



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
April 4, 2023

WORK SESSION

- 1. CALL TO ORDER:** Mayor Rosener called the meeting to order at 6:30 pm.
- 2. COUNCIL PRESENT:** Mayor Tim Rosener, Council President Keith Mays, Councilors Kim Young, Doug Scott, Taylor Giles, Renee Brouse, and Dan Standke.
- 3. STAFF PRESENT:** Community Services Director Kristen Switzer, HR Manager Lydia McEvoy, City Attorney Ryan Adams, Community Development Director Eric Rutledge, IT Director Brad Crawford, Public Works Director Craig Sheldon, Records Technician Katie Corgan, and City Recorder Sylvia Murphy.
- 4. TOPICS:**

A. City Purchasing and Procurement

City Attorney Ryan Adams recapped that city purchasing and procurement policy had been discussed at a previous work session and provided a handout of the "DRAFT Sherwood Public Purchasing Code" (see record, Exhibit A). He explained he was seeking Council feedback on the proposed public purchasing code and stated that his goals when drafting the proposed code included increasing fiscal accountability and responsibility to Sherwood residents, implementing systems to prevent and mitigate mistakes, and using staff time and resources in a way that most benefitted the city. He stated that the city's public purchasing code was last updated in 2005 and explained that he had reviewed and edited the LOC's model code with senior staff. He referred to the highlighted Section D on page 9 of the handout and stated that the section had been updated to allow the City Manager to sign contracts valued up to \$150,000. He explained that this figure aligned with state contracting law and clarified that any expenditure would need to be budgeted for and would need to align with the adopted City Council goals. He asked for Council feedback. Discussion occurred and Council agreed with the proposed phrasing. Mr. Adams clarified that what was being discussed at this meeting was the city's code, but there would need to be a separate conversation on what the city's internal policies would look like. He referred to Item F under Section D on page 10 of the presentation and explained that the proposed code would now allow Departmental Directors to spend up to \$50,000 without approval from the City Manager as long as the code and other applicable laws were followed. He stated that this was fairly standard and clarified that the City Manager still retained the responsibility for the actions of their employees and added that the current procedure was unnecessarily bureaucratic. Councilor Young referred to Section 4 on page 10 of the handout and asked for clarification. Mr. Adams explained that the City Manager had the authority to delegate signature authority in writing, and if the City Manager failed to do so, the listed staff positions

were able to sign off. Councilor Young clarified that those positions could sign contracts for up to \$150,000? City Attorney Adams replied that was correct. Mayor Rosener asked that a different staff person be responsible for signing off on funds than the department that the funds would go to. He gave an example of the City Attorney signing off on funds going to Public Works instead of the Public Works Director so that there would be checks and balances in place. Discussion regarding clarifying that the Police Chief and the Mayor did not need to sign off together occurred and Mr. Adams stated he would remove “and” in order to clarify. Discussion occurred regarding removing the Mayor as someone who had signature authority and Council directed City Attorney Adams to remove the Mayor from the list. Councilor Young asked for clarification on the “Discretionary Local Preference” section and Mr. Adams explained that typically, the local preference would come into play as a tie breaker preference. He referred to Section E on page 13 of the handout and explained that he recommended yearly training on procurement law, policies, and best practices for staff. Mayor Rosener asked that Mr. Adams look into outside providers for the yearly training to allow the City Attorney to continue their daily tasks. He referred to Section F on page 13 of the handout and asked for Council feedback. Councilor Giles asked for clarification on the “list of active contracts” in Section F and Mr. Adams explained that the list had not yet been created but it would be developed. Discussion regarding the need for better contract management occurred. City Attorney Adams referred to the last sentence in Section F and explained that this was included to add better checks and balances to the process. Mayor Rosener asked that the sentence be rephrased to say “15% or \$150,000, whichever is less.” Discussion occurred regarding the 15% limit in relation to recurring contract costs and Mayor Rosener clarified that he felt that contract renewal fees did not fall under the “15% or \$150,000” rule. He explained that he felt that the 15% limit applied to costs outside of the contract terms. Councilor Young asked if that would authorize 15% over the contract’s stated contingency amount? Mr. Adams replied yes, that was how the language would read and commented that based on Mayor Rosener’s comments, he would rephrase the sentence. He explained that his intent was for the 15% to apply to contracts below the \$150,000 threshold. Councilor Young commented that that would be appropriate for the City Manager or Director level signature authority. Mayor Rosener suggested adding “15% or your authority level, whichever was less” to help clarify. City Attorney Adams stated that he would refine Section F for clarity. Councilor Giles asked present Department Directors if the proposed changes would make their jobs easier? Staff signaled it would. City Attorney Adams outlined that he had also updated all of the limits to match current state statutes. Mayor Rosener cited the use of “Model Rules” in the handout and asked for clarification. Mr. Adams stated that local procurement was first and foremost governed by ORS Chapters 279A, 279B, and 279C, but if cities did not adopt their own procurement code, the Attorney General’s Model Public Contract Rules would automatically apply. If cities implemented their own code, and some of the code conflicted with the Model Rules, the city’s own code would take precedence over the Model Rules but not rules from state statutes. He clarified that if there was a gap in the city’s procurement code, then the Model Rules would apply. Mayor Rosener asked about the possibility of a new, unforeseen paradigm being created. City Attorney Adams replied that cities were legally required to complete an annual review of the Model Rules to ensure that there were not conflicts, and if there were conflicts, then cities had to adjust their code accordingly. Councilor Young asked for clarification on the 25% cited in Item 4 under Section B on page 14 of the handout as it related to the 15% cited on page 13. Mr. Adams replied that he would add clarifying language and explained that he intended it to be a “fail-safe” for intermediate items that would ensure that a second person was also reviewing the request before it was signed. He recapped next steps and stated he would draft an ordinance for Council approval. Mayor Rosener asked that the draft policy be reviewed by the City Manager and staff prior to bringing an ordinance to Council.

