



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, April 6, 2021

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

6:00 pm City Council Work Session

7:00 pm City Council Regular Meeting

City Council Executive Session

**(Pursuant to ORS 192.660 (2)(f), Exempt Public Records)
(Following the Regular Meeting)**

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



6:00 PM WORK SESSION

1. **Introduction of New Sherwood YMCA Director**
(Joe Gall, City Manager)
2. **City Manager Recruitment Firm Proposals – Update**
(Joe Gall, City Manager)
3. **Preliminary Review of CIP**
(Julia Hajduk, Community Development Director)

7:00 PM REGULAR SESSION

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**
5. **CONSENT AGENDA**

- A. **Approval of March 11, 2021 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
- B. **Approval of March 16, 2021 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
- C. **Approval of March 22, 2021 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
- D. **Approval of March 25, 2021 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
- E. **Resolution 2021-017 Appointing Dorian Libal to the Sherwood Traffic Safety Committee**
(Jeff Groth, Police Chief)

6. CITIZEN COMMENTS

Pursuant to House Bill 4212 (2020), citizen comments and testimony for public hearings must be submitted in writing to CityRecorder@Sherwoodoregon.gov. To be included in the record for this meeting, the email must clearly state either (1) that it is intended as a citizen comment for this meeting or (2) if it is intended as testimony for a public hearing, the specific public hearing topic for which it is intended, and in either case must be received at least 24 hours in advance of the scheduled meeting time. Per Council Rules Ch. 2 Section (V)(D)(5), Citizen Comments, "Speakers shall identify themselves by their names and by their city of residence." Anonymous comments will not be accepted into the meeting record.

7. PRESENTATIONS

- A. **Recognition of Eagle Scout Award Recipients** (Mayor Mays)

AGENDA

SHERWOOD CITY COUNCIL April 6, 2021

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7:00 pm City Council Regular Meeting

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(ORS 192.660(2)(f), Exempt Public Records)
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8. PUBLIC HEARINGS

- A. Ordinance 2021-002 Adding Chapter 9.66 to the Sherwood Municipal Code relating to use of City of Sherwood logos (*First Hearing*)** (Jake Reimer, Legal Extern)

9. CITY MANAGER REPORT

10. COUNCIL ANNOUNCEMENTS

11. ADJOURN to EXECUTIVE SESSION

12. EXECUTIVE SESSION

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

13. ADJOURN

How to Find out What's on the Council Schedule: City Council meeting materials and agenda are posted to the City web page at www.sherwoodoregon.gov, generally by the Thursday prior to a Council meeting. When possible, Council agendas are also posted at the Sherwood Library/City Hall and the Sherwood Post Office.

To Schedule a Presentation to the Council: If you would like to schedule a presentation to the City Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder, 503-625-4246 or MurphyS@sherwoodoregon.gov. If you require an ADA accommodation for this public meeting, please contact the City Recorder's Office at (503) 625-4246 or MurphyS@sherwoodoregon.gov at least 48 hours in advance of the scheduled meeting time.



SHERWOOD CITY COUNCIL MEETING MINUTES

22560 SW Pine St., Sherwood, Or

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

March 11, 2021

WORK SESSION – GOAL SETTING

1. **CALL TO ORDER:** Mayor Mays called the work session to order at 5:05 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Kim Young, Sean Garland, Renee Brouse and Russell Griffin.
3. **STAFF PRESENT:** City Manager Joe Gall, City Attorney Josh Soper, Finance Director David Bodway, Public Works Director Craig Sheldon, Police Chief Jeff Groth, IT Director Brad Crawford, Community Services Director Kristen Switzer, Community Development Director Julia Hajduk, Economic Development Manager Bruce Coleman, and City Recorder Sylvia Murphy.

OTHERS PRESENT: Consultant Mike Mowery with Strategic Government Resources.

4. TOPICS

Goal Setting Facilitation

Mr. Mowery explained the meeting format of having the Council review the adopted Council Goals and Activities for FY2020-21, adopted via Resolution 2020-031, (see record, Exhibit A) and breaking into teams to discuss and consider 5 elements of each goal and goal subsections. He asked the teams to consider; 1) What they want to elevate and to have staff do more of; 2) What they want to eliminate; 3) What they want staff to keep the pace and continue moving forward; 4) What they want to “tweak” or change, and; 5) What they want to add to an existing goal or create a new goal.

Staff provided brief updates on Goal 1 – Economic Development, Goal 2 – Infrastructure and Goal 3 – Livability. The Council broke out into three teams for approximately 20 minutes to discuss. Mr. Mowery asked the Council to consider the elements and come back prepared to discuss. Discussion followed.

The Council addressed Goal 4 – Public Safety, Goal 5 – Fiscal Responsibility, Goal 6 – Citizen Engagement and broke out into teams for approximately 20 minutes to discuss. The Council came back together, and discussion followed. Mr. Mowery gathered feedback from the Council on their discussions and said he would prepare a written analysis to provide to the Council.

Mayor Mays addressed the CAC and TAC membership makeup and suggested adding a council liaison to the CAC. Councilors Scott, Griffin and Rosener expressed interest.

Review SWOT Analysis from City Boards and Commissions

The Council was provided with copies of 2020 Annual SWOT (Strengths, Weaknesses, Opportunities and Threats) Reports from City Boards and Commissions, (see record, Exhibit B). No questions or comments were received.

5. ADJOURN

Mayor Mays adjourned the work session at 8:33 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Keith Mays, Mayor



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>

March 16, 2021

REGULAR SESSION

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 7:00 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Kim Young, Sean Garland, Renee Brouse and Russell Griffin.
3. **STAFF PRESENT:** City Manager Joe Gall, City Attorney Josh Soper, IT Director Brad Crawford, Community Development Director Julia Hajduk, Police Chief Jeff Groth, Finance Director David Bodway, Public Works Director Craig Sheldon, Community Services Director Kristen Switzer, Economic Development Manager Bruce Coleman, Planning Manager Erika Palmer, and City Recorder Sylvia Murphy.

4. APPROVAL OF AGENDA

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

Mayor Mays addressed the next agenda item.

5. CONSENT AGENDA

A. Approval of March 2, 2021 City Council Meeting Minutes

MOTION: FROM COUNCILOR BROUSE TO ADOPT THE CONSENT AGENDA. SECONDED BY COUNCIL PRESIDENT ROSENER. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

6. CITIZEN COMMENTS

No citizen comments had been submitted and Mayor Mays addressed the next agenda item.

7. PRESENTATIONS

A. Proclamation, National Community Development Week, April 5-9, 2021

Mayor Mays announced that April 5-9, 2021 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 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. Mayor Mays indicated that many of the improvements at the Senior Center had been funded by CDBG grants. He stated the Home Investment Partnership program provided funding to local communities to create decent, safe, affordable housing opportunities for low-income persons. He reported that nationally over one-million affordable housing units had been provided by utilizing the Home Investment Partnership program. Mayor Mays stated that historically, Sherwood had received CDBG grants totaling over \$2.34 million dollars. Mayor Mays 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." Mayor Mays reported that Councilor Young served on the board that reviewed CDBG grant applications and asked her to speak on her experience serving on the board. Councilor Young explained that there were always more applications than money to go around, and most of the money for this year went towards organizations that helped to fight homelessness, such as homeless shelters, work training, rent/utility assistance, and affordable housing developments in Tigard and Tualatin.

Mayor Mays addressed the next agenda item

8. NEW BUSINESS

A. Resolution 2021-015 Authorizing the City Manager to Execute a Construction Contract for the Division Street Pavement and Storm Rehabilitation Project

Public Works Director Craig Sheldon explained that the project was a section of Division Street between Snyder Park to Cuthill and would tie into the existing sidewalks. He stated that the project included stormline, asphalt, a 24-foot street, streetlights, and a speed cushion. He reported that the RFP process began on March 11th, and M.L. Houck Construction Company was the lowest bidder at \$407,224 and the City would ask for an additional 15% contingency of \$61,083.60. He stated this was budgeted in the Capital Improvement Project budget. Mayor Mays stated he was pleased that this project was underway to help address that section of Division Street.

