the other trail in the neighboring development? Mr. Rutledge replied that the trail in the neighboring development was asphalt, and he assumed the developers of the Moser Pass PUD would use asphalt as well due to cost.

MOTION: FROM COUNCILOR BROUSE TO APPROVE ORDINANCE 2023-001 SUBJECT TO THE FINDINGS AND CONDITIONS INCLUDED AS EXHIBIT 1 TO ORDINANCE 2023-001 IN THE COUNCIL PACKET DATED MARCH 7, 2023. SECONDED BY COUNCILOR GILES. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (MAYOR ROSENER WAS ABSENT).

Council President Mays addressed the next agenda item.

B. Ordinance 2023-002, Amending Divisions I, II, III, IV, VII, and VIII of the Sherwood Zoning and Community Development Code and repealing Ordinance 2022-006 establishing time, place, and manner restrictions on psilocybin service centers and the manufacturing of psilocybin products (Second Reading)

Planning Manager Erika Palmer presented the staff report for the proposed ordinance and explained that the recommended code amendments had been reviewed and recommended by the Planning Commission. She reported that the Planning Commission had been working on the code clean up since fall 2022 and stated that there were four substantive changes to the development code. She outlined that the changes included changes to the criteria for model homes within the Temporary Uses chapter, a reduction of the Adjustment and Class B variance percentages in Chapter 16.84, a new proposed industrial design criterion in Chapter 16.90, and changes allowing psilocybin uses with development standards in the General Industrial (GI) zoning district to implement Measure 109. She reported that no additional public testimony had been received since the first reading at the February 21st meeting and offered to answer any questions from Council.

Council President Mays opened the public hearing to receive public comment. Hearing none, Council President Mays closed the public hearing and asked for discussion or a motion from Council.

MOTION: FROM COUNCILOR YOUNG TO READ CAPTION AND ADOPT ORDINANCE 2023-002 AMENDING DIVISIONS I, II, III, IV, VII, AND VIII OF THE SHERWOOD ZONING AND COMMUNITY

DEVELOPMENT CODE AND REPEALING ORDINANCE 2022-006 ESTABLISHING TIME, PLACE, AND MANNER RESTRICTIONS ON PSILOCYBIN SERVICE CENTERS AND THE MANUFACTURING OF PSILOCYBIN PRODUCTS. SECONDED BY COUNCILOR SCOTT. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (MAYOR ROSENER WAS ABSENT).

Council President Mays addressed the next agenda item.

8. CITY MANAGER REPORT:

Council President Mays explained that City Manager Keith Campbell and Mayor Rosener were absent as they were in Washington D.C. advocating on behalf of Sherwood. Community Services Director Kristen Switzer provided an update on the construction of the festival plaza and reported that construction had started on the plaza. She reported that construction at Veterans Park would begin March 8th and was scheduled to be completed by June 30th. She added that the Robin Hood Plaza was scheduled to be completed by June 1st.

Council President Mays gave his kudos to Public Works and Police Department staff for their hard work during the inclement weather. Councilor Giles commented on the inclement weather and gave his kudos to Public Works staff for their work keeping the roads clear.

Council President Mays addressed the next agenda item.

9. COUNCIL ANNOUNCEMENTS:

Councilor Standke thanked Public Works staff for their hard work during the inclement weather.

Councilor Scott gave his kudos to city staff, the developer, and the Planning Commission for their work getting the Moser Pass PUD approved. He thanked city staff and the Planning Commission for their work on the Development Code clean up. He reported that he attended the March 6th Parks and Recreation Advisory Board meeting where they discussed 2023 priorities and the land use application process. He reported he attended the town hall regarding the potential sale of the Sherwood Regional YMCA facility.

Councilor Brouse thanked staff for their hard work during the inclement weather. She reported a gala supporting the Sherwood Police Department would be held on April 28th and tickets could be purchased online. She reported that a Rotarian event would be held in Sherwood on April 22nd.

Councilor Young reported that she would attend the Sherwood School Board meeting on March 8th. She reported that there would be three Sherwood School Board positions open on the May 2023 ballot and encouraged those interested to run. She reported that Sherwood resident Kylie Johnson was elected to serve as the Oregon Youth Governor. She reported that a second town hall regarding the potential sale of the Sherwood Regional YMCA facility was scheduled for March 9th at City Hall. She reported that she assisted with the Sherwood Foundation for the Arts puzzle tournament. She reported that she and Mayor Rosener met with Commissioner Treece of Washington County where they discussed the county's budget crisis.


Councilor Giles addressed the Boy Scouts troop in the audience of the meeting and explained the passage of Ordinance 2023-001.

Council President Mays reported on his attendance at the WRWC meeting. He reported he attended the Cultural Arts Commission meeting where they discussed art for the pedestrian bridge. He explained that Mayor Rosener was in Washington D.C. with City Manager Campbell advocating on behalf of Sherwood for federal funds.


10. ADJOURN:

Council President Mays adjourned the regular session at 7:40 pm.

Attest:



Sylvia Murphy, MMC, City Recorder



Tim Rosener, Mayor