



*Home of the Tualatin River National Wildlife Refuge*

# **CITY COUNCIL MEETING PACKET**

**FOR**

**Tuesday, August 18, 2009**

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

**5:30pm Executive Session**

**(Pursuant to ORS 40.225, ORS 192.660(2)(f) and ORS 192.502 (9))  
(Confidential written advice from Legal Counsel-Exempt Public Records)**

**6:00pm Urban Renewal Agency  
Board of Directors**

**Joint Work Session with SURPAC**

**7:00pm Regular City Council Meeting**



**5:30PM EXECUTIVE SESSION**

**6:00PM URBAN RENEWAL AGENCY BOARD  
OF DIRECTORS WORK SESSION**

**REGULAR CITY COUNCIL MEETING**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. CONSENT AGENDA
  - A. Approval of August 4, 2009 City Council Meeting Minutes
5. PRESENTATIONS
  - A. Recognition of Eagle Scouts and Girl Scouts
  - B. Recognition of Student Achievements
6. NEW BUSINESS
  - A. Resolution 2009-065 Authorizing the City Manager to enter into an Intergovernmental Agreement, the Oregon Public Works Emergency Response Cooperative Assistance Agreement with multiple local, County and State Government Agencies (Skip Booren, Emergency Management Coordinator)
  - B. Resolution 2009-066 A Resolution of the Sherwood City Council Certifying the Explanatory Statement to be included in the Voters Pamphlet concerning the PGE Annexation of 34.2 acres to the City  
(Michelle Miller, Associate Planner and Julia Hajduk Planning Manager)
  - C. Resolution 2009-067 Authorizing City Manager to enter into a contract for construction of water transmission pipeline from Sherwood to Wilsonville  
(Craig Sheldon, Public Works Director)

**AGENDA**

**SHERWOOD CITY COUNCIL  
August 18, 2009**

**5:30pm Executive Session  
Pursuant to ORS 40.225, 192.660(2)(f) &  
192.502(9), Exempt Public Records**

**6:00pm URA Board of Directors  
Work Session**

**7:00pm Regular City Council Meeting**

**Sherwood City Hall  
22560 Pine Street  
Sherwood, OR 97140**

**D. Resolution 2009-068 Authorizing City Manager to enter into a contract for custodial services with Tualatin Valley Workshop, Inc.**  
(Craig Sheldon, Public Works Director)

**7. CITY MANAGER & STAFF REPORTS**

**8. CITIZEN COMMENTS**

**9. COUNCIL ANNOUNCEMENTS**

**10. ADJOURN**

**How to Find Out What's on the Council Schedule...**

The agenda is posted to the City web page at [www.ci.sherwood.or.us](http://www.ci.sherwood.or.us) - City Council/Current Agenda, the Friday prior to a Council meeting. Council agendas are also posted at the Library/City Hall, the YMCA, the Senior Center, and the City's bulletin board at Albertson's. Council meeting materials are available to the public at the Library. The public may make copies of any Council meeting materials, at no charge.

**To Schedule a Presentation before Council ...**

If you would like to appear before Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder Sylvia Murphy by calling 503-625-4246 or by e-mail to: [citycouncil@ci.sherwood.or.us](mailto:citycouncil@ci.sherwood.or.us).



## **SHERWOOD CITY COUNCIL MINUTES**

### **August 4, 2009**

#### **WORK SESSION**

1. **CALL TO ORDER:** Mayor Mays called the work session to order at 6:00pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Heironimus, Councilors Dave Grant, Linda Henderson, Lee Weislogel and Del Clark. Councilor Robyn Folsom was absent.
3. **STAFF PRESENT:** City Manager Jim Patterson, Public Works Director Craig Sheldon, Community Development Director Tom Pessemier, Economic Development Manager Tom Nelson, Planning Manager Julia Hajduk, Associate Planner Michelle Miller and City Recorder Sylvia Murphy.
4. **SUBJECTS DISCUSSED:**
  - A. **Urban/Rural Reserves:** Julia Hajduk, Planning Manager presented a power point presentation to Council (see record, Exhibit A).
5. **ADJOURNED:** Mayor Mays adjourned the Work Session at 6:58 pm and convened to the regular Council Session.

#### **REGULAR CITY COUNCIL MEETING**

1. **CALL TO ORDER:** Mayor Keith Mays called the City Council meeting to order at 7:05pm.
2. **PLEDGE OF ALLEGIANCE AND ROLL CALL:**
3. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Heironimus, Councilors Dave Grant, Linda Henderson, Lee Weislogel and Del Clark. Councilor Robyn Folsom was absent.
4. **STAFF & LEGAL COUNSEL PRESENT:** City Manager Jim Patterson, Police Chief Jeff Groth, Community Development Director Tom Pessemier, Public Works Director Craig Sheldon, Economic Development Manager Tom Nelson, Planning Manager Julia Hajduk, Associate Planner Michelle Miller, Engineering Associate Jonathan Ingram and City Recorder Sylvia Murphy. City Attorney Chris Crean.
5. **CONSENT AGENDA:**
  - A. **Approval of July 21, 2009 City Council Meeting Minutes**

**MOTION: FROM COUNCILOR DAVE GRANT TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR LEE WEISLOGEL. ALL COUNCIL MEMBERS PRESENT VOTED IN FAVOR.**

Mayor Mays addressed the next agenda item.

**6. CITIZEN COMMENTS:**

Susan Claus 22211 SW Pacific Hwy Sherwood came forward and stated they have been working on trying to gift some property to the City and stated it's been quite a process. Ms. Claus stated it is a critical area of the Cedar Creek floodplain. Ms. Claus informed Council the process has been cost consuming for them to gift this property to the City and to go through the process staff has put in place. Ms. Claus stated staff decided to put it over to an outside planning group and this group has made a determination that they need the adjacent property owner to sign onto the application. The adjacent property owner is not interested and said it's costing us a lot of money to get this signature and it's over a density issue. Ms. Claus stated it does not make sense that the signature is required and it's going to cost them more money to obtain it.

Ms. Claus made reference to an email sent by the City Attorney's office to Metro in regards to Mr. Claus. Ms. Claus expressed frustration with the content of the email. Ms. Claus asked for someone on the Council to exercise some oversight on the process of gifting the property to the City and allow for the land use process to happen.

Mayor Mays interjected and informed Ms. Claus he appreciates her comments and the willingness to donate property to the City and urged Ms. Claus to continue to work with staff and if she did not want to work with staff to work with City Manager Patterson and schedule a meeting with him.

Ms. Claus stated she supported working with City Manager Patterson. Ms Claus continued to make comments on process and asked again whom she should talk with on staff. Mayor Mays suggested she talk with the City Manager.

Mayor Mays informed Ms. Claus her citizen comments period had expired and stated he appreciated her comments. Ms. Claus continued to speak.

Mayor Mays asked Ms. Claus to discontinue her comments and if she refused he would have to ask her to leave. Ms. Claus continued her comments.

City Manager Patterson interjected and informed Ms. Claus that he will always be available to any citizen to speak in a fair, equitable, respectful and cooperative manner. Mr. Patterson stated he does not appreciate anyone attacking City staff, suggest incompetence or make attacks on the City attorney. Mr. Patterson informed Ms. Claus that he is available to speak with her at any time as long as he understands upon conclusion of the meeting that the story doesn't change.

Mayor Mays informed Ms. Claus her testimony period was up, Ms. Claus continued to be argumentative and Mayor Mays asked Police Chief Groth to escort Ms. Claus out. As Chief Groth approached the testimony table, Ms. Claus stepped away.

Mayor Mays continued with Citizen Comments.

Tim Voorhies with Steel Tek Industries, PO Box 908 Sherwood came forward and provided Council with a letter (see record, Exhibit B) regarding storm and surface water charges. Mr.

Voorhies stated he was under the assumption over the past years that Sherwood has the most elite surface water retention system in the area. His bill increased 2.33 times and was informed this was a billing error. Mr. Voorhies stated he can't see where all the money is going. Mr. Voorhies referenced the questions in the letter he provided (exhibit B) and said he would like a reply from City staff.

Mayor Mays thanked Mr. Voorhies for bringing forward the issues and said he has his commitment to have staff contact him and explain the charges and the reason for the increases.

Mayor Mays stated the City did have to raise rates residentially and commercially to deal with the higher maintenance requirements set forth by Clean Water Services, not only for day to day operations but to also deal with maintenance and repairs.

Mr. Voorhies replied he spoke with Clean Water Services and was informed the regulations were the same and stated he believes it's excessive.

Mayor Mays thanked Mr. Voorhies and asked to receive other citizen comments, with none received he addressed the next agenda item.

## **7. NEW BUSINESS**

### **A. Resolution 2009-061 to award a Contract for SW 2<sup>nd</sup> Street Pavement Rehabilitation Project**

Tom Pessemier, Community Development Director stated this is in regards to additional paving we would like to do this year on 2<sup>nd</sup> Street, similar to the project done on 1<sup>st</sup> Street. There will be impacts to businesses and property and staff will ensure that proper noticing is done. Tom stated in the staff report it mentions bid results and that information was not originally included in the Council meeting packet. Tom provided the bid result information as follows: The low bid was Kodiak Pacific Construction at \$80,951, Brooks Paving at \$86,213, Eagle Elsner Inc. at \$191,161. There were errors in their bid, but they were still higher and Knife River at \$96,069. Tom stated the engineers estimate was \$90,000.

Councilor Weislogel asked about the extent of the construction and time line of the project. Tom replied 2<sup>nd</sup> Street from Pine to the pear-about and the section of Oak from 1<sup>st</sup> to 2<sup>nd</sup> and said we are looking to get it done before school this fall.

Mayor Mays commended staff for their work on this project and taking advantage of the bidding environment. With no other questions from Council the Mayor asked for a motion.

**MOTION: FROM COUNCILOR LEE WEISLOGEL TO ADOPT RESOLUTION 2009-061, SECONDED BY COUNCIL PRESIDENT DAVE HEIRONIMUS. ALL COUNCIL MEMBERS PRESENT VOTED IN FAVOR.**

Mayor Mays thanked Council and addressed the next agenda item.

### **B. Resolution 2009-062 Directing the City Manager to enter into a Lease Agreement with the Sherwood Historical Society for the Smock House premises**

Tom Nelson Economic Development Manager explained Council held a work session at their prior meeting with the Historical Society and stated the lease for the Smock House expired last month and needs to be renewed. The lease has been reviewed and revised to reflect the current conditions and requirements.

Councilor Henderson asked if the rent remains the same. Tom replied yes and stated at the request of the Historical Society the City looked at extending the lease to a 5 year period.

With no other Council questions, the Mayor asked for a motion.

**MOTION: FROM COUNCIL PRESIDENT DAVE HEIRONIMUS TO ADOPT RESOLUTION 2009-062, SECONDED BY COUNCILOR DEL CLARK, ALL COUNCIL MEMBERS PRESENT VOTED IN FAVOR.**

Mayor Mays addressed the next agenda item.

**C. Resolution 2009-063 Directing the City Manager to enter into a Lease Agreement with the Sherwood Historical Society for the Morback House**

Tom Nelson Economic Development Manager stated the lease expired last month and it has been reviewed and revised to reflect current conditions and requirements.

Mayor Mays asked for Council questions with none heard he asked for a motion.

**MOTION: FROM COUNCIL PRESIDENT DAVE HEIRONIMUS TO ADOPT RESOLUTION 2009-063, SECONDED BY COUNCILOR LINDA HENDERSON, ALL COUNCIL MEMBERS PRESENT VOTED IN FAVOR.**

Mayor Mays addressed the next agenda item.

**8. PUBLIC HEARINGS:**

**A. RESOLUTION 2009-060 adjusting Solid Waste Collection Rates**

Mayor Mays stated Council held a public hearing at their previous meeting and closed the hearing. Tom Nelson Interim Finance Director came forward and stated per Council recommendation the credit for recycling was included back into the language of the resolution and the only thing being presented tonight is the 2% increase of the pass through for the tipping fee that was previously discussed at the public hearing.

Mayor Mays asked for Council questions.

Councilor Clark stated he appreciates staffs comments in regards to the credit and stated he did not see it in the documents. Tom stated it's there and said this is based on the same rate schedule Pride had in the past with the exception of the 2% rate increase.

Councilor Henderson asked if the recycling credit will be a separate line item as it had been in the past and will it remain the same. Tom replied yes.

Mike Leichner with Pride Disposal located at 13980 SW Tualatin Sherwood Rd. came forward and said at the previous meeting the \$4 credit was removed from the rates and the 2% was added. Under Council's request Pride added the \$4 back and that is the \$26.15 original rate, which includes the \$4 which is credited back to the customer if they recycle. So that is going up 2%. Mr. Leichner stated the way they figured the 2%, was they deducted the \$4 and added 2% to the base rate and then added the \$4 back in, that's why it's not a true 2%, it's more like a 1.97% and said we were just asking for the 2% of our operations cost.

Mayor Mays thanked Mr. Leincher and Pride Disposal and stated he appreciates all the hard work Pride has done in the Sherwood community and coming back to the City Council with essentially no rate increase and investing in technologies and making efficiencies in operations. The 2% pass through is commendable. Mayor Mays thanked Mr. Leincher and Pride Disposal on behalf of the community.

Mayor Mays asked for Council questions, with none heard he asked for a motion

**MOTION: FROM COUNCILOR LINDA HENDERSON TO ADOPT RESOLUTION 2009-060, SECONDED BY COUNCILOR DEL CLARK, ALL COUNCIL MEMBERS PRESENT VOTED IN FAVOR.**

Mayor Mays addressed the next agenda item.

**B. Ordinance 2009-010 Repealing and replacing Chapter 13.08 of the Sherwood Municipal Code; Codifying the adoption of pertinent provisions of Clean Water Services (CWS) regulation for Sanitary Sewer, Surface and Storm Water Systems in the City of Sherwood**

Mayor Mays stated at the previous City Council meeting the public hearing was opened and closed and the Ordinance is now before Council for discussion and action.

Mayor Mays asked for Council questions or discussion. With none heard he asked for a motion.

**MOTION: FROM COUNCILOR LEE WEISLOGEL TO READ CAPTION AND ADOPT ORDINANCE 2009-010, SECONDED BY COUNCIL PRESIDENT DAVE HEIRONIMUS. ALL COUNCIL MEMBERS PRESENT VOTED IN FAVOR.**

Mayor Mays addressed the next agenda item and asked the City Recorder to read the required public hearing statement.

*Statement: The Sherwood City Council will hold a public hearing to hear testimony on Resolution 2009-064 approving a Ballot Title and Annexation proposal AN 09-01 and calling for an election for City voters to approve the Annexation. The purpose of the hearing is to allow the audience an opportunity to submit testimony. The process the Council will follow is to hear a staff report, questions of the Council and any testimony from the audience, additional comments from staff and questions from Council. The hearing will then be closed and no further testimony from the audience will be received. Discussion by Council will follow. Any Interested person may present testimony. If you wish to speak, please come forward and submit a testimony form to the City Recorder. The Mayor will recognize those persons wishing to speak and any questions should be addressed through the Mayor. When you come to the microphone, please state your name and address for the record as this hearing will be recorded. Please speak clearly and limit your testimony to four minutes.*

**C. Resolution 2009-064 Approving a Ballot Title and Annexation Proposal AN 09-01 and calling for an election for City voters to approve Annexation**

Julia Hajduk Planning Manager and Michelle Miller Associate Planner came forward. Michelle Miller stated staff has prepared a staff report incorporating findings and made clarifications on page 56 of the Council meeting packet. Michelle informed Council under the section regarding Water, the last sentence was incomplete and should read "looping the segment with the existing water line". And under the Parks & Recreation section also on page 56, Michelle referenced the sentence that reads "The City also assesses a Park and



Open Space System Development Charge on Residential development” and stated the sentence should include “industrial and commercial development” as well.

Mayor Mays asked if staff is suggesting Council amend this language. Michelle replied yes.

Julia Hajduk explained the Resolution should have included the staff report as Exhibit 1, the Legal Description as Exhibit A and the Map as Exhibit B. The City Recorder stated the record will reference these amendments.

Michelle Miller stated staff is recommending Council adopt this PGE requested annexation and place the measure on the November Ballot. Ms. Miller informed Council staff has scheduled the Resolution adopting the Explanatory Statement for the August 18<sup>th</sup> Council meeting.

Mayor Mays opened the public hearing to receive testimony.

Robert James Claus 22211 SW Pacific Hwy Sherwood came forward and asked if we have been spending money on this, spending money on property that is not annexed into the City. Mr. Claus stated he was under the impression that this was already annexed in and suggested the City Council confirm with the City Attorney that this is proper because that money has already been spent. Mr. Claus informed Council the area is a heavy utility area and his past experience at VA required restrictions and hold harmless indemnifications from the companies when we got into there for obvious reasons. You’re taking an area that has been buffered and talking about putting in a dog park. Mr. Claus cautioned the Council to be careful with what they are doing and stated we might gain some liabilities over there and asked if we are adding that to the annexation. Why are we picking up the liability for PGE when they have insurance? At a minimum you should have out there, that if anybody wanders into that area, because what you do and if they accept the zoning it is their problem legally. I think most cities in Oregon are self insured and I know PGE is not.

Mayor Mays asked to receive additional testimony with none received he closed the public hearing.

Mayor Mays asked for Council questions of staff.

Mayor Mays asked as part of the request, is staff asking to amend the proposed language on page 56 of the staff report. Michelle Miller replied yes.

Councilor Henderson made the following proposal to the language which resulted in a motion. Under Parks & Recreation: *“The City also assesses a Parks & Open Space System Development Charge on residential, commercial and industrial development”*.

Staff replied yes, this is acceptable and also under Water the language of *“looping this segment with the existing water system”*.

**MOTION: FROM COUNCILOR LINDA HENDERSON TO AMEND RESOLUTION 2009-064, TO INCLUDE LANGUAGE ON PAGE 56 UNDER WATER, SECOND SENTENCE: THE MASTER PLAN RECOMMENDS UPSIZING THE EXISTING 8 INCH IN SW TUALATIN-SHERWOOD ROAD TO A 12-INCH AND INSTALLING A 16-INCH WATER LINE IN ADAMS AVENUE NORTH LOOPING THIS SEGMENT WITH THE EXISTING WATER SYSTEM. AND THE SECOND AMENDMENT WOULD BE UNDER PARKS AND RECREATION ON THE SAME PAGE 56, FOURTH SENTENCE: THE CITY ALSO ASSESSES A PARK AND OPEN SPACE SYSTEM DEVELOPMENT CHARGE ON**

**RESIDENTIAL, COMMERCIAL AND INDUSTRIAL DEVELOPMENT. SECONDED BY MAYOR MAYS, ALL COUNCIL MEMBERS PRESENT VOTED IN FAVOR.**

Mayor Mays then asked for a motion on amended Resolution 2009-064.

**MOTION: FROM COUNCILOR LEE WEISLOGEL TO ADOPT AMENDED RESOLUTION 2009-064, SECONDED BY COUNCILOR LINDA HENDERSON. ALL COUNCIL MEMBERS PRESENT VOTED IN FAVOR.**

Mayor Mays thanked staff and addressed the next agenda item.

## **9. CITY MANAGER REPORT:**

City Manager Patterson informed Council Relay for Life is this weekend at the High School and the City will be using the low speed vehicle to shuttle people back and forth to the commons area.

Mr. Patterson reminded Council there will not be a Council meeting on Sept. 1<sup>st</sup> and the next Council meeting is scheduled for September 15<sup>th</sup>.

Mayor Mays added there is an August 18<sup>th</sup> Council meeting as well with a work session with SURPAC and the Urban Renewal Agency Board and a possible Executive Session of the City Council.

Mayor Mays addressed the next agenda item.

## **10. CITIZEN COMMENTS:**

Robert James Claus came forward and confirmed that City Manager Patterson would meet with him and Susan Claus when Mr. Patterson returns from vacation. Mr. Claus stated Mr. Patterson made a statement of inaccurate meetings and stated he would like to either have the meeting recorded or have a court reporter present and asked if Mr. Patterson was ok with this. Mr. Patterson replied, sure. Mr. Claus stated if Mr. Patterson was bringing an attorney, he would like notice so he can do the same. Mr. Patterson replied there was no need for an attorney. Mr. Claus stated the Council has a credibility problem and said there are things he doesn't understand and made reference to not understanding how Langer was zoning changed in an urban renewal area without that ground being purchased and said the moment you changed that zoning you raised that to \$15-\$20, \$20 million walked out the door. I have not seen this done in large cities and there is no explanation for it. Mr. Claus made reference to a prior public meeting he attended where height, density, use and parking were given away and that property value has now increased, with no variance, no hearing, no detail. Mr. Claus made comments regarding a Keyes Project and the cost to him in decreased property values and the inability to develop his property. Mr. Claus reference the upcoming meeting with City Manager Patterson and having the opportunity to bring forward their objections. Mr. Claus made comments in regards to trying to gift property to the City and the cost to him in trying to do so.

Mayor Mays thanked Mr. Claus for his comments and asked to receive other Citizen Comments. With none received he addressed the next agenda item.

## **11. COUNCIL ANNOUNCEMENTS:**

Mayor Mays commended staff for the water flyer recently mailed to the community. He congratulated those involved in Music Man and thanked staff for their work this past week with the heat wave and staff efforts during City events and Music on the Green.

Councilor Henderson reported on the Battle of the Bands and stated about 100+ people attended and they made a small amount of money after the \$100 prize was awarded, some donations were also received and they hope to make this an annual event.

Mayor Mays stated the Governor signed the Transportation Bill last week and this will raise a tremendous amount of revenue in the state fully implemented no later than 2011. In that, it has a revenue sharing split, 50% State, 30% County and 20% Cities. As that revenue is generated we will be seeing an increase in transportation funds to allocate into our community to maintain and support our roads.

Mayor Mays reported this past week was the Oregon Mayors Association Conference in Forest Grove and was well attended and stated the general consensus and concerns from the Mayors was odds are good that in January there will be a special election to vote on potentially repealing two tax increases that the legislator passed; a corporate tax increase and a personal tax increase. If it is placed on the ballot and passes there will be a \$750 million budget gap the state will have to address, this is why a February special legislative session has been scheduled as well as to address any other revenue shortfalls or increase. There is some concern that our legislature might follow California's lead, earlier this year to help address California's budget shortfall they went after the shared revenue and pulled revenue from the Counties and Cities. The Mayors have already passed a Resolution to oppose pursuing shared revenues. Mayor Mays explained Cities and Counties get a portion of fees and taxes collected from gas taxes, beer, wine, alcohol and cigarettes. This is the third largest revenue stream coming into the City. Mayor Mays stated there are lots of options for the legislature to consider if they have to deal with revenue shortfalls and it's very important for Cities and County to be active there. This is a January election; the legislature passed a law to declare a special January election.

Mayor Mays reported he had an opportunity at the Mayors Conference to share the partnerships the City has with the School District, the YMCA and Providence. Many Mayors picked up copies of the IGA's the City of Sherwood has. The City of Forest Grove shared the partnership they have with Pacific University and the development of a City park and the opportunity for some athletic facilities.

Councilor Clark provided additional information regarding Relay for Life and said there is a Survivor Lap and lunch scheduled and at 10pm on Saturday night there is the Luminary Celebration, where there are 500-1000 candles lit along the track. There are approximately 32 teams and at the last count they raised over \$45,000 their goal was \$65,000-\$70,000. Councilor Clark encouraged people to stop by the High School anywhere from 10am Saturday to 10am on Sunday, there will be entertainment of all kinds, live music, movies and bouncy houses for the kids.

Councilor Clark thanked Tom Nelson Economic Development Manager in regards to SURPAC and their meeting today with Chair Cam Durrell and the planning they have put together for the upcoming work session scheduled for August 18<sup>th</sup>.

Councilor Henderson thanked the Mayor for his comments about Music Man and thanked the City and staff, the School District, Voices for the Performing Arts and the many volunteers and community members. There were over 1200 people that attended, 325 on Thursday, 480 on Friday including City Manager Patterson and 410 on Saturday. We anticipated 250 per night. Councilor Henderson stated, we are very thankful for all the

volunteers and their support and informed Council the sound vendor and lights vendor were the only non-volunteers. Ms. Henderson informed Council they will be doing this event on an annual bases.

Councilor Henderson reported she filled in for Councilor Folsom at the Parks Board meeting and they toured the new middle and elementary schools and said Dan Jamison and Steve Emmert with the School District were very complementary of Julia Hajduk and the planning department staff for their helpfulness and work. Mr. Jamison commented that the facilities were community facilities and hopes the community utilizes them. Ms. Henderson reported the new elementary as of last Friday had an enrollment of 430 and commended the School District and staff for a wonderful facility.

Councilor Weislogel reported that he will be on vacation and will not be attending the next Council meeting on August 18<sup>th</sup>.

**12. ADJOURN:** Mayor Mays adjourned the meeting at 8:00pm.

Submitted by:

Approved:

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Sylvia Murphy, City Recorder

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Keith S. Mays, Mayor

Council Meeting Date: August 18, 2009

Agenda Item: New Business

**TO:** Sherwood City Council

**FROM:** Skip Booren, Emergency Management Coordinator

**SUBJECT:** RESOLUTION 2009-065 A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT (OREGON PUBLIC WORKS EMERGENCY RESPONSE COOPERATIVE ASSISTANCE AGREEMENT) WITH MULTIPLE LOCAL, COUNTY, AND STATE GOVERNMENT AGENCIES.

**ISSUE:** Shall City Council approve a resolution authorizing the City Manager to enter into an Intergovernmental Agreement that will allow the City to exchange mutual public works assistance with other government agencies in the event of an emergency?

**BACKGROUND:** In 2003 the City entered into an Intergovernmental Agreement (IGA) with multiple Oregon local, county, and state agencies for the provision of mutual assistance in times of emergency/disaster.

Exhibit A - copy of the IGA.

Exhibit B - list of participants in the IGA

Exhibit C - Guidelines for use of the IGA

**FINDINGS:** Signing the Intergovernmental Agreement will allow City Public Works staff to work cooperatively with multiple local, county, and state agencies in responding to emergency situations.

**RECOMMENDATION:** MOTION TO ADOPT RESOLUTION 2009-065 A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT (OREGON PUBLIC WORKS EMERGENCY RESPONSE COOPERATIVE ASSISTANCE AGREEMENT) WITH MULTIPLE LOCAL, COUNTY, AND STATE GOVERNMENT AGENCIES.



## RESOLUTION 2009-065

### **A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT (OREGON PUBLIC WORKS EMERGENCY RESPONSE COOPERATIVE ASSISTANCE AGREEMENT) WITH MULTIPLE LOCAL, COUNTY AND STATE GOVERNMENT AGENCIES**

**WHEREAS**, parties to this agreement are responsible for the construction and maintenance of public facilities such as street, road, highway, sewer, water, and related systems during routine and emergency conditions; and

**WHEREAS**, each of the parties owns and maintains equipment, and employs personnel who are trained to provide service in the construction and maintenance of street, road, highway, sewer, water, and related systems and other support; and

**WHEREAS**, in the event of a major emergency or disaster as defined in ORS 401.025 (4), the parties who have executed this Agreement may need assistance to provide supplemental personnel, equipment, or other support; and

**WHEREAS**, the parties have the necessary personnel and equipment to provide such services in the event of an emergency; and

**WHEREAS**, it is necessary and desirable that this Agreement be executed for the exchange of mutual assistance, with the intent to supplement not supplant agency personnel; and

**WHEREAS**, an Agreement would help provide documentation needed to seek the maximum reimbursement possible from appropriate federal agencies during emergencies; and

**WHEREAS**, ORS Chapter 401.480 provides for Cooperative Assistance Agreement among public and private agencies for reciprocal emergency aid and resources; and

**WHEREAS**, ORS Chapter 190 provides for intergovernmental agreements and the apportionment among the parties of the responsibility for providing funds to pay for expenses incurred in the performance of the agreed upon functions or activities; and

**WHEREAS**, multiple local, county, and state agencies participate as parties in this Agreement (Exhibit B) using specific guidelines for its use (Exhibit C);

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

**Section 1.** The City Manager is authorized to sign the Intergovernmental Agreement with Oregon local, county and state agencies for the provision of Public Works Emergency Response Cooperative Assistance (Exhibit A).

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

**Duly passed by the City Council this 18th day of August 2009.**

\_\_\_\_\_  
Keith S. Mays, Mayor

ATTEST:

\_\_\_\_\_  
Sylvia Murphy, City Recorder

## OREGON PUBLIC WORKS EMERGENCY RESPONSE COOPERATIVE ASSISTANCE AGREEMENT

THIS AGREEMENT is between the government agencies (local, county, or state) that have executed the Agreement, as indicated by the signatures at the end of this document.

### WITNESSETH:

WHEREAS, parties to this agreement are responsible for the construction and maintenance of public facilities such as street, road, highway, sewer, water, and related systems during routine and emergency conditions; and

WHEREAS, each of the parties owns and maintains equipment, and employs personnel who are trained to provide service in the construction and maintenance of street, road, highway, sewer, water, and related systems and other support;

WHEREAS, in the event of a major emergency or disaster as defined in ORS 40 1.025 (4), the parties who have executed this Agreement may need assistance to provide supplemental personnel, equipment, or other support; and

WHEREAS, the parties have the necessary personnel and equipment to provide such services in the event of an emergency; and

WHEREAS, it is necessary and desirable that this Agreement be executed for the exchange of mutual assistance, with the intent to supplement not supplant agency personnel;

WHEREAS, an Agreement would help provide documentation needed to seek the maximum reimbursement possible from appropriate federal agencies during emergencies;

WHEREAS, ORS Chapter 401.480 provides for Cooperative Assistance Agreement among public and private agencies for reciprocal emergency aid and resources; and

WHEREAS, ORS Chapter 190 provides for intergovernmental agreements and the apportionment among the parties of the responsibility for providing funds to pay for expenses incurred in the performance of the agreed upon functions or activities;

NOW THEREFORE, the parties agree as follows:



### 1. Request

If confronted with an emergency situation requiring personnel, equipment or material not available to it, the requesting party (Requestor) may request assistance from any of the other parties who have executed this Agreement.

### 2. Response

Upon receipt of such request, the party receiving the request (Responder) shall immediately take the following action:

- A. Determine whether it has the personnel, equipment, or material available to respond to the request.
- B. Determine what available personnel and equipment should be dispatched and/or what material should be supplied.
- C. Dispatch available and appropriate personnel and equipment to the location designated by the Requestor.
- D. Provide appropriate access to the available material.
- E. Advise the Requestor immediately in the event all or some of the requested personnel, equipment, or material is not available.

NOTE: It is understood that the integrity of dedicated funds needs to be protected. Therefore, agencies funded with road funds are limited to providing services for road activities, sewer funds are limited to providing services for sewer activities and so on.

### 3. Incident Commander

The Incident Commander of the emergency shall be designated by the Requestor, and shall be in overall command of the operations under whom the personnel and equipment of the Responder shall serve. The personnel and equipment of the Responder shall be under the immediate control of a supervisor of the Responder. If the Incident Commander specifically requests a supervisor of the Responder to assume command, the Incident Commander shall not, by relinquishing command, relieve the Requestor of responsibility for the incident.

#### 4. Documentation

Documentation of hours worked, and equipment or materials used or provided will be maintained on a shift by shift basis by the Responder, and provided to the Requestor as needed.

#### 5. Release of Personnel and Equipment

All personnel, equipment, and unused material provided under this Agreement shall be returned to the Responder upon release by the Requestor, or on demand by the Responder.

#### 6. Compensation

It is hereby understood that the Responder will be reimbursed (e.g. labor, equipment, materials and other related expenses as applicable, including loss or damage to equipment) at its adopted usual and customary rates. Compensation may include:

- A. Compensation for workers at the Responder's current pay structure, including call back, overtime, and benefits.
- B. Compensation for equipment at Responder's established rental rate.
- C. Compensation for materials, at Responder's cost. Materials may be replaced at Requestor's discretion in lieu of cash payment upon approval by the Responder for such replacement.
- D. Without prejudice to a Responder's right to indemnification under Section 7.A. herein, compensation for damages to equipment occurring during the emergency incident shall be paid by the Requestor, subject to the following limitations:
  - 1) Maximum liability shall not **exceed** the cost of repair or cost of replacement, whichever is less.
  - 2) No compensation will be paid for equipment damage or loss attributable to natural disasters or acts of God not related to the emergency incident.
  - 3) To the extent of any payment under this section, Requestor will have the right of subrogation for all claims against parties other than parties to this agreement who may be responsible in whole or in part for damage to the equipment.

- 4) Requestor shall not be liable for damage caused by the neglect of the Responder's operators.

Within 30 days after presentation of bills by Responder entitled to compensation under this section, Requestor will either pay or make mutually acceptable arrangements for payment.

#### 7. Indemnification

This provision applies to all parties only when a Requestor requests and a Responder provides personnel, equipment, or material under the terms of this Agreement. A Responder's act of withdrawing personnel, equipment, or material provided is not considered a party's activity under this Agreement for purposes of this provision.

To the extent permitted by Article XI of the Oregon Constitution and by the Oregon Tort Claims Act, each party shall indemnify, within the limits of the Tort Claims Act, the other parties against liability for damage to life or property arising from the indemnifying party's own activities under this Agreement, provided that a party will not be required to indemnify another party for any such liability arising out of the wrongful acts of employees or agents of that other party.

#### 8. Workers Compensation Withholdings and Employer Liability

Each party shall remain fully responsible as employer for all taxes, assessments, fees, premiums, wages, withholdings, workers compensation and other direct and indirect compensation, benefits, and related obligations with respect to its own employees. Likewise, each party shall insure, self-insure, or both, its own employees as required by Oregon Revised Statutes.

#### 9. Pre-Incident Plans

The parties may develop pre-incident plans for the type and locations of problem areas where emergency assistance may be needed, the types of personnel and equipment to be dispatched, and the training to be conducted to ensure efficient operations. Such plans shall take into consideration the proper protection by the Responder of its own geographical area.

#### 10. The Agreement

- A. It is understood that all parties may not execute this Agreement at the same time. It is the intention of the parties that any governmental entity in the State of Oregon may enter into this Agreement and that all parties who execute this Agreement will be

considered to be equal parties to the Agreement. The individual parties to this Agreement may be "Requestor" or "Responder's" as referred to in Section 1. and 2. above, to all others who have entered this Agreement.

- B. The Oregon Department of Transportation (ODOT) Office of Maintenance shall maintain the master copy of this Agreement, including a list of all those governmental entities that have executed this Cooperative Assistance Agreement. ODOT will make the list of participants available to any entity that has signed the Agreement. Whenever an entity executes the agreement, ODOT shall notify all others who have executed the Agreement of the new participant. Except as specifically provided in this paragraph, ODOT has no obligations to give notice nor does it have any other or additional obligations than any other party.
- C. This Agreement shall be effective upon approval by two or more parties and shall remain in effect as to a specific party for five years after the date that party executes this Agreement unless sooner terminated as provided in this paragraph. Any party may terminate its participation in this Agreement prior to expiration as follows:
  - 1) Written notice of intent to terminate this Agreement must be given to all other parties on the master list of parties' at least 30 days prior to termination date. This notice shall automatically terminate the Agreement as to the terminating party on the date set out in the notice unless rescinded by that party in writing prior to that date.
  - 2) Termination will not affect a party's obligations for payment arising prior to the termination of this Agreement.

#### 11. Non-exclusive


This Agreement is not intended to be exclusive among the parties. Any party may enter into separate cooperative assistance or mutual aid agreements with any other entity. No such separate Agreement shall terminate any responsibility under this Agreement.

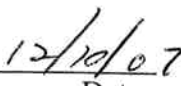
#### 12. Parties to This Agreement

Participants in this Agreement are indicated on the following pages, one party per page.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement for Public Works Cooperative Assistance to be executed by duly authorized representatives as of the date of their signatures.

STATE OF OREGON  
DEPARTMENT OF TRANSPORTATION

  
\_\_\_\_\_  
Lucinda Moore  
Maintenance Engineer

  
\_\_\_\_\_  
Date

IN WITNESS WHEREOF, the parties hereto have caused this Agreement for Public Works Cooperative Assistance to be executed by duly authorized representatives as of the date of their signatures.

\_\_\_\_\_  
Agency

\_\_\_\_\_  
County, Oregon

\_\_\_\_\_  
Authorized Representative

\_\_\_\_\_  
Date

**Designated Primary Contact:**

Office:

Contact:

Phone Number:

**Emergency 24 Hour Phone Number:**

**Fax Number:**

**E-mail address (if available):**

## Oregon Public Works Emergency Response Cooperative Assistance Agreement Members

### Oregon Department of Transportation, All Counties

Baker County, Baker County  
City of Baker, Baker County  
City of Haines, Baker County  
City of Halfway, Baker County  
City of Huntington, Baker County

City of Adair Village, Benton County  
City of Corvallis, Benton County  
City of Monroe, Benton County  
City of Philomath, Benton County

City of Gladstone, Clackamas County  
City of Happy Valley, Clackamas County  
City of Johnson City, Clackamas County  
City of Milwaukie, Clackamas County  
City of Molalla, Clackamas County  
City of West Linn, Clackamas County  
City of Wilsonville, Clackamas County  
Clackamas County, Clackamas County

City of Astoria, Clatsop County  
City of Cannon Beach, Clatsop County  
City of Seaside, Clatsop County  
City of Warrenton, Clatsop County  
Clatsop County, Clatsop County

City of Rainier, Columbia County  
City of St. Helens, Columbia County  
City of Vernonia, Columbia County  
Columbia County, Columbia County

City of Bandon, Coos County  
City of Coos Bay, Coos County  
City of Coquille, Coos County  
City of Lakeside, Coos County  
City of Myrtle Point, Coos County  
City of North Bend, Coos County  
Coos Bay-North Bend Water Board, Coos County  
Coos County, Coos County

## Oregon Public Works Emergency Response Cooperative Assistance Agreement Members

City of Brookings, Curry County  
City of Gold Beach, Curry County  
Curry County, Curry County

City of Redmond, Deschutes County  
Deschutes County, Deschutes County

City of Canyonville, Douglas County  
City of Drain, Douglas County  
City of Elkton, Douglas County  
City of Oakland, Douglas County  
City of Reedsport, Douglas County  
City of Riddle, Douglas County  
City of Winston, Douglas County  
Douglas County, Douglas County

City of Condon, Gilliam County  
Gilliam County, Gilliam County

City of Canyon City, Grant County  
City of John Day, Grant County  
City of Long Creek, Grant County  
Grant County, Grant County

City of Burns, Harney County  
City of Hines, Harney County  
Harney County, Harney County

City of Cascade Locks, Hood River County  
City of Hood River, Hood River County  
Hood River County, Hood River County

City of Central Point, Jackson County  
City of Gold Hill, Jackson County  
City of Medford, Jackson County  
City of Phoenix, Jackson County  
City of Rogue River, Jackson County  
City of Shady Cove, Jackson County  
City of Talent, Jackson County  
Jackson County, Jackson County

City of Culver, Jefferson County  
City of Madras, Jefferson County  
Jefferson County, Jefferson County



## Oregon Public Works Emergency Response Cooperative Assistance Agreement Members

City of Cave Junction, Josephine County  
Josephine County, Josephine County

City of Klamath Falls, Klamath County  
Klamath County, Klamath County

Lake County, Lake County  
Town of Lakeview, Lake County

City of Coburg, Lane County  
City of Cottage Grove, Lane County  
City of Creswell, Lane County  
City of Dunes City, Lane County  
City of Eugene, Lane County  
City of Florence, Lane County  
City of Oakridge, Lane County  
City of Springfield, Lane County  
City of Veneta, Lane County  
City of Westfir, Lane County  
Lane County, Lane County

City of Lincoln City, Lincoln County  
City of Siletz, Lincoln County  
City of Yachats, Lincoln County  
Lincoln County, Lincoln County

City of Harrisburg, Linn County  
City of Lebanon, Linn County  
City of Sweet Home, Linn County  
Linn County, Linn County

City of Jordan Valley, Malheur County  
City of Nyssa, Malheur County  
City of Ontario, Malheur County  
City of Vale, Malheur County

City of Aumsville, Marion County  
City of Aurora, Marion County  
City of Detroit, Marion County  
City of Donald, Marion County  
City of Gates, Marion County  
City of Gervais, Marion County  
City of Hubbard, Marion County

## Oregon Public Works Emergency Response Cooperative Assistance Agreement Members

City of Keizer, Marion County  
City of Silverton, Marion County  
City of Turner, Marion County  
Marion County, Marion County  
City of Salem, Marion County / Polk County  
City of Idanha, Marion/Linn County  
City of Mill City, Marion/Linn County

City of Boardman, Morrow County  
City of Heppner, Morrow County  
City of Ione, Morrow County  
City of Irrigon, Morrow County  
Morrow County, Morrow County

City of Fairview, Multnomah County  
City of Gresham, Multnomah County  
City of Portland, Multnomah County  
City of Wood Village, Multnomah County  
Multnomah County, Multnomah County  
Multnomah County, Multnomah County

City of Independence, Polk County  
Polk County, Polk County

City of Moro, Sherman County  
City of Wasco, Sherman County

City of Bay City, Tillamook County  
City of Manzanita, Tillamook County  
City of Nehalem, Tillamook County  
Tillamook County, Tillamook County

City of Adams, Umatilla County  
City of Athena, Umatilla County  
City of Echo, Umatilla County  
City of Hermiston, Umatilla County  
City of Milton-Freewater, Umatilla County  
City of Pendleton, Umatilla County  
City of Pilot Rock, Umatilla County  
City of Stanfield, Umatilla County  
City of Umatilla, Umatilla County  
Umatilla County, Umatilla County

## Oregon Public Works Emergency Response Cooperative Assistance Agreement Members

City of Cove, Union County  
City of Elgin, Union County  
City of Imbler, Union County  
City of Island City, Union County  
City of Union, Union County  
Island City Area Sanitation District, Union County  
Union County, Union County

City of Joseph, Wallowa County  
City of Maupin, Wasco County  
City of Mosier, Wasco County  
Wasco County, Wasco County

City of Cornelius, Washington County  
City of Gaston, Washington County  
City of Hillsboro, Washington County  
City of North Plains, Washington County  
City of Sherwood, Washington County  
City of Tigard, Washington County  
Washington County, Washington County

City of Mitchell, Wheeler County  
City of Spray, Wheeler County  
Wheeler County, Wheeler County

City of Amity, Yamhill County  
City of Lafayette, Yamhill County  
City of McMinnville, Yamhill County  
City of Sheridan, Yamhill County  
City of Willamina, Yamhill County  
City of Yamhill, Yamhill County  
Yamhill County, Yamhill County

## ODOT Emergency Preparedness Committee

### **Guidelines for Using the Public Works Emergency Response Cooperative Assistance Agreement**

Here are suggested steps for your agency to follow when using the Oregon Public Works Emergency Response Cooperative Assistance Agreement. The participants to the agreement are listed by agency, with a contact person, their phone number and an emergency 24-hour phone number. Simply make the contact and obtain the assistance.

The Oregon Department of Transportation (ODOT) Office of Maintenance will keep an updated list of participants and will provide a copy of the list to everyone on the list.

#### **Requesting Agency Steps to Follow**

##### **When your agency is requesting assistance:**

1. Assess the situation and determine the resources needed.
2. Fill out the REQUESTING AGENCY CHECKLIST (Attachment 1).
3. Locate agencies included in the agreement.
4. Call one or more agencies that may have the resources you need.
5. Fill out a Requesting Agency's MUTUAL AID INFORMATION form (Attachment 2).
6. Send copy of form to the Responding Agency as soon as possible.

#### **Responding Agency Steps to Follow**

##### **When your agency is responding to a request for assistance:**

1. Make sure you can fulfill the request before giving an answer. Remember, you are not required to supply aid if you determine you cannot spare resources or if you do not have qualified personnel, appropriate equipment and necessary materials for what is requested.
2. Analyze the risk level of the request.
3. Complete the RESPONDING AGENCY CHECKLIST (Attachment 3) with the information given by the Requesting Agency.
4. Brief your employees and prepare the equipment.
5. Complete the EMPLOYEE & EQUIPMENT INFORMATION form (Attachment 4). Provide copies to your responding staff and to the Requesting Agency.
6. Dispatch staff to the Requesting Agency for assistance.

**Supervisor of Responding Agency Steps to Follow**

1. Complete the INCIDENT COMMANDER CHECKLIST (Attachment 5).
2. Carry a copy of the Requesting Agency's MUTUAL AID INFORMATION (Attachment 2) and your EMPLOYEE & EQUIPMENT INFORMATION form (Attachment 4). Provide a copy of each to the Requesting Agency.
3. Remember you are responsible for your crew working in a safe and professional manner.
4. Track your equipment and materials inventory.

## **Attachment 1**

### **REQUESTING AGENCY CHECKLIST**

#### What is the Need?

- \_\_\_\_\_ Be sure a real need exists. The Oregon Public Works Emergency Response Agreement is only to be used to support resources already reasonably committed.
- \_\_\_\_\_ What is the nature of the emergency? What can the Responding Agency help you repair or service?
- \_\_\_\_\_ Identify what type of equipment, material, and skilled employees are needed.
- \_\_\_\_\_ How long may they be needed? Will Responding Agency employees work independently or with one of your supervisors?
- \_\_\_\_\_ Where will Responding Agency employees eat, sleep, and shower? Do you need to make contact with the Red Cross for meals? What facilities/motels are available for Responding Agency employees?
- \_\_\_\_\_ Has an arrangement for refueling and repair of equipment been made?
- \_\_\_\_\_ Identify a staging area. Where will Responding Agency employees meet your Agency supervisor(s) to be briefed and assigned work? Responding Agency employees will need names of your supervisor(s), phone numbers and locations and times to meet and report.

#### Who Can Help?

- \_\_\_\_\_ Review list of Public Works Emergency Response Mutual Aid agencies and find an agency not affected by the emergency.
- \_\_\_\_\_ Contact your local Office of Emergency Management, if needed.
- \_\_\_\_\_ Call the agency directly. Send written request as soon as possible.
  - \_\_\_\_\_ Identify yourself and your agency.
  - \_\_\_\_\_ Fill out a MUTUAL AID INFORMATION form (Attachment 2).
  - \_\_\_\_\_ State the nature of the problem.
  - \_\_\_\_\_ State your needs such as personnel, equipment, and resources. How long will you need them?
  - \_\_\_\_\_ Advise the Responding Agency on weather and road conditions.
  - \_\_\_\_\_ How soon is aid needed? Is the work time sensitive?
  - \_\_\_\_\_ Advise the Responding Agency where, when and to whom they are to report.
  - \_\_\_\_\_ Identify facilities that are available to Responding Agency (shelter, food, etc.).

#### Briefing

- \_\_\_\_\_ Meet with your agency's union reps or supervisors to discuss how staff will be used.
- \_\_\_\_\_ Identify a staff person to work directly with your employees to handle and address questions. Provide local maps of the area with information such as eating and sleeping sites.
- \_\_\_\_\_ Provide system maps and discuss how to use them.
- \_\_\_\_\_ Review standards for the type of work being requested.
- \_\_\_\_\_ Establish a communications plan.

**Attachment 2**  
**MUTUAL AID INFORMATION FORM**  
**Requesting Agency**

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

REQUESTING AGENCY: \_\_\_\_\_

NAME/TITLE CONTACT: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_ FAX NUMBER: \_\_\_\_\_

EMERGENCY PHONE NUMBER: \_\_\_\_\_

TYPE OF EMERGENCY: \_\_\_\_\_

ESTIMATED DURATION ASSISTANCE WILL BE REQUIRED: \_\_\_\_\_

ASSISTANCE BEING REQUESTED (be as specific as possible)

Technical Assistance \*

Personnel

Area of Expertise

_____	_____
_____	_____
_____	_____
_____	_____

Equipment \*

_____
_____
_____

Communication Equipment: \_\_\_\_\_

Materials \*

_____
_____
_____

\* Items to consider in your request:

Inspectors	Engineers	Surveyors	Technicians	Truck Drivers
Mechanics	Operators	Flaggers	Welders	Utility Person
Bridge Repair	Carpenters	Electricians	Dump Trucks	Back Hoe
Gravel	Pipe	Oiler	Grader	Power Supply
Compactor	Traffic Control Equipment	Paving Equipment		
Communication Equipment		Lighting		

**Attachment 3**  
**RESPONDING AGENCY CHECKLIST**

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

REQUESTING AGENCY: \_\_\_\_\_

NAME/TITLE CONTACT: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_ FAX NUMBER: \_\_\_\_\_

EMERGENCY PHONE NUMBER: \_\_\_\_\_

TYPE OF EMERGENCY: \_\_\_\_\_

ESTIMATED DURATION ASSISTANCE WILL BE REQUIRED: \_\_\_\_\_

*Fill out Mutual Aid Information Form (Attachment 2).*

Clarify Need

- \_\_\_\_\_ Review types of damage and what Responding Agency employees may be expected to deal with (volcanic ash, earthquake, flooding, etc.)
- \_\_\_\_\_ Review types of equipment, materials and number of employees needed and skills required.
- \_\_\_\_\_ How long will your employees be needed? Should a relief crew be prepared?
- \_\_\_\_\_ Where will your employees stay and eat?
- \_\_\_\_\_ Identify a communications plan for crews.
- \_\_\_\_\_ How will responding affect your agency's current operations?
- \_\_\_\_\_ Immediately notify Supervisor, elected officials and ODOT Office of Maintenance of request for Emergency Response Mutual Aid.
- \_\_\_\_\_ Will there be night work?

Preparations

- \_\_\_\_\_ Identify your responding employees. Ask employees to bring necessary personal items.
- \_\_\_\_\_ Identify Incident Commander for your employees and appoint staff for operations, planning, logistics and finance.
- \_\_\_\_\_ Review ER/FEMA documentation procedures with supervisors and initiate record-keeping requirements.
- \_\_\_\_\_ Inventory and standardize tools and materials on vehicles. Inspect vehicles for travel.
- \_\_\_\_\_ Set up daily check in time between Responding and Requesting agency.
- \_\_\_\_\_ Review progress, identify hours worked, working conditions and status of crew.
- \_\_\_\_\_ Send cash (not check) or credit cards with Supervisor for emergency expenses.
- \_\_\_\_\_ Send mobile phone and/or radio equipment for backup communications.
- \_\_\_\_\_ Be sure emergency food and water are on each vehicle.



