

AMENDED AGENDA



CITY COUNCIL MEETING PACKET

FOR

Tuesday, October 4, 2022

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

5:15 pm City Council Work Session

6:00 pm Community Enhancement Program Committee Meeting
(See CEP Meeting Agenda)

7:00 pm City Council Regular Meeting

URA Board of Directors Meeting
(Following the Regular Council Meeting)

This meeting will be live streamed at
<https://www.youtube.com/user/CityofSherwood>

AMENDED AGENDA



Home of the Tualatin River National Wildlife Refuge

5:15 PM WORK SESSION

- 1. Pedestrian Bridge Design Discussion**
(Keith Campbell, City Manager)
- 2. Food Cart Code Discussion**
(Erika Palmer, Planning Manager)

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 September 20, 2022 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
 - B. Resolution 2022-076, Appointing Estela Schaeffer to the Cultural Arts Commission**
(Chanda Hall, Arts Center Manager)
 - C. Resolution 2022-077, Authorizing staff to apply for a Washington County Community Development Block Grant for improvements to the Marjorie Stewart Senior Center**
(Kristen Switzer, Community Services Director)
- 6. CITIZEN COMMENTS**
- 7. PRESENTATIONS**
 - A. Recognition of Sherwood High School Students Academic and Athletic Achievements**
(Keith Mays, Mayor)
- 8. NEW BUSINESS**
 - A. Resolution 2022-078, Adopting a City of Sherwood DEIA Statement**
(Keith D. Campbell, City Manager)
 - B. City Council Appointment to Vacant Council Position**
(Alan Rappleyea, Interim City Attorney)

9. CITY MANAGER REPORT

AGENDA

SHERWOOD CITY COUNCIL October 4, 2022

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Program Committee Meeting**
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Sherwood, OR 97140**

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10. COUNCIL ANNOUNCEMENTS

11. ADJOURN to URA Board of Directors Meeting

How to Provide Citizen Comments and Public Hearing Testimony: Citizen comments and public hearing testimony may be provided in person, in writing, or by telephone. Written comments must be submitted at least 24 hours in advance of the scheduled meeting start time by e-mail to Cityrecorder@Sherwoodoregon.gov and must clearly state either (1) that it is intended as a general 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. To provide comment by phone during the live meeting, please e-mail or call the City Recorder at Cityrecorder@Sherwoodoregon.gov or 503-625-4246 at least 24 hours in advance of the meeting start time in order to receive the phone dial-in instructions. 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.

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 Cityrecorder@Sherwoodoregon.gov

ADA Accommodations: If you require an ADA accommodation for this public meeting, please contact the City Recorder's Office at (503) 625-4246 or Cityrecorder@Sherwoodoregon.gov at least 48 hours in advance of the scheduled meeting time.



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
September 20, 2022

WORK SESSION

1. **CALL TO ORDER:** Mayor Mays called the work session to order at 6:33 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott and Kim Young. Councilor Taylor Giles participated remotely. Councilor Renee Brouse was absent.
3. **STAFF PRESENT:** Interim City Attorney Alan Rappleyea, Public Works Director Craig Sheldon, IT Director Brad Crawford, and City Recorder Sylvia Murphy. City Manager Keith D. Campbell participated remotely.

OTHERS PRESENT: Kristin Leichner with Pride Disposal and consultant Chris Bell with Bell and Associates.

4. TOPICS:

A. Solid Waste Annual Rate Update

Public Works Director Craig Sheldon introduced consultant Chris Bell with Bell and Associates who presented the "City of Sherwood Solid Waste & Recycling Collection" PowerPoint presentation (see record, Exhibit A). He explained that in addition to the yearly rate adjustments for Council to discuss, there was a new program being offered and Pride Disposal was seeking Council's input. Mr. Bell recapped that the current rates were implemented in January 2022 and cart prices had increased from 3.3-4.7% largely due to the tipping fee implemented by Metro. He outlined that Metro had reported that they planned to increase their tipping fee roughly 7% annually over the next four years. He provided an overview of the adjusted 2021 results and stated that rates came in slightly under 12% and explained that the optimal range for collection operations within a city was from 8-12%. He stated that there were caveats with that rate and explained that some of the costs that were anticipated for 2021, such as truck and container replacements, were delayed due to logistical problems and Pride was hoping to get those items this year. Council President Rosener referred to the Oregon statute regarding profitability and rate changes and asked if the statute stated that the previous year's rates were used or a rate forecast? Clarification discussion occurred. Mr. Bell replied that the statute stated to use the previous year's rates. Kristin Leichner with Pride Disposal added that one of the reasons Pride had provided projections was because it was not a standard year and Pride was proposing a new program. Mr. Bell provided an overview of the estimated 2022 and 2023 costs for rate setting on page 4 of the presentation and noted that recycling processing had increased 52% in 2022. He addressed the projected rates for 2023 and reported that the return on revenue rates for composite was 6.97%, 4.91% for drop box, 10.31% for container, and 6.28% for carts. He explained that in order to bring the rate of return to 10%, a 3.5% increase would be needed for roll cart service, a \$5-7 increase in hauling service, and drop box rental

rates would be rounded up to the nearest dollar. Councilor Scott asked what percentage the drop box rates were increasing and commented that it seemed like the cost of the drop boxes were being subsidized by the cart and container rates and that it seemed like the drop box rate should be higher to buffer the other rates. Mr. Bell clarified that when he recalibrated the rates, he aimed for a 10% return margin for each item. Council President Rosener referred to Mr. Bell's previous statement that Pride intended to have their increase in capital costs included in last year's rates, but were unable to do so due to logistical reasons, and asked what last year's rates would have been if the capital costs had been included? He continued that he was concerned that they were artificially inflating last year and were "undermining" this year and commented that it seemed like it needed to be leveled out more. Mr. Bell replied that he did not have that figure, but he would provide it after the meeting. Ms. Leichner added that they were still encountering logistical issues when it came to procuring the new trucks and they were unsure on how to manage the cost when the trucks did come through. Councilor Scott commented that in future years, he would like to see the fully loaded costs for rates that did not include driver salary but included the cost of the driver picking up the cart and the dumping of the different gallon rates, so it was clear what the margin was on a 20-gallon cart versus a 95-gallon cart. Mr. Bell replied that those calculations were already done every year, but he would be sure to add it to the presentation next year. He added that there was roughly a \$3 delta between the 35-gallon and the 65-gallon cart and a \$2 delta between the 65-gallon cart and the 95-gallon cart. Ms. Leichner asked what the percentage estimate was on the total fee a customer paid that was attributed to the disposal? Councilor Scott interjected that that conversation could be saved for next year's discussion and that tonight's conversation should move on. Council President Rosener asked if there was any data that showed the impact from the various rate increase sources in the form of percentages? Mr. Bell replied that part of that information was included in his rate report and process discussion occurred. Councilor Giles referred to the delayed capital purchases and asked if those funds were already set aside waiting to be used? Mr. Bell outlined that Metro would be implementing a mandatory commercial food waste program that would go into effect on March 31, 2023 and explained that the program had three tiers of food waste generators. Group 1 generated over 1,000 pounds of garbage and food waste a week, Group 2 generated 500 pounds of garbage and food waste per week, Group 3 generated 250 pounds of garbage and food waste per week, and low food waste generators that were voluntarily participating in the program were Group 4. He explained that implementing the collection rates to support the program could be accomplished by three methods. The first method was to set it at the cost of service and reported that that was what Pride was currently doing. He stated the second method was to subsidize and commented that he assumed a 50% subsidization rate for this alternative. The third alternative was to bundle the program to spread the cost of the food collection program to all commercial customers. Council stated they liked the first method best. Mr. Bell provided an overview of the Sherwood businesses that were in Groups 1-4 on page 11 of the presentation. He recapped next steps and stated that he'd follow up with the additional information requested in this meeting. Ms. Leichner asked if the 2023 rates included adding food to the yard debris service? Mr. Bell replied that was correct. Ms. Leichner explained that it would provide the opportunity for residential customers to compost their food scraps with their yard debris, but it came with a slightly higher processing cost which was built into the 2023 residential rates. Councilor Scott asked if Council got to decide if that program would go into effect and what the cost of the program would be? Ms. Leichner replied that it was up to Council to decide if the city would allow that program to be implemented and the cost was added to the residential rate increase cost. Mayor Mays asked that Mr. Bell also provide information on what that program's cost was in his follow-up to Council. Council President Rosener asked if there were any other additional add-ons included in the new rates? Mr. Bell replied that there were not. Ms. Leichner commented that Pride Disposal also wanted to propose a Recycle+ program that would be optional for customers. Councilor Scott commented that it seemed to him that the cart and container rates were subsidizing the drop box service rates and he would like to

increase the drop box rates and decrease the cart rates and discussion occurred. Mayor Mays recapped that there would be a second work session to discuss the rates in October and discussion occurred.

Other topics discussed:

Mayor Mays stated that Council would appoint a new City Councilor at the October 4th City Council meeting.

5. ADJOURNED:

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 7:05 pm.

2. COUNCIL PRESENT: Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott and Kim Young. Councilor Taylor Giles participated remotely. Councilor Renee Brouse was absent.

3. STAFF PRESENT: Interim City Attorney Alan Rappleyea Finance Director David Bodway, Public Works Director Craig Sheldon, Community Services Director Kristen Switzer, Police Captain O'Loughlin, IT Director Brad Crawford, and City Recorder Sylvia Murphy. City Manager Keith D. Campbell participated remotely.

4. APPROVAL OF AGENDA:

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

5. CONSENT AGENDA:

A. Approval of August 24, 2022 City Council Meeting Minutes

B. Approval of September 6, 2022 City Council Meeting Minutes

C. Resolution 2022-073, Authorizing the City Manager to enter into a contract with Bureau Veritas for the Americans with Disabilities Act (ADA) Transition Plan

D. Resolution 2022-074, Authorizing City to Enter into an Intergovernmental Agreement to Pursue Litigation Against the State Concerning the Adoption of Administrative Rules

E. Resolution 2022-075 Amend Previous Resolutions and Adopt New Engineering Design and Standard Details for Small Wireless Facilities

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

6. CITIZEN COMMENTS: There were no citizen comments and Mayor Mays addressed the next agenda item.

7. PRESENTATIONS:

A. Recognition of Sherwood High School Students Academic and Athletic Achievements

The City Recorder called forward the students who had RSVP'd for tonight's academic achievement recognition. The Council congratulated the Sherwood High School students for receiving a 4.0 cumulative GPA in the 2021-2022 school year and provided the students with certificates of achievement.

Mayor Mays addressed the next agenda item.

8. CITY MANAGER REPORT:

Community Services Director Kristen Switzer announced that the Cedar Creek Trail ribbon cutting ceremony would be held on September 24th at Stella Olsen Park.

City Manager Campbell reported that That Oregon Life had named Sherwood as the number three best place to live in Oregon.

9. COUNCIL ANNOUNCEMENTS:

Councilor Giles reported that he attended the Planning Commission meeting where they discussed code clean up. He recapped a story in which he traveled to Boston and visited an international festival that had food carts and performances and asked for those interested in creating something similar to that event in Sherwood to contact him.

Councilor Scott commented that he was excited to hear that the Cedar Creek Trail would be open soon.

Councilor Young reported that she attended the September 19th Cultural Arts Commission meeting where they discussed plans for their Diwali Festival of Lights event on October 23rd from 4:00 pm to 7:00 pm. She reported she attended the Police Advisory Board meeting where they continued their work on creating a new community survey to gather opinions on policing and staffing in Sherwood.

Council President Rosener reported that he attended the WCCC meeting in Mayor Mays's place where they discussed MSTIP funds and ODOT's tolling project. He reported that the WCCC would send a letter to Salem stating that they were displeased with how ODOT was setting up the tolling program and its potential to create diversion traffic.

Mayor Mays reported that he attended the Mayors of Washington County meeting where they discussed water issues, staffing challenges, funding options, county boundary changes, and police recruiting. He reported on his attendance at the WCCCA meeting where he Chairs the board.

10. ADJOURN:

Mayor Mays adjourned the regular session at 7:33 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Keith Mays, Mayor

TO: Sherwood City Council

FROM: Chanda Hall, Arts Center Manager
Through: Kristen Switzer, Community Services Director

SUBJECT: Resolution 2022-076, Appointing Estela Schaeffer to the Cultural Arts Commission

Issue:

Should the City Council appoint Estela Schaeffer to the Cultural Arts Commission?

Background:

The Cultural Arts Commission currently has two vacancies. The Council Liaison to the Arts Commission, Kim Young, Arts Center Manager Chanda Hall, and Chair Winnie Parmar interviewed Estela Schaeffer and unanimously recommend her appointment. The Mayor has recommended this appointment to Council. In accordance with City Council Rules of Procedure, all such appointments are subject to the approval of City Council by resolution.

Financial Impacts:

There are no financial impacts from this proposed action.

Recommendation:

Staff respectfully recommends City Council's adoption of Resolution 2022-076, appointing Estela Schaeffer to the Cultural Arts Commission.



RESOLUTION 2022-076

APPOINTING ESTELA SCHAEFFER TO THE CULTURAL ARTS COMMISSION

WHEREAS, the Cultural Arts Commission currently has vacancies; and

WHEREAS, the term of office for this vacancy expires in June 2025; and

WHEREAS, the City advertised the vacancy on the City's website, Center for the Arts website, and social media; and

WHEREAS, Estela Schaeffer applied to be appointed and was interviewed by the interview panel; and

WHEREAS, the interview panel considered all of the applicants and recommended to the Mayor that Estela Schaeffer be appointed to fill the vacancy; and

WHEREAS, the Mayor has recommended to City Council that Estela Schaeffer be appointed; and

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

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

Section 1. The Sherwood City Council hereby appoints Estela Schaeffer to Position 2 of the Cultural Arts Commission for a term expiring at the end of June 2025.

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

Duly passed by the City Council this 4th day of October, 2022.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Kristen Switzer, Community Services Director

Through: Keith D. Campbell, City Manager and Craig Sheldon, Public Works Director

SUBJECT: Resolution 2022-077, Authorizing staff to apply for a Washington County Community Development Block Grant for improvements to the Marjorie Stewart Senior Center

Issue:

Shall the City Council adopt a resolution authorizing staff to apply for a Washington County Community Development Block Grant for the purpose of making improvements to the Marjorie Stewart Senior Center?

Background:

The City of Sherwood would like to apply for a Community Development Block Grant. Submission of this grant requires City Council authorization and approval.

Should this grant be awarded to the City of Sherwood, funds would be used for improvements to the Marjorie Stewart Senior Center including replacement of windows and replacing of all siding. The building is 40 years old, and the windows and siding are original to the building. Both items are identified in our City asset management plan and have been included in the 5 year forecast.

These upgrades will ensure that the Center is able to continue to serve to the older adult community of Sherwood by providing hot meals, education and mental health support.

Financial Impacts:

The total estimated project cost is \$350,000. Staff is recommending that the City provide a 50% match totaling \$175,000. If this grant is not received, money will need to be budgeted to come out of the general fund in the next 1-2 years.

Recommendation:

Staff respectfully recommends that City Council approve Resolution 2022-077, Authorizing staff to apply for a Washington County Community Development Block Grant for improvements to the Marjorie Stewart Senior Center.



RESOLUTION 2022-077

AUTHORIZING STAFF TO APPLY FOR A WASHINGTON COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT FOR IMPROVEMENTS TO THE MARJORIE STEWART SENIOR CENTER

WHEREAS, the City of Sherwood desires to participate in the WA County Community Development Block Grant (CDBG) program to the greatest extent possible as a means of improving the Marjorie Stewart Senior Center; and

WHEREAS, improvements to Marjorie Stewart Senior Center have been identified and include the replacement of windows and siding; and

WHEREAS, the total estimated project cost is approximately \$350,000; and

WHEREAS, the City intends to apply for a WA County Community Development Block Grant in the amount of \$175,000; and

WHEREAS, the City hereby certifies that should the project be selected; the City will provide \$175,000 towards the project.

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

Section 1. Staff is authorized to apply for a Washington County Community Development Block Grant for improvements to the Marjorie Stewart Senior Center.

Section 2. The City hereby certifies that should the project be selected; the City will provide \$175,000 towards the project.

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

Duly passed by the City Council this 4th day of October 2022.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Keith D. Campbell, City Manager

SUBJECT: Resolution 2022-078, Adopting a City of Sherwood DEIA Statement

Issue:

Shall the City Council adopt a formal DEIA Statement as per Deliverable 6:8 in their City Council Pillars, Goals and Deliverable?

Background:

On February 5th, 2022 the Sherwood City Council held a special meeting to review and discuss the current list and status of goals and activities. On April 5th, 2022 the Sherwood City Council formally approved Resolution 2022-23 City Council Pillars, Goals, and Deliverables.

As part of the Resolution 2022-23 was Deliverable 6:8 stating, "Creating a City Statement for DEIA."

City staff and stakeholders met to discuss proposals for DEIA statement. On September 6th, 2022 the Sherwood City Council met in a work session to discuss the work of the staff and the stakeholders. Staff presented the background, objective, and DEIA statements of neighboring communities. During this work session there was a consensus on an official City of Sherwood DEIA Statement:

"The City of Sherwood expressly supports and endorses a culture of appreciation for the inherent value of all persons in the community."

Financial Impacts:

There are no additional financial impacts as a result of approval of this resolution.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2022-078, Adopting a City of Sherwood DEIA Statement.



RESOLUTION 2022-078

ADOPTING A CITY OF SHERWOOD DEIA STATEMENT

WHEREAS, The City Council held a special meeting on February 5th, 2022 to discuss updating their previous Council Goals and Activities; and

WHEREAS, On April 5th, 2022, the City Council formally approved Sherwood Resolution 2022-021 adopted 2022-23 City Council Pillars, Goals and Deliverables; and

WHEREAS, Deliverable 6:8 of adopted City Council Pillars, Goals and Deliverables states, a council deliverable goal of “Creating as City Statement for DEIA”; and

WHEREAS, City Staff and Stakeholders met to draft a proposed statement for DEIA; and

WHEREAS, On September 6th, 2022 the Sherwood City Council met in a work session to discuss and refine the language of the proposed DEIA statement; and

WHEREAS, The City Council came to a consensus on a formal City of Sherwood DEIA Statement, as per Deliverable 6:8; and

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

Section 1. The City of Sherwood formally resolves that the City Statement for DEIA is, “**The City of Sherwood expressly supports and endorses a culture of appreciation for the inherent value of all persons within the community.**”

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

Duly passed by the City Council this 4th day of October, 2022.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder



Public Notice

City of Sherwood – Council Vacancy

On August 24, 2022, the Sherwood City Council adopted Resolution 2022-070, declaring a City Council seat vacant as a result of the resignation of Councilor Sean Garland. The City will hold an election on November 8, 2022, to fill the remainder of the term which expires January 2024. Only one candidate filed for the election for this vacancy so that person will assume a position on the Council in January 2023.

In the interim, the City Council will be making an appointment to fill the vacancy until the end of the year. The City Council will fill this vacancy at its October 4, 2022, meeting and will consider appointing the candidate who will be assuming this position in January 2023. The Council will also consider any other person who is interested in a temporary appointment ending December 2022. Interested parties can submit their request before the October 4th meeting to the City Recorder at: