



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
September 6, 2022

WORK SESSION

- 1. CALL TO ORDER:** Mayor Mays called the work session to order at 6:02 pm.
- 2. COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Renee Brouse and Kim Young. Councilor Taylor Giles participated remotely. Councilor Doug Scott was absent.
- 3. STAFF PRESENT:** City Manager Keith D. Campbell, Interim City Attorney Alan Rappleyea, Public Works Director Craig Sheldon, City Engineer Bob Galati, Finance Director David Bodway, Community Services Director Kristen Switzer, IT Director Brad Crawford, and City Recorder Sylvia Murphy.
- 4. TOPICS:**

A. DEIA Statement Discussion

City Manager Keith Campbell presented the "City of Sherwood DEIA Statement" PowerPoint presentation (see record, Exhibit A) and provided an overview. He recapped that Resolution 2022-021 adopted the City Council Pillars, Goals, and Deliverables and explained that Deliverable 6:8 was "Creating a City Statement for DEIA." He explained that staff and stakeholders had met to discuss potential DEIA statements. City Manager Campbell explained that the city's DEIA statement should be simple, easy to remember, and the statement should have a purpose and power behind it. He recapped the DEIA statements from other neighboring cities on pages 4-7 of the presentation. He outlined that the proposed Sherwood DEIA statement read, "The City of Sherwood expressly supports and endorses a culture of appreciation for the inherent value of all persons within the community." Mayor Mays stated that he liked the statement. Mr. Campbell explained that the proposed statement attempted to be simple, straightforward, and all-encompassing without having to get too specific and asked for Council feedback. Mayor Mays stated that he appreciated the thought and time put into the statement. Councilor Young stated that she liked that the statement was "short, concise, simple." Councilor Giles stated that he felt that the phrasing of "The City of Sherwood expressly supports and endorses..." was "clunky" and he was in favor of the phrasing of "The City of Sherwood supports the culture and inherent value of all persons within the community." Council President Rosener replied that he liked the phrasing in the original statement because the word "support" was ambiguous whereas "expressly" was clearer in its intent and commented that he liked the proposed statement. Discussion occurred. Councilor Giles commented that he wished to amend the language of the statement to sound more natural. City Manager Campbell put forward the phrasing of, "The City of Sherwood expressly supports the inherent value of all persons within the community." and asked for Councilor Giles's feedback. Councilor Giles replied that he wanted something along the lines of "...expressly supports and appreciates and values all of the cultures within our community." Councilor Brouse commented that the statement should convey that the city was creating a culture of appreciation for other cultures. Councilor Giles asked for more information on what a

“culture of appreciation” meant, and Councilor Brouse explained. Council discussed how aspirational the DEIA statement should be and Councilor Brouse commented that if the DEIA statement contained too high of aspirations, and then the city was unable to meet those aspirations, it was setting the city up for failure. Mr. Campbell explained that the goal when drafting the DEIA statement was to make it as simple as possible, with as few words as were needed, but to also be broad and all-encompassing and the proposed statement was a result of that work. Council agreed that no document was perfect and that it was a “living and breathing thing” and the DEIA statement could be updated in the future if needed. City Manager Campbell recapped next steps and explained that the statement would be put on a future City Council agenda for adoption.

B. 5G Facility Standards

City Engineer Bob Galati presented the “Adoption of 5G Facility Standard Details for the Engineering Design and Standard Details Manual” PowerPoint presentation (see record, Exhibit B) and provided an overview of the presentation outline. He provided background and recapped that Small Wireless Facility Design Standards were adopted by Council via Resolution 2019-045 and Exhibit A of the resolution specified several instances of facility pole design requirements, but those exhibits were not attached to the resolution because the design details were still being developed at the time of adoption. He continued that those design details had since been completed and were ready to be adopted by Council and to be added to the Engineering Design and Standard Details Manual. Mr. Galati provided an overview of the proposed design standards to be added to the manual on pages 4-6 of the presentation. He outlined that each light pole type would have a cabinet at the base that was 27 cubic feet, which met the federal criteria and met the area needed for providers to establish their equipment. He reported that the pole was 14 inches in diameter. Mayor Mays commented that these poles were much smaller than they had projected in 2019. City Engineer Galati explained that he was mindful of the aesthetics of the pole when an antenna was placed on top of it. He explained that the options were to have a tapered pole or to uniformly maintain the pole diameter. He continued that by maintaining a uniform diameter, the pole would differ from 5G poles found in other communities. He referred to the SmartStack pole which had been approved in several other communities and were 18-20 inches in diameter. Mr. Galati explained that the cabinet at the base of the pole was over six feet tall, and the pole would be designed to be more consistent with the rest of the streetscape. Council President Rosener asked if the city would need to change the right-of-way requirements and if the light pole design would work if it was placed in a median? Mr. Galati replied that the city would not need to change their right-of-way requirements and that the proposed design standards were specifically designed to ensure that the poles would work when placed in a median. Council President Rosener asked if a maximum decibel level needed to be established to control the noise levels from the poles? City Engineer Galati replied that he was unsure of what level of noise the poles would produce. Mayor Mays stated a maximum noise level should be specified in the code that was appropriate for neighborhoods. Discussion regarding the potential noise levels of the poles occurred. Mr. Galati explained that his goal was to get the design standards established so when the poles did come into the city, staff could ask questions and find out more details, like the decibel of noise the poles produced. Mayor Mays asked if there would be requirements on when taller poles could be used? Mr. Galati replied that there would be conditions to be met to use the taller poles and explained that staff would be reviewing each application to determine if the equipment in the application was appropriate to use for the site. Council asked if stipulating that only the shorter poles could go into neighborhoods needed to be put into the Municipal Code? Mr. Galati replied that the Municipal Code referenced the design standards, and if the stipulations were in the manual, they could be changed as needed. Mayor Mays asked if the design manual would specify when a 30-foot pole or a 40-foot pole could be used? City Engineer Galati replied that those details could be added to the manual. Mayor Mays referred to sight distance limits and asked if there would be stipulations regarding how close 5G poles could be placed next to a stop sign or intersection in the manual? Mr. Galati replied that it was possible that the 5G poles would be located near intersections and discussion occurred. Mr. Galati commented that having the 5G poles

near intersections and stop signs could pose a sight distance problem. He continued that the manual would state that engineering approval of the layout would be required, which would prevent any sight distance issues from occurring. He added that if Council wished, a set distance, such as a 50-foot radius, could be added to the manual that prohibited 5G poles from that area. Councilor Young commented that having a set distance would solve a lot of the sight distance issues and save engineering staff time. Mr. Galati replied he would add those things to the manual. Councilor Giles asked if the 5G pole designs were standardly available light pole designs? City Engineer Galati replied that the pole extension was a standard PGE pole and was cited in the standards. He continued that how companies would attach the pole to the cabinet and how the cabinet was attached to the pedestal was the company's issue to solve. Councilor Giles asked if these design standards were making it more difficult for companies to bring 5G into Sherwood? Mayor Mays replied that hopefully other cities would see what Sherwood was doing and follow our lead. Mr. Galati commented that Sherwood was ahead of the game when it came to having design standards for 5G light poles and spoke on what other communities were facing when bringing in 5G light poles. Council President Rosener explained that five years ago, the FCC made a ruling that removed much of the authority from cities to manage the process and Sherwood was trying to maintain a level of control over the process as 5G moved forward. Council President Rosener asked how the new poles would be metered? City Engineer Galati replied that he was not sure how the metering would work but he had included two separate electrical feeds in the design, one for the public streetlight and the other for the 5G power supply. He explained that this was similar to what other cities had done. Discussion regarding how high-density business sectors, schools, and areas around schools would likely be the initial rollout locations for the 5G poles occurred. Mr. Galati provided an overview of the light pole foundation details on page 6 of the presentation and discussion occurred. Council President Rosener voiced that it seemed likely that there would be a push for more studies on the issue of radio waves and safe distances and commented that the results of those studies could impact the rollout of 5G light poles. Council President Rosener asked if a car crashed into one of the poles, who was liable? City Engineer Galati replied that the provider was liable, not the city. He explained that the pole was running off the city's system and it was the city's cabinet, and the city maintained the light and the design of the light pole. Mayor Mays commented that carriers were allowed to use the 5G code to put in the 5G light poles, but only put 4G equipment inside. Mr. Galati replied that he was not aware of any 5G equipment that was currently on the market except for experimental equipment. Mayor Mays referred to two 5G poles that had been submitted for approval and asked if they had been approved? Mr. Galati replied that those poles were no longer in the system as they were not built within the specified timeframe. He recapped that the design standards were for four pole designs and outlined that the new information to be added to the manual would include details on the pole design, materials, color/anything that impacted the style, and plaque requirements. Council President Rosener asked if it was possible to dictate where the pole could go on a property? Mr. Galati replied that he was unable to dictate where the poles could go on a property beyond stating that the poles had to be located on the property, per FCC rules. He continued that adding the 50-foot radius restriction around stop signs and intersections was permissible because it was a safety issue. Discussion occurred. He outlined next steps and explained that Council would need to adopt a resolution amending Resolution 2019-045 as well as amending the Engineering and Standard Details Manual to include the new design details. Discussion regarding the need to first adopt the resolution to establish a baseline for design, then work could continue on the design manual to incorporate critical issues. Council stated they were pleased with the presented design standards. Mayor Mays asked when the resolution would be presented to Council? Mr. Galati replied that it would be on the next City Council agenda.

5. ADJOURNED:

Mayor Mays adjourned the work session at 6:45 pm and convened a regular session.

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 Renee Brouse and Kim Young. Councilor Taylor Giles participated remotely. Councilor Doug Scott was absent.
3. **STAFF PRESENT:** City Manager Keith D. Campbell, Interim City Attorney Alan Rappleyea, Police Captain Jon Carlson, Finance Director David Bodway, Public Works Director Craig Sheldon, Community Services Director Kristen Switzer, IT Director Brad Crawford, and City Recorder Sylvia Murphy.
4. **APPROVAL OF AGENDA:**

MOTION: FROM COUNCILOR YOUNG TO ADD AN ITEM B UNDER PRESENTATIONS. SECONDED BY COUNCILOR BROUSE.

MOTION: FROM COUNCILOR YOUNG TO APPROVE THE AMENDED AGENDA. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 5:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

Record Note: The Item B business was not specified, only that there would be another presentation.

5. **CONSENT AGENDA:**

A. Approval of August 16, 2022 City Council Meeting Minutes

B. Resolution 2022-071, Authorizing the City Manager to execute a construction contract for the SW Lee Drive and SW 3rd Street Pavement Rehabilitation Project

MOTION: FROM COUNCILOR BROUSE TO APPROVE THE CONSENT AGENDA. SECONDED BY COUNCILOR YOUNG. MOTION PASSED 5:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

Mayor Mays addressed the next agenda item.

6. **CITIZEN COMMENTS:**

There were no citizen comments and Mayor Mays addressed the next agenda item.

7. **PRESENTATIONS:**

A. Recognition of Eagle Scout Award Recipient

Mayor Mays recognized Calen Kezziah for his achievement of attaining the rank of Eagle Scout and invited him to attend a future Council meeting.

B. Recognition of OMA 2022 Mayors Leadership Award – Large City Recipient Mayor Mays

Council President Rosener reported that Mayor Mays had won the 2022 Oregon Mayors Association Mayors Leadership Award in the Large City category. He stated that Patty Mulvihill from the LOC was in attendance to present Mayor Mays with the award. Ms. Mulvihill came forward and explained that she also served as the Secretary for the OMA and the OMA Board of Directors had asked that she speak on their behalf as they had to attend their own city meetings. She provided a history of the OMA and stated the organization's goal was to "convene, network, train, and empower Oregon's mayors" and stated that Mayor Mays had been a long-standing member of the OMA and had been very involved in the organization's success. She explained that the Mayors Leadership Award was a prestigious award and was given to mayors in recognition of the valuable contributions that mayors throughout Oregon made to their community. She continued that the award was intended to acknowledge the mayors in Oregon who had provided consistent and continuing leadership which facilitated dynamic change in their cities. The award was given to mayors who had dedicated their time and energy in the pursuit of helping their communities reach their full potential. She explained that recipients were limited to persons who had distinguished themselves from other Oregon mayors over the duration of their tenure in office. Ms. Mulvihill explained that the OMA specifically wanted to recognize Mayor Mays for his work in Sherwood as it was the place where he had completed the bulk of his work, it was where he resided, and it was his community. She provided an overview of Mayor Mays's public service career. She outlined that he had spent 24 years serving both Sherwood, the Metro region, and the state. She recapped some of the projects Mayor Mays had overseen in his time serving the city and stated they included the construction of the new City Hall and library, Cannery Plaza and splash pad, the city's first skate park, rebuilding the Veterans Memorial, starting, and managing two urban renewal districts, and establishing one of the first COVID relief grant programs for businesses in April 2020. Ms. Mulvihill thanked Mayor Mays for his work for Sherwood, the Metro region, the OMA, and the LOC. Mayor Mays thanked Council President Rosener for nominating him. He stated that it was a team effort and the success that was seen in the community reflected the entire City Council, city staff, and city volunteers. He stated that it was important to listen to each other, elevate good ideas, show compassion for each other, be creative, and advocate for your town. Councilor Giles recapped the story of him meeting Mayor Mays when Councilor Giles was submitting his paperwork to run for City Council and Mayor Mays spoke with him and answered some of his questions. He stated that Mayor Mays had been generous with both his time and knowledge when Councilor Giles had asked questions. He thanked Mayor Mays for his service and thanked him for the help he had given him as a new Councilor. Councilor Young stated that she had noticed a difference in the trajectory of Council and the vision for the city under Mayor Mays's guidance and that his previous experience and knowledge were invaluable. Councilor Brouse stated that Mayor Mays was a great leader, and she appreciated all that he had done for the community. Council President Rosener stated that he wished that every city councilor in the state had the opportunity to be mentored by Mayor Mays and thanked Mayor Mays for his years of service. Mayor Mays stated that his time in office was born out of an inspiration to serve, and the inspiration to serve came from his family. Council President Rosener indicated a reception for Mayor Mays would be held after the regular meeting in the lobby and refreshments would be served.

Mayor Mays addressed the next agenda item and the City Recorder read aloud the public hearings statement.

8. PUBLIC HEARING:

A. Resolution 2022-072, Updating the City of Sherwood Stormwater System Development Charges Methodology and Amending the Fee Schedule

Finance Director David Bodway recapped that Council had held a work session in December 2021 and the Galardi Rothstein Group was hired to perform an analysis of Sherwood's Stormwater system development charges (SDCs). He explained that the general methodology used to calculate Stormwater SDCs began with

an analysis of system planning assumptions to determine the growth capacity needs and how they would be met through existing system available capacity and capacity expansion. He recapped that Council reviewed the proposed stormwater SDC methodology at the work session in December 2021 and stated that written notice of the proposed changes was provided to meet the 90-day notice period and the SDC methodology was available to review 60-days prior to the public hearing. Consultant Deb Galardi with Galardi Rothstein Group presented the "Stormwater SDC Methodology Public Hearing" PowerPoint presentation (see record, Exhibit C) and explained that SDCs were comprised of three components. The first component was the project list and was the master plan list of capital improvement projects (CIP). She explained that per state law, the project list was required to show the project description, cost, and timing as well as the percent eligible for improvement SDC funding. She explained that the SDC methodology was the framework for determining the growth costs for both the projects on the project list as well as the existing facility costs, which was the reimbursement fee. She continued that when that framework was applied to the project list, the SDC schedule was created and was comprised of charges that would then be assessed to different types of development. She explained that growth costs were determined by reviewing the existing facilities, which established the reimbursement fee and the valuation of the existing facilities reflected inflated value based on the time they were put into service to now less any developer contributions. After that, determining the available capacity for future growth was calculated and was based on the project list in the Master Plan and additional water quality/hydromodification projects. She explained that projects in the infrastructure system were sometimes built larger than needed at the time to accommodate future growth and cities could recover some of those costs and commented those recoupable costs were estimated to be roughly 20% from future development. Ms. Galardi explained that costs included in the SDCs were the costs related to the increased capacity for growth and commented that those amounts varied from 0-100%. Ms. Galardi addressed compliance costs and stated that compliance costs included the cost of the SDC methodology development, a portion of the master planning that went into developing the project list, and the accounting costs incurred by the city and explained that the state statutes permitted SDC revenue to be spent on the costs of complying with the statutes. She stated that total growth improvement costs totaled \$9.4 million and included the cost of condition projects, stormwater management, water quality/hydromodification facilities on future streets, Public Works facility, and master planning. She addressed the Stormwater SDC components on page 5 of the presentation and reported that the full cost of the Reimbursement Fee was \$204 per Equivalent Service Unit (ESU). She explained that an ESU was defined as 2,640 square feet of impervious area and impervious area was how they estimated the potential runoff from a property. She reported that the Improvement Fee was \$1,222 per ESU and the Compliance Fee was \$36 per ESU for a total of \$1,462 per ESU for the city's portion. She explained that there was also a regional SDC that was charged by Clean Water Services and was \$585 per ESU but Clean Water Services generally credited at 100% for new development that met or exceeded Clean Water Services standards. Ms. Galardi outlined that under the revised methodology and credit policy, the potential credit was 45% for the water quality portion of the cost and resulted in a net SDC of \$804 per ESU and explained that this was a system wide SDC. She provided an overview of the SDC comparison chart on page 6 of the presentation. Ms. Galardi outlined the process for updating the SDCs in the future and explained that the project list could be updated at any time, but a 30-day notice would be required if it resulted in an SDC increase and a public hearing could be required if requested by the public. An update to the SDC methodology would necessitate a public hearing and a 90-day notice to interested parties and a 60-day methodology review period. She stated that the SDC schedule could be changed annually based on the construction costs index and was not considered changing the methodology. Mayor Mays opened the public hearing and asked for public comment on the proposed resolution. Hearing none he closed the public hearing and asked for discussion or a motion from Council.

MOTION: FROM COUNCILOR YOUNG TO ADOPT RESOLUTION 2022-072, UPDATING THE CITY OF SHERWOOD STORMWATER SYSTEM DEVELOPMENT CHARGES METHODOLOGY AND AMENDING

THE FEE SCHEDULE. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 5:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

Mayor Mays addressed the next agenda item.

9. CITY MANAGER REPORT:

City Manager Campbell congratulated Mayor Mays on his award. Mayor Mays reported that he had had a community member ask that residents observe proper crossing conduct when crossing Edy by the Ridges schools.

10. COUNCIL ANNOUNCEMENTS:

Councilor Giles urged teachers to encourage their students to get involved in school activities. He encouraged students to join the cross-country team. He reported that the Planning Commission would meet next Tuesday.

Councilor Brouse reported she attended the Housing Advisory Committee meeting where they celebrated Washington County Program Manager Jennie Proctor's retirement. She reported she attended the opening of The Valfre at Avenida in Forest Grove. She reported that the Library Advisory Board would meet on September 21st. She reported that the Senior Advisory Board was continuing their work on making Sherwood a senior friendly city. She reported that a fundraiser for the PEARLS program would be held on September 17th.

Councilor Young reported she was unable to attend the Police Advisory Board meeting where they discussed the results of various community surveys and discussed future staffing needs. She reported that the YMCA would be closed for several days for repairs. She reported that she had been invited to attend a meeting along with a Tualatin and Tigard City Councilor where they will discuss their city's goals, transportation, and housing.

Council President Rosener reported he attended the Oregon Broadband Advisory Council meeting.

Mayor Mays reported he was unable to attend the last LOC meeting. He wished everyone a successful and safe first week of school and asked that drivers be mindful of pedestrians.

11. ADJOURN:

Mayor Mays adjourned the regular session at 7:42 pm and indicated the council would meet in an executive session.

EXECUTIVE SESSION

- 1. CALL TO ORDER:** The executive session was called to order at 8:02 pm.
- 2. COUNCIL PRESENT:** Council President Tim Rosener, Councilors Kim Young and Renee Brouse. Councilor Taylor Giles participated remotely. Mayor Keith Mays and Councilor Doug Scott were absent.
- 3. STAFF PRESENT:** City Manager Keith Campbell and Interim City Attorney Alan Rappleyea.

4. TOPICS

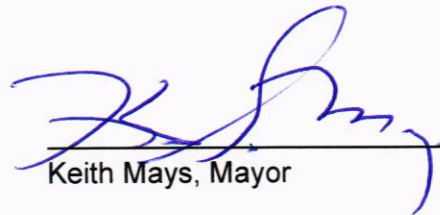
A. ORS 192.660(2)(h), Legal Counsel

5. ADJOURN:

The executive session was adjourned at 8:12 pm.

Attest:


Sylvia Murphy, MMC, City Recorder


Keith Mays, Mayor