**Attachment 4**  
**EMPLOYEE AND EQUIPMENT INFORMATION**  
**Responding Agency**

Agency: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor of Crew: \_\_\_\_\_

Communication Equipment/Phone Numbers: \_\_\_\_\_

Report Time: \_\_\_\_\_ Report Date: \_\_\_\_\_

Report To: \_\_\_\_\_ Area Assigned: \_\_\_\_\_

ASSISTANCE BEING PROVIDED (be as specific as possible)

Supervisor & Crew Employees

Name	Emergency Contact & Phone Numbers	<u>Qualifications</u>				
		<u>Flagger</u>	<u>CPR</u>	<u>ODL</u>	<u>Operator</u>	<u>First Aid</u>
_____	_____					
_____	_____					
_____	_____					
_____	_____					
_____	_____					

Technical Assistance\*

<u>Personnel</u>	<u>Area of Expertise</u>
_____	_____
_____	_____
_____	_____

Is it a permit-required confined space? Explain: \_\_\_\_\_

Equipment \*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Truck Type & Size: \_\_\_\_\_

Truck Materials Inventory: \_\_\_\_\_

Truck Tools & Equipment Inventory: \_\_\_\_\_

Communication Equipment: \_\_\_\_\_

Equipment for Night Work (explain): \_\_\_\_\_

## ATTACHMENT 4, Page 2

### Materials \*

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Excavation work: Do you need shoring? Explain (be specific): \_\_\_\_\_

\* Items to consider in your request:

Inspectors	Engineers	Surveyors	Technicians	Truck Drivers
Mechanics	Operators	Flaggers	Welders	Utility Person
Bridge Repair	Carpenters	Electricians	Dump Trucks	Back Hoe
Gravel	Pipe	Oiler	Grader	Power Supply
Compactor	Traffic Control Equipment		Paving Equipment	
Communication Equipment			Lighting	

1 copy to Requesting Agency  
1 copy to Responding Agency  
1 copy to Crew Supervisor

**Attachment 5**  
**INCIDENT COMMANDER CHECKLIST**  
**Responding Agency**

Upon Arrival

- \_\_\_\_\_ Check in with supervisor on site.
- \_\_\_\_\_ Review shift assignments.
- \_\_\_\_\_ Review maps, damage information, repair needs and potential crew assignments.
- \_\_\_\_\_ Request information on repair standards.
- \_\_\_\_\_ Make sure that lodging, meals, and refueling capabilities exist. If not, identify crew member to work on problem and ask Requesting Agency for assistance.
- \_\_\_\_\_ Review documentation procedures with Requesting Agency's supervisor and obtain supplies to track repairs and costs associated with the job.
- \_\_\_\_\_ Establish daily briefing time with Requesting Agency's supervisor.
- \_\_\_\_\_ Establish daily documentation briefing with Requesting Agency's supervisor to ensure that tasks are completed.
- \_\_\_\_\_ Establish working shifts.
- \_\_\_\_\_ Review Communication Plan, as developed between Requesting Agency and Responding Agency.

Daily Process

- \_\_\_\_\_ Briefing with supervisor and crew on work assignments and progress.
- \_\_\_\_\_ Review safety procedures with crew.
- \_\_\_\_\_ Review events and any problems or positive interaction with Requesting Agency's employees or customers.
- \_\_\_\_\_ Ensure lunch and evening food breaks are provided and that a system for meals, refueling, and restocking is maintained.
- \_\_\_\_\_ Contact Responding Agency for briefing.
- \_\_\_\_\_ Review documentation at end of each day for accuracy and completion.

Work Termination

- \_\_\_\_\_ Meet with crews to review successes and problems.
- \_\_\_\_\_ Identify total hours worked and number of repairs.
- \_\_\_\_\_ Total up costs associated with work.
- \_\_\_\_\_ Allow rest and recovery time before leaving for home.

**TO:** Sherwood City Council

**FROM:** Michelle Miller, Associate Planner and Julia Hajduk, Planning Manager

**Through:** Tom Pessemier, Community Development Director

**Subject:** Explanatory Statement for Voter Pamphlet for Annexation of PGE property in the Adams Avenue Concept Plan study area

### EXECUTIVE SUMMARY

**Summary:** As a part of implementing the Adams Avenue Concept Plan (adopted via Ord. 2009-09), the area outside the current City limits must be annexed. On August 4, 2009, City Council approved Resolution 09-64 which placed the issue of annexation of the PGE area on the November 3, 2009 ballot and approved the ballot title. If approved through this resolution, the explanatory statement will be placed on the November ballot describing the area to be annexed.

**Previous Council Action:** The Council adopted Resolution 2002-015 recommending that Metro bring this area into the UGB to facilitate the extension of Adams Avenue. The Council adopted the Adams Avenue Concept Plan, Comprehensive Plan Map and text changes and Development Code changes July 21, 2009 via Ordinance 2009-09. On August 4, 2009, City Council held a public hearing and adopted the Resolution 2009-064 to place the issue of the annexation before the voters. The Council also approved the Ballot Title for the annexation at that hearing as part of the resolution.

**Background Discussion:** The annexation of the PGE properties is the next step in making this area ready for the extension of Adams Avenue. The annexation of the PGE area will be placed on the November 3, 2009 ballot for voter consideration. The explanatory statement will be under the ballot to describe the area proposed to be annexed and the reason for the annexation proposal. If the annexation is approved by the voters, the Council will be asked at a later date to adopt a resolution proclaiming the annexation effective.

**Alternatives:** The Council could approve or approve with modifications the explanatory statement. If modifications are made addition legal review will be required which may result in a delay of the adoption of the explanatory statement.

**Financial Implications:** N/A. According to the Washington County Assessment and Taxation information, the assessed value for these two parcels is \$0. Upon annexation and future development, the assessed values will be added to the tax base.

**Recommendation:** Staff recommends that the City Council hold a public hearing and adopt the Resolution approving the explanatory statement that will be on the ballot for the November 3, 2009 election.

**Attachments:**

Resolution

Exhibit 1 – Explanatory Statement



**RESOLUTION 2009-066**

**A RESOLUTION OF THE SHERWOOD CITY COUNCIL CERTIFYING THE EXPLANATORY STATEMENT TO BE INCLUDED IN THE VOTERS PAMPHLET CONCERNING THE PGE ANNEXATION OF 34.2 ACRES TO THE CITY**

**WHEREAS**, under Sherwood Municipal Code (SMC) 2.04.044, the City Council is to certify the explanatory statements of all city referred measures; and

**WHEREAS**, the explanatory statement was prepared by City staff and reviewed by the City Attorney to verify compliance with state law; and

**WHEREAS**, the City Council has reviewed the Explanatory Statement for the Measure proposing annexation of 34.2 acres owned by PGE which has been referred to voters for the November 3, 2009 election.

**NOW THEREFORE, BASED ON THE FOREGOING, THE CITY OF SHERWOOD RESOLVES:**

**Section 1.** The City Council hereby certifies the explanatory statement attached hereto as Exhibit 1 for the Annexation of the PGE Area consistent with its duty under SMC 2.04.044 and will be deemed to have filed the explanatory statement with the City Recorder as of August 18, 2009.

**Section 2.** The City Recorder is directed to publish a notice in a newspaper of general circulation in the city of her receipt of the explanatory statement consistent with the terms of SMC 2.04.044(C) and that explanatory statement shall be used with the City's annexation measure for approval by voters at the November 3, 2009 election.

**Section 3.** This resolution is effective upon its adoption by the City Council.

PASSED AND APPROVED this 18<sup>th</sup> day of August, 2009.

\_\_\_\_\_  
Keith S. Mays, Mayor

ATTEST:

\_\_\_\_\_  
Sylvia Murphy, City Recorder



*Home of the Tualatin River National Wildlife Refuge*

### **Annexation No AN 09-01 Explanatory Statement**

Under Sherwood City charter, annexations of property to the City can take place only with a majority of city voter's approval. Under state law, annexations must also include the approval of the voters who live in the area to be annexed. No people reside on these two properties.

If approved by voters, this measure will add 34.2 acres to the City of Sherwood. The area proposed to be annexed is also referred to as the Portland General Electric (PGE) Annexation.

The area was brought into the Urban Growth Boundary by Metro to allow for the extension of SW Adams Avenue northward providing connections between SW Tualatin Sherwood Road and Highway 99W. The Adams Avenue Concept Plan was prepared to improve connectivity through Sherwood and develop a plan to provide additional employment areas within the City. PGE requested the annexation.

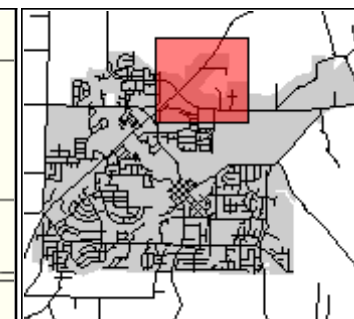
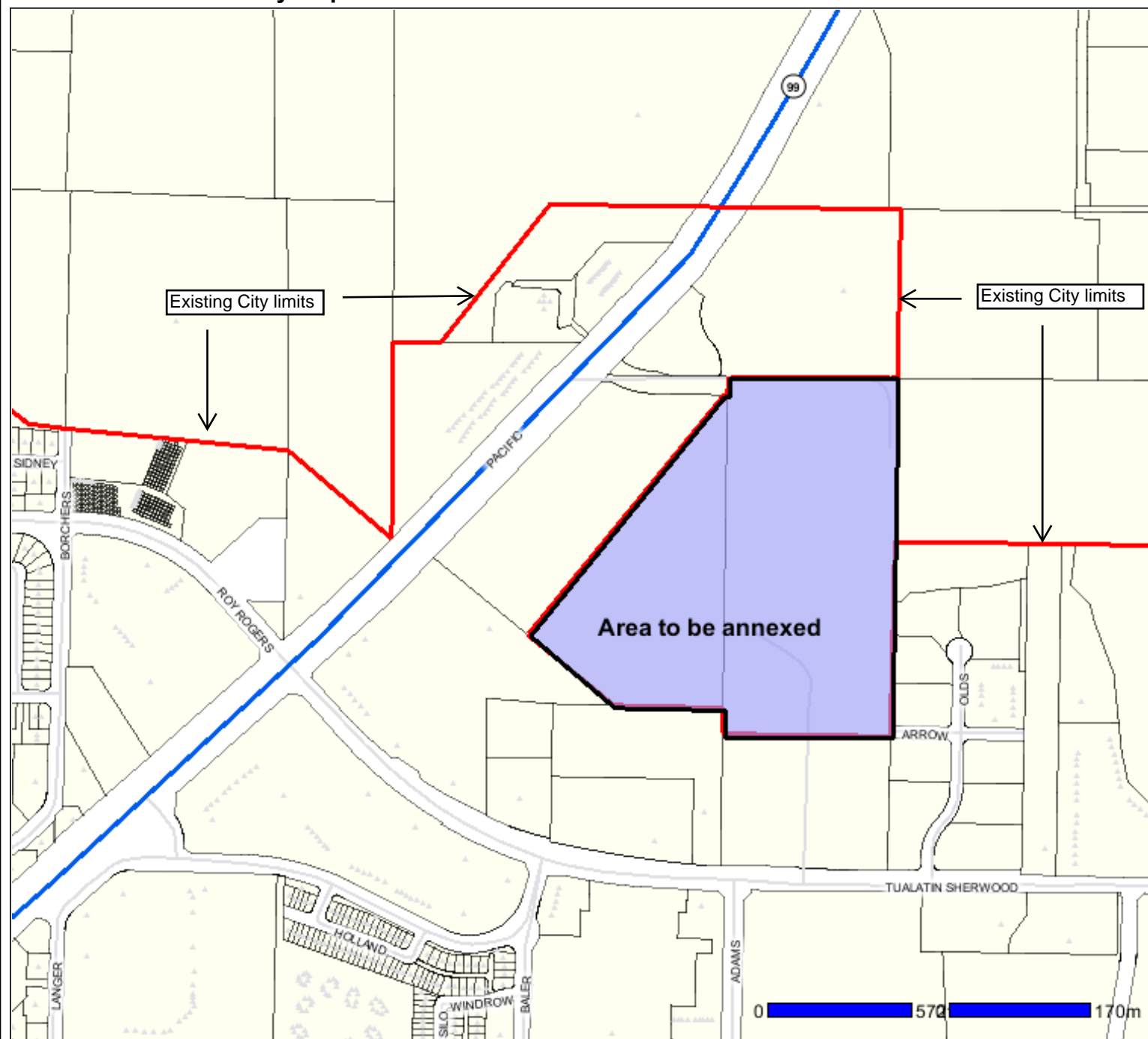
The area is next to the City's current northern boundaries and is immediately north of SW Tualatin-Sherwood Road and west of SW Arrow St. The area to be annexed is generally southeast of 99W, separated by a parcel of land currently inside the city limits and also owned by PGE.

The northern, western, southern and part of the eastern boundaries of the area proposed to be annexed are contiguous to the City. This area will form part of the City's eastern boundary if this measure is approved.

The proposed annexation area has a PGE substation, PGE power lines, Bonneville Power Administration (BPA) power lines and undeveloped land. No people reside on this property and the entire 34.2 area is owned by Portland General Electric.

If annexed, the area will be re-zoned to conform to City zoning. All 34.2 acres of the annexed area would be zoned light industrial for employment purposes. The substation will remain. Approximately, six acres will be able to be developed for light industrial purposed due to limits on development under PGE and BPA power lines. The remaining area will be used for the SW Adams Avenue extension right of way.

# PGE Annexation Vicinity Map



Council Meeting Date: August 18, 2009

Agenda Item: New Business

**TO:** Sherwood City Council

**FROM:** Craig Sheldon, Public Works Director

**SUBJECT: RESOLUTION 2009-067 AWARDED A CONTRACT TO CONSTRUCT SEGMENTS 6, 7, 8 AND 9 OF 48" WATER TRANSMISSION PIPELINE FROM SHERWOOD TO WILSONVILLE.**

**ISSUE:** Should the City approve Resolution 2009-067 awarding a construction contract to the apparent low responsible bidder to Segments 6, 7, 8 and 9 of 48" Water Transmission Pipeline from Sherwood to Wilsonville.

**BACKGROUND:** In 2005, the City adopted a Water Master Plan which details anticipated water need for the City of Sherwood. Identified within the Master Plan were options for long-term water source needs. After Council reviewed the options, they directed staff to present a ballot to the voters to consider the Willamette River as a source for the City.

Resolution 2005-055 authorized the City Recorder to publish the ballot that allows Sherwood to use Willamette River as drinking water source. This ballot was approved by voters in November 2005.

In January 2006, the City of Sherwood began working on a feasibility study of the pipeline route. This allowed the City to determine the best pipe route option and helped to decide by August 2006 that it was cost-effective to proceed. The study indicated that we needed to partner with the City of Wilsonville on Segments 2, 3, 4 and 5 to reduce costs to our citizens since these segments had already been constructed or were in the process of being constructed.

Resolution 2006-064 authorized the City Manager to enter into an Intergovernmental Agreement (IGA) with Tualatin Valley Water District (TVWD) to acquire an undivided ownership interest in a portion of TVWD's ownership interest in the Water Treatment Plant (WTP) facilities in Wilsonville Oregon. We purchased 5.0 million gallons per day (mgd) capacity of undivided interest. The cost was \$6,962,630.00.

Resolution 2007-045 authorized the City Manager to enter into an IGA with the City of Wilsonville for Segment 2 water line costs in the amount of \$598,769.00.

Resolution 2007-054 authorized the City Manager to enter into a contract with Murray, Smith and Associates (MSA) for design and construction management of the water supply improvement project.

Resolution 2009-067, Staff Report  
August 18, 2009  
Page 1 of 3



Resolution 2008-022 authorized the City Manager to enter into an IGA with the City of Wilsonville for Segment 4 water line costs in the amount of \$3,224,313.34.

Resolution 2008-023 authorized the City Manager to enter into an IGA with the City of Wilsonville for Segment 5 water line costs in the amount of \$997,058.17.

Resolution 2008-032 authorized the City Manager to enter into a contract with Emery and Sons to construct the 4.0 Million Gallon Reservoir, with Tennis Courts, Half Street Improvement on Division Street, Pump Station and 1,300 ft of 48" water transmission pipeline in the amount of \$1,208,737.00.

Resolution 2008-052 authorized the City Manager to sign on behalf of the City an intergovernmental cooperative agreement that creates the Willamette River Water Coalition (WRWC). This IGA increased the City's share of the WRWC Willamette River Permit from 5.0 mgd to 20.0 mgd.

In June 2009 the City issued an RFP to construct the Water Supply Improvement Project Transmission Pipeline based on an Engineers Estimate of \$15,410,132.72. Bids were due to the City on July 30, 2009. We received 6 bid proposals with Emery and Sons Construction, Inc. being the low responsible bidder at \$7,995,075.45.

The City's goal was to construct Segments 6, 7, 8 and 9 over a three-year period with a construction completion date of 2012. The reasoning for this duration was to defer costs to our residents over a three year period versus constructing the project all at once. Within the project scope we identified in Section 01200 – Measurement and Payment, monthly escalation and de-escalation clauses per the Oregon Department of Transportation (ODOT) guidelines and identified these items as steel pipe, asphalt and fuel. The specifics of each are as follows:

1. For Asphalt, ODOT publishes a monthly asphalt cement material price (MACMP). The Base price will be established as the MACMP for the month immediately preceding the bid opening. An adjustment factor will be applied if the MACMP is more than +/- 5% of the Base.
2. For Fuel, ODOT publishes a monthly fuel price (MFP). The Base price will be established based on the MFP for the month immediately preceding the bid opening. An adjustment factor will be applied if the MFP is more than 25% of the Base.
3. For Steel pipe, ODOT published a monthly steel materials value (MV) and Base Steel Materials Value (BV). The base price will be established as the MV for steel for the month of the bid opening. An adjustment factor will be applied if the MV is more than 10% +/- of the BV.

What this mean is if steel, fuel or asphalt prices continue to decrease, the City gets a better deal. If prices increase, then the cost to complete the project is

higher than the contract amount which could be as high as the Engineer's Estimate.

**FINDINGS:** The City has budgeted \$8.2 million dollars for constructing the first segments of this project. Based on the bid proposal that we received, it is cost effective that the project timeline be escalated to take advantage of the low steel costs and finish as many segments as our budget allows.

However, if steel prices begin to significantly increase, then City staff will reevaluate and follow the original timeline of completing the project in 2012.

To protect the City's interest, staff recommends carrying a 30% contingency in the amount of \$2,398,522.60 for a total contract of \$10,393,598.05. If cost increases look to go beyond the contingency and are more in line with the Engineer's Estimate, then staff will report findings to Council.

**RECOMMENDATION: STAFF RECOMMENDS COUNCIL AUTHORIZE THE CITY MANAGER TO AWARD A CONTRACT TO CONSTRUCT SEGMENTS 6, 7, 8 AND 9 OF 48" WATER TRANSMISSION PIPELINE FROM SHERWOOD TO WILSONVILLE.**



**RESOLUTION 2009-067**

**AWARDING A CONTRACT TO CONSTRUCT SEGMENTS 6, 7, 8 AND 9 OF 48" WATER TRANSMISSION PIPELINE FROM SHERWOOD TO WILSONVILLE**

**WHEREAS**, Resolution 2006-064 authorized the City Manager to purchase 5.0 million gallons per day (mgd) capacity of undivided interest in the Wilsonville Water Treatment Plant; and

**WHEREAS**, Resolution 2007-054 authorized the City Manager to enter into a contract with Murray, Smith and Associates (MSA) for design and construction management of the water supply improvement project; and

**WHEREAS**, Resolution 2008-032 authorized the City Manager to enter into a contract to construct Phase I of the Water Supply Improvement Project; and

**WHEREAS**, the City issued an RFP to construct the Water Supply Improvement Project Transmission Pipeline. The City received 6 bid proposals with Emery and Sons Construction, Inc. being the low responsible bidder at \$7,995,075.45, see Exhibit A, Bid Results; and

**WHEREAS**, construction bids received were lower than the Engineer's Estimate and to protect the City's interest, staff recommends carrying a 30% contingency on the project due to escalation clauses within the contract pertaining to steel, fuel and asphalt costs, in the amount of \$2,398,522.60 for a total contract of \$10,393,598.05.

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

**Section 1.** The City Manager is authorized to enter into a contract to construct Segments 6, 7, 8 and 9 of 48" Water Transmission Pipeline from Sherwood to Wilsonville.

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

**Duly passed by the City Council this 18<sup>th</sup> day of August 2009.**

---

Keith S. Mays, Mayor

Attest:

---

Sylvia Murphy, City Recorder



# EXHIBIT 'A'

Home of the Tualatin River National Wildlife Refuge

## **Bid Opening Record**

**Date** 30-Jul-09 **Time:** 2:00 PM  
**Project Name:** Transmission Pipeline  
**Owner:** City of Sherwood  
**Location** Public Works Department  
22560 SW Pine Street, 97140

Bidders Name	Contractor Prequalified	All Addenda Acknowledged	Contract or Resident Bidder	Contractor Registered w/ OCCB	All Unit & Total Prices Filled In	Total Bid Amount (\$)	Bid Signed	Bid Bond Present	First Tier Sub Form Present
Emery & Sons Construction	X	X				\$7,992,075.45	X	X	X
Kerr Contractors	X	X				\$8,111,125.55	X	X	X
Moore Excavation	X	X				\$8,780,518.25	X	X	X
Mountain Cascade	X	X				\$8,979,148.00	X	X	
James Fowler	X	X				\$9,073,641.50	X	X	X
Morgan Contracting	X	X				\$10,170,000.00	X	X	X

Engineer's Estimate      \$15.0 - \$16.0 Million

Council Meeting Date: August 18, 2009

Agenda Item: New Business

**TO:** Sherwood City Council

**FROM:** Craig Sheldon, Public Works Director

**SUBJECT: RESOLUTION 2009-068 A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TUALATIN VALLEY WORKSHOP INC. FOR PROFESSIONAL CUSTODIAL SERVICES FOR THE CITY OF SHERWOOD**

**ISSUE:** Should the city enter into a contract with Tualatin Valley Workshop Inc. to provide professional janitorial services?

**BACKGROUND:** The City of Sherwood has contracted janitorial service for several years. The past three years the City has been using a Qualified Rehabilitation Facility (QRF) per State law to provide janitorial services. The City of Sherwood was under contract with Well Springs starting in 2006 which later became Tualatin Valley Workshop Inc. during the contract period.

In July of 2009 the City solicited six QRF's for bidding of professional custodial service. Four firms attended the mandatory walk through. Two firms submitted bids; however one was turned in late and was disqualified. This contract covers janitorial, carpet cleaning, floor polishing, window cleaning and materials/products related to janitorial for the Civic Building, Public Safety Building, Public Works Building, Field house, Office Complex and Snyder Park restrooms.

**FINDINGS:** The cost has increased since 2006; however, since that last contract, we relocated from the old City Hall building to the new Civic Building and additional cleaning and material increases have occurred at the Field House due to the higher volume of users. We contacted other agencies in the area to see if we could piggy back off their contracts and found that we are either cheaper or in the range to what they are paying for the same services.

**RECOMMENDATION: STAFF RECOMMENDS COUNCIL AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TUALATIN VALLEY WORKSHOP INC. FOR PROFESSIONAL CUSTODIAL SERVICES FOR THE CITY OF SHERWOOD.**



## RESOLUTION 2009-068

### **A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TUALATIN VALLEY WORKSHOP INC. FOR PROFESSIONAL CUSTODIAL SERVICES FOR THE CITY OF SHERWOOD**

**WHEREAS**, the City of Sherwood has a need for professional custodial services; and

**WHEREAS**, State law requires that the City use a Qualified Rehabilitation Facility (QRF) for custodial services; and

**WHEREAS**, the City solicited six QRF's for custodial services and Tualatin Valley Workshop was the only firm to submit a proposal on time; and

**WHEREAS**, the City contacted other agencies and found that Tualatin Valley Workshop, Inc. was comparable in price to the agencies we contacted.

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

**Section 1.** The City Manager is authorized to enter into a contract with Tualatin Valley Workshop, Inc. for professional custodial services.

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

**Duly passed by the City Council this 18<sup>th</sup> day of August 2009.**

\_\_\_\_\_  
Keith S. Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, City Recorder

# Field House

## Monthly Report July 09

<u>July-09</u>	<u>Jul-09</u>		YTD	
<u>Usage</u>		Est. People <u>Served</u>		Est. People <u>Served</u>
	<u>Count</u>		<u>Count</u>	
Leagues	4	351	4	351
Rentals	12	432	12	432
Other (Classes)				
[1] Day Use	2	12		12
<b>Total Usage</b>		<b>795</b>		<b>795</b>

<u>Income</u>	<u>Jul-09</u>	<u>YTD</u>
Rentals	\$816.50	\$816.50
League fees (indoor)	\$5,740.00	\$5,740.00
Card fees (indoor)	\$89.00	\$89.00
Day Use	\$24.00	\$24.00
Merchandise		
Snacks	\$200.25	\$200.25
Classes		
<b>Rental collected by Finance Dept</b>		
<b>Total Income</b>	<b>\$6,869.75</b>	<b>\$6,869.75</b>

**Active Recreation happenings since the last parks board meeting.**

Youth Soccer and Football registration is over and all teams should be practicing by the second week of August.

The Youth Soccer club will be Co-Hosting the Chinook Cup Soccer Tournament with Southside and using some of our fields this will begin on August 20<sup>th</sup> and run through the 23<sup>rd</sup>.

Sherwood Junior Baseball hosted three district tournaments in the month of July.

The Classic Soccer teams held a few practice games during the month of July.

Respectfully

Lance Gilgan.

August 4, 2009



# Sherwood Public Library

*July 2009*

	<u>Current Yr</u>	<u>Past Yr</u>	<u>% Change</u>
<u>Check out</u>	<u>31,896</u>	<u>29,660</u>	<u>+7.5% (18.5% self-check)</u>
<u>Check in</u>	<u>26,015</u>	<u>24,130</u>	<u>+7.8%</u>

- New Library cards 171
- Volunteer hours 111.75 hours (19 volunteers)

## Monthly Activities

- Twenty-eight Baby, Preschool and Toddler story times (555 children and 354 adults)
- One "Read to the Dogs" program
- Library Closed for Independence Day Holiday on Saturday, July 4
- Magazine Monday (free magazine giveaway)
- 07/07 Summer Reading Program event – Victor Johnson (150 attending)
- 07/14 Summer Reading Program event – Curtis Carlyle (150 attending)
- 07/21 Summer Reading Program event – Rick Meyers (125 attending)
- 07/28 Summer Reading Program event – Heather Pearl (50 attending – VERY HOT WEATHER)
- 07/31 Library Staff Meeting

Council Report  
Fiscal Year 2009-10  
Budget to Actual as of 7/31/09

<b>General Fund</b>	Budget	Actual
Admin		
Revenue	7,127,417	222,660
Expense	615,810	72,787
Net Revenue (Expense)	6,511,607	149,873
Community Development		
Revenue	752,652	70,546
Expense	1,296,834	116,784
Net Revenue (Expense)	(544,182)	(46,237)
Police		
Revenue	352,200	8,540
Expense	4,089,209	431,283
Net Revenue (Expense)	(3,737,009)	(422,744)
Community Service		
Revenue	852,826	29,218
Expense	1,447,368	156,570
Net Revenue (Expense)	(594,542)	(127,352)
Public Works		
Revenue	117,577	14,955
Expense	1,011,723	84,542
Net Revenue (Expense)	(894,146)	(69,587)
<b>General Construction</b>		
Revenue	833,020	300,283
Expense	925,273	18,414
Net Revenue (Expense)	(92,253)	281,869
<b>Water</b>		
Operations		
Revenue	6,748,590	255,260
Expense	2,780,240	100,752
Net Revenue (Expense)	3,968,350	154,508
Capital		
Revenue	16,488,633	423,457
Expense	20,268,561	5,838
Net Revenue (Expense)	(3,779,928)	417,620

Council Report  
Fiscal Year 2009-10  
Budget to Actual as of 7/31/09

**Sanitary**

Operations		
Revenue	499,705	56,874
Expense	499,981	20,007
Net Revenue (Expense)	(276)	36,867
Capital		
Revenue	948,860	3,433
Expense	716,910	21,728
Net Revenue (Expense)	231,950	(18,294)

**Storm**

Operations		
Revenue	1,362,603	96,612
Expense	1,341,581	47,386
Net Revenue (Expense)	21,022	49,226
Capital		
Revenue	151,730	1,467
Expense	204,606	5,806
Net Revenue (Expense)	(52,876)	(4,339)

**Street**

Operations		
Revenue	1,103,500	85,624
Expense	1,117,207	57,060
Net Revenue (Expense)	(13,707)	28,564
Capital		
Revenue	2,155,750	155,730
Expense	3,896,714	(35,029)
Net Revenue (Expense)	(1,740,964)	190,759

**Telecom**

Revenue	325,000	11,902
Expense	340,316	9,401
Net Revenue (Expense)	(15,316)	2,501

**URA**

Revenue	11,439,502	52,391
Expense	11,258,317	20,484
Net Revenue (Expense)	181,185	31,907



**SHERWOOD POLICE DEPARTMENT**

**MONTH END REPORT**

**JULY**

**2009**

**INCIDENT AND CUSTODY  
PART I INDEX**

	<u>JULY</u>	<u>YTD</u>	<u>2008</u>
01 <u>HOMICIDE</u>			
1 MURDER	0	0	0
2 TRAFFIC DEATH ARRESTS	0	0	0
02 <u>RAPE (FORCIBLE)</u>			
1 FORCIBLE	0	0	0
2 ATTEMPT RAPE-FORCE	0	0	0
03 <u>ROBBERY</u>			
1 BUSINESS	0	0	0
2 BANK	0	0	0
3 RESIDENCE	0	0	0
4 PERSON	0	1	0
04 <u>AGGRAVATED ASSAULT</u>			
1 AGGRAVATED	0	2	1
2 ATTEMPTED MURDER	0	0	0
05 <u>BURGLARY</u>			
1 RESIDENCE	1	7	17
2 BUSINESS	0	5	6
3 OTHER STRUCTURE	0	3	1
4 ATTEMPTED BURGLARY	0	1	5
06 <u>LARCENY</u>			
1 SHOPLIFT	2	21	34
2 FROM MOTOR VEHICLE	6	21	28
3 MOTOR VEHICLE PARTS	0	1	10
4 BICYCLES	3	8	7
5 BY DECEPTION	2	2	1
6 OF SERVICES	1	5	11
7 ALL OTHERS	6	48	70
07 <u>MOTOR VEHICLE THEFTS</u>			
1 AUTOMOBILES	0	1	4
2 TRUCKS AND BUSES	0	0	1
3 MOTORCYCLES	0	0	0
4 OTHER VEHICLES	0	0	1
08 <u>ARSON</u>	0	0	2

**PART 2 INDEX**

09 <u>SIMPLE ASSAULT</u>	4	16	18
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	<u>JULY</u>	<u>YTD</u>	<u>2008</u>
10 <u>FORGERY/COUNTERFEIT</u>			
1 CHECK	0	0	6
2 CREDIT CARD	0	0	1
3 CURRENCY	0	0	1
11 <u>FRAUD</u>			
1 CHECK	0	4	8
2 CREDIT CARD	0	7	18
3 OTHER	0	6	16
12 <u>EMBEZZLEMENT</u>	0	0	2
13 <u>STOLEN PROPERTY</u>	0	0	0
14 <u>VANDALISM</u>	8	55	89
15 <u>WEAPONS LAWS</u>			
1 POSSESS ILLEGALLY	0	1	1
2 CARRY CONCEALED	0	0	2
3 EX-CONVICT IN POSSESSION	0	0	0
4 OTHER	0	1	3
16 <u>SEX CRIMES</u>			
1 NON-FORCIBLE RAPE	0	5	2
2 CONTRIBUTING	0	0	0
3 PHYSICAL MOLEST	1	4	4
4 OBSCENE PHONE CALLS	0	0	0
5 INCEST	0	0	0
6 EXPOSER	0	0	1
7 SODOMY	0	0	0
8 OTHER	0	2	6
17 <u>DRUG LAW</u>			
1 POSSESSION	1	29	45
2 DISTRIBUTING	0	0	2
3 MANUFACTURING	0	1	1
4 DRUG OVERDOSE	0	3	0
18 <u>OFFENSE AGAINST FAMILY</u>			
1 CHILD NEGLECT	0	3	1
2 CUSTODIAL INTERFERENCE	0	0	0
3 FAMILY DISTURBANCE	4	21	27
4 PHYSICAL ABUSE	0	1	3
5 RESTRAINING ORDER VIOLATION	0	6	5
6 ATTEMPTED SUICIDE	0	1	3
7 OTHER	5	27	9

	<u>JULY</u>	<u>YTD</u>	<u>2008</u>
19 <u>TRAFFIC CRIMES</u>			
1 D.U.I.I.	8	55	78
2 HIT AND RUN	0	0	3
3 RECKLESS DRIVING	0	1	7
4 ATTEMPT TO ELUDE	0	1	3
5 D.W.S.	1	18	38
6 FAILURE TO DISPLAY ODL	0	0	2
7 RECKLESS ENDANGERING	0	0	2
8 OTHER TRAFFIC CRIMES	2	3	9
9 WARNING TRAFFIC STOPS	266	2037	2779
10 MUNICIPAL COURT CITATIONS	255	1792	2600
11 JUSTICE COURT CITATIONS	0	28	91
12 CIRCUIT COURT CITATIONS	9	103	191
20 <u>LIQUOR LAWS</u>			
1 MINOR IN POSSESSION	3	21	29
2 FURNISHING	0	1	3
21 <u>DISORDERLY CONDUCT</u>	4	7	2
22 <u>KIDNAPPING</u>	0	0	0
23 <u>ALL OTHER</u>			
1 TRESPASS	2	14	10
2 BOMB THREAT	0	0	3
3 SHOOT IN PROHIBITED AREA	0	0	0
4 ANIMAL ORDINANCES	0	0	2
5 HARASSMENT	5	30	22
6 HARASSING PHONE CALLS	1	10	14
7 MENACING	0	3	5
8 CIVIL DISTURBANCE	0	2	0
9 OTHER	1	18	30
24 <u>CURFEW</u>	0	23	18
25 <u>RUNAWAY</u>			
1 RUNAWAY	1	19	26
2 FOUND RUNAWAY	0	12	6

### **PART 3 INDEX**

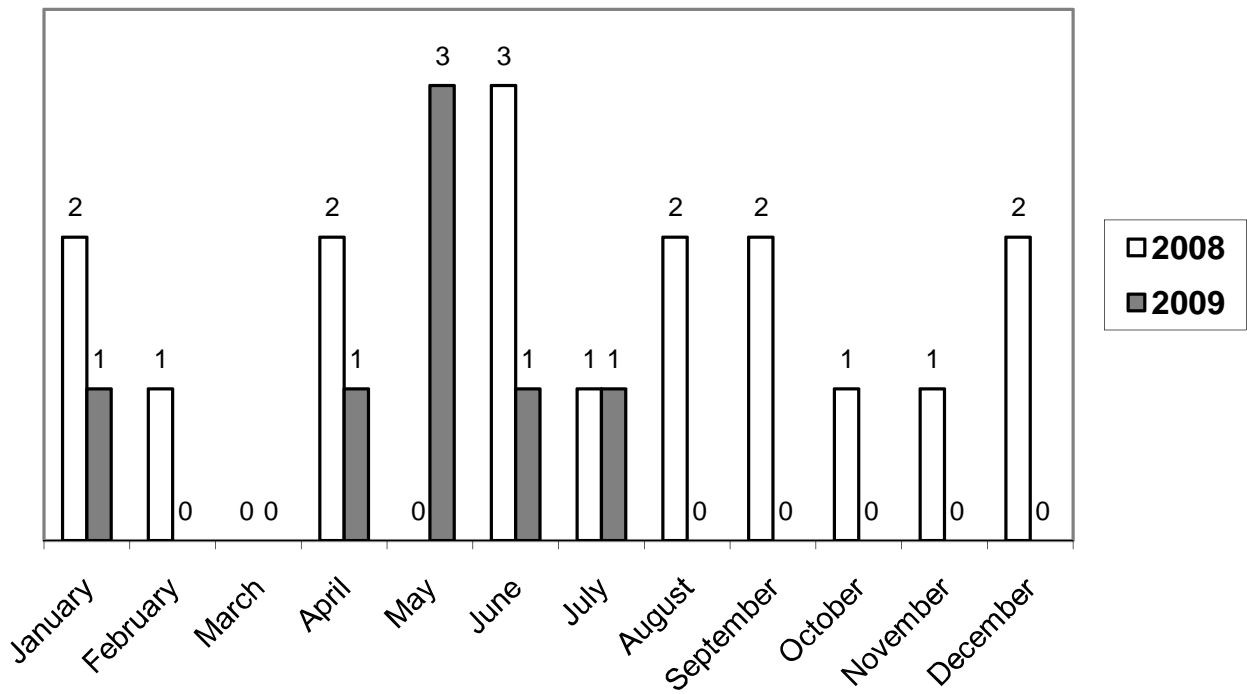
26 <u>CUSTODY</u>			
1 DETOX	0	12	16
2 MENTAL	3	21	24
27 <u>WARRANTS</u>	2	32	102

	<u>JULY</u>	<u>YTD</u>	<u>2008</u>
28 <u>MOTOR VEHICLES RECOVERED</u>	0	1	4
29 <u>PROPERTY RECOVERED</u>			
1 STOLEN	0	0	3
2 FOUND	6	20	33
30 <u>OFFICER ASSAULT</u>	0	0	0
31 <u>ORDINANCE VIOLATIONS</u>			
1 ORDINANCE VIOLATION CITES	17	39	35
2 TOWED VEHICLES	4	188	341
32 <u>MOTOR VEHICLE ACCIDENTS</u>			
1 FATAL	0	0	0
2 INJURY	2	13	16
3 NON INJURY	8	50	61
4 HIT AND RUN	0	18	26
 <b><u>MISCELLANEOUS CALLS FOR SERVICE</u></b>			
33 <u>SECURITY</u>			
1 FALSE ALARMS	3	30	101
2 SECURITY CHECKS	107	845	848
3 PROWLER	0	0	0
4 NIGHT EYES	66	360	64
5 OTHER	52	390	284
34 <u>PERSONS</u>			
1 JUVENILE PROBLEMS	1	7	2
2 MISSING PERSON	1	3	6
3 MOTORIST ASSIST	45	152	246
4 UNWANTED	0	3	2
5 ASSIST	146	850	1375
7 OTHER	8	113	71
35 <u>SUSPICIOUS</u>			
1 CIRCUMSTANCES	96	463	593
2 PERSONS	102	732	910
36 <u>OUTSIDE AGENCY ASSIST</u>			
1 KING CITY POLICE	0	8	11
2 TUALATIN POLICE	6	39	43
3 TIGARD POLICE	1	5	10
4 WA. CO. SHERIFF	3	28	48
5 OTHER	5	24	42

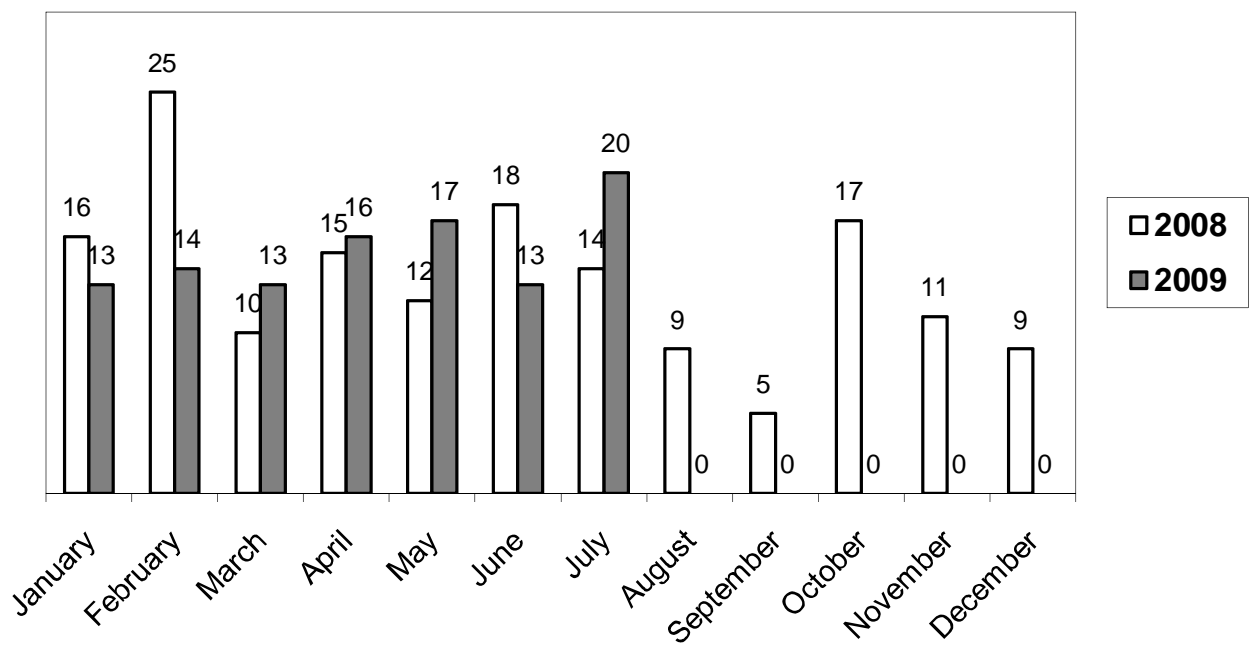


	<u>JULY</u>	<u>YTD</u>	<u>2008</u>
37 <u>AGENCIES ASSISTING SHERWOOD</u>			
1 KING CITY POLICE	1	6	8
2 TUALATIN POLICE	2	17	17
3 TIGARD POLICE	0	3	5
4 WA. CO. SHERIFF	0	5	12
5 OTHER	0	3	9
38 <u>TRAINING HOURS</u>	0	244.75	902.25

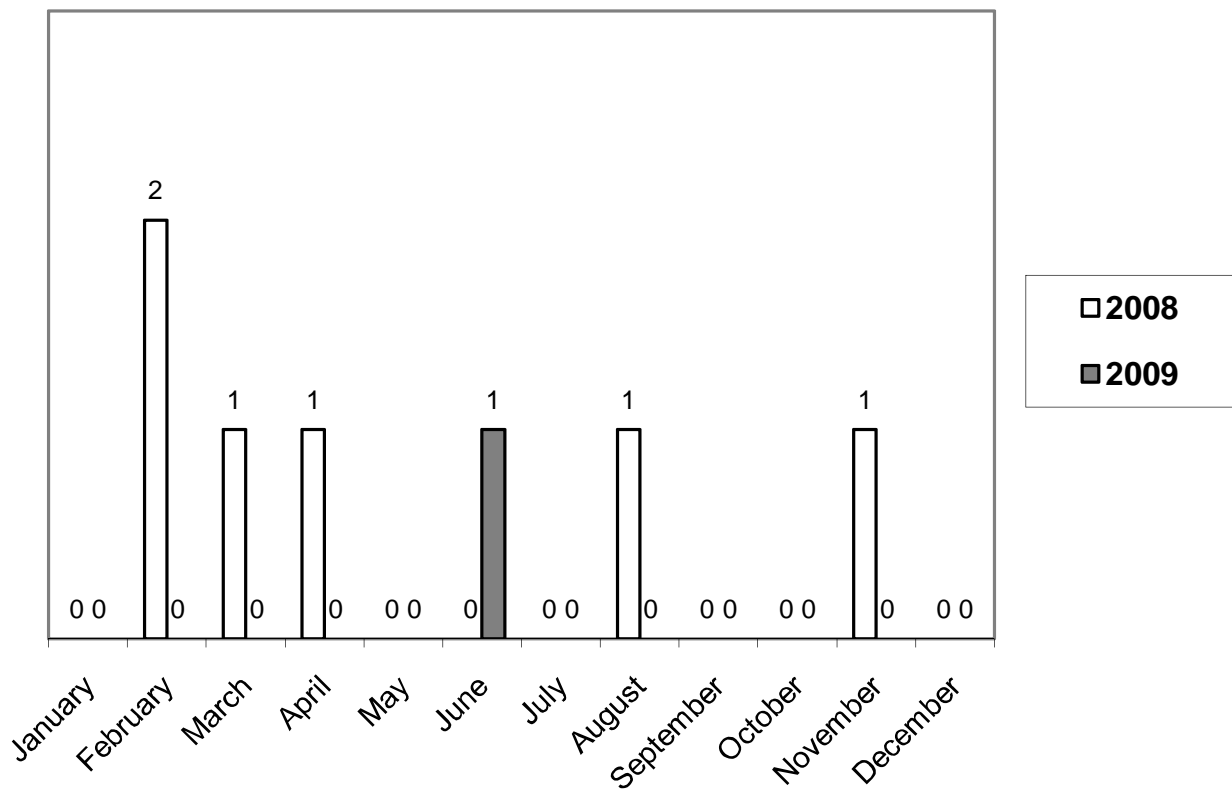
### City of Sherwood Residential Burglaries 2008 & 2009



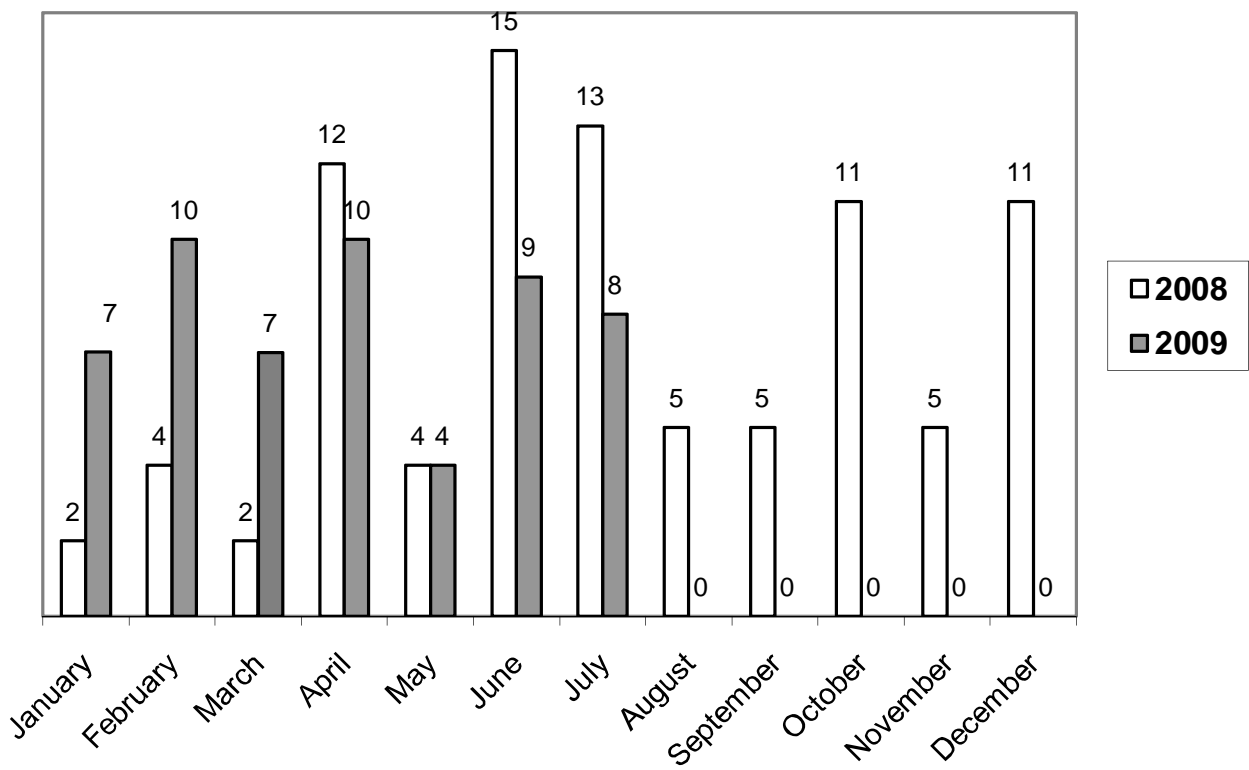
**City of Sherwood  
Larcenies  
2008 & 2009**



**City of Sherwood  
Motor Vehicle Thefts  
2008 & 2009**



**City of Sherwood  
Vandalisms  
2008 & 2009**



Sherwood City Council Meeting

Date: 08.18.09

List of Meeting Attendees: ✓

Request to Speak before Council Forms: ✓

Documents submitted at meeting: ~~None~~

Executive Session:

letter from City Attorney, dated August 17, 2009  
re: Summary of Willamette River Issues -  
Exempt Public Record - not for Disclosure

Sherwood City Council Meeting Date:

August 18, 2009

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# ATTENDANCE SHEET

NAME	ADDRESS	PHONE
Ned Shannon	23997 S.W. Red Fern	625-9114
Ned Shannon	20275 SW Pacific Hwy	625-7469
James Farr II	23296 SW William Ave.	625-0367
James Farr III	" "	" "
Mackenzie Bradley	20470 SW Mtn. Home Rd.	628-1417
DAVID DAHLE	15661 HARVESTER LANE	503-290-7355
Mike Grosso	20712 SW Trailblazer Pl.	503-625-9397
Dewaan Family	23655 Delano's Pl	625-3241
Luz Dodson	23665 SW Brittany Ln	625-1230
JANET Hinesley	21569 SW Clenco Ct	625-6881
Dillon Hinesley		
Adolf Eppel	24616 S.W. Ladd Hill Rd.	625-7626
FRAN GREALISH		475-8107
Debi Grealish		708-6446
Murleen Mandel	18550 SW Edy Sherwood OR	503 625-6896

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August 18, 2009

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# ATTENDANCE SHEET

NAME	ADDRESS	PHONE
John Monroe	14407 SW Ayresley NANTJMD	473-2970
Cindy Monroe	"	"
Melissa Goschke	17395 SW 105 <sup>th</sup> Ave Tualatin	885-0179
JAY PAGULIDAWAN	4744 MASTERS DR. NEWBERG, OR	538-9463
Dale Hatfield	21015 SW Lebeca Sherwood	625 4823
Marrella Hatfield	"	" "
Cindy VanderZanden	14215 SW McKinley Sherwood	6257017
Amy VanderZanden	"	"
Casey Coleman	20675 SW Lebeca Rd	625-4320
Dylan Coleman	"	"
Bob Coleman	"	"
Verna Coleman	"	"
Ben Coleman	"	"
The Munro Family	27154 NW Sir Lancelot LN	503-625-9392
L. Tom McCloskey	22942 SW Pine CA	" 16185



August 18, 2009

Pg 3 of 7

# ATTENDANCE SHEET

NAME

ADDRESS

PHONE

Annie Fuchs	14996 SW Summerview Twp	503 348 4154
Carol Roos	15165 NE Cullen Rd Newberg	503-854-0631
Don Fuchs	11003 Prestwick Court	503-682-0168
Pat Fuchs	339 NE 10th Ave	503-997-6551
Louis Schwab	15858 SW Baker City	503 781 1314
Joe Adams	15432 SW 114th St Tigard	(503) 598-3869
Reta Labrosse	25666 SW Tebbene Rd Sh	503 628 6033
Dave + Betsy Sorensen Michael + Emily Sorensen	22579 SW Saunders Dr, Sherwood	503-625-6747
John Feleciaro	11076 SW Patwin Ct, Tualatin, 97062	503-784-8976
Gary Pede	31625 NE Cedar Sherwood	503-522-6016
Pam Rinella	17700 SW Gearhart Dr Beaverton 97007	503 644 2586
Matt Rinella	" " "	" " "
BREAN FIDELL	21760 SW ALEXANDER LN SHRWD 97140	503-610-1100
RALPH MOORE	14656 SW MAJORDAK DR SHRWD	503-625-1268

Sherwood City Council Meeting Date:

August 18, 2009

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# ATTENDANCE SHEET

NAME

ADDRESS

PHONE

Le Roy Nolle	14776 SW Willamette	503 625 5111
W & Rosary Contractors	P.O. Box 1013 Sherwood	503 625 6853
RAFAEL DIAZ	23243 SW MANFRED ST	503 625 8085
Andy Leslie Nicholas Pohl	Sherwood	625 6827
Laura Larsen	10677 SW Edgewood Ct Wilsonville OR	503 570 1134
Wes Freedman	21621 SW Mulella Ct Tualatin OR 97062	503-539-0961
Bill Erickson	24970 SW Neill Rd Sherwood Or. 97140	503-628-2735
Jeanie Cronan	17197 S.W Smith Lane Sherwood, OR 97140	503-625-5619
K. Gavin	Sherwood	
Melange Gavin	"	
Mary Beth Bowman	23523 SW McLoughlin Ct. Sherwood	503-925-8705
Todd Bowman	"	"
TERRI WILSON	Sherwood	

Sherwood City Council Meeting Date:

August 18, 2009

pg 5 of 7

# ATTENDANCE SHEET

NAME

ADDRESS

PHONE

Kim Mooers	14056 SW Major Oak Dr	503 625 1248
Jane Inouy	18154 SW Huckleberry	503 825 1949
Amanda Reed	12975 SW Oxalis	503 887 9810
Steven Doodle	15381 SW Sunset Blvd	503 8975 8758
Jim Vanzon	15336 SW Disappointment <sup>Sherwood</sup> Dr	503 625 4569
Michael Caryano	23254 SW Cascade Pl <sup>Sherwood</sup> OR	503 625 3733
Burt Mooney	15116 SW BARNSBORO DR	503 625 2057
Jamie: Carl Ruggies	28734 SW Shadygrove Dr - Sherwood	503 625 2181
Insha & Paul Leary	19091 SW Edna Rd Sherwood	503 610 1376
Brandon Peters	22341 SW Bushong Terr <sup>Sherwood</sup>	503 925 0501
Cece Peters	22341 SW Bushong Terr	503 925 0501

August 12, 2009  
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# ATTENDANCE SHEET

NAME

ADDRESS

PHONE

Mark Cowan	17914 SW Mandel	625-9084
LOUI OLIVER	17683 Woodhaven Dr	625-9426
Val Roca	22086 SW 107 Thabtim	691-0253
BRYAN LEACH	652 WILSHIRE CT. <sup>NEWBERG</sup>	554-0244
Kay Erwert	4918 Masters Dr <sup>Newberg</sup>	975-2243
JAMES ALYDEN	16250 SW Palermo Ln. <sup>TIGARD</sup>	590-0279
Nick Lango	2035 SW Baler Wy Sherwood	625-6376
Matt Lango	2035 SW Baler Wy Sherwood	625-6376
Celine Watson	23905 SE Brittany Ln SHERWOOD	625-0647
Robert Brewer	17593 SW Inkster Sherwood	610-1441
Joe Bonawitz & Family	22779 SW Martin Ct Sherwood	625-5767



Sherwood City Council Meeting Date:

August 18, 2009  
pg 787

## ATTENDANCE SHEET

NAME

ADDRESS

PHONE

Therese Solibais	9835 SW Killarney Ln Tualatin 97062	503 691-5786
Len Morelli	10992 SW Nelson ST Tualatin 97062-8157	503 885-1157
Nick + Morris Fisher	21540 SW Tebischer Rd Sherwood, OR 97140	(503) 610-1566
Patricia Hidalgo	17109 SW Green Heron Dr Sherwood	625-0587
Rick & Amber Lementeria	17210 SW Green Heron Dr Sherwood	625-5124
Tim Voorhes	PO Box 908 Sherwood	625 5507

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\*\*\*\*\*

*I have read and understood the Rules for Meetings in the City of Sherwood.*

Name: Larry Lazo Date: 8/18/09

Address: 14335 NE Spring Creek Lane Newberg

Telephone: (503) 538-3322

**I would like to speak to the Council regarding:**

Subject: St. Francis School Gym Expansion

If you want to speak to Council about more than one subject, ~~please submit a separate form for each item.~~

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\*\*\*\*\*

*I have read and understood the Rules for Meetings in the City of Sherwood.*

Name: Valene Rice Date: 8/

Address: 22086 SW 107th Ave Tualatin

Telephone: 641 6353

**I would like to speak to the Council regarding:**

Subject: ST FRANCIS

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\*\*\*\*\*

***I have read and understood the Rules for Meetings in the City of Sherwood.***

Name: ANDREW RILEY Date: 8-18-09

Address: 22036 SW 107<sup>TH</sup> AVE, TUALATIN OR

Telephone: 691-0253

**I would like to speak to the Council regarding:**

Subject: ST. FRANCIS LAND USE Application

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\*\*\*\*\*

*I have read and understood the Rules for Meetings in the City of Sherwood.*

Name: John Monroe Date: 18 Aug 09  
Address: 14407 SW Anstey Way (near) SE 7224  
Telephone: 503 473-2978

**I would like to speak to the Council regarding:**

Subject: St Francis Church propose Gymnasium

I Am in support of the Gym.

If you want to speak to Council about more than one subject, please submit a separate form for each item.

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*I have read and understood the Rules for Meetings in the City of Sherwood.*

Name: DAVID DAHLE Date: 8/18/09

Address: 15661 HARVESTER LANE

Telephone: 503 2904735

**I would like to speak to the Council regarding:**

Subject: City Council Highlight Reel.

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*I have read and understood the Rules for Meetings in the City of Sherwood.*

Name: R. CLARK

Date: Aug 18 2009

Address: Sherwood

Telephone: N/A

**I would like to speak to the Council regarding:**

**Subject:**

Community Comment

If you want to speak to Council about more than one subject, please submit a separate form for each item.

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*I have read and understood the Rules for Meetings in the City of Sherwood.*

Name: Susan Clough

Date: Aug 18th 09

Address: Sherwood

Telephone: N/A

I would like to speak to the Council regarding:

Subject: Community Comment

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\*\*\*\*\*

*I have read and understood the Rules for Meetings in the City of Sherwood.*

Name: Tim Voorhies Date: Aug 18 09  
Address: PO Box 908  
Telephone: 503-625-5507

**I would like to speak to the Council regarding:**

Subject: Utilities

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*I have read and understood the Rules for Meetings in the City of Sherwood.*

Name: Eugene Stewart Date: 8/18/09

Address: PO Box 534

Telephone: 503-625-8072

**I would like to speak to the Council regarding:**

Subject: Downtown Association

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***I have read and understood the Rules for Meetings in the City of Sherwood.***

Name: Leroy Vollette Date: 9/18/04  
Address: ~~14776 SW Wilkerson~~ 14776 SW Wilkerson  
Telephone: 503 625 5114

**I would like to speak to the Council regarding:**

Subject: ST. Francis

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***I have read and understood the Rules for Meetings in the City of Sherwood.***

Name: Bill Parietti Date: 8/18/09

Address: 20183 S.W. 71st Ave TUALATIN

Telephone: (503) 692-0516

**I would like to speak to the Council regarding:**

Subject: SF. FRANCIS LAND USE Application

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*I have read and understood the Rules for Meetings in the City of Sherwood.*

Name: Mike Ross Date: 8/18/2009  
Address: 15165 NE Cullen Rd  
Telephone: 503 554-0631

**I would like to speak to the Council regarding:**

Subject: St. SPANKIS LAND USE Application

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**Please give this form to the City Recorder prior to you addressing City Council. Thank you.**

# Approved Minutes



## **SHERWOOD CITY COUNCIL MINUTES**

### **August 18, 2009**

#### **EXECUTIVE SESSION**

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 5:35pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Heironimus, Councilors Dave Grant, Linda Henderson, Del Clark and Robyn Folsom. Councilor Lee Weislogel was absent.
3. **STAFF & LEGAL COUNSEL PRESENT:** City Manager Jim Patterson, Public Works Director Craig Sheldon, Economic Development Manager Tom Nelson and City Recorder Sylvia Murphy. City Attorney Jack Hammond.
4. **TOPICS DISCUSSED:** Water. The City Recorder read the following statement:  
  
*The Sherwood City Council will meet in Executive Session for the purpose of discussing confidential written advice from legal counsel which are exempt from public inspection pursuant to ORS 40.225, ORS 192.6360(2)(f) and ORS 192.502(9). Representatives from the news media and designated staff shall be allowed to attend the Executive Session all other members of the audience are asked to remain in the community room. Representatives of the news media are specifically directed not to report on any deliberations during the Executive Session except to state the general subject of the session as previously announced. No decisions shall be made in Executive Session. At the end of the session Council will return to open session.*
5. **ADJOURNED:** Mayor Mays adjourned the Executive Session at 6:08pm and convened to an Urban Renewal Agency Board work session. See URA Records for the work session minutes.

#### **REGULAR CITY COUNCIL MEETING**

1. **CALL TO ORDER:** Mayor Keith Mays called the City Council meeting to order at 7:09pm.
2. **PLEDGE OF ALLEGIANCE AND ROLL CALL:**
3. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Heironimus, Councilors Dave Grant, Linda Henderson, Del Clark and Robyn Folsom. Councilor Lee Weislogel was absent.
4. **STAFF PRESENT:** City Manager Jim Patterson, Police Chief Jeff Groth, Public Works Director Craig Sheldon, Community Development Director Tom Pessemier, Economic Development Manager Tom Nelson, Accounting Supervisor Julie Blums, Emergency

Management Coordinator Skip Booren, Associate Planner Michelle Miller and City Recorder Sylvia Murphy.

Mayor Mays addressed the Consent Agenda and asked for a motion.

## **5. CONSENT AGENDA:**

### **A. Approval of August 4, 2009 City Council Meeting Minutes**

**MOTION: FROM COUNCIL PRESIDENT DAVE HEIRONIMUS TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR DAVE GRANT. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR.**

Mayor Mays addressed the next agenda item.

## **6. PRESENTATIONS:**

- A. Recognition of the Scout Achievements**
- B. Recognition of Student Achievements**

Mayor Mays called forward Mackenzie Bradley for achieving the Girl Scout Gold Award. Mayor Mays stated the Gold Award is the highest award for girls 14-18 years of age and they must complete a project that fulfills a need within the community and creates change. It encompasses leadership and networking skills. Mayor Mays asked Mackenzie to explain her project. Mackenzie informed Council she recognized a need within her high school that addressed the environment and physical fitness. She organized and coordinated a "Bike to School Day" for the high school. They had over 95 participants with the farthest distance traveled of over 40 miles. Mackenzie measured the success of her project by taking a sampling of students bicycling everyday for a week and said the number increased by over 300%. Mayor Mays presented Ms. Bradley with a Certificate of Achievement.

Mayor Mays called forward Dillon Hinesley a recipient of the Eagle Scout Award. Mayor Mays stated to be able to receive the rank of an Eagle Scout boys must progress through several ranks and earn 21 merit badges, serve six months in a troop leadership position, plan, develop and provide leadership to a service project for a religious community organization or a school, take part in a scout masters conference and successfully complete an eagle scout board of review. Dillon informed Council his project consisted of contacting Jim Haynes and the Sherwood United Methodist Church and coordinating fundraising and orchestrating a First Aid and CPR training class for staff and volunteers at the church as they deal with children and elderly people. Dillon informed Council he put in approximately 200 hours and his support group of about 100 people worked another 200 hours. The total project hours with everyone involved was about 700-800. Mayor Mays presented Dillon with a Certificate of Achievement.

The City Council recognized high school students for achieving a perfect 4.0 GPA for the 2008-09 school year and called the students forward and presented individuals with a Certificate of Achievement.

Mayor Mays addressed the next agenda item.

## **7. NEW BUSINESS**

### **A. Resolution 2009-065 Authorizing the City Manager to enter into an Intergovernmental Agreement, the Oregon Public Works Emergency Response**

## **Cooperative Assistance Agreement with multiple local County and State Government Agencies**

Skip Booren Emergency Management Coordinator came forward and explained the resolution will renew an agreement and stated the agreement will allow the City to work with other public works agencies around the state in emergency situations. Skip stated having these agreements in place are very valuable when receiving FEMA reimbursement. Skip explained there is no upfront cost to the City to enter into this agreement.

Mayor Mays asked for Council questions, with none heard he asked for a motion.

**MOTION: FROM COUNCILOR DAVE GRANT TO ADOPT RESOLUTION 2009-065, SECONDED BY COUNCIL PRESIDENT DAVE HEIRONIMUS. ALL COUNCIL MEMBERS VOTED IN FAVOR.**

Mayor Mays addressed the next agenda item.

### **B. Resolution 2009-066 a Resolution of the Sherwood City Council certifying the Explanatory Statement to be included in the Voters Pamphlet concerning the PGE Annexation of 34.2 acres to the City**

Michelle Miller Associate Planner explained staff brought forward a few weeks back legislation to approve placing the annexation on the ballot and staff is now bringing forward the Explanatory Statement for approval. Michelle informed Council Exhibit 1 has a scribes error on page 1 of the exhibit, third line from the bottom, the sentence should read: "Approximately, six acres will be able to be developed for light industrial purposes due to limits on development under PGE and BPA power lines".

Michelle explained the location of the annexation as two tax lots owned by PGE and brought into the UGB by Metro in 2002. The area will extend from Tualatin-Sherwood Road to 99W, just south of Home Depot, 6 acres are developable and the substation will remain.

Mayor Mays asked for Council questions, with none heard he asked for a motion.

**MOTION: FROM COUNCIL PRESIDENT DAVE HEIRONIMUS TO ADOPT RESOLUTION 2009-066, SECONDED BY COUNCILOR DEL CLARK. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR.**

Mayor Mays addressed the next agenda item.

### **C. Resolution 2009-067 Authorizing the City Manger to enter into a contract for construction of Water Transmission Pipeline from Sherwood to Wilsonville**

Craig Sheldon Public Works Director came forward and explained this contract is for construction of segments 6, 7, 8 & 9, roughly from Aldergrove and Sunset to Baker Road and out Baker Road to roughly Westfall and Tooze. Craig stated staff prequalified the contractors and had 6 bidders and said the actual engineers estimate was \$15.4 million and bids came in at \$7,992,075 and staff is asking for a 30% contingency for a total of \$10,393,598.

Mayor Mays stated he was excited with the low bids and said there are other segments still to come. Mayor Mays asked for Council questions. With none heard he asked for a motion.

**MOTION: FROM COUNCILOR DEL CLARK TO ADOPT RESOLUTION 2009-067, SECONDED BY COUNCILOR LINDA HENDERSON. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR.**

Mayor Mays addressed the next agenda item.

**D. Resolution 2009-068 Authorizing the City Manager to enter into a contract for custodial Services with Tualatin Valley Workshops Inc.**

Craig Sheldon Public Works Director came forward and stated government agencies are required by state law to use a QRF for janitorial services. The City went out to bid and received 6 or 7 QRF bids. The contract is a three year contract and the City has been using this company since 2006 with no increase in charges when City offices moved from the previous City Hall to the new building.

Mayor Mays asked for Council questions, with none heard he asked for a motion.

**MOTION: FROM COUNCILOR LINDA HENDERSON TO ADOPT RESOLUTION 2009-068, SECONDED BY COUNCIL PRESIDENT DAVE HEIRONIMUS. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR.**

Mayor Mays addressed the next agenda item.

**8. CITY MANAGER REPORT:**

City Manager Patterson stated tomorrow is the final Music on the Green concert and thanked Community Services Director Kristen Switzer for all her work in preplanning this event and thanked Olivia Cashman for filling in while Kristen has been on maternity leave. Mr. Patterson thanked the Public Works department for all their work in putting on this event.

Mayor Mays thanked staff, the Council and Budget Committee for their support of the concert series this year and stated in challenging time free or low cost community events are fantastic.

City Manager Patterson added although the City did not have a title sponsor this year, we still had a very large list of sponsors and vendors.

**9. CITIZEN COMMENTS:**

Mayor Mays stated there are a large number of people representing St. Francis Church in the audience and asked if they had similar comments to have one speaker representing the group come forward.

Andrew Rice 22086 SW 107<sup>th</sup> Ave., Tualatin came forward and stated he is a member of St. Francis parish and thanked the Council for the opportunity to speak and thanked the St. Francis supporters. Mr. Rice stated he is here to provide comments regarding the St. Francis land application. Mr. Rice provided an aerial photo of the church property and stated he was frustrated with the land use application process. Mr. Rice informed Council in 2003 the church came to the City for approval to build a catholic school, gymnasium and play field and during August of 2004 they opened K-8 school and are now asking for approval to build the gym. Mr. Rice stated city staff has place many conditions on the gym project and the economic burdens will likely cause the church to delay the project. Mr. Rice stated in an initial meeting with city staff in early June, it was apparent to him that staff had sights on the church property. At this initial meeting city staff requested the church give their private

driveway to the city and said they had the ability to take the driveway under city rules. Shortly after this meeting Father McCarthy saw an individual on the church property installing a camera on a light post, when approached the individual would not provide his name, who he worked for or what he was doing and he was in an unmarked vehicle. Mr. Rice stated the Sherwood city attorney confirmed someone on city staff authorized this person to trespass on church property and install the camera. Mr. Rice stated this event confirmed our initial concern that we would not be treated fairly and with respect. Shortly after this city staff finalized their staff report, the report included various conditions placed on us in order to build the gym. Based on the time needed to explain all the conditions, Mr. Rice stated he would present the four most egregious conditions and said if these conditions prevail it would place a significant economic burden on the parish and their project would have to stop or delay it for the foreseeable future. Mr. Rice stated they prepared a detailed response to the city staff report and stated it was ignored and said the Hearings Officer stated "the applicant has raised a number of significant issues that deserves the city's serious attention" and requested the city respond accordingly, to this day staff has not heeded this advise.

Mr. Rice explained the four most financially burdensome conditions as: Tree mitigation, southwest Adams St. dedication, private road dedication and access to our old hall. Mr. Rice stated in regards to the tree mitigation, we need to cut down some trees to build the gym and to relocate a displaced parking lot. City code requires us to mitigate the trees we cut down and because we can't replant the trees on our already heavily treed lot staff recommends we pay approximately \$100,000 for the park system to plant the trees otherwise, alternatively staff said we could buy the trees and plant throughout the city. We received a bid for this which came in at \$196,000. The city code states tree mitigation "may be required" and not will be required. We pointed out to staff that our original 2003 application did not require the mitigation of trees and we pointed out there is a Federal Religious Land and Institutionalized Persons Act which prohibits city's from enforcing city provisions against religious entities if the provisions impose a substantial burden on the religious organization and based on these amounts, these are a substantial economic burdens on our parish. To date the only response we have had from staff is them providing alternative locations for us to purchase and plant trees and at no time has the city staff addressed if the federal law applies or whether our 2003 application which did not provide for the mitigation of trees would also apply. Mr. Rice stated a section of city code they believe is troublesome is that the code doesn't provide for any growth, if you cut a 1" tree down you have to replace it with a 1" tree and you have to make sure it lives for 5 years and said trees in Oregon grow well and maybe this is code you need to work on.

Mr. Rice stated in regarding to the SW Adams St. dedication we are fully aware of the city's desire for the development of the new SW Adams St. and the SW Oregon roadway, we understand Oregon senators had added a \$2 million federal appropriation for these improvements. Recently the city approached our neighbors, the New Life Church and Billet to discuss the purchase of additional land for the construction of these roadways, however since we have applied to build our gym we must give our land to the city, furthermore the gym we intend to build is not located on the lot you're asking for in land dedication, it's eight acres away. We understand development impacts the city street system and we must share in the cost of this impact this is referred to as rough proportionality and the courts have interpreted this to be mathematical and my understanding is that this burden, approving rough proportionality, resides solely on the city and is generally determined through traffic studies. Over the years we have made various dedications to the city for the SW Adams improvements, to date we have dedicated a 30 foot strip along our entire two tax lots totaling almost 40,000 square feet, in addition during our 2003 application we dedicated another 16,000 feet and paid the city \$33,000 in traffic impact fees, together the total value of land and fees paid is approximately \$800,000 and from our perspective this \$800,000 of value is

not roughly proportionate to the impact to the city street system for the current 171 students we have in our school. The city has not addressed the burden of proving rough proportionality. Under our current application city staff is requiring we give an additional 9000 square feet or approximately 137,000 of land to accommodate design changes made to SW Adams St. and Oregon St. at the railroad tracks.

Mr. Rice addressed Mayor Mays and said he believes the Mayor made comments in 2008 at a planning commission meeting regarding whether the current SW Adams St. design was going to cross over the railroad tracks or not and at that time in those meeting minutes it appears that it was still unclear whether the state would allow. We believe in this instance the city has changed the road design so much that we should not be expected to dedicate any additional land to build our gym, had we not submitted the land application the city would have had to purchase any additional land from us.

Mr. Rice stated in regards to our private road, we have a private road to access our property and want to keep it private because of safety concerns. During our initial meeting with city staff it was apparent that the city wants this private drive. Staff has repeated this is part of the current TSP and our review of the TSP shows no reference to our private driveway or tax lots, any dedication of our private driveway would require us to improve the road to city standards costing us hundreds of thousands of dollars, if required this dedication would place significant economic burden on us and prevent our development plans.

Mr. Rice stated in regards to their old hall, we have a structure on our tax lot which has primary access off SW Oregon St., we provide free weekly diner meals on Sundays and hold other functions at this location, we have a large gravel parking lot which is used frequently by us and the community when events are held in downtown Sherwood. During our review of the new design for SW Oregon St. and SW Adams St. we discovered that the access we currently enjoy off Oregon St. would be eliminated, land locking that property. A new access off the future SW Adams St. near an existing tree line would require us to build a new road over our open field costing us thousands of dollars and we would also have to mitigate an existing wetland and lose valuable land that we want to someday make into a play field. Staff recommended an alternative to use our private drive, however should we use this drive we would fail another city code requiring us to dedicate the private drive.

Mr. Rice stated in summary over the past two months he has spent over a hundred hours trying to protect the church's property from these unacceptable requirements and we have had to engage outside legal counsel who specializes in land use law as they relate to religious organizations. Mr. Rice informed Council he has with him a binder which include all his work documenting their application and the positions as to why they should not be subject to these and other conditions to obtain a building permit. Mr. Rice stated personally he has submitted three letters with attachments of over 100 pages documenting concerns, questions and responses to the city's recommended conditions and our attorney has submitted four letters detailing our concerns and asking the city to respond to our legal analysis, the city did not respond to our first request and ignored the city's responsibility to establish the city's burden of proof. Recently the city planner provided a brief memorandum which reiterated the city's conditions without responding to our specific requests.

Mr. Rice stated he is here to express frustration with staff and ask for the Council's help to resolve the issues and stated their goal is to make the city of Sherwood a better place to raise and school children. Mr. Rice asked the Mayor and City Manager take the lead to resolve the issues together, specifically the tree mitigation provisions. They are not asking the city to establish a new precedence with respect to us, but ask for the review of mitigation provisions and find that their application in 2003 is bearing and therefore the mitigation rules don't apply. The city could find that the religious act applies and therefore could waive this



provision. In regards to the SW Adams St. dedications we ask that the city perform its duty to document the rough proportionality. In regards to our access of our private drive, we ask the city work with us in the final design of the street for us to maintain our full access and allow us to maintain our private driveway. Mr. Rice thanked Council and offered to answer any questions.

Mayor Mays thanked Mr. Rice and asked if the hearings officer has ruled on this. Mr. Rice replied where we are right now is final summary letters can be provided by us to the hearing officer, but no actual evidence can be entered into the record and on Friday August 21<sup>st</sup> the records closes and the hearings officer can make a decision between now and November 30<sup>th</sup>.

Mayor Mays stated as Mr. Rice is probably aware as part of the process, this is in the hands of the hearing officer. Mayor Mays asked for comments from Council President Heironimus.

Council President Heironimus stated he met with City Manager Patterson and Community Development Director Tom Pessemier last month after he was contacted by Mike Cruz expressing his frustration. Council President Heironimus stated he also spoke with Father Tom after speaking with city staff and agrees it's a very complicated issue and said he does not get to deal with this on a daily bases and this is where staff expertise comes into play and stated he is fully confident there is room for staff to work with the church on this issue.

City Manager Patterson stated he appreciates Council President Heironimus efforts and said if the Council is interested in what has taken place to date on behalf of City staff working with the Church, staff is available during this citizen comment period and said he is aware there are a lot of other people who want to speak.

Mayor Mays stated this is before the hearings officer and we have not received a ruling. Mayor Mays stated he believes staff, post to the hearing ruling, will be working closely with the church on several of the points and the intent of staff and Council is to be fair and reasonable to everyone in the community and said this is my commitment and Council's commitment.

Mayor Mays stated there are several people in the audience who have confirmed their support for the church and asked to receive additional comments.

Larry Lazo 14335 NE Spring Creek Lane, Newberg came forward and said he is a parent at St. Francis and thanked the Council for the opportunity to present comments. Mr. Lazo informed Council nationally catholic schools have been going through a rather rough few decades, with a 30-40% decline in catholic schools nationwide. Locally St. Francis is the first catholic school built in 40 years. The tax burden on the city for a private school is minimal, it benefits and value to the community is great. Mr. Lazo mentioned the recent national recognition Sherwood has received and asked that we live up to the reputation we worked hard to gain and to keep this group happy with the service you have provided us to date.

Mayor Mays asked to receive additional comments.

Don Fuchs 11003 Prestwick Court (City not stated) came forward and stated he is also a parent at St. Francis and will not restate what has already been said and said he wanted to add comments regarding missions being aligned and support the tax burden comments made by Mr. Lazo. He pointed out the work that goes into building this school and said we would have built the gym in 2003 but did not raise the necessary funding, so it was delayed and said it's unfortunate that they now have to go through additional burdens, that likely they would not have had to back then and said additionally most of the parishioners are

Sherwood tax payers and they are taking additional money on top of what they are paying to the city that would entitle them to send their children to public schools. Mr. Fuchs made comments regarding the financial burden to the Sherwood tax payers and the school and said it will certainly delay the project. Mr. Fuchs stated they are not a commercial entity seeking to make money they are a not for profit and have a mission to serve and provide a benefit to the community and hopes the hard work of the parishioners who are tax payers is considered and evaluated and believes it's important for the City to evaluate projects from that level as well.

Mayor Mays thanked Mr. Fuch.

Mr. McCarthy 15651 SW Oregon, Sherwood came forward and said when we went out seeking funding for their school, a foundation in Portland asked if we were shovel ready, he replied, yes I think we are. The foundation said the reason they would support the school is because it creates jobs and Mr. McCarthy stated this is what he has been telling the parishioners that they are helping to create jobs.

Mayor Mays thanked Mr. McCarthy and said the Council appreciates everyone that has come out tonight to advocate for this issue and said we will collectively be spending time on this once the hearings officer acts.

Mayor Mays asked for additional comments.

David Dahle (no address given) came forward and said he is a media partner with the Sherwood Booster Club and said on the 22<sup>nd</sup> at the Elks Club we will have a Texas Hold'em Tournament to support a fundraiser to transport the Football team down south and on the 28<sup>th</sup> is our Red & White, first scrimmage of the season. Mr. Dahle informed Council his media company is working with other cities and is having two high school journalist cover a City Council meeting and doing a 90 second summary of a City Council meeting to promote our community and connect the youth and said he will be sending more information to the Sherwood City Council. Mr. Dahle stated his media company has produced a piece on St. Francis food and said dinner is on Sunday evenings at 5pm and has seen the St. Francis food bank service dozens of people during the Thanksgiving holiday.

Jim Claus 22211 SW Pacific Hwy, Sherwood came forward and said his comments are directed mostly to Councilor Clark and said what they are dealing on is not on a rational basis its intermediate strict scrutiny if the staff has not answered that to the catholic church, they have committed civil rights violations under the act that was passed by Kennedy and Orrin Hatch and you're going to pay all the legal fees. Mr. Claus made comments regarding civil rights violation and the Middleton case. Mr. Claus informed Council to make sure they don't have an evangelical Christian dealing with those Catholics; there is a known prejudice there and they better recues themselves. Mr. Claus stated he would be interacting with Metro and made comments regarding communications between the City attorney and Metro. Mr. Claus stated the point he is making is "stay out of our business" and not interfere with businesses who are trying to lease or buy here and say if they are acceptable or not, you're conspiring to restrain trade.

Mayor Mays thanked Mr. Claus for his comments and called forward Susan Claus.

Susan Claus 22211 SW Pacific Hwy Sherwood came forward and said this reoccurring theme is tiresome and onerous and said we have to have some mechanism in the City that the Council has that is separate from our staff that Council has a direct liaison for the citizens, a Citizens Representative, ODOT has a citizens rep. If you're having trouble with personnel you have a particular person that you go to that is designated on behalf of the

citizens to hear citizen issues. Ms. Claus stated she and Mr. Claus are frustrated with their process. Ms. Claus informed Council she and Mr. Claus recently met with City Manager Patterson and the problem is Mr. Patterson and staff take a position and hold to it. Ms. Claus made comments to staff positions maybe being legal but is it right and good for the city and are there problems in the code that's driving the craziness. Ms. Claus made reference to St. Francis and staff punishing them for the density of their trees and trying to get money out of them when they are trying to build a gym for the school. Ms. Claus referenced code language "may" that turns into a staff interpretation. Ms. Claus made comments regarding staff not being the final arbiter and the Council members are the elected officials and if there is a problem in the code or in the process the Council has been elected to hear that and to direct and get some solution. Ms. Claus made reference to St. Francis and proportionality and said she was surprised that a city attorney was not present this evening to give them a response.

Mayor Mays thanked Ms. Claus for her comments. Ms. Claus continued to speak and Mayor Mays informed Ms. Claus her comment period had expired and he would gladly accept additional comments in writing and they would be communicated to the Council. Ms. Claus continued to speak and Mayor Mays called for a Council recess.

Council recessed at 8:15pm.

Council reconvened at 8:20pm and continued with Citizen Comments.

Tim Voorhies PO Box 908, Sherwood came forward and stated he was present at a previous City Council meeting and presented a letter with questions. Mr. Voorhies informed Council he spoke with Craig Sheldon Public Works Director and left messages for Tom Nelson and has not heard back. Mr. Voorhies said didn't have to proceed with chasing down the facts and said he has questions of the budget and questions of money spent on the computer system.

Mayor Mays replied Council has seen the questions and is surprised that Mr. Voorhies has not received a return call and said we will get it squared away.

Mr. Voorhies made reference to receiving a return call and staff not willing to hold if he is not available, unlike he is willing to wait on hold for staff.

Mayor Mays informed Mr. Voorhies that he will communicate with City Manager Patterson to get his questions answered. Mr. Voorhies asked in regards to the budget and asked what "intergovernmental transfers" is and said he believes the terminology should be "intra" not "inter". Brief discussion occurred and the Mayor explained to Mr. Voorhies transferring of funds within the City and with outside organizations such as Clean Water Services. Discussion continued and Mr. Voorhies made reference to accountability and the budget information being confusing.

Mayor Mays thanked Mr. Voorhies and Councilor Grant said the City has received awards for the budget document and offered to speak with Mr. Voorhies after the meeting.

Mayor Mays called forward Eugene Stewart.

Eugene Stewart PO Box 524 Sherwood, came forward and informed Council the Sherwood Old Town Business Association is looking to adopt bylaws this month. Mr. Stewart made reference to paving 1<sup>st</sup> street and the amount of right of way and asked why it was not widen enough to allow for parking on both sides and helping out the businesses that need the parking. Mr. Stewart made reference to paving Railroad and how it will look different and out

of character from the other streets and does not recall discussion held with the downtown businesses asking for their advice or informing them. Mr. Stewart encouraged future discussions with merchants that will be affected.

Mayor Mays thanked Mr. Stewart for his comments and encouraged him to attend SURPAC meetings to learn more about design. Mr. Stewart asked if citizen comments are accepted at SURPAC. Mayor Mays informed Mr. Stewart that is up to the Committee Chair.

With no other citizen comments, Mayor Mays addressed the next agenda item.

#### **10. COUNCIL ANNOUNCEMENTS:**

Councilor Robyn Folsom stated the last week of Missoula Children's Theater (MCT) is upcoming with two performances scheduled, King Arthur's Quest this Saturday at 3pm and 5:30pm, with both camps full and well received. Last week's performance was Jack in the Bean Stock and this production of King Arthur's Quest is a new show for MCT. Councilor Folsom thanked the Sherwood School District in this busy time of construction and preparing for the school year.

Councilor Henderson stated the City has two more scheduled Movies in the Park, held on Friday nights, with Kung Fu Panda this week and Goonies scheduled for the 28<sup>th</sup>, these events are free and the Cultural Arts Commission members will be selling concessions. Dr. Bittner, Dentistry for Kids is the sponsor this year. Councilor Henderson thanked the PW dept for their help with setup and thanked the members of the public for their help with cleaning up after the event.

Mayor Mays reported this Thursday at the Hillsboro Civic Center is another public hearing for the Washington County Urban Reserves/Rural Preserves Committee from 4-7pm and said they do accept testimony in person as well as in writing.

Mayor Mays stated the next Council meeting is scheduled for September 15<sup>th</sup>.

#### **11. ADJOURN:** Mayor Mays adjourned the meeting at 8:30pm.

Submitted by:

  
Sylvia Murphy, City Recorder

Approved:

  
Keith S. Mays, Mayor