5. ADJOURN:

Mayor Rosener adjourned the work session at 6:56 pm and convened a regular session.

REGULAR SESSION

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 7:03 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Keith Mays, Councilors Kim Young, Doug Scott, Taylor Giles, Renee Brouse, and Dan Standke.
3. **STAFF PRESENT:** Community Services Director Kristen Switzer, City Attorney Ryan Adams, IT Director Brad Crawford, Community Development Director Eric Rutledge, Police Captain Jon Carlson, and City Recorder Sylvia Murphy.

4. APPROVAL OF AGENDA:

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

5. CONSENT AGENDA:

- A. **Approval of March 21, 2023 City Council Meeting Minutes**
- B. **Resolution 2023-020, Appointing Corey Capko to the Sherwood Planning Commission**
- C. **Resolution 2023-021, Appointing Tyler Barns to the Sherwood Planning Commission**
- D. **Resolution 2023-022, Appointing Zana Mays to the Sherwood Senior Advisory Board**
- E. **Resolution 2023-023, Authorizing the City Manager to Sign an IGA with City of Wilsonville for Broadband Services and Infrastructure Sharing**

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

6. CITIZEN COMMENTS:

Sherwood resident Jane Vankuren came forward and referred to her previous citizen comments at the March 7th City Council meeting requesting a town hall meeting with the owners of the Cannery Row Apartments, property managers Cushman & Wakefield, Inc., and the Cannery Row Apartment residents. She stated that she had a list of 19 people who were interested in attending such a town hall. She stated she went to the County Commissioner's office and provided public comment, she attended the public hearing in Salem on SB 611, and she submitted written testimony with the goal of forming a tenants committee. She stated that a tenants committee would provide an opportunity for citizen engagement. She reported that the property owners and property managers had not contacted her yet and asked what the city would do to form a tenants committee and thanked Council for their previous actions.

Sherwood resident Neil Shannon came forward and stated that there was an opportunity for the city to create a trail connection between Redfern Drive and Brookman Road. He noted that there was a 60-foot strip of land along the southern border of the city that the city had annexed and was a part of the final decision for LU 2021-023 SUB Cedar Creek Gardens development. He stated that he had appeared before the Parks and Recreation Advisory Board, Planning Commission, and City Council several times to encourage the development of a pedestrian trail in order to preserve historic trees in the area. He

commented that he felt he had received agreement and support from the Parks and Recreation Advisory Board, Planning Commission, and City Council, but he had been unable to “mobilize that support into action.” He reported that he and many of his neighbors attended the public hearing for LU 2021-023 to try and mitigate the damage to the forest and impacts to the neighborhood, but their successes were minimal. He stated that he was not giving up on potential possibilities such as the city purchasing the two housing lots prior to their development and provided an overview of the various costs the developer was undertaking to develop the property. He commented that the city should be able to convince the developer that selling the property at a fair price was more profitable than fully developing the site. He stated that the citizens of Sherwood had made it clear that the preservation and access to natural areas was extremely important and noted that the funds from the recent sale of the Sherwood YMCA facility had been earmarked for use on parks and natural areas. He asked that Council express their interest to the City Manager and have the City Manager inquire regarding the possibilities.

Mayor Rosener asked to recognized audience members Claudia Romero Ramirez who was visiting from Colombia and fellow Rotarian Rafael Palacios Cortes. Ms. Vankuren explained that Ms. Ramirez was visiting on a tourist visa and was a Rotarian. Mayor Rosener explained that the Sherwood Rotary Club had a sister Rotary Club in La Plata, Colombia. Councilor Brouse welcomed Claudia and explained that Claudia was a member of the La Plata Rotary Club and would be visiting Sherwood for the next six months.

