



CITY COUNCIL MEETING PACKET

FOR

Tuesday, June 1, 2021

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

6:30 pm City Council Work Session

7:00 pm City Council Regular Meeting

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



6:30 PM CITY COUNCIL WORK SESSION

1. **Discussion on TEA East-West Collector Name**
(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 May 18, 2021 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
- B. **Resolution 2021-029 Authorizing the City Manager to enter into a contract with VSS International, Inc. for the 2021-22 Slurry Seal Program** (Craig Sheldon, Public Works Director)
- C. **Resolution 2021-030 Authorizing the City Manager to sign an Intergovernmental Agreement with Washington County for design work for Arrow Street** (Julia Hajduk, Community Development Director)

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 Recipient** (Mayor Mays)

8. PUBLIC HEARINGS

- A. **Ordinance 2021-006 amending Chapter 15.04 of the Sherwood Municipal Code to reflect the 2021 Oregon Building Code updates and Chapter 8.12 of the Sherwood Municipal Code to reflect the 2020 updates to Tualatin Valley Fire & Rescue's Fire Code (Second Hearing)**
(Scott McKie, Building Official)

AGENDA

SHERWOOD CITY COUNCIL June 1, 2021

6:30 pm City Council Work Session

7:00 pm City Council Regular Meeting

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will be conducted electronically and will be
live streamed at
<https://www.youtube.com/user/CityofSherwood>

9. CITY MANAGER REPORT

10. COUNCIL ANNOUNCEMENTS

11. 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>

May 18, 2021

WORK SESSION

1. **CALL TO ORDER:** Mayor Mays called the work session to order at 6:00 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, Public Works Director Craig Sheldon, Interim Assistant City Manager Kristen Switzer, Finance Director David Bodway, Economic Development Manager Bruce Coleman, and City Recorder Sylvia Murphy.

OTHERS PRESENT: Willamette Water Supply Program Director Dave Kraska, Willamette Water Supply Program Engineering and Construction Manager Mike Britch, Washington County Capital Projects Division Manager Joe Younkens, Washington County Land Use Director Stephen Roberts, Washington County Principal Engineer Russ Knoebel, and Washington County Project Manager Matt Meier.

4. TOPICS

A. Updates on Willamette Water Supply Project and Tualatin Sherwood Rd/Roy Rogers Widening Project

Willamette Water Supply Program Director Dave Kraska presented the "Willamette Water Supply 'Our Reliable Water'" PowerPoint presentation (see record, Exhibit A) and reported that the program started in 2011 when TVWD (Tualatin Valley Water District) and Hillsboro were evaluating their long-term water supply options and selected the Willamette River after a multi-year technical study and public input. He recapped the areas TVWD and Hillsboro had focused their technical studies on page 4 of the presentation. He reported that the Willamette River was selected because of the lower cost, excellent water quality, ownership, reliable supply, and fewer environmental impacts. He stated that the Willamette Water Supply Program's mission was to, "Provide a cost-effective, reliable, and resilient water supply system by July 2026, that benefits current and future generations of the communities we serve and supports a vibrant local economy." Council President Rosener asked if the WWSP would sell to individual rate payers in Beaverton? Mr. Kraska replied that the Willamette water supply system would supply water to the owners to distribute, not individuals. He provided an overview of the system map on page 6 of the presentation and reported that there was a river intake located in Wilsonville that they were currently

expanding to meet the future needs of the area as well as seismic improvements. Councilor Scott asked what level of earthquake it would be able to survive? Mr. Kraska replied that it was being built to survive the Cascadia subduction zone event. Willamette Water Supply Program Engineering and Construction Manager Mike Britch clarified that it was designed to withstand a magnitude 9.0 earthquake and reported they had completed a probabilistic seismic hazard analysis to evaluate all of the potential seismic events in the area, including the West Hills fault, and was also based on the level of seismic event that would occur once every 2,500 years. Mr. Kraska stated that for the past five years Washington County and the WWSP had been cooperating and planning their work together and stated it provided numerous benefits of saving money during design and construction because it reduced field investigation and design redundancies and shared mobilization, traffic control, public outreach, and erosion control. It reduced impacts to commuters, businesses and the environment, it enabled additional transportation improvements, and built on the history of successful completion of past projects. He recapped that the WWSP projects occurring around Sherwood were the three separate pipeline projects being completed in Washington County and the new water treatment plant to be located on SW 124th Avenue. He provided background and project overview on the three pipeline projects on pages 11-13 of the presentation. Mayor Mays asked if the pipe on Roy Rogers would reach the bridge? Mr. Kraska replied that the pipe would stop just short of the bridge and bend west and would then go underneath Chicken Creek to the other side. City Manager Joe Gall asked regarding the different project values for the pipeline projects and commented that the second component was significantly more expensive compared to the other portions and asked what was driving the cost. Mr. Kraska replied that the length of the pipeline needed for the project was the largest driving factor for the price. Mr. Britch clarified that the two colors on the map represented the combined road and pipeline work and explained that the yellow color was the pipeline work that went to 124th Avenue and then the pipe turned to connect to an existing pipe, but the road kept going and contributed to the higher total value. Mr. Kraska provided an overview of the Water Treatment Plant project location, water treatment plant facility, and planned roadway improvements on pages 14-16 of the presentation. Council President Rosener asked if Mr. Kraska would factor in the recently passed prevailing wage increase into their cost estimates and asked if they had locked in the rates for any of the necessary contracts yet? Mr. Kraska replied that one of the hazards of doing large projects such as this was that small regulatory changes, such as the prevailing wage change, could have a large impact on the cost of the project and was tracked closely. City Manager Gall asked Mr. Kraska to speak on project timelines and project value. Mr. Kraska replied that the project value was a “squishy” number because there were many different opinions on what the value of the construction project would be and commented that he was comfortable assigning a project value in the range of \$250-300 million. Mr. Kraska outlined that natural resource protection was an important element of the project and would include preservation of the 4.7 acres of the Kolk pond wetland, the Southern natural resource area, and the development would contain more than 43% tree canopy, which exceeded City standards. He explained that there would be some impacts to wetlands but they were following mitigation plans that were approved by the United States Army Corps of Engineers, Division of State Lands, and Clean Water Services. He provided an overview of the water treatment facility’s public access features and administration building and explained that there would be a forest platform, interpretive displays, and educational programs offered at the public facility. He provided an overview of the anticipated completed views of the facility from different access points on pages 20-21 of the presentation. He recapped key dates for the water treatment plant facility and stated that construction was anticipated to last from Spring 2022-2025 with the plant being operational in 2026. City Manager Gall remarked that plans for a local tie-in were being worked on. Mr. Kraska replied that they were working on an emergency water supply connection that would go from the finished water pumps to the City’s distribution system and commented that they were hoping to make

it a two-way connection in order to share water back and forth. He stated that they would handle making sure that the emergency connection was a part of the water treatment plant improvement project and explained that they would work with the City on creating an intergovernmental agreement on how to handle the operation and protocols of that equipment. Mr. Kraska reported that City Attorney Josh Soper had been working with them on creating an IGA regarding the WWSS supplying future build-out areas in Sherwood.

Washington County Principal Engineer Russ Knoebel provided an area overview of the Tualatin-Sherwood/Roy Rogers Road projects on page 24 of the presentation. He reported that the Borchers Drive to Olds Place project would begin to accept bids starting June 2nd and pipeline construction would begin in 2023 with substantial completion by Fall 2024. He reviewed the project's five lane cross section on page 26 of the presentation. He reported that the Olds Place to Teton Avenue project was currently undergoing final design and right-of-way and was scheduled to bid in the Spring of 2022 with construction occurring from Summer 2022-Fall 2025. He reviewed the project's five lane cross section on page 28 of the presentation and explained that the design standards had changed which resulted in them removing the bike lanes and creating multi-use pathways. Mayor Mays commented that bicyclists do not necessarily use the multi-use bike paths and asked if the County would install adequate signage to alert cyclists of what path they should use? Mr. Knoebel replied that there would be signage to show the lane delineation. Council President Rosener asked if the streetlights used on page 28 would be what they used in the actual project. Mr. Knoebel replied that was correct and the streetlights used on page 28 was their standard design and commented that there would be different types of lighting for their other projects. Mr. Knoebel reported that the Borchers Drive to Chicken Creek project was currently undergoing final design and right-of-way and construction was scheduled to take place from Winter 2021-Fall 2023. He recapped that in their previous work session with Council, Council had provided their input on ways to improve this specific project. He explained that the County had added roughly \$750,000 worth of improvements to address some of Council's concerns. He reviewed the project's five lane cross section on page 30 of the presentation. Council President Rosener asked how tall the sound walls would be? Washington County Project Manager Matt Meier replied that sound walls were typically 10-12 feet tall. Mr. Knoebel provided an overview of the opportunities for landscaping on page 31 of the presentation and the median, right-of-way, and sound wall landscaping plant examples on pages 32-34. He reported that the sound walls would be constructed out of concrete in the Ashlar stone pattern. Mr. Meier commented that the exact color of the concrete had not yet been decided but they were leaning towards an earth tone. Mayor Mays asked if the sound walls would have an anti-graffiti treatment? Mr. Meier replied that the sound walls would have an anti-graffiti coating which made them easier to clean. Councilor Griffin asked if there would be a texture treatment to the residential side of the sound walls and asked if the County had plans to help alleviate traffic congestion along Tualatin-Sherwood Road during construction of the water treatment facility? Mr. Knoebel replied that the residential side of the sound walls would be the standard treatment. He addressed the question regarding traffic congestion during construction and explained that there would always be open lanes on Tualatin-Sherwood Road during construction. He stated that the pipeline work would occur mostly out of traffic but there would be some impact to traffic as the pipeline crossed intersections. Mayor Mays commented that the more vertical vegetation planted along the sound walls the better. Councilor Garland commented he liked the design changes to the sound walls and additional bike lanes added to the project since the last work session. Discussion regarding cycling laws and signage occurred. Councilor Scott asked why the bike lane facility locations changed through each of the project areas? Mr. Knoebel replied that the Borchers Drive to Olds Place project was older than the other projects and explained that the board, with input from the City, had determined that that bike treatment was appropriate. He explained that as time went on and with

additional input from other cities, more protected bike facilities were selected by the board. Councilor Scott asked if there was an opportunity to go back and change the design to make the bike facility match the other sections? Mr. Knoebel replied that if they wished to change where the bike lanes were located it would require a redesign of the majority of the project. Councilor Scott commented he would like to see an overhead diagram of what the bike lane transition looked like. Washington County Land Use Director Stephen Roberts reported that the transition would look very similar to the image on page 36 of the presentation where there was a ramp to allow cyclists to go from street level to the raised cycle track. City Manager Gall asked when the road construction along Roy Rogers near Scholls Ferry would be completed? Mr. Knoebel replied that that project was scheduled to wrap up in the Fall of 2021, if not sooner. Mayor Mays asked where the waterpipe would lay between Chicken Creek and Beef Bend? Mr. Kraska replied the pipeline project would go across Chicken Creek and Tualatin River up to around Beef Bend where the pipeline section would be terminated and was done with the County's road project from Roy Rogers Road up to Scholls. Mr. Britch clarified that when they started at Chicken Creek they would do trenchless construction so they were out of the road and commented that most of the construction would not occur in the roadway and it was unlikely to impact traffic. Council President Rosener asked if there were any plans to widen the two-lane bridge? Mr. Roberts replied that there were currently no funds allocated to improve Roy Rogers up to four lanes north of Sherwood and commented that they were aware that there was a need for those improvements but there was no specific commitment in terms of timelines. He commented that they had recently completed an Urban Reserves Transportation study that tried to assess traffic growth in the corridor along with UGB expansions in the county. Council President Rosener asked Mr. Roberts to share their Urban Reserves Transportation study. Mr. Roberts said he would do so. Mayor Mays thanked them for their work.

5. ADJOURN:

Mayor Mays adjourned the work session at 7:00 pm and convened a regular session.

REGULAR SESSION

- 1. CALL TO ORDER:** Mayor Mays called the meeting to order at 7:03 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, Interim Assistant City Manager Kristen Switzer, Planning Manager Erika Palmer, Police Captain Ty Hanlon, Economic Development Manager Bruce Coleman, Building Official Scott McKie, and City Recorder Sylvia Murphy.

OTHERS PRESENT: Consultant Elaine Howard with Elaine Howard Solutions and TVF&R Fire Marshal Steve Forster

4. APPROVAL OF AGENDA:

City Attorney Josh Soper reported that Consent Agenda item F was to be removed.

MOTION: FROM COUNCILOR YOUNG TO APPROVE THE AGENDA REMOVING RESOLUTION 2021-028 ITEM F. SECONDED BY COUNCIL PRESIDENT ROSENER. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

5. CONSENT AGENDA:

- A. Approval of May 4, 2021 City Council Meeting Minutes**
- B. Resolution 2021-024 Authorizing the City Manager to purchase two vehicles for Sherwood Broadband**
- C. Resolution 2021-025 Approving a public building project in the Sherwood 2021 Urban Renewal Plan**
- D. Resolution 2021-026 Appointing Emily Campbell to the Sherwood West Community Advisory Committee**
- E. Resolution 2021-027, Adopting City Council Goals and Activities for FY2021-22**

MOTION: FROM COUNCILOR YOUNG TO ADOPT THE CONSENT AGENDA. SECONDED BY COUNCILOR GRIFFIN. 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. The City Recorder read the public hearing statement for all three public hearings.

7. PUBLIC HEARINGS:

- A. Ordinance 2021-004 Adopting the 2021 Parks and Recreation Master Plan as a sub-element of the City of Sherwood comprehensive plan, replacing all prior parks and recreation master plans (*Second Hearing*)**

Planning Manager Erika Palmer reported that no additional public comments had been received this week and Mr. Shannon's public comment from the previous week had been included in their packet. She stated that it was staff's recommendation to adopt Ordinance 2021-004. With no further comments, questions or public comments provided, Mayor Mays closed the public hearing portion of the meeting and asked for discussion or a motion from Council. Mayor Mays commented that he and Council were pleased with the work completed by staff, advisory committees, and consultants.

MOTION FROM COUNCILOR YOUNG TO READ CAPTION AND ADOPT ORDINANCE 2021-004 ADOPTING THE 2021 PARKS AND RECREATION MASTER PLAN AS A SUB-ELEMENT OF THE CITY OF SHERWOOD COMPREHENSIVE PLAN, REPLACING ALL PRIOR PARKS AND RECREATION MASTER PLANS. SECONDED BY COUNCILOR GRIFFIN. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

B. Ordinance 2021-005 Making certain determinations and findings relating to, and approving, the Sherwood 2021 Urban Renewal Plan and directing that notice of approval be published
(First Hearing)

Community Development Director Julia Hajduk presented the “2021 Urban Renewal Plan” PowerPoint presentation (see record, Exhibit B) and stated that an adoption of a new Urban Renewal Area (URA) with maximum indebtedness of \$166,600,000 over an estimated 30-year period was being considered. She explained that the URA would help facilitate development through the construction of necessary infrastructure, which would create new jobs and a stronger tax base for the community and was consistent with City Council Economic Development goals. She recapped the review and adoption steps and timeline on page 3 of the presentation. She reviewed the new Urban Renewal Area and project locations map on page 5 of the presentation and explained that the yellow areas were properties that were included in the URA and the red lines were portions of the rights-of-way that were proposed to be in the URA that were intended to facilitate the deployment of Sherwood Broadband. Ms. Hajduk provided an overview of the proposed projects on pages 6-20 of the presentation. She explained that the URA Plan identified the projects to be completed and the maximum indebtedness allowed and stated that the report demonstrated the feasible timing of revenue to complete anticipated projects. She explained that Council and URA were not bound to the specific timing or cost assumptions in the report and the actual order of projects to be completed using URA funds was subject to change and would not prevent private development from constructing improvements sooner, but may provide opportunity and flexibility for the URA to assist with project completion. Ms. Hajduk recapped next steps and explained that if the URA Plan was adopted, it would become effective 30 days after adoption and the plan's legal description would be recorded and submitted to the County tax assessor. She reported that beginning in 2023, tax increment revenues would begin to be routed to the URA. She reported that the Festival Plaza, the Sunset/99W Pedestrian Bridge, and Sherwood Broadband were the projects that were slated to begin development based on Council and URA Board direction. She stated that staff recommended holding a public hearing and consider adoption of Ordinance 2021-005 approving the 2021 URA with the following edits: replacing the blank spaces with “R&O 21-56” on page 2 of Exhibit A and page 4 of Exhibit B. Mayor Mays opened the public hearing to receive testimony and the City Recorder reported that they had received written public comment from Sherwood resident Jim Claus regarding the proposed URA district. The City Recorder read the comment aloud. Mr. Claus provided comments regarding the proposed Urban Renewal District (URD). He commented on the 7% annual growth rate the City had used for their calculations and stated that the City's consultants had stated that a 6% annual growth rate was aggressive, and typically used a 5% growth rate or less when working with other cities. He wrote that he felt that the public was not given adequate opportunity to provide feedback on the proposed URD and reported that draft documents were not uploaded to the City's website for public review until April 14, 2021. He wrote that there should have been a like number of geographically districted citizen members on the URA board to discuss and vote on the new URA. He spoke on the URA project list and asked why the lighted intersection built along Highway 99W between Meinecke Road and Sunset Boulevard was not included in the project list as it would be a necessary part of the Cedar Creek Way road extension project? He referred to Planning Commission meetings that reviewed the proposed URD and commented that the plan was not reviewed by outside professionals for potential deficiencies, only City staff. He commented regarding the turf field project at the high school and the adjustments to the URA boundaries and the URA paying for this project. City Manager Gall indicated that the 4 minutes allowed for comment had expired and the City Recorder stated that the public comments and documents would be a part of the meeting record. Hearing no other public comments Mayor Mays closed the public hearing portion of the meeting and asked for questions or discussion from Council.

Councilor Young asked what the difference was between the maximum indebtedness of \$166.6 million and the projected \$184.4 million cited on page 3 of the staff report? Ms. Julia Hajduk explained that those figures had to do with revenues and financing versus what was available to use for projects. Consultant Elaine Howard clarified that by statute, maximum indebtedness did not include interest paid on debt, so the \$166.6 million was not the interest amount and the \$184.4 was the projected total amount including interest on debt. Council President Rosener clarified that maximum indebtedness was something that could not be changed during the life of the URA, and it did not mean that that amount would be spent on projects and stated that URAs had no impact on residential property taxes. Mayor Mays thanked those involved with the new URA for their hard work. He reported that the existing URA that was scheduled to be sunset-ed within the next 24 months had brought many of the improvements to Old Town including street, utility, and Cannery area improvements and the proposed new URA would bring additional funding to the pedestrian bridge between the YMCA and new high school area and the undercrossing on Highway 99W. He spoke on the benefits that the new URA would bring to Sherwood and Sherwood residents. Mayor Mays spoke on the potential cost of delay for holding a second public hearing on the proposed URA in two weeks and asked if Council should consider adopting the proposed ordinance at this meeting? He asked Economic Development Manager Bruce Coleman to speak on the potential cost of delay given current market rates. Mr. Coleman commented that there could be some changes in market interest rates, but no one knew for certain when that could happen and commented that if an inflationary period were to begin, it could affect interest rates and could be a very meaningful factor in terms of borrowing money. Mayor Mays spoke on the cost of delay and commented that if there was an inflationary period, it would have an impact on projects due to the rising cost of materials. Mayor Mays stated he was very happy with the plan and the review process it had been through. Mayor Mays asked Finance Director David Bodway to explain his prior email to Council regarding bonding interest rates (see record, Exhibit C). Mr. Bodway gave the example of a \$40 million loan over a 30-year term going from a 2% interest rate to a 2.25% interest rate over the life of the loan and stated that that change would add an additional \$1.9 million in costs to the City. He voiced that there was inflationary talk happening on the federal level and interest rates were fluctuating and commented that in terms of the City taking advantage of current interest rates the sooner the City could act to take advantage of a low rate, the better it would be. Council President Rosener commented he was in favor of taking advantage of lower interest rates in order to be able to complete more projects, and stated he was in favor of voting on the new URA at this meeting. Councilor Young commented that the process for the new URA had begun in July of 2020 and the URA Plan had been through numerous Council work sessions, URA Advisory Committee meetings, Planning Commission meetings, virtual open houses, and public hearings with the Sherwood School District, TVF&R, and Washington County. She commented that given the interest rate volatility and the potential increased costs to the City over the life of the loan, she was in favor of voting on the ordinance at this meeting. Councilor Griffin commented that he was initially hesitant to pass the ordinance at the first reading, but there had been other occasions that items had been adopted in one reading if Council believed it to be prudent to do so on behalf of the City. He commented that he agreed with Councilor Young in that the new URA Plan had been through a thorough review process and the City had provided many opportunities for the public to provide their comments and feedback on the proposed plan and spoke on the importance of the guidance the new URA Plan would provide for the City's development. He stated that given the interest rate volatility and the potential increased costs to the City over the life of the loan, he was in favor of voting on the ordinance at this meeting. Mayor Mays explained that the intention of an Urban Renewal District was to make investments to facilitate development that may not occur otherwise or that quickly. Councilor Garland commented that the new URA would benefit the entire Sherwood community and commented that there had been many opportunities for citizens to provide their feedback on the proposed URA Plan and stated he was in favor of voting on the ordinance at this meeting.

Record note: Staff emailed Council a list of public outreach dates they had completed in order to allow for public comment on the proposed new URA (see record, Exhibit D).

MOTION FROM COUNCILOR YOUNG TO READ CAPTION AND ADOPT ORDINANCE 2021-005 MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO, AND APPROVING, THE SHERWOOD 2021 URBAN RENEWAL PLAN AND DIRECTING THAT NOTICE OF APPROVAL BE PUBLISHED. SECONDED BY COUNCILOR SCOTT. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next business item.

C. Ordinance 2021-006 amending Chapter 15.04 of the Sherwood Municipal Code to reflect the 2021 Oregon Building Code updates and Chapter 8.12 of the Sherwood Municipal Code to reflect the 2020 updates to Tualatin Valley Fire & Rescue's Fire Code (*First Hearing*)

City Building Official Scott McKie explained that the proposed ordinance was to amend the Sherwood Municipal Code to reflect updates that were made to three of the State Building Codes as well as an update to the TVF&R Fire Code. He reported that the State had adopted a new 2021 Oregon Residential Code, Oregon Plumbing Code, and Oregon Electrical Code. He explained that any jurisdiction that had a building permitting and inspection program was required by law to locally adopt the changes to the specific codes. Mayor Mays confirmed that no public comments had been submitted regarding the proposed ordinance. The City Recorder replied that was correct. Mayor Mays closed the public hearing portion of the hearing and asked for questions or discussion from Council. Councilor Young commented it did not look like any major changes had been made. Mr. McKie replied that was correct and explained that codes had been updated to reflect the current year, so the City needed to update its municipal code to reflect the current year of edition of code the state had adopted. TVF&R Fire Marshal Steve Forster reported that their code update was also minor changes and was the first ordinance update since 2014. Mayor Mays stated that the proposed ordinance would be back for a second hearing at the June 1st City Council meeting.

Mayor Mays addressed the next agenda item.

8. CITY MANAGER REPORT

Mayor Mays reported that this meeting was the last City Council meeting that City Manager Joe Gall would attend before his departure. He stated that he greatly appreciated Mr. Gall's tenure for the past nine years and stated that there would be a proclamation for Mr. Gall to recognize his many contributions to the City of Sherwood. Mayor Mays read the proclamation aloud and stated that Mr. Gall had served the City of Sherwood with distinction since 2012 and had deep connections to the Sherwood community that would continue long after his departure. He stated that Mr. Gall had successfully executed on the vision of city leadership and helped to bring many goals, priorities, and projects to life and the community of Sherwood was a better, stronger place for all residents to live, work, and play because of Mr. Gall's efforts. He stated that the Sherwood City Council was grateful for Mr. Gall's passion, commitment, and drive through the years and wished him the best in his new ventures. Councilor Young stated it had been an absolute pleasure to work with Mr. Gall the past four years and thanked him for the calmness he brought to the City and responsiveness to Councilors and citizens. Councilor Griffin thanked Mr. Gall for

his fairness in his assessments of situations and stated that Sherwood was a better place because of his help and guidance for the past nine years and wished Mr. Gall the best of luck in his new venture. Council President Rosener stated he appreciated working with Mr. Gall and had learned a great deal from him as a first time City Councilor and thanked him for keeping Council up to date on important issues so they could make informed decisions. He commented that that was one of the reasons why Sherwood was a city that has, and will continue to be known as, a city that thinks outside the box. Councilor Garland thanked Mr. Gall for his measured perspective that helped Council make informed decisions that would benefit the most people in the community. He commented that the City was a better place thanks to Mr. Gall's tenure as City Manager. Councilor Brouse stated it had been an honor and a privilege to serve alongside Mr. Gall both at the City of Sherwood level but also through the Sherwood Rotary and Sherwood YMCA. She commented he was a great leader and she looked forward to watching what he did in his new career. Councilor Scott stated that Mr. Gall's creation and administration of the Citizens University program was an incredible asset to both Councilors and residents, and commented he hoped that the program would continue after Mr. Gall's departure. He thanked Mr. Gall for his time, information, and energy in getting him up to speed as a new Councilor and thanked him for his responsiveness and availability as a City Manager.

City Manager Joe Gall thanked Council for their comments and voiced that he had been a City Manager for the past 16 years and had been in local government for the past 35 years. He said that he entered the profession to cause a positive change in the community he worked in and expressed that what Council had stated at this meeting had reassured him that he had made a positive impact on this community with the assistance of a great team behind him. He stated he was proud of the work that he had been able to lead and accomplish the past nine years and commented it had been the highlight of a 30-plus year career in local government. He voiced that he would still live in the community because he loved the community. He expressed that working in local government was not always easy, but it was work that could get things accomplished and the work accomplished "really means something." He commented that he had loved working with elected officials and thanked them for volunteering their time and explained that the reason he spent so much time with councilors was to help them do a good job giving back to the community. He thanked Council for all the work that they had completed and all of the work they will continue to do. He spoke on the long-term impacts of the work that Council was completing and stated they should be proud of the work they have accomplished. Mr. Gall stated that his job was easy in many ways because of the great staff that he worked with, including the senior leadership team and staff throughout the organization. He remarked that he knew that the new city manager would be a great one because this was a great community with great opportunities for someone else to follow in his footsteps, as he had followed in those who went before him. Mayor Mays stated that Mr. Gall's next chapter was an exciting one and Council was happy for him.

City Manager Gall reported that the Budget Committee meeting would be held on May 20th at 6:00 pm and would be a virtual meeting. He reported that the City Manager position had been posted and was accepting applicants.

Mayor Mays addressed the next agenda item.

9. COUNCIL ANNOUNCEMENTS

Mayor Mays spoke on the Sherwood School Board elections and commented it was likely that there would be new School Board members. Discussion regarding voter turnout and voting counties occurred. Mayor

Mays reported that Council would soon discuss their priorities to advocate for transportation projects with Washington County. He reported that Washington County had exceeded the 65% vaccination rate determined by Governor Brown and the County would now be moved to “low risk” status for COVID restrictions on May 21st.

Councilor Scott reported that the Planning Commission would not hold a public hearing next Tuesday, but they would hold a work session where they would discuss the first draft of the proposed Residential Design Standards and a review of the public input they had received on the same topic.

Councilor Griffin reported that the Robin Hood Festival Association had chosen to hold the Robin Hood Festival on September 24th-25th.

10. ADJOURN:

Mayor Mays adjourned the regular session at 8:18 pm and convened an executive session.

EXECUTIVE SESSION

1. **CALL TO ORDER:** Mayor Mays called the executive session to order at 8:23 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, Public Works Director Craig Sheldon, Interim Assistant City Manager Kristen Switzer, and consultant Ross Schultz.

4. TOPICS

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

5. ADJOURN:

Mayor Mays adjourned the executive session at 9:20 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Keith Mays, Mayor

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Craig Sheldon, Public Works Director

Through: Kristen Switzer, City Manager Pro Tem and Josh Soper, City Attorney

SUBJECT: Resolution 2021-029, Authorizing the City Manager to enter into a contract with VSS International, Inc. for the 2021-22 Slurry Seal Program

Issue:

Shall the City Council authorize the City Manager to enter into a contract with VSS International, Inc. for the 2021-22 Slurry Seal Program?

Background:

The City has a responsibility to maintain our public infrastructure and to perform preventative maintenance work to prolong the quality of our streets.

As in past years, the City of Sherwood has partnered with the City of Hillsboro to combine our efforts for Slurry Seal. The City of Hillsboro included language for Sherwood to use their RFP. Allowing the City of Sherwood to use their RFP process, enables us to save time and money by not going through the procurement process separately.

The roads selected (attached) are prioritized in our Pavement Management System which was updated in September 2017. The system is updated every three (3) years. This work will be scheduled in July/August and prior to school starting in September.

Financial Impacts:

The cost to complete the work is \$107,169.41. Staff recommends adding 10% contingency (\$10,716.94) for a total amount not to exceed \$117,886.35. These funds are covered in the FY2021-22 street budget.

Recommendation:

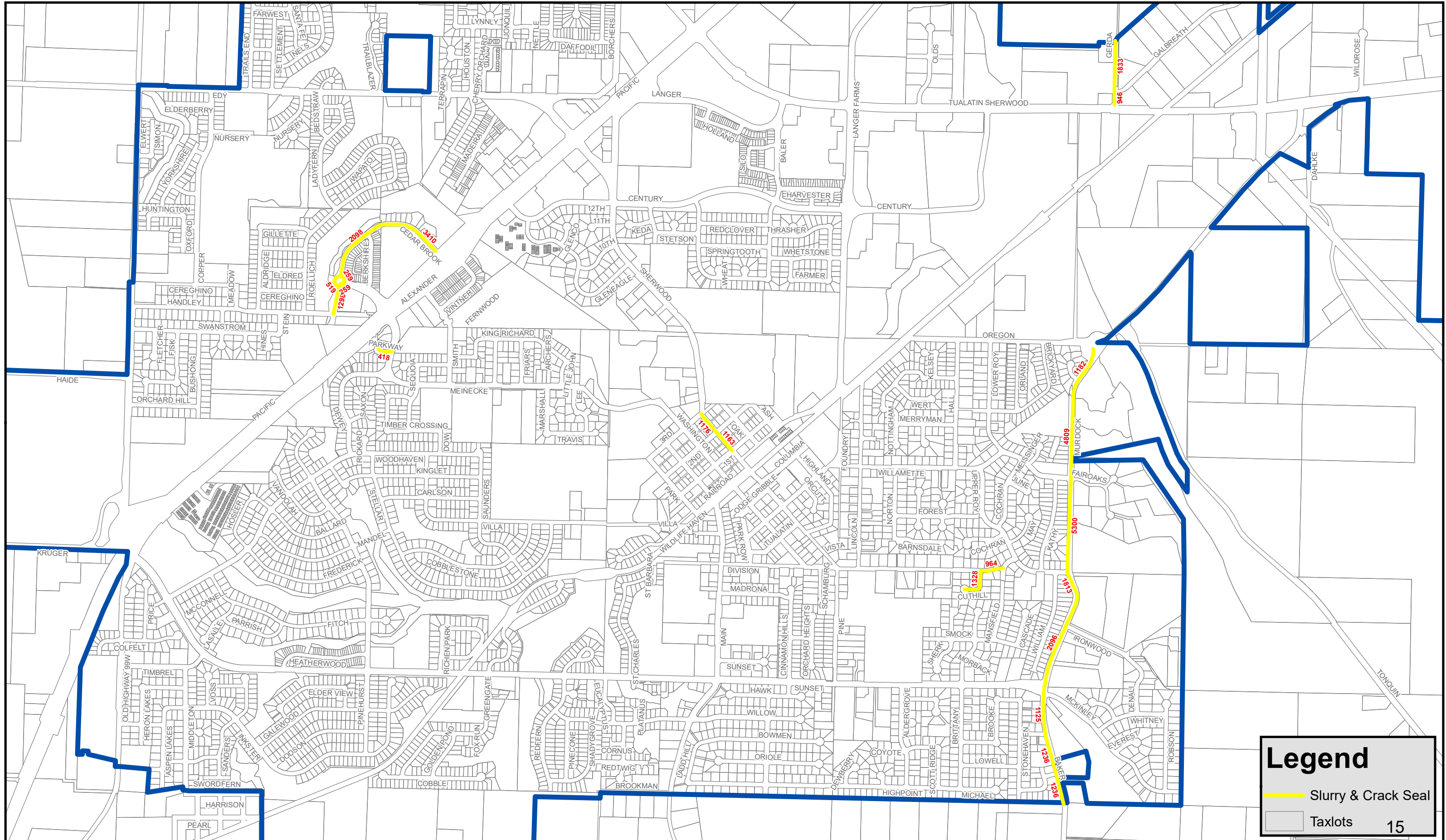
Staff respectfully recommends City Council approval of Resolution 2021-029, authorizing the City Manager to enter into a contract with VSS International, Inc. for the 2021-22 Slurry Seal Program.

EXHIBIT A



2021-22 City of Sherwood Slurry Seal

<u>Road Name:</u>	<u>From:</u>	<u>To:</u>
BAKER RD	SUNSET BLVD	CORNERSTONE LN SW
BAKER RD	S CITY LIMITS 24007 MURDOCK	CORNERSTONE LN SW
CEDAR BROOK WAY SW	HANDLEY ST	MEINECKE PARKWAY ROUNDABOUT
CEDAR BROOK WAY SW	BEGIN OF ROUNDABOUT	END OF ROUNDABOUT
CEDAR BROOK WAY SW	ROUNDABOUT	BERKSHIRE
CEDAR BROOK WAY SW	BERKSHIRE	ST HWY 99W
CUTHILL PL SW	DIVISION ST	CUL-DE-SAC
GERDA LN SW	GALBREATH	END OF ROAD
GERDA LN SW	TUALATIN-SHERWOOD	GALBREATH DR
MURDOCK RD SW	SUNSET BLVD	IRONWOOD LN
MURDOCK RD SW	IRONWOOD LN	UPPER ROY ST
MURDOCK RD SW	UPPER ROY ST	WILLAMETTE ST
MURDOCK RD SW	WILLAMETTE ST	CHESAPEAKE PL
MURDOCK RD SW	CHESAPEAKE PL	OREGON ST
PARK CT SW	MEINKECKE RD	CUL DE SAC
PINE ST SW	1ST ST	2ND ST
PINE ST SW	2ND ST	3RD ST





RESOLUTION 2021-029

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH VSS INTERNATIONAL, INC. FOR THE 2021-22 SLURRY SEAL PROGRAM

WHEREAS, the City has a responsibility to maintain the City's infrastructure; and

WHEREAS, the City partnered with the City of Hillsboro to include Sherwood's 2021-22 Slurry Seal program in their RFP for the same services; and

WHEREAS, the RFP process identified VSS International, Inc. as the lowest responsible bidder.

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

Section 1. The City Manager is hereby authorized to enter into a contract with VSS International, Inc. for the 2021-22 Slurry Seal Program in an amount not to exceed \$107,169.41.

Section 2. Subject to the limitations of local and state contracting rules, the City Manager is hereby authorized to execute contract change order(s) in an total amount not to exceed 10% of the original award (\$10,716.94) for a total contract amount not to exceed \$117,886.35.

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

Duly passed by the City Council this 1st of June 2021.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Julia Hajduk, Community Development Director
Through: Kristen Switzer, City Manager Pro Tem and Josh Soper, City Attorney

SUBJECT: Resolution 2021-030, Authorizing the City Manager to sign an intergovernmental agreement with Washington County for design work for Arrow Street

Issue:

Shall the City Council authorize the City Manager to sign an intergovernmental agreement (IGA) with Washington County for the design work for Arrow Street?

Background:

Washington County is working on a multi-year, multi-phase road widening project of Tualatin Sherwood Road and Roy Rogers Road. The City and County have also determined that the extension of Arrow Street from its current stubbed location at Olds Place to Langer Farms Parkway (near where the new PGE training facility is being constructed) is beneficial to the overall road widening project because it provides an alternate access for businesses that access Tualatin Sherwood Road via Olds Place. PGE dedicated necessary right of way and the City and County have determined it would be most cost efficient and effective to incorporate the street design into the County's project. Once the design is complete and final costs have been determined, the City and County will consider a second IGA, or amending this IGA, to determine funding of the street and whether it will be constructed as part of the County's project or bid separately.

Financial Impact:

As outlined in the IGA, the City will contribute to the design costs of Arrow Street, estimated to be \$291,500. Funds for this have been allocated in the FY 21/22 budget. Costs for the construction of Arrow will be determined upon completion of design and are currently estimated to be \$1.1 million. The proposed FY 21/22 CIP has allocated funds for this project subject to final cost determinations.

Recommendation:

Staff respectfully recommends council approve Resolution 2021-030 authorizing the City Manager to sign an intergovernmental agreement with Washington County for design work for Arrow Street.



RESOLUTION 2021-030

AUTHORIZING THE CITY MANAGER TO SIGN AN INTERGOVERNMENTAL AGREEMENT WITH WASHINGTON COUNTY FOR DESIGN WORK FOR ARROW STREET

WHEREAS, the City of Sherwood's 2014 Transportation System Plan (TSP) has identified the extension of Arrow Street between Olds Place and Langer Farms Parkway and Right of Way for Arrow Street has been obtained; and

WHEREAS, Washington County is working on a project to widen Tualatin-Sherwood Road and Roy Rogers Road from Chicken Creek to Teton Road and as part of that project will be making changes to existing intersection access at Tualatin-Sherwood and Olds Place which will restrict turning movements; and

WHEREAS, it is recognized that the prioritization of constructing Arrow Street will support existing businesses in the area as well as provide additional opportunities for transportation; and

WHEREAS, the County and City have determined that it would be most cost effective and efficient for the County to incorporate the design of Arrow Street into the County project; and

WHEREAS, upon completion of the design of Arrow St. and obtaining of cost estimates, additional discussion will be required to determine whether the construction of Arrow St. will be incorporated into the County construction project.

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

Section 1. The City Council authorizes the City Manager to enter into an Intergovernmental Agreement (IGA) with Washington County in a form substantially similar to the attached Exhibit 1.

Section 2. The City Council further authorizes the City Manager to make payments to the County consistent with the agreed upon amounts outlined in the IGA.

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

Duly passed by the City Council this 1st of June, 2021.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Resolution 2021-030

June 1, 2021

Page 1 of 1, with Exhibit 1 (7 pgs)

**INTERGOVERNMENTAL AGREEMENT
BETWEEN
WASHINGTON COUNTY AND THE CITY OF SHERWOOD**

**FOR TRANSPORTATION IMPROVEMENTS ON SW ARROW STREET
AND UTILITY WORK IN TUALATIN-SHERWOOD ROAD**

THIS INTERGOVERNMENTAL AGREEMENT is entered into between Washington County, a political subdivision of the State of Oregon, acting by and through its elected officials, hereinafter referred to as “COUNTY”; and the City of Sherwood, a municipal corporation, acting by and through its City Council, hereinafter referred to as “CITY.”

RECITALS

1. WHEREAS, ORS 190.010 authorizes agencies to enter into intergovernmental agreements for the performance of any or all functions and activities that a party to the agreement has the authority to perform; and
2. WHEREAS, COUNTY has an approved and funded transportation improvement project on SW Tualatin-Sherwood Rd between Langer Farms Pkwy and Teton Ave; and
3. WHEREAS, the CITY wishes to potentially extend SW Arrow St from the existing western terminus near Olds Pl to Langer Farms Pkwy in conjunction with the COUNTY’s SW Tualatin-Sherwood Rd transportation improvements, and agrees to pay for such requested work; and
4. WHEREAS, the CITY and COUNTY have agreed to cooperate in the design of the CITY’s SW Arrow St extension and desire to combine the CITY’S SW Arrow St extension design into a single project with the COUNTY’s SW Tualatin-Sherwood Rd transportation improvements to reduce costs and ensure coordination; and
5. WHEREAS, the CITY and COUNTY may choose to enter into an additional agreement for, or amend this agreement to include, bidding and construction of the Arrow Street extension; and
6. WHEREAS, under such authority, it is the mutual desire of the COUNTY and CITY to enter into this Intergovernmental Agreement to cooperate in identification and acquisition of necessary easements, design and preparation of bid documents for the construction of the CITY’S SW Arrow St, and to allocate responsibilities as detailed below.

AGREEMENT

NOW THEREFORE, the premise being in general as stated in the foregoing recitals, and in consideration of the terms, conditions and covenants as set forth below, the parties hereto agree as follows:

1. PROJECT DESCRIPTION

- 1.1 The COUNTY SW Tualatin-Sherwood Rd project will include: design and construction of road widening, curbs, sidewalks, bike lanes, street lighting, drainage, landscaping, traffic control, water quality improvements, rail crossing upgrades and all necessary permitting on SW Tualatin-Sherwood Rd between SW Langer Farms Pkwy and SW Teton Ave, hereinafter referred to as “TSR PROJECT”.
- 1.2 The CITY SW Arrow St road extension project will include: design and preparation of bid ready documents for the construction of new road, curbs, sidewalks, bike lanes, street lighting, drainage, landscaping, traffic control, water quality/hydro-modification improvements, and all necessary permitting on SW Arrow St, hereinafter referred to as “ARROW ST PROJECT”.
- 1.3 The ARROW ST PROJECT and TSR PROJECT, will collectively be referred to as PROJECTS.

2. COUNTY OBLIGATIONS

- 2.1 COUNTY shall, upon execution of this Agreement, assign a Project Manager to be responsible for coordination of all work contained in this Agreement with CITY.
- 2.2 COUNTY shall perform, or cause to be performed, all actions necessary for the design and construction of the TSR PROJECT, including project management, design and construction engineering, property acquisition, utility relocation as necessary, regulatory and land use permits and approvals, public information related to the roadway design and construction, contract administration, inspection and construction management. COUNTY shall coordinate the design of, advertise for, award and administer the construction contract for the TSR PROJECT.
- 2.3 Subject to CITY obligations set forth in Article 3, COUNTY shall perform, or cause to be performed, all actions necessary for the design of the ARROW ST PROJECT as part of the TSR PROJECT as described in Term 2.2. COUNTY shall provide CITY a reasonable amount of time, but in any event no less than two (2) business days, to review and either approve or disapprove of: any change orders, settlements, or similar actions or agreements that would materially affect the cost or project timeline for the ARROW ST PROJECT. If CITY disapproves of any of the above, CITY shall provide its reasoning to COUNTY in writing and the parties shall attempt to resolve the matter in accordance with the dispute resolution provisions in Term 5.5.
- 2.5 COUNTY shall perform all actions regarding compensation as set forth in Article 4 – Compensation.

- 2.6 COUNTY, in consultation with the CITY, shall determine approximate easements needed for the ARROW ST PROJECT.

3. CITY OBLIGATIONS

- 3.1 CITY shall, upon execution of this Agreement, assign a Project Manager to be responsible for coordination of all work contained in this Agreement with the COUNTY.
- 3.2 CITY shall provide timely comments to COUNTY on construction documents and CITY permit applications including construction plan sheets, specifications, erosion control permit, and bid schedule.
- 3.3 CITY shall, prior to COUNTY solicitation of a construction contract for the TSR PROJECT, determine whether to amend this agreement to include construction of the ARROW ST PROJECT.
- 3.4 CITY shall coordinate with COUNTY on any disagreements, disputes, delays or claims related to or as a result of the design of the ARROW ST PROJECT, and financially participate to the extent agreed upon by the parties.
- 3.5 CITY shall perform all actions regarding compensation as set forth in Article 4-Compensation.

4. COMPENSATION

- 4.1 COUNTY shall be responsible for all costs to design and construct the TSR PROJECT as described in Term 2.2.
- 4.2 CITY shall be responsible for all costs to design the ARROW ST PROJECT as described below.

The costs to design the ARROW ST PROJECT are estimated to total \$291,500. Specific costs are summarized as follows:

i. Consultant Engineering Design Costs	\$265,000
ii. Design Administration and Management (10% of i)	\$26,500

<u>PHASE 1: DESIGN TOTAL</u>	<u>\$291,500</u>
-------------------------------------	-------------------------

Notwithstanding the above estimates, CITY's financial obligation under item i shall be the actual consultant engineering design cost incurred by COUNTY for the design of the ARROW ST PROJECT.

Item ii shall be calculated and paid to COUNTY as a lump sum after COUNTY makes final payment to the consultant designer for the ARROW ST PROJECT.

4.2.1 Phase 2: Right-of-Way and Construction

The CITY and COUNTY may amend this agreement to add costs for right-of-way acquisition and construction of the ARROW ST PROJECT.

4.2.3 CITY and COUNTY understand that the design costs outlined above are estimates and are used to determine project budgets and estimated payments amounts used within this Agreement. Final costs will be based on the actual contract amount realized.

4.2.4 Within thirty (30) calendar days of execution of this agreement, CITY shall deposit with the COUNTY the sum of \$100,000. COUNTY shall send CITY quarterly statements during project design indicating the itemized amount incurred and the amount due. Quarterly statements will not be sent to the CITY if no ARROW ST PROJECT work is performed. Upon depletion of the \$100,000 deposited under this section, the quarterly statement shall include the itemized amount due from CITY for the CITY work. CITY shall pay COUNTY the amount due within thirty (30) calendar days of its receipt of this billing. Any excess funds deposited with COUNTY by CITY will be refunded to CITY within thirty (30) calendar days after completion of the ARROW ST PROJECT or termination of this Agreement, whichever comes first.

5. GENERAL PROVISIONS

5.1 LAWS OF OREGON

The parties shall comply with all applicable laws and regulations, including but not limited to those regarding the handling and expenditure of public funds. This Agreement shall be construed and enforced in accordance with the laws of the State of Oregon. All applicable provisions required by ORS Chapter 279A and 279C to be included in public contracts are incorporated and made a part of this Agreement as if fully set forth herein.

5.2 DEFAULT

Time is of essence in the performance of the Agreement. Either party shall be deemed to be in default if it fails to comply with any provisions of this Agreement. The non-defaulting party shall provide the other party with written notice of default and allow thirty (30) calendar days within which to cure the defect.

5.3 INDEMNIFICATION

This Agreement is for the benefit of the parties only. Each party agrees to indemnify and hold harmless the other party, and its officers, employees, and agents, from and against all claims, demands and causes of actions and suits of any kind or nature for personal injury, death or damage to property on account of or arising out of services performed, the omissions of services or in any way resulting from the negligent or wrongful acts or omissions of the indemnifying party and its officers, employees and agents. To the extent applicable, the above indemnification is subject to and shall not exceed the limits of liability of the Oregon Tort Claims Act (ORS 30.260 through 30.300). In addition, each party shall be solely responsible for any contract claims, delay damages or similar items arising from or caused by the action or inaction of the party under this Agreement.

5.4 MODIFICATION OF AGREEMENT

No waiver, consent, modification or change of terms of this Agreement shall be binding unless in writing and signed by both parties.

5.5 DISPUTE RESOLUTION

The parties shall attempt to informally resolve any dispute concerning any party's performance or decisions under this Agreement, or regarding the terms, conditions or meaning of this Agreement. A neutral third party may be used if the parties agree to facilitate these negotiations. In the event of an impasse in the resolution of any dispute, the issue shall be submitted to the governing bodies of both parties for a recommendation or resolution.

5.6 REMEDIES

Subject to the provisions in paragraph 5.5, any party may institute legal action to cure, correct or remedy any default, to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation of this Agreement. All legal actions shall be initiated in Washington County Circuit Court. The parties, by signature of their authorized representatives below, consent to the personal jurisdiction of that court.

5.7 EXCUSED PERFORMANCE

In addition to the specific provisions of this Agreement, performance by any party shall not be in default where delays or default is due to war, insurrection, strikes, walkouts, riots, floods, drought, earthquakes, fires, casualties, acts of God, governmental restrictions imposed or mandated by governmental entities other than the parties, enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulation, litigation or similar bases for excused performance that are not within the reasonable control to the party to be excused.

5.8 SEVERABILITY

If any one or more of the provisions contained in this Agreement is invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions of the Agreement will not be affected or impaired in any way.

5.9 INTEGRATION

This Agreement is the entire agreement of the parties on its subject and supersedes any prior discussions or agreements regarding the same subject.

6. TERMS OF AGREEMENT

6.1 The term of this Agreement shall be from the date of execution until the completion of the ARROW ST PROJECT, but not to exceed five (5) years.

6.2 This Agreement may be amended or extended for periods of up to one (1) year by mutual consent of the parties. It may be canceled or terminated for any reason by either party effective thirty (30) calendar days after written notice to the other party, or at such time as the parties may otherwise agree. The parties shall, in good faith, agree to such reasonable provisions for winding up the TSR PROJECT and ARROW ST PROJECT and paying for any additional costs as necessary.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have set their hands as of the day and year hereinafter written.

WASHINGTON COUNTY, OREGON

CHAIR, BOARD OF COUNTY COMMISSIONERS

DATE: _____

RECORDING SECRETARY

CITY OF SHERWOOD, OREGON

CITY MAYOR

DATE: _____

ATTEST:

CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

TO: Sherwood City Council

FROM: Scott McKie, Building Official
Through: Kristen Switzer, City Manager Pro Tem, Julia Hajduk, Community Development Director and Josh Soper, City Attorney

SUBJECT: Ordinance 2021-006, amending Chapter 15.04 of the Sherwood Municipal Code to reflect the 2021 Oregon Building Code updates and Chapter 8.12 of the Sherwood Municipal Code to reflect the 2020 updates to Tualatin Valley Fire & Rescue's Fire Code

Issue:

Shall the City Council amend Chapter 15.04 of the Sherwood Municipal Code to reflect the 2021 Oregon Building Code updates and Chapter 8.12 of the Sherwood Municipal Code to reflect the 2020 updates to Tualatin Valley Fire & Rescue's Fire Code?

Background:

The State of Oregon has adopted an updated Oregon Building Code effective April 1st, 2021. Adopting this ordinance will ensure the City is complying with the state's mandate to enforce the most current adopted codes and will promote the peace, health safety and welfare of the citizens of Sherwood. A copy of the code is available at City Hall or on the State of Oregon's web page at <https://www.oregon.gov/bcd/codes-stand/Pages/adopted-codes.aspx>. The first hearing to discuss the proposed changes was held on May, 18th, 2021. This will be the 2nd hearing of this ordinance.

In addition, Tualatin Valley Fire and Rescue, the rural fire protection district that provides fire protection within the City, has adopted a new "Fire Code". Adopting this ordinance will ensure the TVF&R Fire Code is adopted by reference within the City's Municipal Code.

A track changes version of the proposed Municipal Code changes is attached as Attachment 1 and a copy of the TVF&R code is included as Attachment 2 to this staff report for Council's reference.

Financial Impacts:

There are no financial impacts created by adoption of this ordinance.

Recommendation:

Staff respectfully recommends City Council hold the second reading and adopt Ordinance 2021-006, amending Chapter 15.04 of the Sherwood Municipal Code to reflect the 2021 Oregon Building Code updates and Chapter 8.12 of the Sherwood Municipal Code to reflect the 2020 updates to Tualatin Valley Fire & Rescue's fire code.

8.12.010 - Adoption of State Fire Code.

The ~~2014~~ 2019 Oregon Fire Code is adopted by the City of Sherwood for purposes of prescribing regulations governing conditions hazardous to life and property from fire and explosives and for purposes of plan review, permits and inspections. Any provision in this chapter inconsistent with the terms of that ~~2014~~ 2019 Code is to be deemed ineffective and without force.

8.12.015 - Adoption of Tualatin Valley Fire & Rescue Fire Prevention Code.

The ~~2014~~ 2019 Oregon Fire Code as amended by the State of Oregon and adopted by Tualatin Valley Fire & Rescue Ordinance ~~2020-0114-02~~ (the TVF&R Fire Prevention Code) is adopted by the City of Sherwood.

15.04 Construction Codes

Article II. - Various Codes

15.04.110 - Oregon Structural Specialty Code.

The City shall use the Oregon Structural Specialty Code, as adopted by OAR 918-460-0010 through 918-460-0015 (2019), for administration, inspection, and plan review. Additionally, as permitted by Section 101.2.1.2 of the Oregon Structural Specialty Code, the City of Sherwood adopts Appendix J, "Grading," of that code.

15.04.120 - Oregon Mechanical Specialty Code.

The City shall use the Oregon Mechanical Specialty Code, as adopted by OAR 918-440-0010 through 918-440-0012 (2019), for administration, inspection, and plan review.

15.04.130 - Plumbing code.

The City shall use the Oregon Plumbing Specialty Code, as adopted by OAR 918-750-0110 through 918-750-0115 ~~(2017)~~ (2021), for administration, inspection, and plan review.

15.04.140 - Electrical code.

The City shall use the Oregon Electrical Specialty Code, as adopted by OAR 918-305-0100 through 918-305-0105 ~~(2018)~~ (2021), for administration, inspection, and plan review.

15.04.150 - Oregon Residential Specialty Code.

The City shall use the Oregon Residential Specialty Code, as adopted by OAR 918-480-0005 through 918-480-0010 ~~(2017)~~, (2021), for administration, inspection, and plan review.

15.04.160 - Manufactured dwelling codes.

- A. The City shall use the Oregon Manufactured Dwelling and Park Specialty Code, as adopted by OAR 918-600-0010 (2010), for administration, inspection, and plan review.
- B. The City shall use the Oregon Manufactured Dwelling Installation Specialty Code, as adopted by OAR 918-500-0510 through OAR 918-500-0520 (2010), for administration, inspection, and plan review.

15.04.170 - Recreational park and organizational camp regulations.

- A. The City shall use the recreational park and organizational camp rules adopted by OAR 918-650-0000 through 918-650-0080 (2010).

15.04.180 – Additional Permits Required.

A. As allowed by Section 101.2 of the Oregon Structural Specialty Code, the City of Sherwood requires permits for the following:

- 1. Demolition
 - 2. Tanks that are located exterior to and not attached to or supported by a regulated building.
 - 3. Cellular phone, radio, television and other telecommunication and broadcast towers that are not attached to or supported by a regulated building.
 - 4. Flagpoles not attached to or supported by a regulated building.
 - 5. Signs over seven feet in height above grade not attached to or supported by a regulated building.
- B. The standards applicable to review of applications for the permits described in subsection A above shall be those set forth in the Oregon Structural Specialty Code.

ORDINANCE 2020-01

AN ORDINANCE ADOPTING FIRE CODES AND STANDARDS FOR TUALATIN VALLEY FIRE AND RESCUE, A RURAL FIRE PROTECTION DISTRICT, PROVIDING FOR A REASONABLE LEVEL OF LIFE SAFETY AND PROPERTY PROTECTION FROM THE HAZARDS OF FIRE, EXPLOSION OR DANGEROUS CONDITIONS IN NEW AND EXISTING BUILDINGS, STRUCTURES, AND PREMISES AND TO PROVIDE SAFETY TO FIREFIGHTERS AND EMERGENCY RESPONDERS DURING EMERGENCY OPERATIONS, AND REPEALING ORDINANCE 14-02.

WHEREAS, Tualatin Valley Fire & Rescue, A Rural Fire Protection District, has developed uniform fire regulations for the jurisdictions served; and

WHEREAS, Tualatin Valley Fire and Rescue, A Rural Fire Protection District, hereinafter referred to as the District, finds it necessary to adopt regulations that establish a minimum level of fire safety, thus does hereby adopt the following regulations; and now, therefore;

IT IS ORDAINED AS FOLLOWS:

TITLE AND FILING:

This ordinance, including the codes hereby adopted, shall be filed with Oregon State Fire Marshal's office and shall be posted at each fire station as prescribed by ORS 478.940. From the date on which this ordinance shall take effect, provisions thereof shall be controlling within the territorial limits of the District and within each city and county within the District approving pursuant to ORS 478.924.

SCOPE:

The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to firefighters and emergency responders during emergency operations as authorized by ORS 478.910.

SECTION I – ADOPTION OF THE DISTRICT'S FIRE CODE:

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, except as amended under Sections II, the Oregon Fire Code adopted by the Oregon State Fire Marshal, as it is replaced and amended from time to time, is hereby adopted as the District's Fire Code. It is the intention of this ordinance that the District automatically adopts the latest Oregon Fire Code including any amendments as adopted by the Office of the State Fire Marshal without any additional action necessary by the District. Such codes and amendments are adopted on the effective date of the administrative rule adopted by the Office of State Fire Marshal.

SECTION II – ENFORCEMENT OF FIRE CODE

Notwithstanding provisions in the Oregon Fire Code authorizing or requiring inspections of buildings and premises, issuance of permits, review of plans testing of fire protection systems and equipment, or provisions providing for enforcement of the Code, such inspections, plan review, permits, testing, and enforcement of the Code shall be discretionary by the Chief and other individuals charged by the Chief with such activities. The District recognizes that it has limited financial resources with which to provide fire,

rescue, and other services and functions and is forced to make public policy decisions as to allocation of District resources. Although the District places a high priority on prevention, inspection, and maintenance of fire systems, due to financial limitations, it is the Board's policy to require inspections, plan review, permits or testing only so often as, and where necessary, to provide a reasonable level of fire and life safety. Accordingly, although the Fire Chief and other individuals charged by the Chief with these activities are encouraged to pursue them, performing such activities, as well as the scope and frequency of such activities, shall be within the discretion of the Fire Chief. It is the intention of the District to make clear that the District's duty to perform the inspections, plan review, issuance of permits and testing, or to take enforcement actions as set forth in the Code, is limited to providing a reasonable level of fire and life safety. Such actions are discretionary.

SECTION III – AMENDMENTS TO THE OREGON FIRE CODE:

There are no amendments to the Oregon Fire Code adopted by the Oregon State Fire Marshal

SECTION IV – FEES

Cost based fees may be imposed for plan review, inspections, permits or other fire code related services the District is authorized or required to provide under the Fire Code or other applicable statute or regulation, as prescribed in the District's Master Fee Schedule.

SECTION V – PENALTIES

Any person who violates any of the provisions of these regulations hereby adopted or fails to comply therewith, or violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statements, specification or plans submitted and approved thereunder and from which no appeal has been taken, or shall fail to comply with such an order as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction within the time affixed herein, shall severally, for each and every such violation and non-compliance respectively, be guilty of a violation of the Fire Prevention Code as provided in ORS 478.930, punishable upon conviction as prescribed by ORS 478.990. All fines or punishments authorized upon conviction shall include the costs to the District to remedy the violation including costs of towing, storage, or removal of the hazard or obstruction if necessary.

The Chief or designated representative may bring a complaint in law or in equity to alleviate a violation of this ordinance as well as in addition to the rights to enforce said ordinance under the provisions of ORS 478.930 and ORS 478.990.

Reinspection fees may be applied for failure to correct violations in accordance with the District's Master Fee Schedule in addition to any other penalties.

SECTION VI – FIRE CODE BOARD OF APPEALS

As authorized by ORS 479.180, the District may establish a board of appeals. Such board of appeals may be implemented through bylaws and standard operating guidelines adopted by the District.

SECTION VII – REPEAL OF CONFLICTING ORDINANCES

The provisions of this ordinance, i.e., the Fire Code, shall be controlling within the territorial limits of the District and within each city and county within the District approving pursuant to ORS 478.924. If an existing fire code ordinance has been approved within any city or county within the District, the District

desires that the existing fire code continue in effect until such time as the cities and counties within the District have approved this new Fire Code pursuant to ORS 478.924. Accordingly, all former ordinances or parts thereof, which are conflicting or inconsistent with the provisions of this ordinance or of the code or standards hereby adopted, are hereby repealed, effective on the effective date of this ordinance; provided, however, that Ordinance 10-02, 14-01 or 14-02 shall continue in effect in each city or county which has approved it until the city or county approves this Ordinance 2020-01. Further, prosecutions or violations under repealed ordinances may continue after the effective date of this ordinance.

SECTION VIII – VALIDITY

The District hereby declares that should any section, paragraph, sentence, or word of this ordinance or of the Codes or Standards hereby adopted be declared for any reason to be invalid, it is the intent of the District that it would have passed all other portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

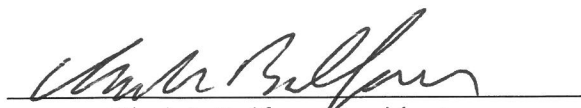
SECTION IX – DATE OF EFFECT

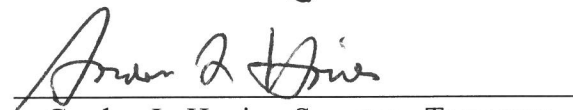
The Board of Directors of the Fire District finds and determines that it is necessary and expedient that the provisions of this ordinance become effective 30 days following adoption, as authorized by ORS 198.570.

First reading by Title only this 28th day of January, 2020.

Second reading by Title only this 25th day of February, 2020.

PASSED by the District this 25th day of February, 2020.


Clark I. Balfour, President


Gordon L. Hovies, Secretary-Treasurer



ORDINANCE 2021-006

AMENDING CHAPTER 15.04 OF THE SHERWOOD MUNICIPAL CODE TO REFLECT THE 2021 OREGON BUILDING CODE UPDATES AND CHAPTER 8.12 OF THE SHERWOOD MUNICIPAL CODE TO REFLECT THE 2020 UPDATES TO TUALATIN VALLEY FIRE & RESCUE'S FIRE CODE

WHEREAS, the City of Sherwood has assumed the duties associated with the administration and enforcement of a comprehensive municipal building inspection program consistent with the requirement imposed by the terms of ORS 455.148; and

WHEREAS, the State Building Code (as defined in ORS 455.010) is applicable and uniform throughout Oregon, and the City is required as part of its assumption of duties noted above, to adopt the specialty codes comprising the State Building Code as those codes are adopted for enforcement by the Building Codes Division of the Oregon Department of Consumer and Business Services; and

WHEREAS, the Oregon Building Codes Division has, via Administrative Rule, adopted new and/or amended codes and standards effective April 1, 2021 and which are to be applied by the City as part of its duties noted above, with all plans submitted after September 30th, 2021 required to be in compliance with these codes; and

WHEREAS, the City wishes to continue its enforcement and administration duties relative to the State Building Codes and must therefore amend its Municipal Code to reflect the changes in building regulations; and

WHEREAS, ORS 478.924 requires a city to approve, by resolution, a fire prevention code adopted by a rural fire protection district if that city desires to have the adopted fire code apply within that city; and

WHEREAS, Tualatin Valley Fire & Rescue, the rural fire protection district that provides fire protection within the City, has adopted a new "Fire Code", via TVF&R Ordinance 2020-01; and

WHEREAS, the City desires to adopt the new TVF&R Fire Code via reference in Chapter 8.12 of the Sherwood Municipal Code; and

WHEREAS, the City found that the reference in SMC 8.12.010 to the State Fire Code was outdated and desires to amend it to accurately reference the most current State Fire Code.

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

Section 1. **Findings.** After full and due consideration, the City Council finds that Chapter 8.12 and Article II of Chapter 15.04 of the Sherwood Municipal Code should be amended to read as set forth in the attached Exhibit A.

Section 2. **Approval.** The proposed amendments to Chapters 8.12 and 15.04 of the Sherwood Municipal code are hereby approved.

Section 3. The ordinance shall become effective the 30th day after its enactment by the City Council and approved by the Mayor.

Duly passed by the City Council this 1st of June, 2021.

Keith Mays, Mayor

Date

Attest:

Sylvia Murphy, MMC, City Recorder

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

8.12.010 - Adoption of State Fire Code.

The 2019 Oregon Fire Code is adopted by the City of Sherwood for purposes of prescribing regulations governing conditions hazardous to life and property from fire and explosives and for purposes of plan review, permits and inspections. Any provision in this chapter inconsistent with the terms of that 2019 Code is to be deemed ineffective and without force.

8.12.015 - Adoption of Tualatin Valley Fire & Rescue Fire Prevention Code.

The 2019 Oregon Fire Code as amended by the State of Oregon and adopted by Tualatin Valley Fire & Rescue Ordinance 2020-01 (the TVF&R Fire Prevention Code) is adopted by the City of Sherwood.

15.04 Construction Codes

Article II. - Various Codes

15.04.110 - Oregon Structural Specialty Code.

The City shall use the Oregon Structural Specialty Code, as adopted by OAR 918-460-0010 through 918-460-0015 (2019), for administration, inspection, and plan review. Additionally, as permitted by Section 101.2.1.2 of the Oregon Structural Specialty Code, the City of Sherwood adopts Appendix J, "Grading," of that code.

15.04.120 - Oregon Mechanical Specialty Code.

The City shall use the Oregon Mechanical Specialty Code, as adopted by OAR 918-440-0010 through 918-440-0012 (2019), for administration, inspection, and plan review.

15.04.130 - Plumbing code.

The City shall use the Oregon Plumbing Specialty Code, as adopted by OAR 918-750-0110 through 918-750-0115 (2021), for administration, inspection, and plan review.

15.04.140 - Electrical code.

The City shall use the Oregon Electrical Specialty Code, as adopted by OAR 918-305-0100 through 918-305-0105 (2021), for administration, inspection, and plan review.

15.04.150 - Oregon Residential Specialty Code.

The City shall use the Oregon Residential Specialty Code, as adopted by OAR 918-480-0005 through 918-480-0010(2021), for administration, inspection, and plan review.

15.04.160 - Manufactured dwelling codes.

- A. The City shall use the Oregon Manufactured Dwelling and Park Specialty Code, as adopted by OAR 918-600-0010 (2010), for administration, inspection, and plan review.
- B. The City shall use the Oregon Manufactured Dwelling Installation Specialty Code, as adopted by OAR 918-500-0510 through OAR 918-500-0520 (2010), for administration, inspection, and plan review.

15.04.170 - Recreational park and organizational camp regulations.

- A. The City shall use the recreational park and organizational camp rules adopted by OAR 918-650-0000 through 918-650-0080 (2010).

15.04.180 – Additional Permits Required.

A. As allowed by Section 101.2 of the Oregon Structural Specialty Code, the City of Sherwood requires permits for the following:

- 1. Demolition
 - 2. Tanks that are located exterior to and not attached to or supported by a regulated building.
 - 3. Cellular phone, radio, television and other telecommunication and broadcast towers that are not attached to or supported by a regulated building.
 - 4. Flagpoles not attached to or supported by a regulated building.
 - 5. Signs over seven feet in height above grade not attached to or supported by a regulated building.
- B. The standards applicable to review of applications for the permits described in subsection A above shall be those set forth in the Oregon Structural Specialty Code.