MOTION: FROM COUNCILOR YOUNG TO ADOPT RESOLUTION 2021-015 AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT FOR THE DIVISION STREET PAVEMENT AND STORM REHABILITATION PROJECT. SECONDED BY COUNCILOR SCOTT. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Mays asked what the estimated completion date was for the project? Mr. Sheldon replied that they were aiming to have the project completed by the end of June, if not earlier.

Record note: Staff emailed Council the bid results for the Division Street Pavement and Storm Rehabilitation project, (see record).

Mayor Mays addressed the next agenda item and the City Recorder read the public hearing statement and stated that no written public comments had been received.

9. PUBLIC HEARING

A. Ordinance 2021-001, Accepting the Addendum to the Sherwood Brookman Concept Plan and adopting the associated amendments to the City's Transportation System Plan (Second Reading)

Planning Manager Erika Palmer presented the "Brookman Addition Concept Plan Refinement" PowerPoint presentation (see record, Exhibit A) and stated that this hearing would focus on addressing the concerns that were raised at the first hearing for the proposed ordinance. She referred to the concern that the plan did not fully address the Northwest Natural Gas Facility and potential impacts to the facility and explained that staff recommended adding the new language outlined on pages 9 and 17 of the Plan document in red. She reported that further action was identified on page 17 of the Plan document for all properties west of the railroad tracks north of Brookman Road to the current City boundary as part of the annexation process to help analyze the roadway and to identify road alignment and the right-of-way needs in the west subarea. She commented that if the road needed to be shifted 27 feet to the north to avoid significant impacts with the gas facility, the additional right-of-way needed to the north would be identified. To address the desire for a grade separated crossing between Brookman and Sherwood West, new language had been added that focused on the necessary additional analysis of a grade separated crossing for that area. A comprehensive study was needed to investigate connecting the two areas with a grade separated crossing, which would be coordinated with agency partners and would include the project in the TSP with funding cost and funding strategies identified. Ms. Palmer explained that in addition to the two changes to the Plan document, two additional changes were proposed in the Transportation System Plan itself. These changes would clarify and implement the two plan changes in the document. She stated that she had received public comments from Washington County Land Use and Transportation, ODOT Region 1, and Northwest Natural Gas, which were included in the packet. She reported that staff recommended Council Alternative 2.a, in which Council could consider accepting the Brookman Plan Addendum and TSP amendments as recommended by the Sherwood Planning Commission with proposed new language on pages 9, 17, and 18 in the Plan Addendum and page 73 of the TSP to address roadway alignment and right-of-way in the western subarea, and a grade separated crossing between the Brookman and Sherwood West areas.

Mayor Mays closed the public hearing portion of the meeting and asked for discussion or questions from Council. Council President Rosener commented that he remembered Council wishing to change the alignment on the east side, but to maintain the current alignment until additional studies on the main area could be completed. Community Development Director Julia Hajduk replied that page 27 of the packet addressed that issue. Ms. Hajduk explained that Council Alternative 2.a would proceed with the Planning Commission's recommendation but did not require Council to make any decisions regarding alignment before they were ready to. Mayor Mays commented he was not in favor of that option and stated he preferred that nothing would happen west of the railroad tracks until further study was completed and Council decided to make a decision on the action. Council President Rosener asked if an annexation requirement or rule could be added to the plan, so a study would be required before an annexation occurred? Ms. Hajduk replied that that was what the proposed language was attempting. Mayor Mays stated that none of the area was within the city limits, and if the area was asked to be annexed without further study, he was concerned the results would be messy, and asked that a hold on development be a part of an annexation requirement. Council President Rosener asked City Attorney Josh Soper if that was allowed under the State's rules on owner annexation requests? Mr. Soper replied that he believed it

was allowed and added that SB 1573 did not go into detail about what would be permissible or not permissible as far as local criteria went. He commented that planning for critical public infrastructure, such as a road, was on the reasonable side for requirements. Councilor Garland asked if Alternative 2.a was the result of Council discussion on the topic? Planning Manager Palmer replied that Alternative 2.a blended the discussion from this meeting with the concerns over the natural gas facility and addressed future additional right-of-way on the north end of Brookman in the western subarea. Mayor Mays commented that he wanted the zoning of that area to also be included in the study if Council accepted Alternative 2.a and initiated a project to complete further study on the area and stated that if Council acted at this meeting, they would meet Metro's deadline for receiving the grant money. Mayor Mays asked Councilor Garland for his thoughts. Councilor Garland stated that he felt that Alternative 2.a was a reasonable accommodation for what the Planning Commission was recommending. Councilors Brouse, Young, Griffin, and Scott stated they were in favor of Alternative 2.a.

MOTION TO AMEND: FROM COUNCILOR YOUNG TO AMEND ORDINANCE 2021-001 AS PRESENTED WITH OPTION 2.A. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

MOTION: FROM COUNCILOR GRIFFIN TO READ CAPTION AND ADOPT ORDINANCE 2021-001, ACCEPTING THE ADDENDUM TO THE SHERWOOD BROOKMAN CONCEPT PLAN AND ADOPTING THE ASSOCIATED AMENDMENTS TO THE CITY'S TRANSPORTATION SYSTEM PLAN AS AMENDED. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

10. CITY MANAGER REPORT

City Manager Joe Gall reported that there had been two meetings, one with Washington County Board of Commissioners and one with the TVF&R Board of Directors, related to the new Urban Renewal Agency. He reported that Mayor Brian Asher from the City of Aurora had sent a letter to Council and the City thanking the City for lending them a generator during the recent inclement weather event. Mr. Gall thanked Public Works Director Craig Sheldon for helping the City of Aurora during the storm.

Mayor Mays addressed the next agenda item.

11. COUNCIL ANNOUNCEMENTS

Councilor Brouse reported on events at the Senior Center and stated that the next Library Advisory Board meeting would be held on March 17th.

Councilor Scott asked drivers and pedestrians to be extra cautious driving and walking around school zones now that in-person learning was happening. He encouraged everyone to get a vaccine when it became available to them and asked that people be diligent on keeping COVID cases down with the nicer weather arriving.

Councilor Garland asked that drivers be more alert and aware of bicycles and motorcycles on the roadway. He gave his kudos to the Sherwood School Board and school district teachers and staff for their hard work getting schools ready for in-person learning.

Councilor Griffin reported that the Parks and Recreation Master Plan would be presented to Council on May 4th and the last block of the Comprehensive Plan Update would be heard by Council in April. He thanked City staff for their hard work during the pandemic and thanked Public Works Director Craig Sheldon for his recent letter he had sent to the legislature. He thanked Police Chief Jeff Groth for being a, "police officer 24/7" and reported on a recent event in which Chief Groth assisted a pedestrian in need. He recapped his recent trip to Ohio.

Council President Rosener reported that COVID cases for Washington County were increasing and asked everyone to continue to wear masks and social distance so businesses could stay open. He reported he testified in Salem on SB 3040 which would fund a study to investigate how SDCs funded infrastructure projects, and he asked that it be expanded to not just look at SDCs by themselves but to include all of the costs that went into building housing and addressing missing middle and affordable housing in the State. He reported he met with the TVF&R board to discuss the new URA and stated they would vote on the new URA next month.

Mayor Mays reported he participated in the National League of Cities City Conference and weekly calls with different regions around Oregon as the LOC president. He spoke on the American Recovery Plan and stated the City was looking into the details of the bill to help local businesses and families. He attended the Washington County Coordinating Committee meeting where they discussed potential regional earmarks for a potential transportation supplemental bill. He reported that he and City staff met with the Washington County Board of Commissioners regarding the current Urban Renewal Area and the proposed new Urban Renewal Area and commented they had voiced their support.