Mayor Rosener addressed the next agenda item.

7. PRESENTATIONS:

A. Proclamation, Proclaiming April 10-14, 2023 as National Community Development Week

Mayor Rosener announced that April 10-14, 2023 had been designated as National Community Development Week by the National Community Development Association to celebrate the Community Development Block Grant (CDBG) program and the HOME Investment Partnership (HOME) Program. He stated the CDBG provided annual funding and flexibility to local communities to provide decent, safe and sanitary housing; suitable living environments; and economic opportunities to low-and-moderate-income people. The HOME Program provided funding to local communities to create decent, safe, and affordable housing opportunities for low-income people and over one million units of affordable housing had been completed using HOME funds nationally. Mayor Rosener stated that historically, Sherwood had received CDBG grants totaling over \$2.33 million. Mayor Rosener stated that both the Community Development Block Grant program and the Home Investment Partnership program had made, "tremendous contributions to the viability of the housing stock, infrastructure, public services, and economic vitality of our community." He urged Congress and the Administration to recognize the outstanding work being done locally and nationally by the Community Development Block Grant Program and the HOME Investment Partnerships Program by supporting increased funding for both programs in FY2023.

Councilor Young commented that she served on the CDBG Policy Advisory Board and explained that the board had recently completed a round of grant applications. She reported that the City of Sherwood had been granted a CDBG grant for the replacement of the Senior Center's windows and siding and commented that Sherwood had greatly benefitted from CDBG grants over the years. Mayor Rosener thanked city staff for their hard work procuring the grants. Councilor Young provided an overview of the CDBG grant review process. Council President Mays commented he was a fan of the program and

commented that the city had benefitted from the program in the past, particularly the Senior Center. He thanked Councilor Young for serving on the CDBG Policy Advisory Board.

Mayor Rosener addressed the next agenda item.

8. NEW BUSINESS:

A. Resolution 2023-024, Support of the Sherwood School District Local Option Levy, 34-323

Community Services Director Kristen Switzer recapped the staff report and stated that Sherwood School District Superintendent Dr. Jeremy Lyons attended the March 21st City Council meeting to give a presentation regarding the proposed 5-year local option levy. She recapped Dr. Lyons's presentation and explained that the levy would address the immediate financial shortfalls discovered in July 2022 which were caused by an overestimation of revenue. She explained that the levy would maintain current programs, teachers, and staff, while also moving the district from being last in per-pupil revenue compared to surrounding districts. She clarified that the funding generated from the levy would stay in Sherwood and would not be captured by the state. Mayor Rosener clarified that the Sherwood School District and the City of Sherwood were two separate entities, but he felt that it was important that the city partner with its schools and stated he supported the resolution. Council President Mays stated he appreciated staff drafting the proposed resolution as well as Mayor Rosener's comments and expressed that the city had traditionally been supportive of the schools and the schools were an important part of the community. He stated he supported the resolution. Councilor Young stated she supported the resolution and commented she appreciated the transparency about the levy from the school district. She expressed that Sherwood's schools were a key reason many people moved to the area. Councilor Scott stated he supported education and commented that Dr. Lyons and the new Sherwood School District administration was doing a good job. He referred to previous discussions regarding similar legislation asking for public support from Council for a levy and explained that he felt that it was inappropriate for an elected body to weigh-in on an issue that taxpayers would vote on, regardless of his personal opinions. Councilor Giles stated he supported the levy and liked that the money generated from the levy would remain in Sherwood. Councilor Brouse stated that while she supported the school district, schools, students, and education she did not support the resolution. She explained that she had had a number of citizens come to her with their opinions on the proposed levy and the amount of taxes that they would pay.

MOTION: FROM COUNCIL PRESIDENT MAYS TO APPROVE RESOLUTION 2023-024, A SUPPORT OF THE SHERWOOD SCHOOL DISTRICT LOCAL OPTION LEVY, 34-323. SECONDED BY COUNCILOR GILES. MOTION PASSED 5:2; (MAYOR ROSENER, COUNCIL PRESIDENT MAYS, COUNCILORS YOUNG, STANDKE, AND GILES VOTED IN FAVOR). COUNCILOR BROUSE OPPOSED. COUNCILOR SCOTT ABSTAINED.

Mayor Rosener addressed the next agenda item and the City Recorder read aloud the public hearing statement.

9. PUBLIC HEARINGS:

A. Ordinance 2023-003, Amending Title 12 of the Sherwood Municipal Code and Adopting Standards and Procedures for a Permanent Outdoor Seating Program (Second Reading)

Community Development Director Eric Rutledge explained that the program would allow businesses within city limits to occupy a portion of the sidewalk or up to two parking stalls in the street. He explained that it would not apply to county or ODOT right-of-way. He provided background and explained that the pilot program launched in Old Town in 2022. He recapped the Council-directed changes to the program included making the program permanent, making the program available for city-wide use, permitting year-round sidewalk use, parking stall use to be permitted seasonally, and the ability to renew the permit annually with no renewal fee. He explained that if the ordinance was approved at this meeting, the program would be effective in time for warmer weather.

Mayor Rosener opened the public hearing to receive public comment. Hearing none, Mayor Rosener closed the public hearing and asked for discussion from Council. With none received, Mayor Rosener asked for a motion from Council.

MOTION: FROM COUNCIL PRESIDENT MAYS TO READ CAPTION AND ADOPT ORDINANCE 2023-003, AMENDING TITLE 12 OF THE SHERWOOD MUNICIPAL CODE AND ADOPTING STANDARDS AND PROCEDURES FOR A PERMANENT OUTDOOR SEATING PROGRAM. SECONDED BY COUNCILOR YOUNG. MOTION PASSED 7:0; ALL MEMBERS VOTED IN FAVOR.

Mayor Rosener addressed the next agenda item.

10. CITY MANAGER REPORT:

Councilor Scott asked regarding the Robin Hood Festival Plaza sign. Community Services Director Kristen Switzer reported that the sign was successfully delivered. He asked if the project was still on schedule? Ms. Switzer replied that the project was still on track. Councilor Scott clarified that the old Robin Hood Theater sign was removed and would be preserved elsewhere, and the project was scheduled to be completed by June 1st. Ms. Switzer explained that the Robin Hood Theater sign and organ would temporarily be on display at Langer's Entertainment Center as a part of a historical display. She reported that the Veterans Park project would be completed soon and commented that there would be a ribbon cutting ceremony when it was complete.

Mayor Rosener addressed the next agenda item.

11. COUNCIL ANNOUNCEMENTS:

Councilor Standke reported that the Planning Commission had not met but he participated in the interview process for filling the two vacancies on the board. He stated he was excited to welcome the two new members to the board. He attended an event at the Senior Center with Representative Neron where they discussed the shortfalls and challenges of living on a fixed income for people over the age of 75. He referred to the recent repairs done on a Sherwood well and commented that the repairs looked great and thanked Public Works for their work.

Councilor Giles reported that he attended the event at the Senior Center with Representative Neron and commented he wanted to make senior services as robust as possible. He stated that the Senior Center was an asset to the community. He reported that Trashpalooza would be held in April and encouraged people to sign up.

Councilor Scott welcomed the newest boards and commission members and stated that the city's boards

and commissions played a huge role in what the city did. He thanked all board and commission members for volunteering their time to serve. He asked that drivers be more alert and aware of bicycles and pedestrians now that nicer weather was on the way.

Councilor Young reported she was unable to attend the event at the Senior Center with Representative Neron. She spoke on the proposed levy and stated that students should be able to choose which school they wished to attend and commented that there were many options available for finding the right fit for each student. She continued that she was aware that the largest portion of Sherwood students would attend public school and it was important that the funds be there to educate them. She reported that the last Police Advisory Board meeting was cancelled, and she was unable to attend the last CDBG meeting due to her attendance at the town hall regarding the sale of the Sherwood YMCA.

Councilor Brouse reported she attended the event at the Senior Center with Representative Neron. She attended the Bowl with a Cop event and reported that the event raised over \$3,500 to support the Sherwood Police Department. She reported the Senior Advisory Board would meet next week where they would continue their work on the age-friendly city survey and encouraged residents to take the survey. She reported that the Police Foundation gala would be held on April 28th.

Council President Mays spoke on the proposed levy and expressed that supporting Sherwood schools and education only increased the attractiveness of the community and would therefore have a positive impact on home values. He stated that the levy was an investment in the community.

Mayor Rosener stated that he felt that there were three things that made Sherwood great, and explained that those were the schools, the safety of the community, and because of the work from city staff, "we've designed a community that was...a fun place to live." He stated that it took all three things to make a successful community. He reported he was unable to attend the event at the Senior Center with Representative Neron because he was travelling back from Washington D.C. where he had advocated on Sherwood's behalf. He attended the most recent MPAC meeting. He reported he had been working with the LOC on housing regulations and rules. He reported he attended the WCCC meeting where they discussed ODOT's 205 and I-5 tolling proposal.

12. ADJOURN:

Mayor Rosener adjourned the regular session at 7:50 pm.

Attest:


Sylvia Murphy, MMC, City Recorder


Tim Rosener, Mayor