Councilor Griffin asked if there had been an update from Washington County regarding the timeline for the Roy Rogers pipe project? Community Development Director Julia Hajduk replied that the County would start the bidding process soon and commented that she believed construction would begin this summer. Councilor Griffin asked for an update on the recent discussions with the County regarding the project. City Manager Gall replied that he was currently working on an update to provide to Council. Mayor Mays asked if the 95% complete drawings had been reviewed to ensure that the requested components had been added? Mr. Gall replied that the drawings had been reviewed and included all the requested components. A discussion of timelines and project details occurred.

Councilor Griffin asked for a debrief on the recent Council goal setting work session. Mr. Gall replied that he was working on the summary of the goal setting session to provide to Council. He explained that if a work session was necessary to wordsmith the document, he would schedule one, otherwise the goals would be a resolution for Council to vote on in April.

12. ADJOURN

Mayor Mays adjourned the regular session at 7:56 pm. The scheduled work session was canceled.

Attest:

Sylvia Murphy, MMC, City Recorder

Keith Mays, Mayor



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
Pursuant to House Bill 4212 (2020), this meeting will be conducted electronically.
March 22, 2021

EXECUTIVE SESSION

1. **CALL TO ORDER:** Mayor Mays called the executive session to order at 6:30 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Renee Brouse, Kim Young, Sean Garland, and Russell Griffin.
3. **STAFF PRESENT:** City Manager Joe Gall and City Attorney Josh Soper.
4. **TOPICS**
 - A. **ORS 192.660(2)(f) Exempt Public Records.**
5. **ADJOURNED**

Mayor Mays adjourned the executive session at 7:16 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Keith Mays, Mayor



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
Pursuant to House Bill 4212 (2020), this meeting will be conducted electronically.
March 25, 2021

WORK SESSION

1. **CALL TO ORDER:** Mayor Mays called the work session to order at 6:02 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Councilors Doug Scott, Renee Brouse, Kim Young, Sean Garland, and Russell Griffin. Council President Tim Rosener was absent.
3. **STAFF PRESENT:** City Manager Joe Gall, City Attorney Josh Soper, Community Services Director Kristen Switzer, Police Chief Jeff Groth, Public Works Director Craig Sheldon, Community Development Director Julia Hajduk, Finance Director David Bodway, Systems Administrator Mark Swanson, and City Recorder Sylvia Murphy.
4. **TOPICS**

A. City Manager Transition and Hiring Process

Mayor Mays stated the City Attorney will be working on a resolution to bring back to the Council that would elevate Community Services Director Kristen Switzer on an interim basis to Interim Assistant City Manager or similar title, until City Manager Gall's last day with the City and then to Interim City Manager until the position is filled.

Council members asked Kristen how she felt about the position. Kristen stated she is grateful and appreciate of the vote of confidence and is excited to be in the position and is looking forward to being part of the hiring process for a new City Manager.

Mayor Mays stated the Council has a few options in finding a new City Manager, having an internal process, contracting with a firm or a hybrid. Discussion followed and the Council members supported the option to select a firm with Council involvement and the involvement of the City's Senior Leadership team. Comments were received to keep the Council continually informed throughout the firm's selection process. Comments were received regarding examples of hiring processes, conducting two or more interview cycles, involvement of another City Manager and how to involve the community. Mayor Mays stated that City Manager Gall and City Attorney Soper can reach out to various firms and the organization that was previously affiliated with the League of Oregon Cities. City Manager Gall confirmed. Mayor Mays asked for Council 's availability the following week to hold another meeting. Council asked for the City

Manager's job description and City Manager Gall said he would provide it to the Council. Mayor Mays added any firm that is selected would be weighing in on the job description. Councilor Brouse indicated that Thursday she had a work conflict and Mayor Mays stated the Council would focus on Tuesday or Wednesday, or a 5:30 pm meeting on Thursday. Councilor Garland asked about the process for appointing Kristen. City Attorney Soper replied that there would be a single resolution that addresses both, Assistant City Manager and Interim City Manager and stated that the City Charter references a Manager Pro-Tem. He stated we will need to have Council authorization for the Assistant City Manager as it is not a budgeted position. Council comments were received that the resolution would come before the Council the following week at a special meeting.

5. ADJOURNED

Mayor Mays adjourned at 6:21 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Keith Mays, Mayor

TO: Sherwood City Council

FROM: Jeff Groth, Police Chief

Through: Joseph Gall, ICMA-CM, City Manager and Josh Soper, City Attorney

SUBJECT: Resolution 2021-017, Appointing Dorian Libal to the Sherwood Traffic Safety Committee

Issue:

Should the City Council appoint Dorian Libal to the Sherwood Traffic Safety Committee?

Background:

On March 3, 2020 the Sherwood City Council established the Sherwood Traffic Safety Committee and appointed five (5) initial members. The members were selected after a complete recruitment and selection process during which the City received nine (9) applications for the committee and interviews were held in February 2020. The interview panel included City Council Police Advisory Board Liaison Kim Young, Police Advisory Board Chair Ralph Lohman and Police Chief Jeff Groth. Unfortunately, the Traffic Safety Committee was not able to start meeting for several months as a result of the COVID-19 pandemic.

The Traffic Safety Committee now has a vacancy in position #3 due to a resignation. Since this new opening came fairly soon after the last selection process, the February 2020 interview panel met with Jason Wuertz, the Chair of the Traffic Safety Committee, and reviewed the applications on file.

The interview panel unanimously recommends Dorian Libal for the vacant position on the Traffic Safety Committee. The Mayor has recommended this appointment to Council. In accordance with City Council Rules of Procedure, all such appointments are subject to the approval of City Council by resolution.

Note: Position numbers were established with the adoption of Resolution 2019-066 for the purpose of managing terms.

Financial Impacts:

There are no additional budgetary funds required for this resolution.

Recommendation:

Staff respectfully requests City Council approve Resolution 2021-017, appointing Dorian Libal to the Sherwood Traffic Safety Committee.



RESOLUTION 2021-017

APPOINTING DORIAN LIBAL TO THE SHERWOOD TRAFFIC SAFETY COMMITTEE

WHEREAS, on March 3, 2020, the City Council established the Sherwood Traffic Safety Committee; and

WHEREAS, the Sherwood Traffic Safety Committee has five (5) members with assigned position numbers per Sherwood Municipal Code; and

WHEREAS, position #3 on the Traffic Safety Committee is currently vacant due to a resignation; and

WHEREAS, City Councilor Kim Young, Police Advisory Board Chair Ralph Lohman, Traffic Safety Chair Jason Wuertz and Police Chief Jeff Groth reviewed the applications on file and recommended the appointment of Dorian Libal to Mayor Keith Mays; and

WHEREAS, Mayor Keith Mays has recommended Dorian Libal for appointment; and

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

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

Section 1. The Sherwood City Council hereby appoints Dorian Libal to position #3 of the Sherwood Traffic Safety Committee expiring June 30, 2023.

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

Duly passed by the City Council this 6th day of April, 2021.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Agenda Item: Public Hearing (*First Reading*)

TO: Sherwood City Council

FROM: Jake Reimer, Legal Extern

Through: Josh Soper, City Attorney and Joseph Gall, ICMA-CM, City Manager

SUBJECT: Ordinance 2021-002, Adding Chapter 9.66 to the Sherwood Municipal Code Relating to Use of City of Sherwood Logos (*First Reading*)

Issue:

Should the City Council add Chapter 9.66 to the Sherwood Municipal Code relating to the use of City of Sherwood logos?

Background:

The City of Sherwood ("City") has a compelling interest in ensuring that individuals and entities not associated with the City do not use the City's logos to create a false impression of City sponsorship or approval. Such uses of City logos confuse and mislead the public, which has an interest in knowing what messages the City sponsors or approves. Ordinance 2021-002 aims to support the City's interest in preventing misleading use of City logos.

Because Oregon and federal law prevent the City from registering its logos as trademarks, Ordinance 2021-002 is the best method for the City to prevent misleading use of City logos.

Ordinance 2021-002 adds a new chapter—Chapter 9.66—to the Sherwood Municipal Code. Chapter 9.66 has three sections. The first section depicts the City's logos and can be updated in the future if the City adopts new or different logos. The second section prohibits using a City logo to create a false impression that the City sponsors or approves of a particular message or activity. The third section establishes that each violation of the second section results in a fine of up to five hundred dollars (\$500), and also allows the City to obtain a court order compelling a person or entity to stop misusing City logos.

A second reading for this Ordinance has been scheduled for April 20, 2021, if needed.

Financial Impacts:

No direct financial impacts will result from approval of the attached Ordinance, other than the minimal costs relating to updating the Code language itself via the City's code and charter management contractor, MuniCode.

Recommendation:

Staff respectfully recommends City Council conduct the first hearing and approve Ordinance 2021-002, Adding Chapter 9.66 to the Sherwood Municipal Code relating to use of City of Sherwood logos.



ORDINANCE 2021-002

**ADDING CHAPTER 9.66 TO THE SHERWOOD MUNICIPAL CODE RELATING TO USE
OF CITY OF SHERWOOD LOGOS**

WHEREAS, the City of Sherwood ("City") has a compelling interest in preventing individuals and entities not associated with the City from using the City's logos to mislead the public; and

WHEREAS, Oregon and federal law prevent the City from registering its logos as trademarks, but allow the City to create local laws prohibiting misuse of City logos; and

WHEREAS, the City Council held a public hearing on this Ordinance on April 6, 2021.

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

Section 1. Chapter 9.66 is hereby added to the Sherwood Municipal Code and shall read as set forth in Exhibit A, attached to this Ordinance.

Section 2. The City Recorder is hereby directed to enter a copy of this Ordinance in the record of the proceedings of this Council and to take such other actions necessary to effectuate this addition to the Municipal Code.

Duly passed by the City Council on this 6th day of April, 2021.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Scott	_____	_____
Griffin	_____	_____
Brouse	_____	_____
Young	_____	_____
Garland	_____	_____
Rosener	_____	_____
Mays	_____	_____

**Exhibit A to Ordinance 2021-002
Adding Chapter 9.66 to Sherwood Municipal Code**

Chapter 9.66 - CITY LOGOS

9.66.010- Description of city logos.

A. The logo of the City of Sherwood shall be as depicted below:



Home of the Tualatin River National Wildlife Refuge

The words "City of Sherwood Oregon" and "Home of the Tualatin River National Wildlife Refuge" may, but are not required to, appear below the graphical elements of this logo.

B. The logo of the City of Sherwood Police Department shall be as depicted below:



C. The logo for Sherwood Broadband shall be as depicted below:



The words "Your Community Owned Broadband Provider" may, but are not required to, appear in this logo. The graphical elements located between the letter "w" and the letter "d" in this logo shall, on their own, also constitute a logo for Sherwood Broadband.

D. The logo for the Sherwood Center for the Arts shall be as depicted below:

SHERWOOD CENTER FOR THE ARTS

E. The logo for the Sherwood Field House shall be as depicted below:



F. All logos described in this section 9.66.010 shall be the logos of the City regardless of whether the logos appear in color or black and white, and regardless of the size, character, or medium in which the logos are depicted.

9.66.020 - Misuse of a city logo.

No person shall knowingly use any reproduction of a logo of the City of Sherwood described in section 9.66.010—or any substantially similar logo—for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship or approval by the City of Sherwood, or by any department, agency, or instrumentality thereof, of any product, business, service, or other activity.

9.66.030 - Penalty for misusing a city logo.

- A. In addition to any other liability or penalty provided by law, the City Manager (or designee) may petition the municipal court to do one or both of the following:
 - 1. Enjoin violation of section 9.66.020; or
 - 2. Issue an order imposing a civil penalty upon a person for any violation of section 9.66.020.
- B. A violation of section 9.66.020 is a Class B violation. Each occurrence of a violation, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately.