



CITY COUNCIL MEETING PACKET

FOR

Tuesday, February 6, 2024

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

5:45 pm City Council Work Session

7:00 pm City Council Regular Meeting

URA Board of Directors Meeting
(Following the 7:00pm Regular Council Meeting)

City Council Executive Session
(ORS 192.660(2)(d), Labor Negotiation Consultations and ORS 192.660(2)(i), Performance Evaluation
(Following the URA Board of Directors Meeting)

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



Home of the Tualatin River National Wildlife Refuge

5:45 PM WORK SESSION

1. **Annexation Policy & Agreements**
(Eric Rutledge, Community Development Director)
2. **Annual Housing Report**
(Eric Rutledge, Community Development Director)
3. **Donation Leave Policy**
(Lydia McEvoy, Human Resources Director)
4. **Workback Program**
(Lydia McEvoy, Human Resources Director)

7:00 PM REGULAR SESSION

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**
5. **CONSENT AGENDA**
 - A. **Approval of January 16, 2024 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
 - B. **Resolution 2024-004, Authorizing an Interfund Loan from the Community Investment Fund to the Sanitary Fund** (David Bodway, Finance Director)
6. **CITIZEN COMMENTS**
7. **NEW BUSINESS**
 - A. **Resolution 2024-005, Declaring support for the Washington County Justice System; a commitment to partner with the state and county in securing funding and build support; requesting the state fully fund court system** (Craig Sheldon, City Manager Pro Tem)
8. **CITY MANAGER REPORT**
9. **COUNCIL ANNOUNCEMENTS**
10. **ADJOURN to URA BOARD OF DIRECTORS MEETING**
11. **RECONVENE CITY COUNCIL - EXECUTIVE SESSION**
 - A. **ORS 192.660(2)(d), Labor Negotiator Consultations and ORS 192.660(2)(i), Performance Evaluation** (Ryan Adams, City Attorney)

AGENDA

SHERWOOD CITY COUNCIL February 6, 2024

5:45 pm City Council Work Session

7:00 pm City Council Regular Session

**URA Board of Directors Meeting
(Following the 7:00 pm Council Meeting)**

**City Council Executive Session
(ORS 192.660(2)(d), Labor Negotiator
Consultations and ORS 192.660(2)(i),
Performance Evaluation)
(Following the URA Board of Directors
Meeting)**

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

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

12. ADJOURN

How to Provide Citizen Comments and Public Hearing Testimony: Citizen comments and public hearing testimony may be provided in person, in writing, or by telephone. Written comments must be submitted at least 24 hours in advance of the scheduled meeting start time by e-mail to Cityrecorder@Sherwoodoregon.gov and must clearly state either (1) that it is intended as a general Citizen Comment for this meeting or (2) if it is intended as testimony for a public hearing, the specific public hearing topic for which it is intended. To provide comment by phone during the live meeting, please e-mail or call the City Recorder at Cityrecorder@Sherwoodoregon.gov or 503-625-4246 at least 24 hours in advance of the meeting start time in order to receive the phone dial-in instructions. Per Council Rules Ch. 2 Section (V)(D)(5), Citizen Comments, "Speakers shall identify themselves by their names and by their city of residence." Anonymous comments will not be accepted into the meeting record.

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

To Schedule a Presentation to the Council: If you would like to schedule a presentation to the City Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder, 503-625-4246 or Cityrecorder@Sherwoodoregon.gov

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



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
January 16, 2024

WORK SESSION

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 5:32 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Keith Mays, Doug Scott, Dan Standke, Taylor Giles, and Renee Brouse.
3. **STAFF PRESENT:** City Manager Pro Tem Craig Sheldon, Assistant City Manager Kristen Switzer, IT Director Brad Crawford, Finance Director David Bodway, City Engineer Jason Waters, Economic Development Manager Bruce Coleman, City Attorney Ryan Adams, Community Development Director Eric Rutledge, Police Chief Ty Hanlon, HR Director Lydia McEvoy, and City Recorder Sylvia Murphy.

OTHERS PRESENT: Kittleson & Associates consultants Tony Roos, Cedimir Jesic, and Nick Gross.

4. TOPICS:

A. Discuss Interfund Loan

Finance Director David Bodway presented the "Interfund Loan" PowerPoint presentation (see record, Exhibit A) and outlined that the interfund loan was for the Schamburg sewer project and explained that per ORS 294.468, a local government may loan money from one fund to another. He reported that there were two types of interfund loans, operating and capital. Operating loans paid for operating expenses and must be repaid in one year while capital loans paid for capital assets and must be repaid within ten years. He explained that the Sewer Fund had limited resources, and the city was seeking to borrow \$600,000 from the Community Investment Fund in order to pay for the sewer improvements to Schamburg from Division Street to the end of the road. Mr. Bodway outlined next steps and explained that if Council decided to move forward with the request, the loan must be authorized by official resolution or ordinance. He stated that because this would be a capital loan, the resolution needed to include the following information: funds involved; purpose, amount, and interest rate to be charged; and the repayment schedule must be included. Mayor Rosener explained that it was common for municipalities to utilize interfund loans. Mr. Bodway added that because the Sewer Fund was a restricted fund, if a city were to only transfer money into the Sewer Fund, it would be difficult to repay those funds since those funds were now comingled with the restricted funds. He explained that an interfund loan would allow the Sewer Fund to repay the loan back into the Community Investment Fund. Council President Young asked what the balance of the Community Investment Fund was, and Mr. Bodway replied that there was roughly \$3.8 million available. Councilor Giles asked what the money in the Community Investment Fund could be spent on and Finance Director Bodway replied that the funds were unrestricted dollars and Council could choose to spend those funds as they deemed appropriate. City Manager Pro Tem Craig Sheldon spoke on the need to utilize an interfund loan rather than waiting for the

Sewer Fund to generate the necessary funds and explained that currently, there was a failed sewer line and the city needed to start the design process now in order to fix the issue. He added that this project was a part of a larger project that also included street work and reported that the \$600,000 loan only covered the sewer project costs, while the remaining project costs would be paid for out of the Street Fund. Mayor Rosener asked that staff bring forward a resolution to approve the interfund loan for the next City Council meeting.

B. Cedar Creek Undercrossing Update

City Manager Pro Tem Sheldon reported that the city had not been awarded the state lottery funds for this project and explained that staff was seeking Council approval for the use of the available funds to complete the FEMA-FIRM Map Correction Project. City Engineer Jason Waters presented the "Highway 99W Trail Undercrossing Project Status & FEMA-FIRM Map Correction Project Commencement Notice" report (see record, Exhibit B) and outlined that the discrepancies in the FEMA-FIRM maps would create residual impacts on trail projects moving forward if they were not corrected. Mr. Waters explained that the FEMA-FIRM maps had a 9.5-foot elevation discrepancy. Kittleson & Associates consultant Cedimir Jesic referred to the Effective FEMA map on page 7 of the report and explained that this map became effective in October 2018 and noted that the existing swimming pool and parts of a parking lot were located within the floodplain. Mr. Jesic provided an overview of mapping changes and outlined that the Washington Countywide Flood Insurance Study (FIS) began in 2000 with the maps becoming effective in November 2016. He explained that the Cedar Creek portion of the study utilized hydrologic modeling to identify peak flows in the watershed and hydraulic modeling was conducted to determine base flood elevations. He reported that the FIS was updated in 2018 as part of the Tualatin Watershed Risk MAP project which resulted in an increase in water surface elevations. Mr. Jesic provided an overview of the charts on page 10 of the presentation and explained that FEMA's models disregarded the storage while Kittleson's study had utilized the storage resulting in a difference in higher water surface elevations. He outlined that FEMA relied on communities to provide accurate and updated flood hazard information for the National Flood Insurance Program maps and FEMA prioritized revisions concerning modifications to Special Flood Hazard Areas and stated that cities were able to provide revised maps to FEMA utilizing the Letter of Map Revision (LOMR) program. He provided an overview of the LOMR program on page 12 of the presentation and explained that the city would need to update the entire panel. He outlined next steps in the process and explained that the entire process could take upwards of 18 months to complete and would cost an estimated \$80,000-100,000, \$9,000 of which was the cost of the FEMA Review Fee. Councilor Giles asked what advantage there was for the city completing the LOMR process. Mr. Jesic explained that it would limit what projects could be located within the floodplain without completing the LOMR process and spoke on the need for projects to have balancing, grading, and the need to be flood neutral. Discussion occurred and City Manager Pro Tem Sheldon explained that if Council chose not to proceed with the LOMR process, it could affect planned future projects for the area including storm water management projects and Stella Olsen Park projects. City Engineer Waters replied that he felt that the city was obligated to complete the LOMR process as there were several federally funded projects that would be affected by not completing the process. Councilor Mays commented he supported moving forward with the LOMR process. Mayor Rosener asked if there would have been a cost savings if the maps had been updated when the Cedar Creek Trail project was underway. Mr. Waters replied that the floodplain issues were originally missed by FEMA and staff had only checked structures that would be impacted by the rise in elevation, not the elevation difference. Mayor Rosener stated that he was in favor of moving forward with the LOMR process and asked about FEMA's public noticing process. Mr. Jesic explained that FEMA was required to provide a public notice of map changes. Mayor Rosener asked that staff move forward with updating the FEMA-FIRM maps.

C. Traffic Study Update for Sunset Blvd.

City Manager Pro Tem Sheldon explained that this project was a part of the city's CIP project list. He reported that the city would also be completing a maintenance project paving overlay in the Timbrel area and noted that if Council chose to, it may be possible to add some of this project to the paving overlay project. He reported that currently there was roughly \$100,000 available for traffic calming measures. Consultant Tony Roos outlined that his team was tasked with reviewing the safety and connectivity intersections located at Sunset Boulevard/Woodhaven Drive, Sunset Boulevard/Timbrel Lane, and Sunset Boulevard/Heatherwood Lane. Consultant Nick Gross presented the "Sunset Boulevard Crosswalk Safety & Enhancement Study" PowerPoint presentation (see record, Exhibit C) and reported that the study area was mainly focused on Sunset Boulevard between Highway 99W and Pinehurst Drive. He stated that pedestrian and traffic counts were collected for all three intersections. He noted that there were many pedestrian generators and attractors in this area and stated that they included Middleton Elementary School, the YMCA facility, Woodhaven Park, along with several formal and informal connections to Sunset Boulevard via neighborhoods. Mr. Gross stated that the safety challenges limited the potential use of Sunset Boulevard as a transportation facility, particularly for children. He outlined that Sunset Boulevard was a popular pedestrian corridor due to its natural features and comfortable pathways. He stated that pedestrian data was collected at three intersections on June 7, 2023 and reported that 477 pedestrians had entered the study intersections during the morning peak periods of 7 am-9 am and evening peak periods of 12 pm-6 pm and commented that 477 was a high figure. Councilor Scott asked if June 7th was a school day and Mr. Gross confirmed that it was. Mr. Gross provided an overview of the "Activity Levels of People Walking" chart on page 7 of the presentation, with the highest total entering and total crossing figures occurring at the Sunset Boulevard/Timbrel Lane crossing. Mr. Gross provided an overview of the existing conditions assessment key findings and addressed the Sunset Boulevard/Woodhaven Drive intersection. He stated that this intersection should be the highest priority for safety improvements out of the three intersections. He outlined that the eastbound right-turn drop lane at Sunset Boulevard/Woodhaven Drive came as a surprise to drivers and explained that drivers were observed accelerating to merge into the through lane while looking over their left shoulder in advance of the existing marked crosswalk. He continued that vehicular acceleration and reduced visibility resulting from the merge into the through lane increased the risk to pedestrian safety at the marked crosswalk. He noted that the trees located in the median and landscape buffer between the road and sidewalk reduced stopping sight distance and commented that their goal was to preserve trees while improving sight distance and visibility. He reported that there were Stopping Sight Distance (SSD) issues for both the Sunset Boulevard/Woodhaven Drive and Sunset Boulevard/Timbrel Lane intersections. Mr. Gross outlined the crash data from 2015-2020 from the area of study and reported that eight total crashes had occurred within the study area during that time period and no crashes were reported at the Sunset Boulevard/Heatherwood Lane intersection. Mayor Rosener referred to the 2019-2020 Sunset Boulevard intersection upgrades and confirmed that the cited crash data was prior to all of those upgrades and Mr. Gross confirmed that the timeframe of 2015-2020 would not have accounted for any improvement projects. Mr. Gross outlined that their pedestrian crossing analysis relied on two methodologies, the NCHRP Report 562 and the FHWA Guide for Improving Pedestrian Safety at Uncontrolled Crossing Locations, both supported on national, state, and local levels. He stated that Kittleson & Associates' recommendations were influenced by two primary considerations. The first consideration were safety countermeasures and were based on NCHRP Report 562 and the FHWA. The second consideration was engineering judgment based on field observations, understanding of the study area, and surrounding context. He outlined the recommended safety improvements for the Sunset Boulevard/Woodhaven Drive intersection as: relocate the existing crosswalk to the east by approximately 15 feet to improve sight distance, reduce crossing distance, and increase stopping distance for eastbound vehicles in advance of marked crosswalk; install high-visibility crosswalk markings, parking restrictions on crosswalk approach, adequate nighttime lighting levels, and crossing warning signs; and remove the eastbound right-turn trap lane by merging eastbound traffic into a single lane with pavement markings. Mr. Gross provided an overview of a map of the recommended changes on pages 13-14 of the presentation. He outlined that Exhibit 1 – Dedicated Right Turn Lane option would: reduce the risk of conflict between vehicles and pedestrians crossing Sunset

Boulevard at the east leg of the intersection, it maintained the right-turn lane, and transitioned bikes to the left of the right-turn lane. He outlined that Exhibit 2 – Shared Through-Right option would: reduce the risk of conflict between vehicles and pedestrians crossing Sunset Boulevard at the east leg of the intersection, it created a shared thru right-turn lane, and it kept bikes to the right of the thru right-turn lane. He noted that Exhibit 1 had an estimated engineering cost of \$238,000 and Exhibit 2 had an estimated engineering cost of \$208,000. Mayor Rosener referred to the design of the left-hand turn lanes on Highway 99W and traffic congestion and asked if it would be possible to make it a single turn lane but extend the length of the lane. Mr. Gross and City Engineer Waters replied that since Highway 99W was controlled by ODOT, doing so would be exceedingly difficult. Councilor Giles asked if there was any data available that showed that moving the crosswalk back 15 feet would improve pedestrian safety. Mr. Gross replied that the FHWA guidance was likely based on research with proven counter measures that showed an increased yielding compliance with the high visibility of the crosswalk and signage. Mr. Gross outlined the recommended safety improvements for the Sunset Boulevard/Timbrel Lane intersection as: relocate existing crosswalk to the west leg of the intersection to improve sight distance and reduce crossing distance; and install high-visibility crosswalk markings, parking restrictions on crosswalk approach, adequate nighttime lighting levels, and crossing warning signs. He noted that a Rectangular Rapid Flashing Beacon (RRFB) was a proven safety countermeasure to improve vehicle yielding compliance and stated that based on pedestrian volumes and connectivity to Middleton Elementary School, an RRFB should be considered. Mr. Gross provided an overview of the maps of the recommended changes on pages 16-18 of the presentation. He outlined that Exhibit 3 – Relocate Crosswalk option would: increase pedestrian connectivity, reduce crossing distance, reduce the risk for pedestrian and vehicle conflicts, and had a preliminary engineering cost estimate of \$147,000. Council discussed the probability of increased traffic congestion caused by the relocation of the crosswalk by breaking a single crossing into two crossings. City Engineer Waters commented that there may be a Safe Routes to School option for this configuration and discussion occurred. He outlined that Exhibit 4 – Remove Sidewalk, Widen Timbrel option would: increase pedestrian connectivity, reduce crossing distance, reduce risk for pedestrian and vehicle conflicts, and would improve vehicular operations. Exhibit 4 had a preliminary engineering cost estimate of \$345,000. He outlined that Exhibit 5 – Roundabout Concept option would: increase pedestrian connectivity, reduce crossing distance, reduce risk for pedestrian and vehicle conflicts, reduce vehicular speeds, and improve vehicular operations. Exhibit 5 had a preliminary engineering cost estimate of \$3,426,000. Councilor Scott referred to roundabouts and commented that he understood that roundabouts were to increase traffic flow but were not necessarily safer for pedestrians and asked if there was a traffic flow problem at this intersection. City Engineer Waters replied that there was an anticipated traffic flow issue due to the Brookman intersection not getting a signal. Councilor Giles asked if there was any data that showed that the RRFB signals were effective. Mr. Gross replied that the effectiveness of RRFB signals increasing motorist yielding compliance had been proven by multiple studies. Mayor Rosener commented that he would be more interested in a HAWK (high intensity activated crosswalk) system and Mr. Gross replied that he would look into that option. Councilor Mays commented that he felt that flashing signals gave pedestrians a false sense of security, particularly children. Mr. Gross recapped Council's feedback and stated that Council sought a more enhanced treatment for pedestrian crossings along Sunset Boulevard and he would report back with his findings. Mr. Gross outlined the recommended safety improvements for the Sunset Boulevard/Heatherwood Lane intersection as: install high-visibility crosswalk markings, parking restrictions on crosswalk approach, adequate nighttime lighting levels, and crossing warning signs. He noted that of the three studied intersections, the Sunset Boulevard/Heatherwood Lane intersection had the lowest priority. He provided an overview of the maps of the recommended changes on pages 16-18 of the presentation. He outlined that Exhibit 6 – New Marked Crosswalk option would: increase pedestrian connectivity, reduce crossing distance, and would reduce the risk for pedestrian and vehicle conflicts. He stated that the preliminary engineering cost estimate for Exhibit 6 was \$59,000. Councilor Standke asked regarding the alignment options to eliminate the double crossing at Timbrel and City Engineer Waters replied that City staff were exploring the option of installing ADA ramps and relocating the fire hydrant

in order to keep the crossing at its current location. He commented that there was an upcoming paving project and city staff were reviewing the costs of including this project with the upcoming paving project and determine if doing so would address some of the safety concerns. He continued that staff would look into whether doing so could be budgeted into the Timbrel paving project and would report back to Council with their findings. Mr. Roos clarified that the reason they had relocated the crossing to the west side was to reduce the number of conflict points with vehicles crossing the pedestrian path. City Manager Pro Tem Sheldon recapped that he would like these options presented to the Traffic Safety Committee to get their feedback, with updated options for Council's consideration to be presented at a later date. Mayor Rosener asked for an update on the speed data that had been collected. Mr. Sheldon replied that he wanted to ensure that this area was a complete school zone and explained that Chief Hanlon had recently observed the area and determined that there was an enforceable ticket rate of 18%. He continued that Chief Hanlon would present his findings regarding Sherwood's school sites at a future Council meeting.

Record note: Prior to the meeting, City Engineer Jason Waters provided Council with the "SW Sunset Blvd Crosswalk Safety Study Overview & Next Steps" report (see record, Exhibit D).

D. City Manager Recruitment, Next Steps

Mayor Rosener recapped that there were several options available including starting the recruitment process immediately, waiting until after budget season was complete, or making a hiring decision at this meeting. He asked for Council feedback on the available options. Council President Young commented that it may be beneficial to pause the recruitment process for the time being as she felt that proceeding now could rush the process. Mayor Rosener confirmed that City Manager Pro Tem Sheldon was open to continuing to serve in the City Manager Pro Tem position and Mr. Sheldon confirmed that he was. Mr. Sheldon commented that some things may need to be adjusted in Public Works in order to accommodate the change. Councilor Scott commented that unless there was a large time or cost saving aspect in continuing to pursue the filling of the City Manager position, he was in favor of pausing the recruitment until the Interim City Attorney position was filled. Councilor Brouse stated that she was in favor of pausing the recruitment and waiting for things to stabilize. Councilor Giles commented that he worried that the situation was already unstable given the workload of both positions and referred to upcoming city projects and stated that he would prefer to move forward with the recruitment. Councilor Mays stated that he was in favor of waiting until the budget cycle was complete and then moving forward with recruitment efforts. Councilor Standke stated that waiting to complete the budget cycle was the latest he wanted to wait to begin the process. Council President Young referred to Councilor Giles' comments regarding potential instability and commented that instability may be more likely to occur if there were two new people in each position versus having an Interim City Attorney working with City Manager Pro Tem Sheldon. Councilor Brouse commented that the city could open up the position for internal applicants and if no one suitable applied, then proceeding with an external hiring process. She asked how the work of the Public Works Director position would be addressed if the recruitment process was paused. Mr. Sheldon replied that he felt that there was someone capable of stepping into the Public Works Director role and commented that he would likely recommend moving someone up from Sherwood Broadband. Mayor Rosener commented that he was in favor of pausing recruitment and recommended revisiting the topic in July. There was Council consensus in favor of revisiting the topic in July. Mayor Rosener asked if City Manager Pro Tem Sheldon was open to continuing to serve in the role and Mr. Sheldon replied that he was.

E. Interim City Attorney Recruitment

City Attorney Ryan Adams reported that the Deputy City Attorney job posting had been published online. He explained that the Deputy City Attorney job description was better aligned to allow that person to step in to

fill the role of the Interim City Attorney while he was deployed. He noted that there was concern regarding this position and the five-year forecast and explained that this would be discussed during the Budget Committee meetings. He stated that he had no reservations about City Manager Pro Tem Sheldon being able to successfully work with whoever was hired to fill the Deputy City Attorney/Interim City Attorney role. He referred to the possibility of an unsuccessful recruitment and explained that he recommended utilizing an RFP for outside counsel in such a case. Council President Young asked if the Deputy City Attorney position was advertised as permanent and City Attorney Adams confirmed that it was. Councilor Mays asked how long the RFP process would take if recruitment was unsuccessful and commented that the city could begin the RFP process in case the recruitment process was unsuccessful. Mr. Adams replied that he recommended giving the recruitment process two months and then evaluate after that based on the number of applicants. Councilor Mays commented that he wanted to know how much it would cost to hire outside counsel for 14-16 months and Mr. Adams replied that he could provide a reasonable estimate after this meeting. Councilor Brouse commented that she was in favor of the RFP process. She asked if the city's budget could support two City Attorneys and if the job posting could be updated to include "interim" language. City Attorney Adams replied that he recommended not updating the job description to include the interim language as it would create uncertainty around the position which would result in fewer applicants being interested in applying. Mayor Rosener commented that Council could discuss the quality of the applicants who had applied at the next meeting and adjust from there if necessary. Mayor Rosener asked if Council agreed to keep the job posting up and schedule another work session to discuss and refine the job posting moving forward. He stated that he was in favor of moving forward with the RFP process. Council signaled their agreement.

5. ADJOURN:

Mayor Rosener adjourned the work session at 7:19 pm and convened a regular session.

REGULAR SESSION

1. CALL TO ORDER: Mayor Rosener called the meeting to order at 7:25 pm.

2. COUNCIL PRESENT: Mayor Tim Rosener, Council President Kim Young, Councilors Keith Mays, Doug Scott, Dan Standke, Taylor Giles, and Renee Brouse.

3. STAFF PRESENT: City Manager Pro Tem Craig Sheldon, Assistant City Manager Kristen Switzer, IT Director Brad Crawford, Finance Director David Bodway, City Attorney Ryan Adams, and City Recorder Sylvia Murphy.

4. APPROVAL OF AGENDA:

MOTION: FROM COUNCIL PRESIDENT YOUNG TO APPROVE THE AGENDA. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 7:0; ALL MEMBERS VOTED IN FAVOR.

Mayor Rosener addressed the next agenda item.

5. CONSENT AGENDA:

A. Approval of January 2, 2024 City Council Meeting Minutes

B. Resolution 2024-002, Appointing the Budget Officer for Fiscal Year 2024-25

C. Resolution 2024-003, Awarding a contract for the Sherwood Senior Center siding and window replacement

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

Mayor Rosener addressed the next agenda item.

6. CITIZEN COMMENT:

Sherwood resident Neil Shannon referred to the December 5th City Council joint work session with City Boards and Commissions and stated he would like to address the goals and objectives of the Planning Commission. He referred to Planning Commission Chair Simson asking if Council would like the Planning Commission to review the city's tree code and asked that Council say yes to that question. He stated that urban trees were, "not only beautiful and functional but also provide physical, mental, emotional, and psychological benefits to its residents" and referred to studies on the benefits of retaining urban trees. He stated that trees were a key component in creating "successful" outdoor spaces and outdoor spaces were fundamental in creating a healthy community. He referred to development in the Brookman Road area and Sherwood West and stated that Sherwood citizens had made it clear via the Parks and Recreation Master Plan that retaining urban trees was a high priority. He stated he was "extremely concerned" that the city's urban trees were being threatened by the rapid development in the area and referred to development code requirements and the public hearing for LU 2021-023 SUB Cedar Creek Gardens. He referred to comments made by Hearings Officer Joe Turner regarding SZCDC 16.142.070.D(4) and stated that this portion of the Sherwood Development Code must be made clear and objective. He referred to the city's participation in the Tree City USA program and commented he hoped that the city would work on "improving the environment that we live in."

Mayor Rosener addressed the next agenda item.

7. CITY MANAGER REPORT:

City Manager Pro Tem Craig Sheldon thanked the Public Works and Sherwood Broadband employees for their work during the inclement weather.

Councilor Mays asked if the inclement weather had damaged many trees in the community as it had elsewhere in the region. Mr. Sheldon replied that there were no downed trees in Sherwood, but there were reports of water leaks due to the freezing temperatures. Mayor Rosener asked if the city offered any programs for those experiencing water leaks. Mr. Sheldon replied that people experiencing water leaks should contact the Public Works billing department regarding the leak adjustment program. Councilor Standke asked if the city was tracking residential power outages and Mr. Sheldon replied that PGE had been sending out regional reports on residential power outages. Councilor Giles asked regarding police activity due to the inclement weather and Mr. Sheldon replied that he would follow up with Police Chief Hanlon and report back. Council discussed the recent fire at the Hampton Inn.

8. COUNCIL ANNOUNCEMENTS:

Councilor Standke reported that the Planning Commission did not meet. He reported that the Lunar New Year Lantern Festival at the Arts Center would be held on February 4th.

Councilor Brouse reported that the Friends of the Tualatin River National Wildlife Refuge were seeking a volunteer to prepare their taxes.

Councilor Mays encouraged residents to attend the Lunar New Year Lantern Festival at the Arts Center.

Councilor Scott reported on the most recent Parks and Recreation Advisory Board meeting where they discussed 2024 priorities and heard an update on the Murdock Park Master Plan.

Councilor Giles reported on the continued work of the SHELF (Sherwood Library Foundation) and spoke on the importance of continued funding for local libraries.

Council President Young reported she attended the most recent CDBG meeting and reported she would attend their upcoming meeting where they would evaluate the applications they had received. She gave her kudos to the Sherwood Broadband team for their work restoring service during the inclement weather event and their commitment to customer service.

Mayor Rosener gave his kudos and thanks to Sherwood Broadband and Public Works employees for their work restoring service during the inclement weather event. He reported he attended the most recent Waste Fee Policy Task Force meeting. He reported that Council President Young attended the Metro Urban Growth Boundary stakeholders group meeting in his place and Council President Young provided a recap of the meeting. He reported he would attend the upcoming MPAC meeting. He spoke on the water treatment facility upgrades and gave his kudos to the team working on the upgrades.

Councilor Mays reported that in anticipation of the incoming inclement weather, the Senior Center had distributed extra food and thanked staff for doing so.

9. ADJOURN:

Mayor Rosener adjourned at the regular session at 7:52 pm and convened an executive session.

EXECUTIVE SESSION

- 1. CALL TO ORDER:** The meeting was called to order at 8:07 pm.
- 2. COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Keith Mays, Doug Scott, Dan Standke, Taylor Giles, and Renee Brouse.
- 3. STAFF PRESENT:** City Attorney Ryan Adams, City Manager Pro Tem Craig Sheldon, and Assistant City Manager Kristen Switzer.

4. TOPICS:

A. ORS 192.660(2)(e), Real Property Transactions

5. ADJOURN:

The executive session was adjourned at 8:20 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Tim Rosener, Mayor

TO: Sherwood City Council

FROM: David Bodway, Finance Director
Through: Craig Sheldon, City Manager Pro Tem

SUBJECT: Resolution 2024-004, Authorizing an Interfund Loan from the Community Investment Fund to the Sanitary Fund

Issue:

Should the City of Sherwood authorize an Interfund Loan from the Community Investment Fund to the Sanitary Fund?

Background:

On January 16, 2024, a work session was held with City Council to discuss a \$600,000 interfund loan from the Community Investment Fund to the Sanitary Fund.

Currently the Sanitary Fund has limited resources and is requesting a \$600,000 loan from the Community Investment Fund for a capital related project that is listed in the city's current capital improvement plan. This project consists of Sanitary Improvements to Schaumburg from SW Division Street to end of the road.

ORS 294.468 allows a local government to loan money from one fund to another and this type of borrowing has been utilized by the city in the past.

Financial Impacts:

There are no immediate financial impacts of approving this resolution. However, the yearly loan repayment must be budgeted and will be a part of the annual budgeting process.

Recommendation:

Staff respectfully recommends City Council adoption of Resolution 2024-004, Authorizing an Interfund Loan from the Community Investment Fund to the Sanitary Fund.



RESOLUTION 2024-004

**AUTHORIZING AN INTERFUND LOAN FROM THE COMMUNITY INVESTMENT FUND
TO THE SANITARY FUND**

WHEREAS, the City of Sherwood is permitted under ORS 294.468 to loan money from one fund to another, provided the loan is authorized by an official resolution; and

WHEREAS, the resolution must state the fund from which the loan is made and the fund to which the loan is made, the purpose of the loan, the principal amount of the loan, interest rate and repayment schedule; and

WHEREAS, this loan is considered a capital loan and must be repaid in full within 10 years; and

WHEREAS, the Community Investment Fund consists of unrestricted funds; and

WHEREAS, inter-fund loans are less expensive to the City as a whole than external borrowings.

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

Section 1. **Approval of the Interfund Loan.** The Community Investment Fund shall pay to the Sanitary Fund \$600,000 to make Sanitary Improvements to Schaumburg from SW Division Street to end of the road. Such loan shall bear interest at 5%, which is the rate earned on the City's deposit in the State Local Government Investment Pool for the effective date nearest the date of this resolution; and be paid in equal installments over ten years, with the first annual payment due February 6, 2025. The loan may be prepaid without penalty.

Section 2. Loan Repayment Schedule.

Fiscal Year	Interest	Principal	Ending Balance
23-24			600,000.00
24-25	28,922.52	47,444.65	552,555.35
25-26	26,495.16	49,872.01	502,683.34
26-27	23,943.62	52,423.55	450,259.79
27-28	21,261.53	55,105.64	395,154.15
28-29	18,442.22	57,924.95	337,229.20
29-30	15,478.67	60,888.50	276,340.70
30-31	12,363.50	64,003.67	212,337.03
31-32	9,088.95	67,278.22	145,058.81
32-33	5,646.87	70,720.30	74,338.51
33-34	2,028.68	74,338.51	(0.00)

Section 3. Effective Date. This Resolution shall become effective upon its approval and adoption.

Duly passed by the City Council this 6th day of February, 2024.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Agenda Item: New Business

TO: Sherwood City Council

FROM: Craig Sheldon, City Manager Pro Tem
Through: Tim Rosener, Mayor

SUBJECT: Resolution 2024-005, Declaring support for the Washington County Justice System; A commitment to partner with the State and County in securing funding and build support; Requesting the State fully fund Court System

Issue:

Should the city adopt a resolution declaring support for the Washington County Justice System, a commitment to partner with the State and County in securing funding and build support, requesting the State fully fund the Court System?

Background:

Mayor Rosener along with Washington County mayors received a request from Washington County Circuit Court presiding judge Rebecca D. Guptill to consider adoption of a resolution declaring support for our justice system. See attached letter dated January 23, 2024.

Financial Impacts:

There are no currently known financial impacts with the adoption of this resolution.

Recommendation:

Staff respectfully recommends City Council adoption of Resolution 2024-005, Declaring support for the Washington County Justice System; A commitment to partner with the State and County in securing funding and build support; Requesting the State fully fund Court System.

Rebecca D. Guptill
Circuit Court Judge



Phone: (503) 846-8888 ext. 55052

WASHINGTON COUNTY CIRCUIT COURT

Courthouse
150 North First Avenue
Hillsboro, OR 97124

January 23, 2024

Dear Washington County Mayors,

Re: Improvement of Washington County Justice System.

We appreciated your attendance at the Legislative Breakfast in December and your interest in improving our county justice system.

Based on the discussion between you and Rob Harris after the breakfast presentations, our group prepared a draft resolution that your city councils can consider adopting in support of our justice system. Feel free to modify it if you wish to do so. We look forward to your feedback and advice in getting this resolution before every city council in our county.

Please feel free to contact us if you have questions or feedback or any ideas about how to proceed. We are open to any ideas but felt this step would start movement towards better coordination between the county level justice system leaders and city leaders as we are all responsible for the wellbeing of their communities.

We look forward to our continued partnership with you and appreciate your shared commitment to improving our county, including through your support regarding these critical justice system issues.

Washington County Circuit Court Presiding Judge Rebecca Guptill

Joined by our Washington County justice system community partners:

- Rob Harris, local member of the Oregon Public Defense Commission (OPDC)

Improvement of Washington County Justice System
Page 2

- Joe Beck, executive director of Oregon Defense Attorney Consortium (ODAC)
- Mary Bruington, Metropolitan Public Defender (MPD)
- Sheriff Caprice Massey, Washington County Sheriff's Office (WCSO)
- District Attorney Kevin Barton, Washington County District Attorney's Office
- James Jensen, President of the Washington County Bar Association (WCBA)
- Melissa Bobadilla, Attorney
- Grant Stockton, Past-President of Oregon Association of Defense Counsel (OADC)

Very truly yours,



Rebecca D. Guptill
Presiding Judge
Washington County Circuit Court

RDG/jab

RESOLUTION No: _____

DECLARING SUPPORT FOR THE WASHINGTON COUNTY JUSTICE SYSTEM; A COMMITMENT TO PARTNER WITH THE STATE AND COUNTY IN SECURING FUNDING AND BUILD SUPPORT; REQUESTING THE STATE FULLY FUND COURT SYSTEM

WHEREAS; We recognize that access to justice is a fundamental right of every community member and a core function of government. A right without a remedy is no right at all.

WHEREAS; We recognize that a well working justice system requires services that are provided and funded by cities, counties and the state.

WHEREAS; We are currently experiencing a critical loss of capacity in our justice system in Washington County leading to a system where our city's residents are not receiving adequate services or justice.

WHEREAS: The data shows that Washington county has experienced a massive growth in population over the past three decades and the state has not allocated a like amount of increase in judicial resources, staffing and court facilities to our county.

WHEREAS: State Court studies have shown that in comparison to other Oregon counties, Washington County needs four more judicial positions to provide services to our community commensurate to other Oregon counties.

THEREFORE, BE IT RESOLVED: We pledge the city will support our part of the county justice system by continuing to adequately fund and support our law enforcement agency, our municipal court (should you have one), and any other service that is part of our county justice system and which for which our city is responsible.

BE IT FURTHER RESOLVED: We call upon State Legislators representing Washington County to obtain adequate state funding for the Washington County Circuit Court, including but not limited to; four more Judges, staffing to support those judicial offices and adequate courthouse facilities.

BE IT FURTHER RESOLVED: As part of our recognition that the county justice system requires a partnership between courts, cities, the county and the state, that we will build a better dialogue between all of the justice system partners.



RESOLUTION 2024-005

DECLARING SUPPORT FOR THE WASHINGTON COUNTY JUSTICE SYSTEM; A COMMITMENT TO PARTNER WITH THE STATE AND COUNTY IN SECURING FUNDING AND BUILD SUPPORT; REQUESTING THE STATE FULLY FUND COURT SYSTEM

WHEREAS, We recognize that access to justice is a fundamental right of every community member and a core function of government. A right without a remedy is no right at all; and

WHEREAS, We recognize that a well working justice system requires services that are provided and funded by cities, counties and the state; and

WHEREAS, We are currently experiencing a critical loss of capacity in our justice system in Washington County leading to a system where our city's residents are not receiving adequate services or justice; and

WHEREAS, The data shows that Washington County has experienced a massive growth in population over the past three decades and the state has not allocated a like amount of increase in judicial resources, staffing and court facilities to our county; and

WHEREAS, State Court studies have shown that in comparison to other Oregon counties, Washington County needs four more judicial positions to provide services to our community commensurate to other Oregon counties.

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

Section 1. We pledge the city will support our part of the county justice system by continuing to adequately fund and support our law enforcement agency, our municipal court, and any other service that is part of a community justice system and which for which our city is responsible.

Section 2. We call upon State Legislators representing Washington County to obtain adequate funding for Washington County Circuit Court, including but not limited to; four more judges, staffing to support those judicial offices and adequate courthouse facilities.

Section 3. As part of our recognition that the county justice system requires a partnership between courts, cities, the county and the state, that we build a better dialogue between all of the justice system partners.

Section 4. This Resolution shall become effective upon its approval and adoption.

Duly passed by the City Council this 6th day of February, 2024.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Sherwood City Council Meeting

Date: February 6, 2024

- List of Meeting Attendees: ✓
- Request to Speak Forms: ✓
- Documents submitted at meeting: ✓

Work Session

• “Draft Annexation Policy” PowerPoint presentation from Community Development Director Eric Rutledge, Exhibit A

• Draft Annexation Policy memo from Community Development Director Eric Rutledge, Exhibit B

• “Annual Housing Report” PowerPoint presentation from Community Development Director Eric Rutledge, Exhibit C

• Report on Housing memo from Community Development Director Eric Rutledge, Exhibit D

• Leave Donation Policy PowerPoint presentation from HR Manager Lydia McEvoy, Exhibit E

• Leave Donation Policy draft from HR Manager Lydia McEvoy, Exhibit F

• “PERS Workback Policy Extension” PowerPoint presentation from HR Manager Lydia McEvoy, Exhibit G

• PERS Retiree Workback policy from HR Manager Lydia McEvoy, Exhibit H

Sherwood City Council Meeting Date:

February 6, 2024

ATTENDANCE SHEET

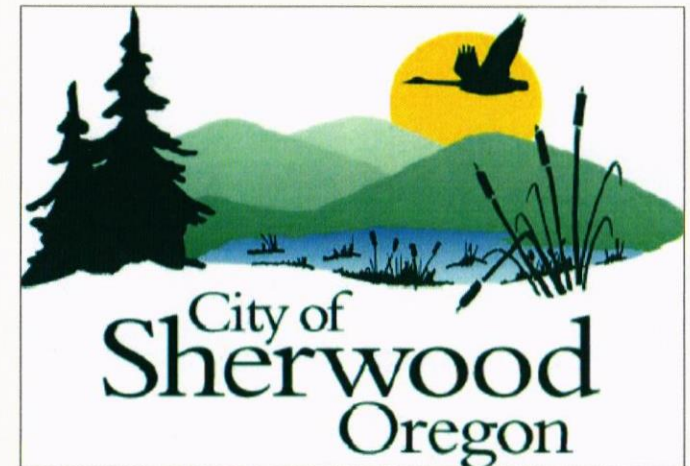
NAME

ADDRESS

PHONE

Maia Agramoff	12346 SW Tooe Rd.	503-789-2428

DRAFT ANNEXATION POLICY



February 6, 2024

Eric Rutledge, Community Development Director

2/6/2024
Date

City Council
Gov./Body

WS
Agenda Item

A
Exhibit #

ANNEXATION POLICY

Council Goals FY 23/24

Economic Development

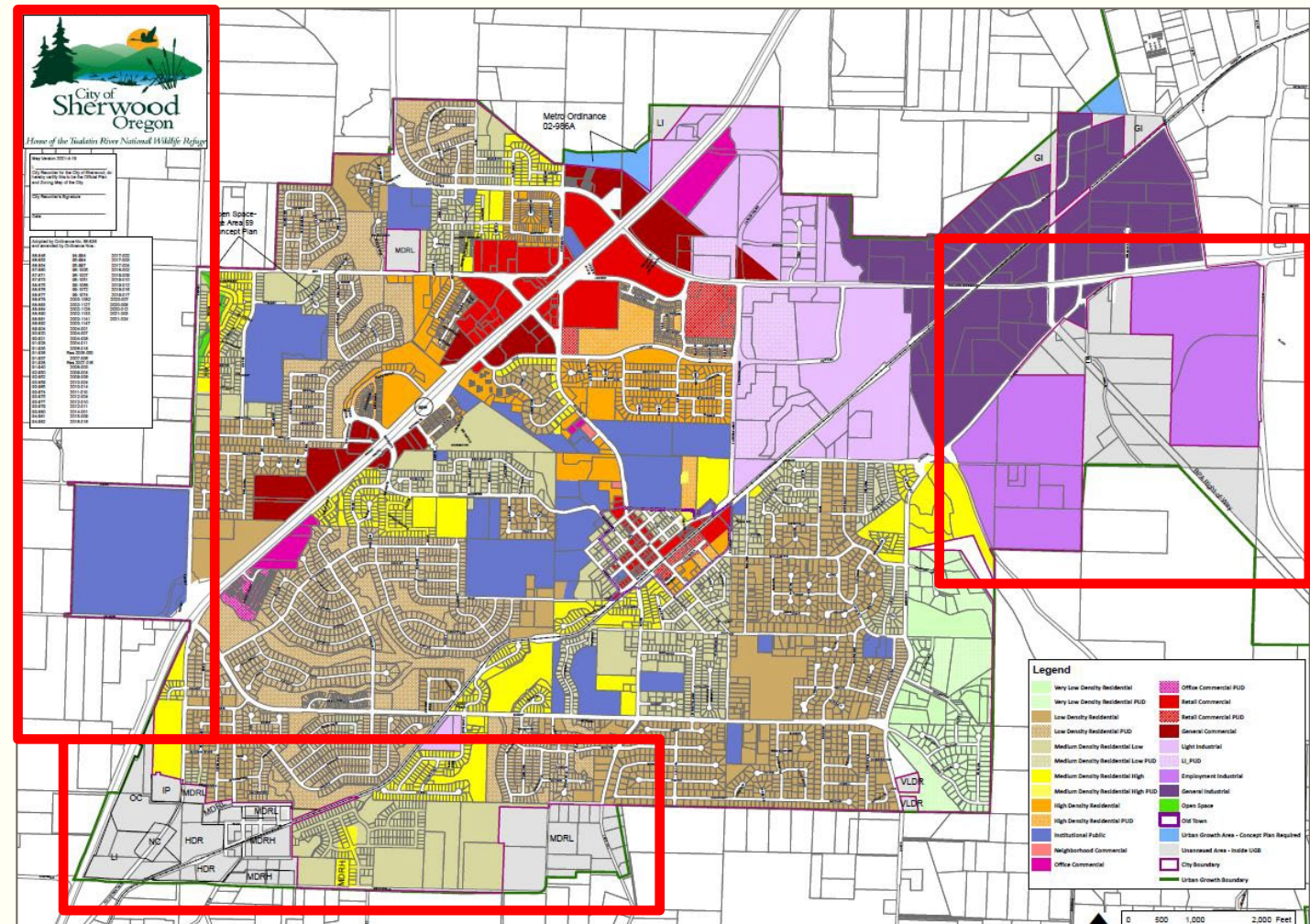
- Deliverable 1:2 Create annexation policies and processes to manage our growth goals as it relates to infrastructure, school capacity, and long-term community needs



ANNEXATION POLICY

Applies to all unincorporated areas within Sherwood's Urban Growth Boundary

- Brookman Addition
- Tonquin Employment Area
- Sherwood West (upon UGB expansion approval)



ANNEXATION POLICY

Approval Body	<ul style="list-style-type: none">• City Council.• No Planning Commission• Appeals heard by the Land Use Board of Appeals
Annexation Agreement	<ul style="list-style-type: none">• Negotiated between staff and the applicant prior to an application being submitted.• City Council can modify the agreement prior to approval• Requires applicant to identify transportation facilities that are required to serve the development at full build out of the site.• Requires applicant to certify that water, sanitary, and storm sewer capacity is available or will be available within 18 months of annexation• Requires applicant to guarantee any needed public improvements to serve the site or limit the development

ANNEXATION POLICY

Approval Criteria

- Annexation must be determined to be in the best interest of the City
- Applicant must demonstrate that adequate public facilities and services can be provided to the site (Water, sanitary, storm, transportation, fiber, parks, trails, police, and waste)
- Public facilities and services must be provided in an orderly, efficient, and timely manner.
- Metro and State annexation regulations continue to apply (HB 1573)
- Clear and objective standards do not apply to annexations

Zoning

Zoning Map will automatically apply once the annexation is approved, unless the applicant receives approval of a concurrent zone change

ANNEXATION POLICY

Discussion Questions

- Should the annexation policy apply within all growth areas of the City's Urban Growth Boundary?
- Any comments, questions, concerns about the draft policy?

Next Steps

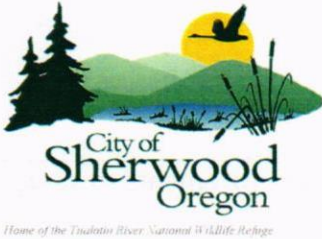
- Revise policy based on feedback
- Bring forward an ordinance for consideration by Council (Spring 2024)

DRAFT ANNEXATION POLICY

February 6, 2024

Eric Rutledge, Community Development Director





City of Sherwood
22560 SW Pine St.
Sherwood, OR 97140
Tel 503-625-5522
Fax 503-625-5524
www.sherwoodoregon.gov

Mayor
Tim Rosener

Council President
Kim Young

Councilors
Renee Brouse
Taylor Giles
Keith Mays
Doug Scott
Dan Standke

City Manager Pro Tem
Craig Sheldon

Assistant City Manager
Kristen Switzer

To: Mayor Rosener and Sherwood City Council
From: Eric Rutledge, Community Development Director
Date: February 6, 2024
Re: Draft Annexation Policy

Background

During an October 3, 2023 work session, City Council directed staff to bring forward annexation policy for consideration within Sherwood's current Urban Growth Boundary. If adopted, this policy would apply to the Brookman Addition and Tonquin Employment Area. If the Sherwood West Urban Growth Boundary expansion is approved by Metro, the policy would also apply to Sherwood West. Draft annexation policy is included as Attachment A.

Annexation Policy

The annexation policy is intended to facilitate efficient and orderly development when transferring jurisdiction of property from Washington and Clackamas Counties to the City of Sherwood. The policy ensures that public facilities are or will be available to serve annexed land and establishes a system for weighing the physical, environmental, fiscal, and social effects of proposed annexation. Below is a discussion table of the key elements of the draft policy.

Approval Body	City Council. No Planning Commission review is required for annexations. Appeals would be heard by the Land Use Board of Appeals.
Annexation Agreement	<p>An annexation agreement is required for approval and will be negotiated between staff and the applicant prior to a full application being submitted. City Council can modify the agreement prior to approval.</p> <p>The annexation agreement requires the applicant to identify transportation facilities that are required to serve the development at full build out of the site. The applicant is also required to certify that water, sanitary, and storm sewer capacity is available or will be available within 18 months of annexation.</p>

2/6/2024
Date

City Council
Gov. Body

WS
Agenda Item

B
Exhibit #

Annexation Agreement (continued)	Applicant required to guarantee any needed public improvements to serve the site or limit the development.
Approval Criteria	<p>The annexation must be determined to be in the best interest of the City and demonstrate that adequate public facilities and services can be provided to the site. This includes water, sanitary, storm, transportation, fiber, parks, trails, police, and waste. The application must demonstrate how impacts to existing City infrastructure will be mitigated, if necessary.</p> <p>Public facilities and services must be provided in an orderly, efficient, and timely manner.</p> <p>Metro and State annexation regulations continue to apply. Clear and objective standards do not apply to annexations.</p>
Zoning	The zoning depicted on the Zoning Map will automatically apply once the annexation is approved, unless the applicant receives approval of a concurrent zone change.

Attachments:

A. *Draft Annexation Policy*

Sherwood Municipal Code Chapter 16 – Zoning and Community Development Code

Division IV Planning Procedures

Chapter 16.80 Annexations

16.80.010

A. Purpose: The procedures and standards in this chapter are established in order to:

1. Facilitate efficient and orderly development opportunities when transferring jurisdiction of property within the Urban Growth Boundary from Washington County and Clackamas County to the City of Sherwood;
2. Comply with the requirements of Oregon Revised Statutes (ORS) 222, 268, and Metro Code Section 3.09;
3. Ensure that public facilities are or will be available to serve land annexed to the City;
4. Establish a system for measuring and weighing the physical, environmental, fiscal, and related social effects of proposed annexation; and
5. Avoid the creation of irregular boundaries or annexations that create “island,” “cherry stem” or “shoestring” annexations, where possible.

B. Application Type and Review Procedure: An annexation application is subject to a Type V procedure, including public notice, public hearing, and final decision through the City Council.

The following is the review procedure for all annexation applications.

1. Pre-Application conference;
2. Submission of completed application;
3. Staff recommendation of approval or denial;
4. Review by Planning Commission with recommendation to City Council;
5. Review by City Council; and
6. Approval or denial by City Council

C. Submittal Requirements.

1. An annexation application must include the information set forth in Metro Code 3.09 and the applicable application fees based on the current City of Sherwood fee schedule.
2. Request for annexation shall be made on forms provided by the city for such purposes and shall be accompanied by all requirements in the City’s annexation checklist.

2. An owner-initiated annexation application shall include an annexation agreement consistent with Section 16.80.020, Annexation Agreements shall be approved concurrently with the annexation application and receive City Council approval.

D. Zone Change Process Concurrent with Annexation Application

A property owner who seeks a zoning designation other than the designation set forth in the City's adopted Plan and Zone Map may apply for a Zone Change to an alternative zone. An owner-initiated change may be processed concurrently with the annexation application. The Zone Change application shall be processed under Section 16.72, Procedures for Processing Development Permits, and 16.80, Plan Amendments.

E. Zoning of Annexed Areas

All lands within the Urban Growth Boundary of Sherwood have been classified according to the appropriate city land use designation as noted on the Plan and Zone Map.

F. Pre-existing Conditions

2. As of the effective date of annexation, no pre-existing use, activity or development shall be permitted unless it has been reviewed by Washington County and through a formal land use determination has been deemed to: (1) comply with current county zoning regulations or (2) is a lawful non-conforming use or development. Any other such use, activity or development shall constitute a violation of this ordinance.

3. Any lawfully established unit of land, as defined in ORS 92, duly recorded in the Washington County Recorder's Office prior to the effective date of this Ordinance and having an area, width, depth, or street frontage less than that required in the Zoning District regulations in which such lot or parcel is situated, shall be deemed to be a lot and may be used as a building site, provided that all other regulations of the zone and development code are met.

D. Approval Criteria. The City may approve an annexation application if the City determines that the following criteria are met:

1. Criteria set forth in Oregon Revised Statutes (ORS) 222, 268, and Metro Code Section 3.09.

2. Applicable policies of the Sherwood Comprehensive Plan.

3. The application demonstrates how the property is served or will be served by adequate public facilities and services, including sanitary sewer, storm water, domestic water, transportation, internet fiber, parks and trails, and police, fire, and waste service. Public facilities and services must be provided in a manner consistent with the City's adopted public facility plans, comprehensive plan, transportation system plan, parks and trails master plan, and any applicable area plan or master plan. The application must

demonstrate how the public facilities and services will be provided to the property in an orderly, efficient, and timely manner.

4. The application demonstrates how impacts to existing City public facilities and services (sewer, water, stormwater, and transportation) from the development of the property will be mitigated, if necessary. Mitigation may include construction of on-site or off-site improvements or improvements to existing infrastructure to City standards and specifications. The application must demonstrate adequate funding for the mitigation. If the financing requires City funds, the funding must be approved by the City Council prior to annexation. The City may rely on the standards and criteria of Title 16, Sherwood Zoning and Community Development Code, and other relevant standards and criteria in the comprehensive plan, engineering design standards, or approved master plans to analyze an applicant's proposed mitigation of impacts. In order to ensure adequate public facilities and services will exist to serve property annexed to the City, an applicant may be required to enter into an agreement with the City that governs the extent and timing of infrastructure improvements pursuant to Chapter 16. 80.020 Annexation Agreements.

5. The application demonstrates that the annexation and proposed zoning is consistent with the Transportation Planning Rule (TPR) or demonstrates that the TPR analysis is not required.

6. The annexation is in the City's best interest.

F. Conditions of Approval. Approval of annexation may be conditioned by the City, including conditions to meet service boundary requirements of Metro and Clean Water Services.

G. Appeal of Decision. A final decision on an annexation application may be appealed to the Land Use Board of Appeals.

H. Expiration of a Decision. A final decision on an annexation does not expire.

I. Extension of Decision. Because a final decision on an annexation does not expire, the decision is not subject to extension requests.

16.80.020 Annexation Agreements

A. Purpose. The annexation agreement is intended to ensure awareness of the annexation process as well as reasonable certainty to the property owner, the City, and the public that the scope and timing of subsequent development of the property will occur in a manner that facilitates the timely and equitable construction of necessary infrastructure improvements. The agreement is intended to describe the intended use of the property following annexation, the process for development review, the parties' commitments

regarding the subsequent development, and the infrastructure anticipated to be necessary to support development.

B. Applicability. Unless waived by the City under subsection D, an annexation agreement consistent with this section shall be negotiated with City staff prior to and included with any owner-initiated annexation application for review and approval by City Council.

C. Contents. Unless otherwise agreed by the City, an annexation agreement shall include the following information and, at a minimum, address the following elements to the City's satisfaction:

1. A legal description of the property;
2. The current zoning within the County and future urban zoning as depicted on the City's Zone Map;
3. The proposed zoning, if different than depicted on the City's Zone Map;
4. The owner's intended urban use of the property in sufficient detail to allow the City to determine the public facility impacts and required infrastructure improvements necessary to support the intended use. The description should include the anticipated type, size, and density of the use, the timing of any anticipated phases, and an engineering assessment of the impact on urban services at full build-out and for each phase of a phased project;
5. Certification of service availability. It is necessary to obtain certification that water, sanitary sewer, storm sewer and transportation services are available or can be available within 18 months to the proposed site.
6. A Transportation Study that is coordinated with the City and other impacted agencies including Washington County and Oregon Department of Transportation. Unless waived by the City, the Transportation Study shall include:
 - a. The existing transportation facilities that serve the property, including the existing and planned capacity of the facilities, including trip analysis to determine the scope and timing of planned improvements to evaluate the cumulative effect of annexations and development on the transportation system.
 - b. The location, size, type, and timing of any phased occupancy, if proposed.
 - c. Any transportation improvements that may be necessary to accommodate the development at initial occupancy, at each phase of a phased project, and at full buildout of the property.

- d. The committed and funded multi-modal transportation facilities expected to be available at initial occupancy, at each phase of a phased project, and at full buildout of the property.

D. Waiver.

1. The City may waive the requirement to execute and submit an annexation agreement if the City, in its sole discretion, determines the agreement is not necessary and would not achieve the purposes described in Subsection 16.80.020.

E. Owner Commitments. The annexation agreement shall provide for at least the following owner commitments:

1. To provide needed improvements or limit the development of the property such that it will not exceed the capacity of:
 - a. Affected transportation facilities, as determined by the Transportation Study, including any improvements proposed and constructed as part of the development; and
 - b. Other affected public facilities including facilities for sanitary sewer, storm water, domestic water, transportation, internet fiber, and parks, trails, and open space.
2. Authorize the City to limit or condition any land use decision or entitlements consistent with the Transportation Study and other available public infrastructure capacity analysis, as determined by the City, to ensure that adequate public infrastructure is available to serve the proposed development.

F. City Commitments.

1. If necessary, to rezone the property to the urban designated zoning depicted on the Plan and Zone Map and any applicable Master Plan at the time of annexation or such other time as parties agree.

G. General Provisions.

1. An annexation agreement shall include the parties' intended schedule of significant development-related events, including annexation, zone change, land division, development review, building permits, and occupancy.
2. The provisions of an annexation agreement may be included in and made part of a subsequent land use decision, in which case the provisions of the land use decision supersede any conflicting provisions in the annexation agreement.

3. An annexation agreement is not effective and binding on the parties until the annexation application receives final approval by the City Council and any rights to appeal are exhausted.

ANNUAL HOUSING REPORT

2022 FINAL

2023 DRAFT

February 6, 2024

Eric Rutledge, Community Development Director



2/6/2024
Date

WS
Agenda Item

City Council
Gov. Body

C
Exhibit #

ANNUAL HOUSING REPORT

Council Goals FY 23/24

- Livability and Workability
- Deliverable 3.5.a – Develop Annual Report on Housing



REVISIONS TO 2022 REPORT

2022 Calendar Year Summary

- Added definitions section
- Added barriers to housing production section
- Added vacant land inventory map

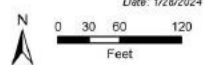
Revisions carried into 2023 draft report



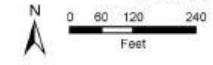
2023 DRAFT HOUSING REPORT



Pine St. Partition – new 6,672 SF lot created from parent parcel

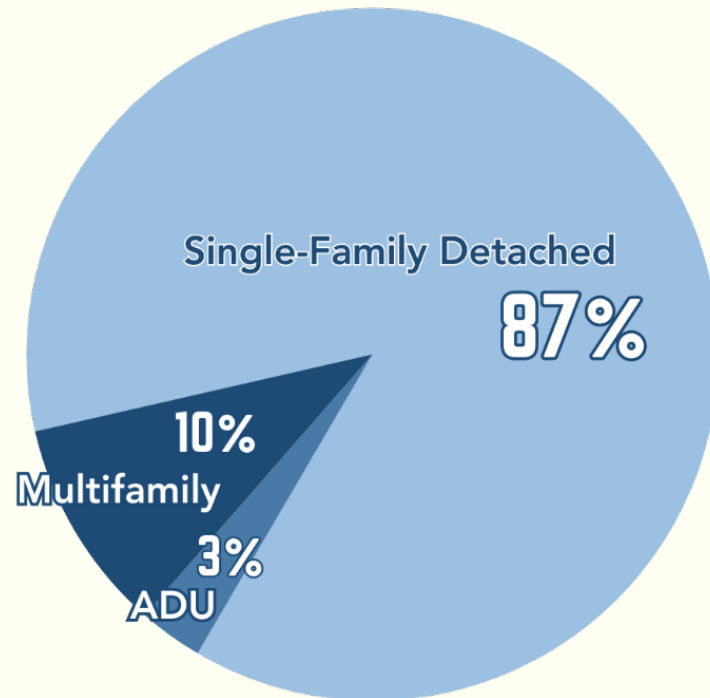


Sherwood Plaza Zone Change – 3.30-acre rear lot rezoned from Retail Commercial to High Density Residential

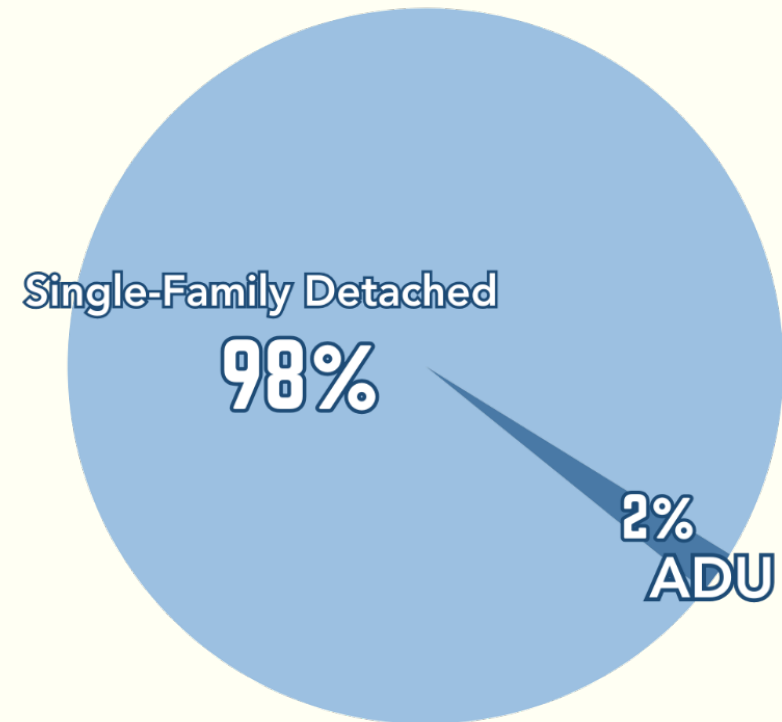


2023 DRAFT HOUSING REPORT

Residential Units Permitted (80 Total)

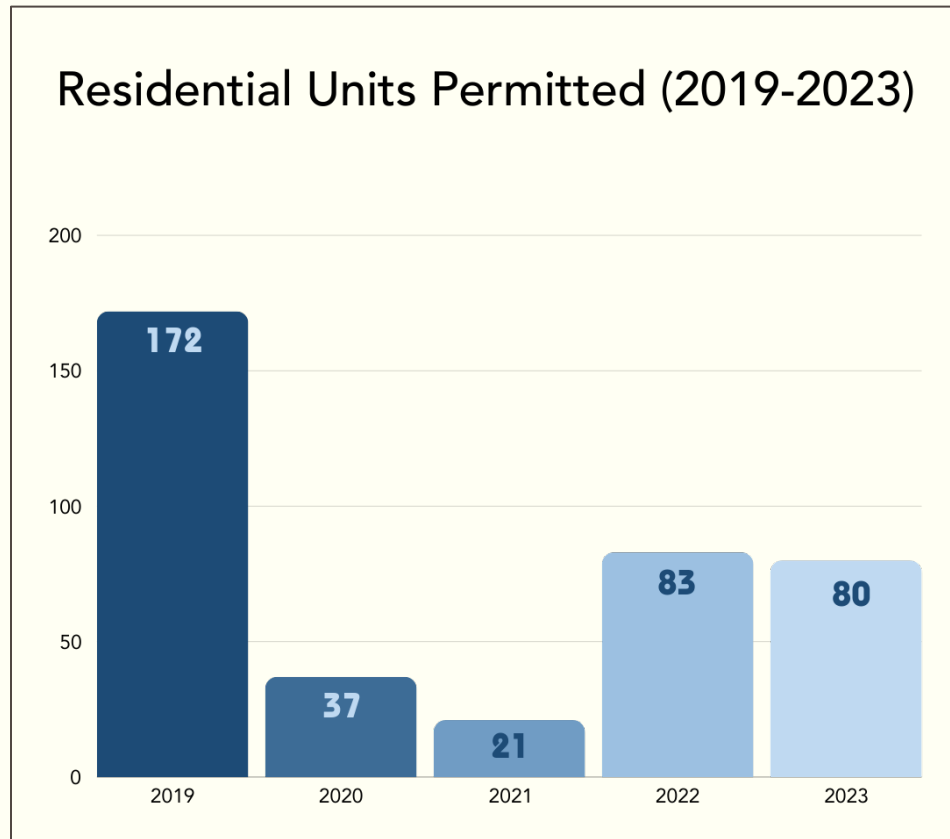


Residential Units Constructed (53 Total)

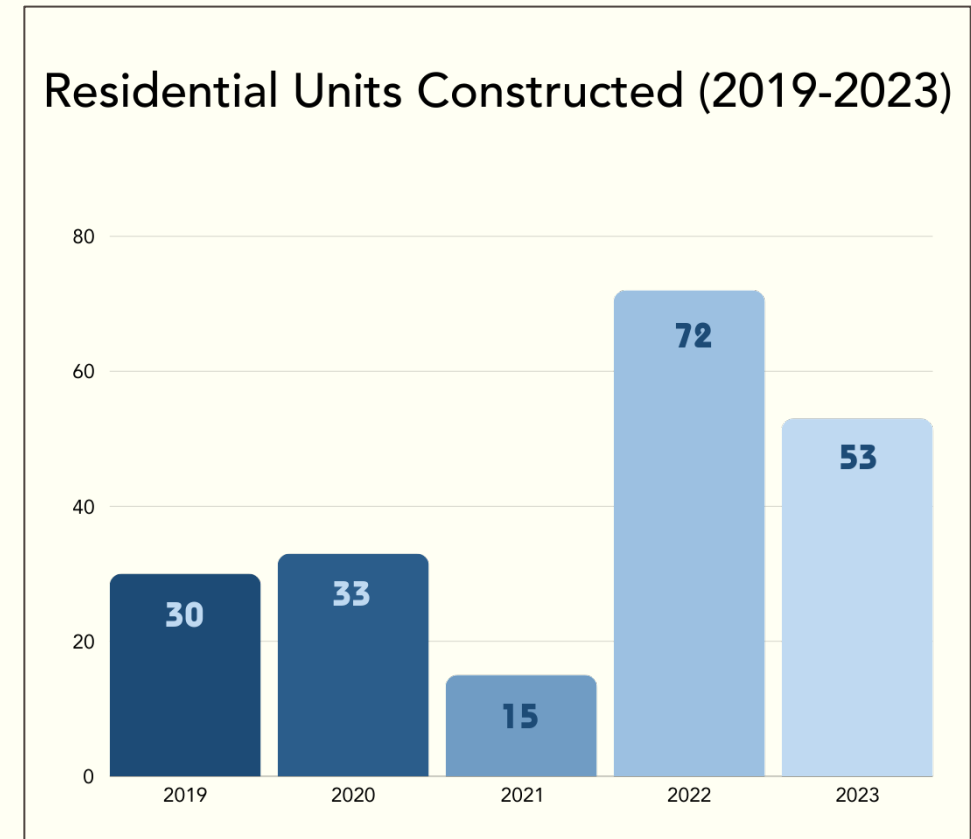


2023 DRAFT HOUSING REPORT

5-Year History



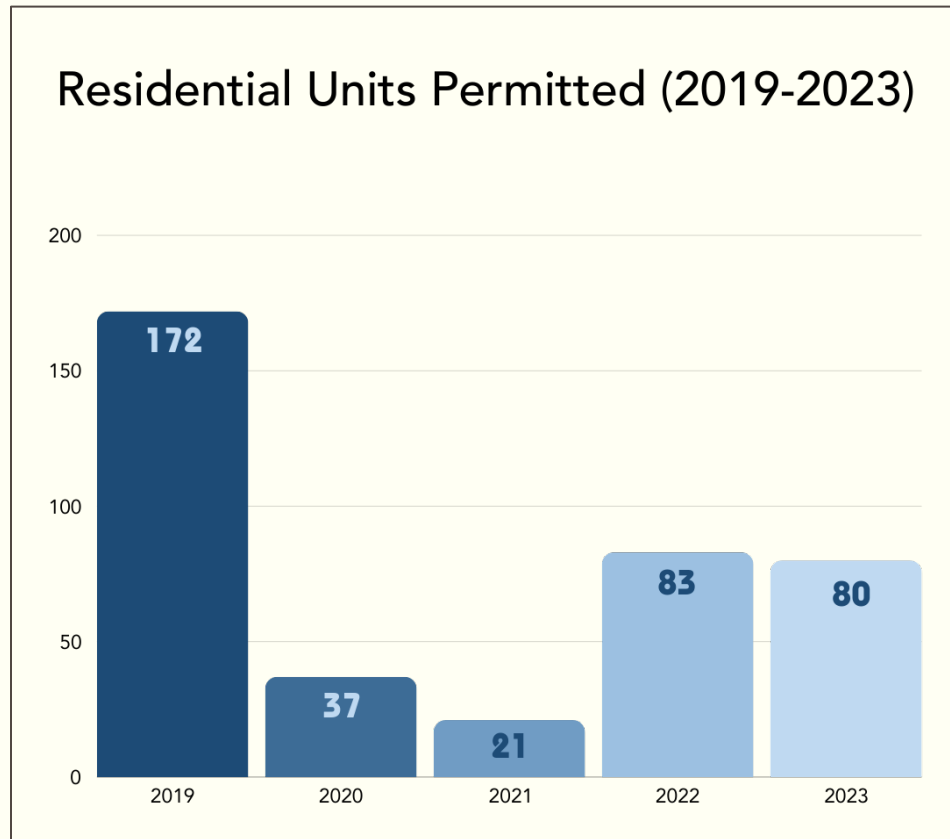
Annual average = 78



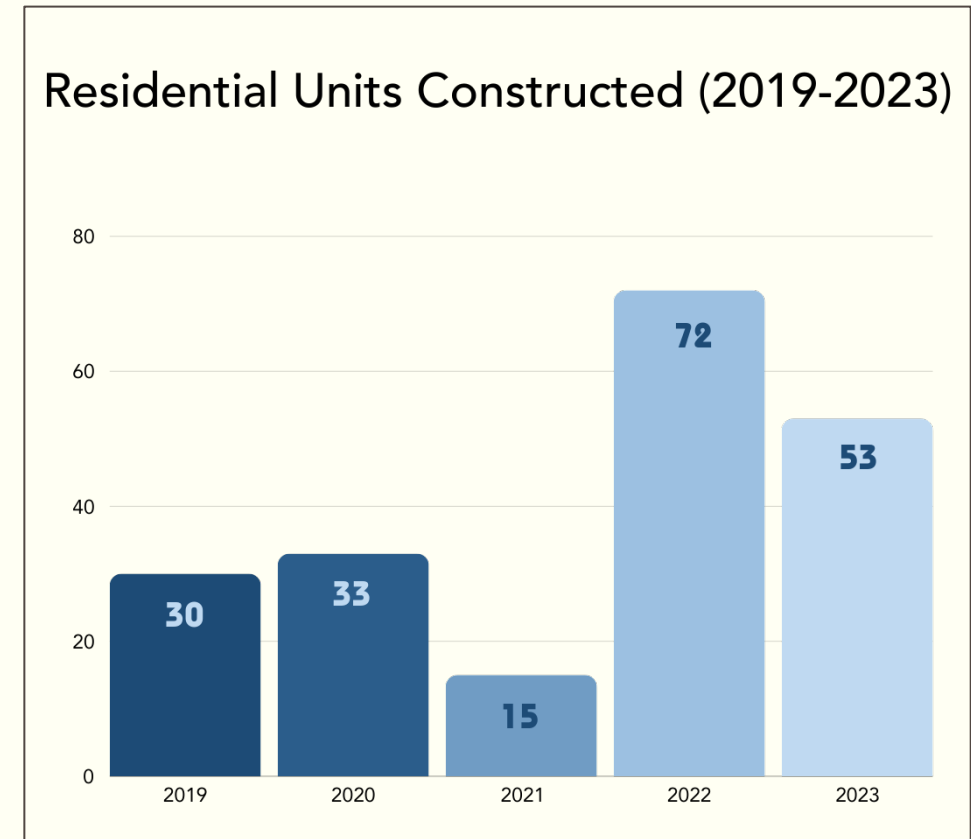
Annual average = 40

2023 DRAFT HOUSING REPORT

5-Year History



Annual average = 78



Annual average = 40

2023 DRAFT HOUSING REPORT

Barriers to housing production:

- Infrastructure timing and cost
- High land costs, especially within the Portland Metro
- High construction costs (materials)
- High construction costs (labor)
- Limited skilled labor (i.e. licensed tradespersons)
- Physically constrained land (wetlands, steep slopes, etc.)



2023 DRAFT HOUSING REPORT

Next steps

- Report to DLCD and publish on the City's website
- Use as information resource for local policy making, advocacy at state and regional level, funding opportunities, etc.
- Create report annually



ANNUAL HOUSING REPORT

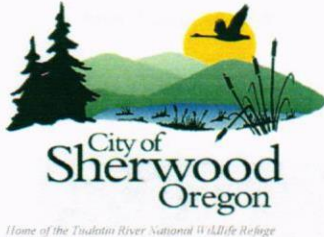
2022 FINAL

2023 DRAFT

February 6, 2024

Eric Rutledge, Community Development Director





City of Sherwood
22560 SW Pine St.
Sherwood, OR 97140
Tel 503-625-5522
Fax 503-625-5524
www.sherwoodoregon.gov

Mayor
Tim Rosener

Council President
Keith Mays

Councilors
Renee Brouse
Taylor Giles
Doug Scott
Dan Standke
Kim Young

City Manager Pro Tem
Craig Sheldon

Assistant City Manager
Kristen Switzer

To: Mayor Rosener and Sherwood City Council
From: Eric Rutledge, Community Development Director
Date: February 6, 2024
Re: City Council Goals FY 23/24 - Deliverable 3.5.a Develop Annual Report on Housing

Background

Resolution 2023-018 adopted City Council pillars, goals, and deliverables for Fiscal Year 2023-2024. Deliverable 3.5.a under "Livability and Workability" is to develop an annual report on housing. Staff presented the draft report for calendar year 2022 and has incorporated feedback from council (see Attachment 1). A draft report for calendar year 2023 is now available (Attachment 2).

Annual Housing Report – 2023 Calendar Year

A summary of the draft 2023 report findings are provided below:

- 80 units permitted
- 53 units constructed
- 2 new lots created through land partitions
- Zone change of 3.30-acre lot from Retail Commercial to High Density Residential
- Various new housing related laws and executive orders passed Oregon legislature and Governor Kotek
- House Bill 3414 failed by one vote during the long-session

Attachments:

Attachment 1: Final Housing Report 2022

Attachment 2: Draft Housing Report 2023

3/6/2024
Date

WS
Agenda Item

City Council
Gov. Body

D
Exhibit #



Annual Housing Report 2022





Table of Contents:

Page 1	Table of Contents and Definitions
Page 2	Year at a Glance
Page 3	Building Permits and Occupancy
Page 4	5-Year Permit History
Page 5- 7	Land Use Approvals
Page 8	Obstacles to New Housing Production
Page 9	Local and State Legislative Summary
Page 10	Vacant Residential Land Map

Definitions

Unit Permitted - building permit issued, allows construction on a unit to begin

Unit Constructed - occupancy issued, indicates completion of a unit and allows move-in

Land Use Approval - land use approval issued (subdivision, partition, or Site Plan), allowing the applicant to apply for building permits and public improvement design review

Single-Family Detached - a detached structure on a lot or parcel that is comprised of a single dwelling unit.

Multi-Family - a single structure containing five (5) or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots.

Accessory Dwelling Unit (ADU) - an interior, attached, or detached dwelling unit that is used in connection with, or that is accessory to, a single dwelling on a single lot or parcel.



2022 At a Glance



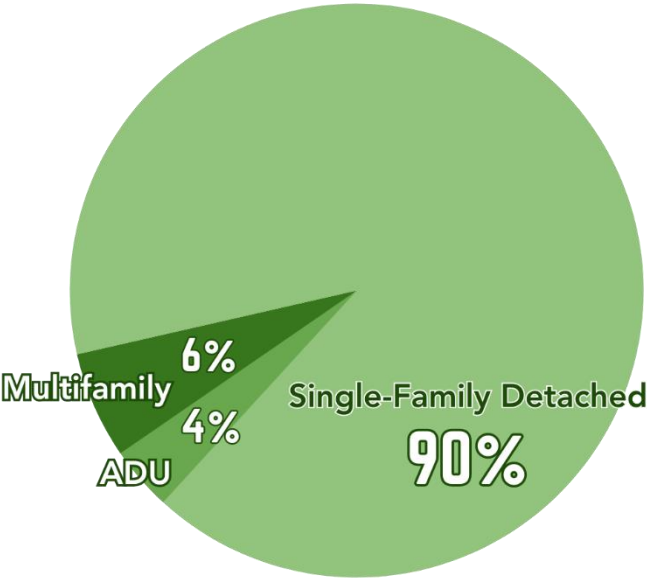
- 83 units permitted
- 72 units constructed
- 63 units approved through land use
- Housing Choices legislation adopted to comply with HB 2001 (middle housing)
- No significant housing legislation passed by the state legislature during the 2022 short session





Building Permits and Occupancy

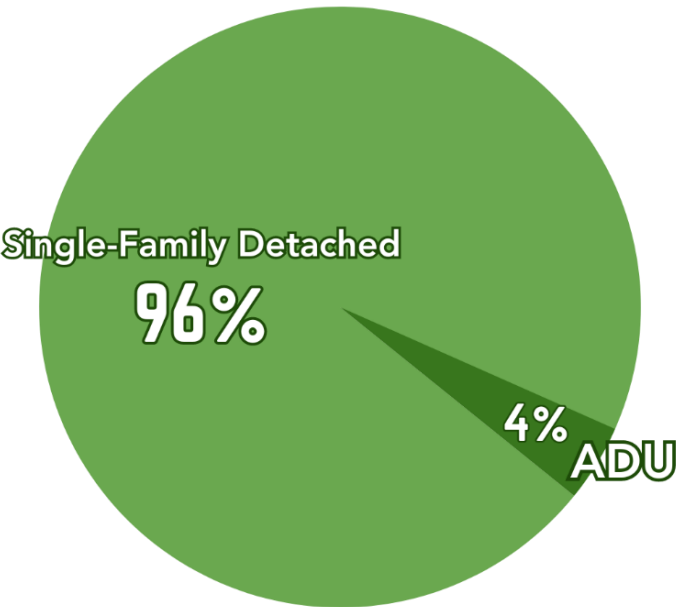
Residential Units Permitted (83 Total)



*Complete new residential units, does not include additions, remodels, or trade permits (mechanical, electrical, etc.)



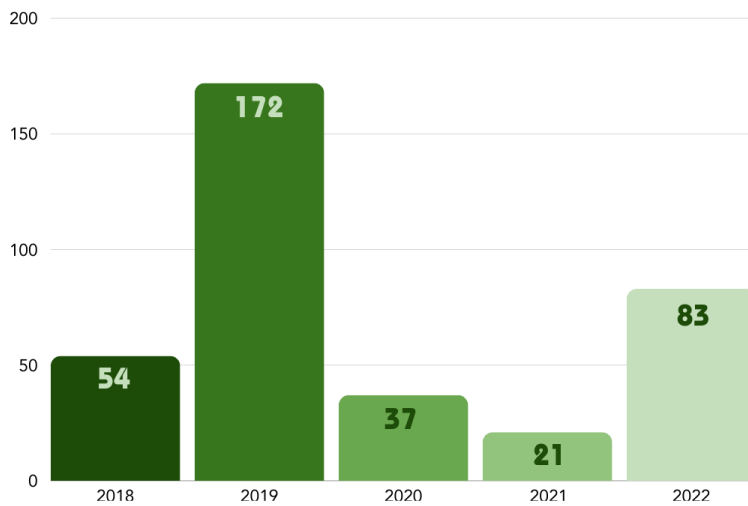
Residential Units Constructed (72 Total)





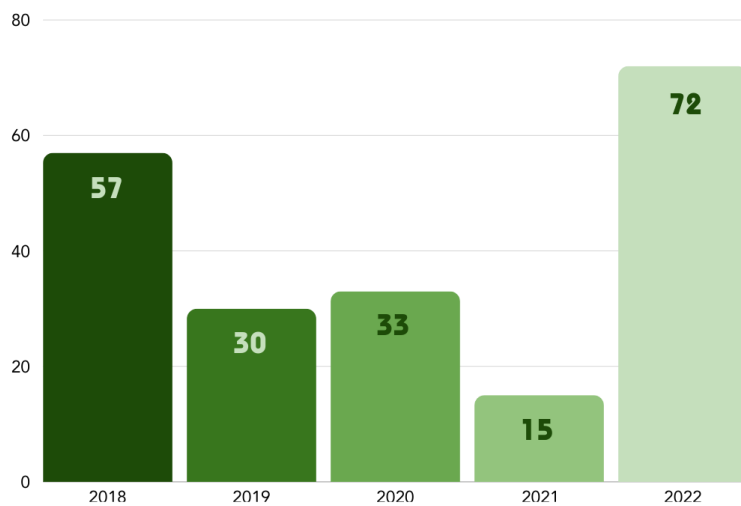
5-Year Permit History

Residential Units Permitted (2018-2022)



**367 residential units
permitted in last
5 calendar years;
average of 73 per year**

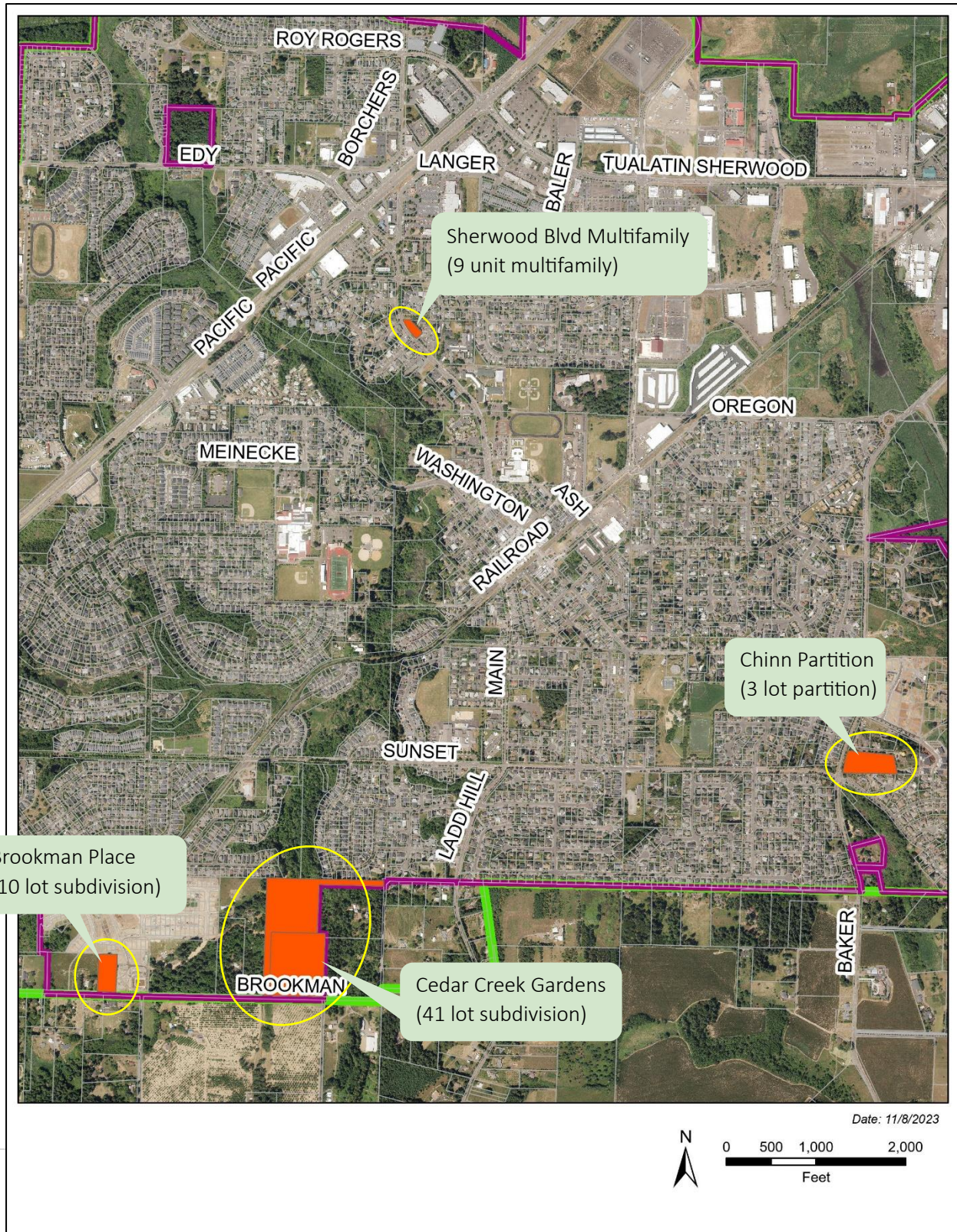
Residential Units Constructed (2018-2022)



**207 residential units
constructed in last
5 calendar years;
average of 41 per year**



Land Use Approvals





Brookman Place

10 Lot Subdivision

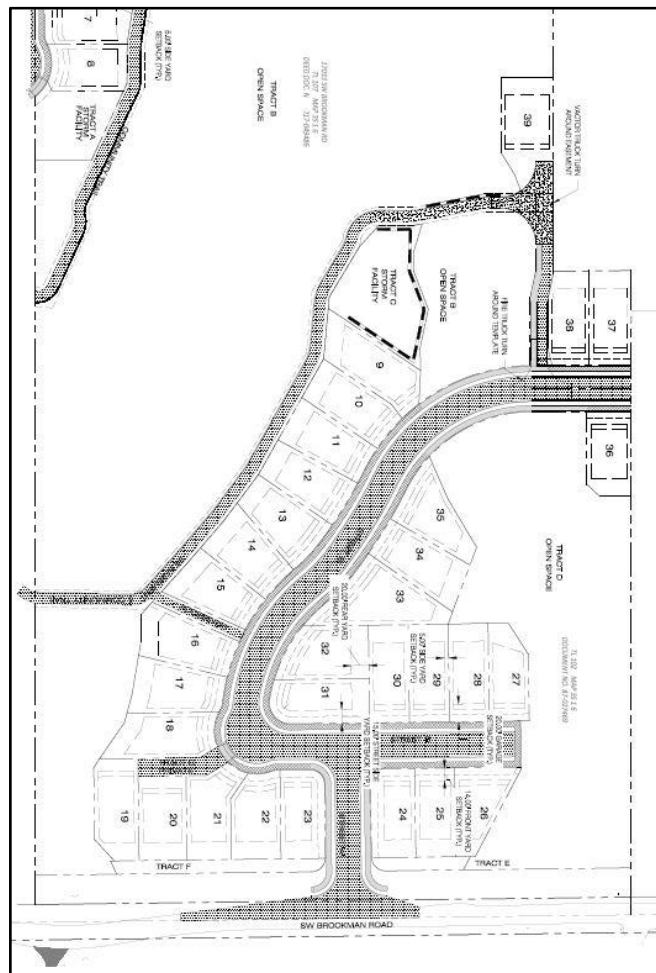
10-lot subdivision on an approximately 2-acre site located at 17687 SW Brookman Rd. The property is zoned Medium Density Residential High.

Cedar Creek Gardens

41 Lot Subdivision

41-lot residential subdivision on a 19.99-acre site zoned Medium Density Residential Low (MDRL). The development site is comprised of two lots and is mostly forested with the exception of two existing homes and various outbuildings.

*Cedar Creek
Gardens Plat*





Sherwood Blvd. Multifamily

9 Unit Multifamily

9-unit multifamily building to be located at 21742 SW Sherwood Blvd. The 0.48-acre site is zoned High Density Residential (HDR) and is currently vacant.



Chinn Partition

3 Lot Partition

3-lot partition on a undeveloped property identified as Tax Lot 2S133CB00600. The property is zoned Very Low Density Residential (VLDR) and is comprised of 3.01-acres.



Barriers to Housing Production



Infrastructure

Approximately 75% of potential housing units in Sherwood are constrained by infrastructure needs. This means that infrastructure investments beyond a developer's local portion is required for the property to develop, or the parcel size likely does not support the provision of its own local infrastructure to serve the property. Local jurisdictions cannot carry the burden of needed infrastructure alone. Without additional support from the State, County, and Metro, housing production will continue to lag behind the demand.

Other barriers to housing production:

- High land costs, especially within the Portland Metro
- High construction costs (materials)
- High construction costs (labor)
- Limited skilled labor (i.e. licensed tradespersons)
- Physically constrained land (wetlands, steep slopes, etc.)



Legislative Summary



City of Sherwood

The City adopted Housing Choices legislation to comply with HB 2001 (Middle Housing) in 2022. The legislation permits middle housing, with density and design standards, in all zones that allow single-family residences. Middle housing includes duplexes, triplexes, quadplexes, townhomes, and cottage clusters.

State of Oregon

The State of Oregon held a short legislative session during the first quarter of 2022. No significant housing legislation was passed that will impact Sherwood.

Residential Land Supply

Unit Supply

1,404 units in residential zones

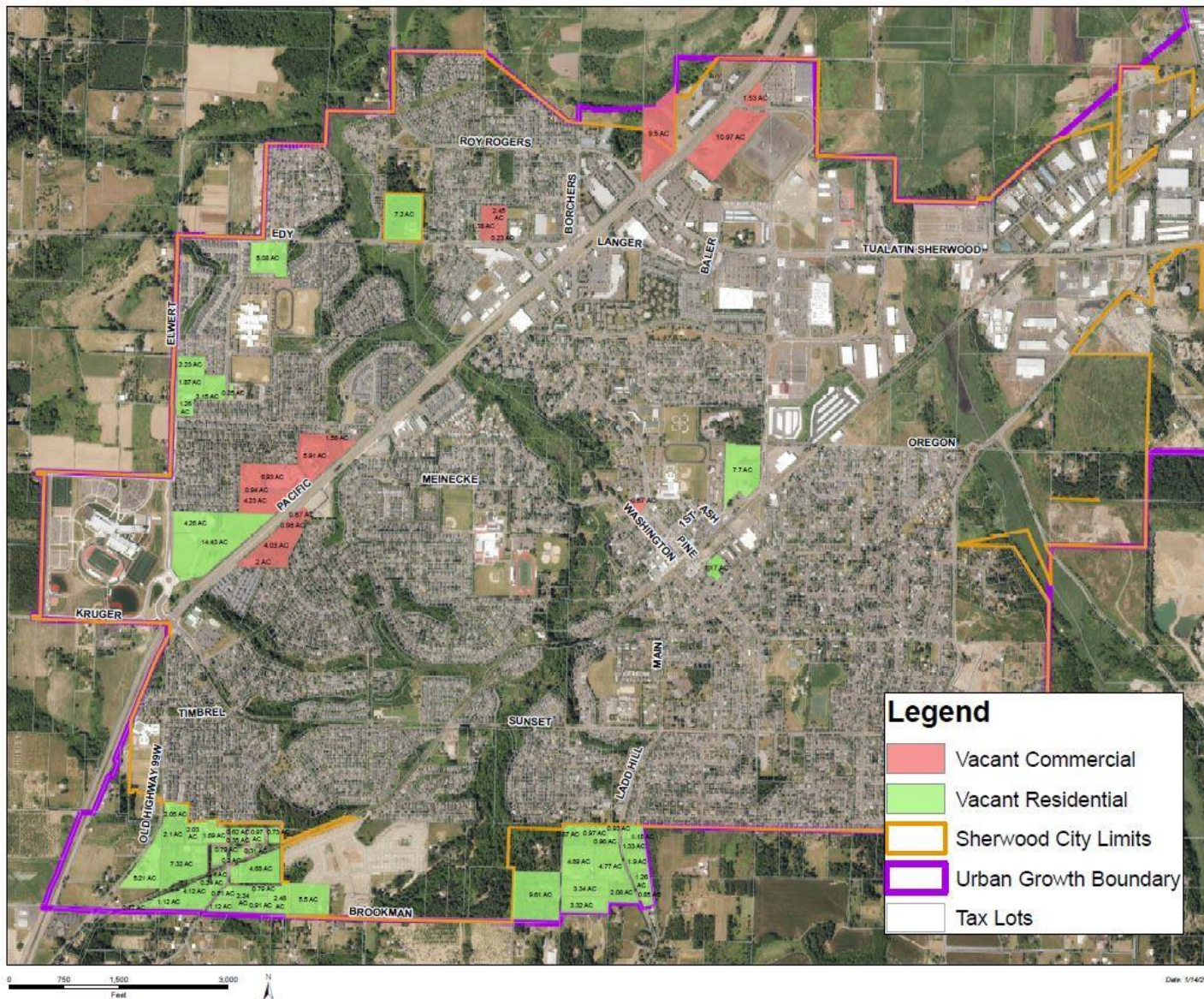
916 units in commercial zones

Analysis

Most vacant residential land is located in the Brookman Addition. Most vacant commercial land is located along Highway 99W. Location restrictions apply to residential uses in commercial zones.

Methodology

Includes all vacant residential land within the current Urban Growth Boundary. High level estimate using GIS analysis. Unit count estimated by multiplying net acreage by permitted density in each zone. Net acreage is gross acres minus 20%. Does not account for potential sensitive habitat or open space.





Annual Housing Report 2023





Table of Contents:

Page 1	Table of Contents and Definitions
Page 2	Year at a Glance
Page 3	Building Permits and Occupancy
Page 4	5-Year Permit History
Page 5- 6	Land Use Approvals
Page 7	Obstacles to New Housing Production
Page 8	Local and State Legislative Summary
Page 9	Vacant Residential Land Map

Definitions

Unit Permitted - building permit issued, allows construction on a unit to begin

Unit Constructed - occupancy issued, indicates completion of a unit and allows move-in

Land Use Approval - land use approval issued (subdivision, partition, or Site Plan), allowing the applicant to apply for building permits and public improvement design review

Single-Family Detached - a detached structure on a lot or parcel that is comprised of a single dwelling unit.

Multi-Family - a single structure containing five (5) or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots.

Accessory Dwelling Unit (ADU) - an interior, attached, or detached dwelling unit that is used in connection with, or that is accessory to, a single dwelling on a single lot or parcel.



2023 At a Glance



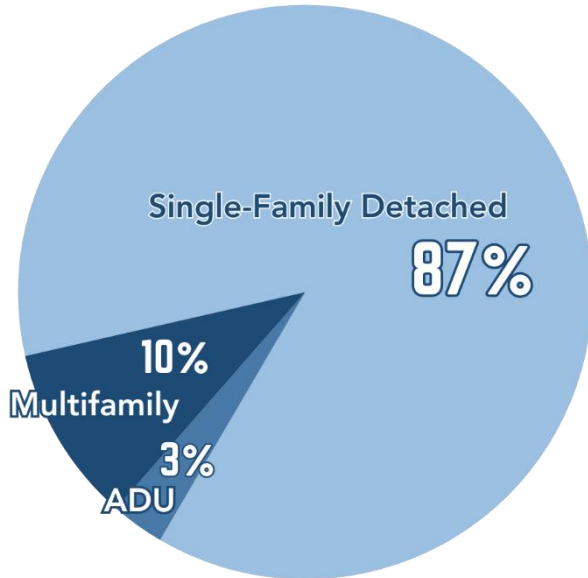
- 80 units permitted
- 53 units constructed
- 2 new lots created through land partition
- Zone change of 3.3-acre lot from Retail Commercial to High Density Residential
- Oregon House Bill 3414 failed by one vote during the long-session





Building Permits and Occupancy

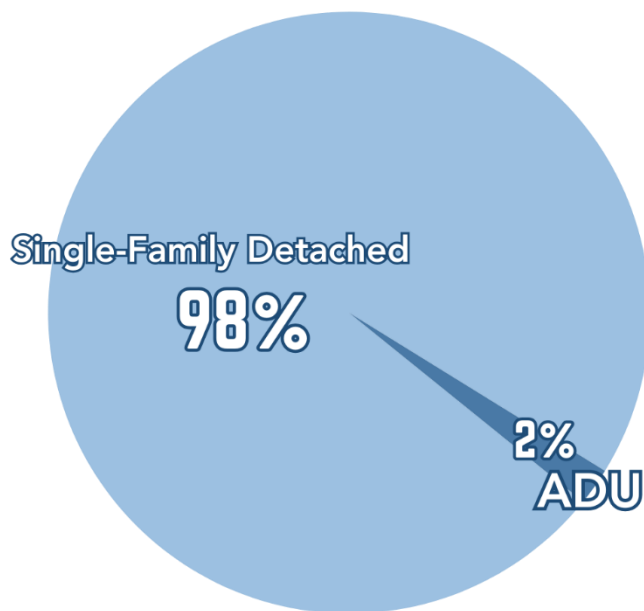
Residential Units Permitted (80 Total)



*Complete new residential units, does not include additions, remodels, or trade permits electrical, etc.)



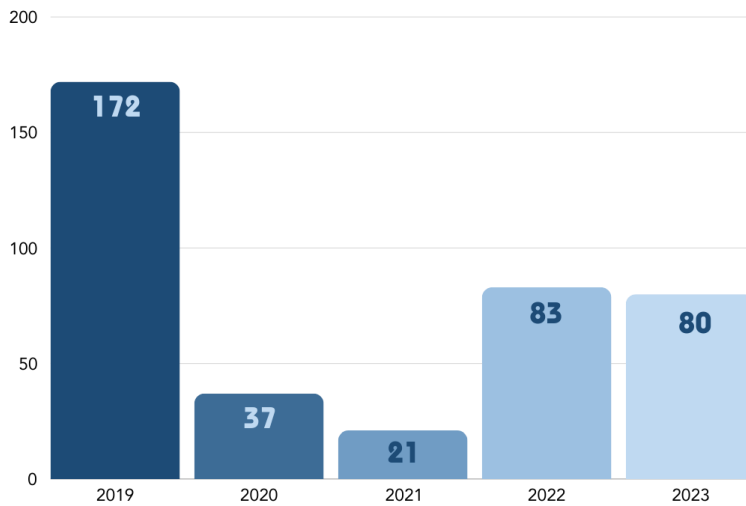
Residential Units Constructed (53 Total)





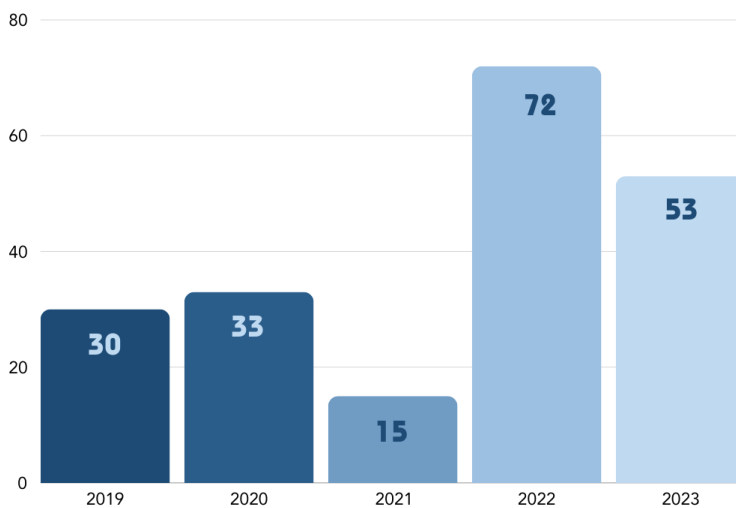
5-Year Permit History

Residential Units Permitted (2019-2023)



**393 residential units
permitted in last
5 calendar years;
average of 78 per year**

Residential Units Constructed (2019-2023)



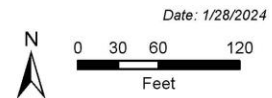
**203 residential units
constructed in last
5 calendar years;
average of 40 per
year**



Land Use Approvals



Pine St. Partition – new 6,672 SF lot created from parent parcel





Sherwood Plaza Zone Change – 3.30-acre rear lot rezoned from Retail Commercial to High Density Residential

Date: 1/28/2024



0 60 120 240
Feet



Barriers to Housing Production



Infrastructure

Approximately 75% of potential housing units in Sherwood are constrained by infrastructure needs. This means that infrastructure investments beyond a developer's local portion is required for the property to develop, or the parcel size likely does not support the provision of its own local infrastructure to serve the property. Local jurisdictions cannot carry the burden of needed infrastructure alone. Without additional support from the State, County, and Metro, housing production will continue to lag behind the demand.

Other barriers to housing production:

- High land costs, especially within the Portland Metro
- High construction costs (materials)
- High construction costs (labor)
- Limited skilled labor (i.e. licensed tradespersons)
- Physically constrained land (wetlands, steep slopes, etc.)



Legislative Summary



City of Sherwood

No housing legislation was considered by the City in 2023.

State of Oregon

The State of Oregon held a long legislative session in 2023. A number of housing bills were passed and one significant piece of legislation (HB 3414), failed. Governor Kotek issued Executive Orders related to housing and homelessness.

HB 3395 (Passed) - Allows affordable housing on lands zoned for commercial uses within urban growth boundaries.

HB 2984 (Passed) - Allows conversion of building from commercial use to housing within urban growth boundary under certain conditions

HB 3151 (Passed) - Limits improvements that landlord of manufactured dwelling park may require of tenant

HB 3414 (Failed) - Requires local governments to approve certain adjustments to land use regulations for housing development within urban growth boundary. Establishes alternate appellate procedures for adjustments. Requires certain cities to report to Department of Land Conservation and Development on use of adjustments.

Executive Order 23-02 – Declaring a state of emergency due to homelessness

Executive Order 23-03 – Directing state agencies to prioritize reducing homelessness

Executive Order 23-04 – Establishing a statewide housing production goal and advisory council

Residential Land Supply

Unit Supply

1,404 units in residential zones

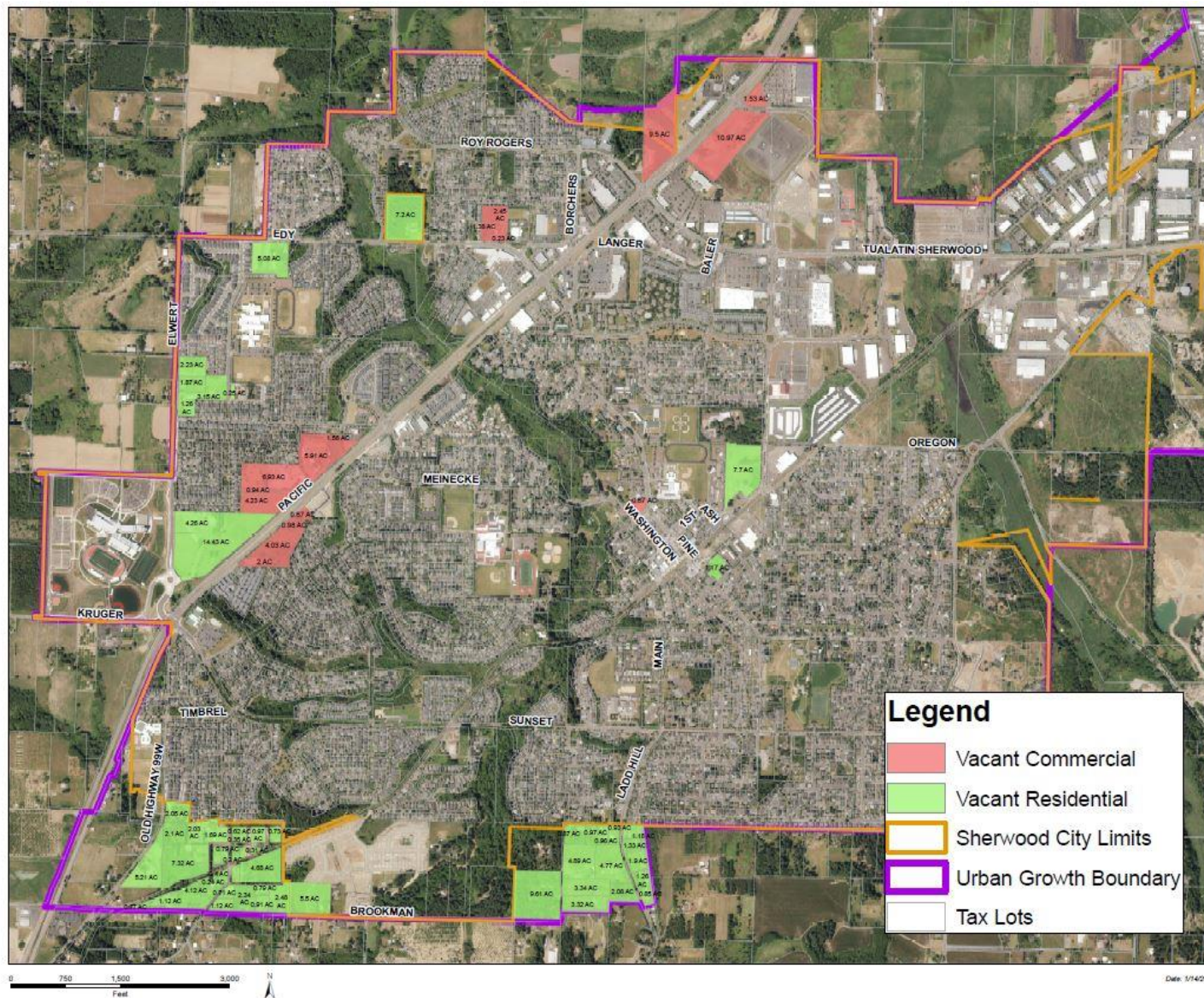
916 units in commercial zones

Analysis

Most vacant residential land is located in the Brookman Addition. Most vacant commercial land is located along Highway 99W. Location restrictions apply to residential uses in commercial zones.

Methodology

Includes all vacant residential land within the current Urban Growth Boundary. High level estimate using GIS analysis. Unit count estimated by multiplying net acreage by permitted density in each zone. Net acreage is gross acres minus 20%. Does not account for potential sensitive habitat or open space.



Council Work Session
6th February 2024

Leave Donation Policy

Presented By:
Lydia McEvoy HR Director



City of
Sherwood
Oregon

2/6/2024
Date

City Council
Gov. Body

WS
Agenda Item

E
Exhibit #

Background Information

- City Council previously approved a temporary policy between September 2018 and September 2019 (Resolution 2018-077)
- Temporary policy applied to all represented and non represented probationary and regular status City employees who were eligible to earn PTO and Sick





Leave Donation Policy Highlights

Policy is Voluntary

Eligibility is stricter than the temporary policy from 2018

6 months service eligibility for Medical Emergency and 30 days eligibility for death of a spouse, child or parent

Donated leave comes from PTO banks only

Employee must have exhausted all other Paid Leave alternatives before using donated leave

Leave donated is on an hour for hour basis and has no regard to dollar value

Leave donation bank and requests are administered by the HR Department

Requests are approved by HR Department, Department Director and City Manager



Appendix K
DRAFT - LEAVE DONATION POLICY

The City of Sherwood recognizes that employees or an employee's eligible family member (Parent, Spouse or child) may experience a Medical Emergency resulting in the need for additional time off in excess of their available accrued paid leave.

A "Medical Emergency" is defined as a medical condition that requires the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available.

To address this need, eligible employees may donate accrued PTO hours from their unused balance to their co-workers in need of additional paid time off, in accordance with the policy outlined below. This policy is strictly voluntary.

Donated leave shall not be used to extend employment beyond the point that would otherwise end by operation of any law, rule, policy or regulation.

Guidelines

Eligibility

Employees may request to receive donated leave from their co-workers if the employee, or an immediate family member, experiences a medical condition that requires the prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available. An immediate family member is defined as a spouse, child, or parent. Employees who have experienced the death of a spouse, child or parent, may also request donated leave.

To qualify for donated leave, the employee must:

- (1) Have worked for City of Sherwood for not less than six months prior to the Medical Emergency, or have been employed by the City of Sherwood for no less than 30 days prior to the death of a spouse, child, or parent, in a benefit-eligible position;
- (2) Meet the eligibility requirements of the Family Medical Leave Act (FMLA) and/or the Oregon Family Leave Act (OFLA) for a medical emergency;
- (3) Have no more than 40 hours of unused PTO, Sick, Admin or Comp time accumulated;

2/6/2024
Date

City Council
Gov. Body

WS
Agenda Item

F
Exhibit #

- (4) Have exhausted Paid Leave Oregon (PLO) benefits;
- (5) Reasonably demonstrate that all accrued leave will be exhausted;
- (6) Not be receiving, or eligible to receive, long-term/short-term disability benefits or any other supplemental income*

** If eligible, an employee must apply for the City of Sherwood's short-term and/or long-term disability benefits.*

Employees may receive no more than 240 hours of donated leave within a 12 -month period. Donated leave will not be granted or used to extend employment beyond the point that it would otherwise end by operation of law, rule, policy, or regulation.

Leave Requests

Employees requesting donated leave must complete a Donated Leave Request Form and submit it to Human Resources.

Employees seeking donated leave may be required to provide the City of Sherwood with medical certification that reasonably substantiates the request.

A request for donated leave is not approved until it is approved by Human Resources, the employee's Department Director and the City Manager or their designee.

Leave Donations

Employees may voluntarily donate hours of PTO for contribution to a Donated Leave Bank administered by the HR Department. No other type of leave may be donated:

- The donor may not donate more than 40 hours of leave per in a 12-month period, unless permission for larger donated amounts is granted by the City Manager or their designee;
- Donations must be in increments of whole hours;
- The donation of leave is on an hourly basis, without regard to the dollar value of the donated or used leave;
- Employees cannot borrow against future leave to donate;
- Donors must complete and sign a Leave Donation Form containing a declaration that the donation is intended as a gift and has been given freely and voluntarily without coercion, compensation or for other consideration;
- The donation must be made irrevocably, with the understanding that the donated leave is lost to the donor forever for all purposes including, but not limited to, use for paid time off, payoff upon termination, and retirement credit.

Council Work Session 6th February 2024

PERS Workback Policy Extension

Presented By:
Lydia McEvoy HR Director



2/6/2024
Date

City Council
Gov. Body

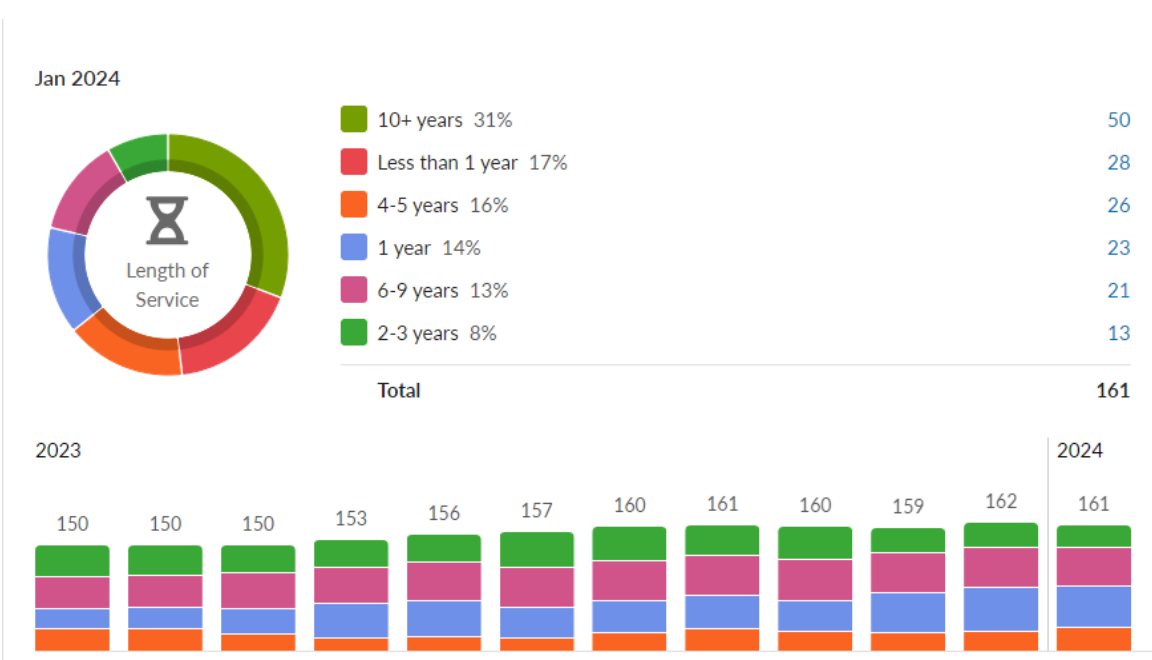
WS
Agenda Item

G
Exhibit #

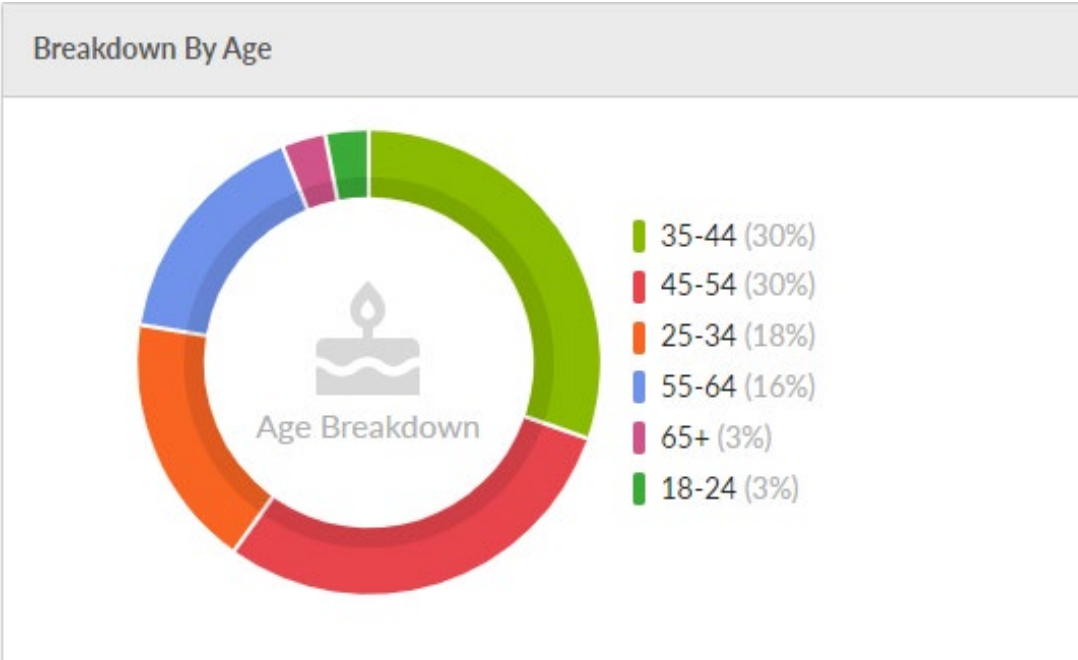
Background Information

- Policy first approved by Sherwood City Council in August 2022
- This policy was intended to help the City address a potential increase in Retirements, fill skills gaps and assist with the unfunded liability in the PERS system by redirecting PERS contributions as described in SB 1049 (2019) and HB 2296 (2023).
- SB1049 has been extended to sunset in 2035
- A PERS retiree may work for any private employer in Oregon or Public or Private employer outside of the state without limitation. Skills built inside the Public Sector are potentially lost to the Private Sector

Our Current Employee Length of Service Distribution



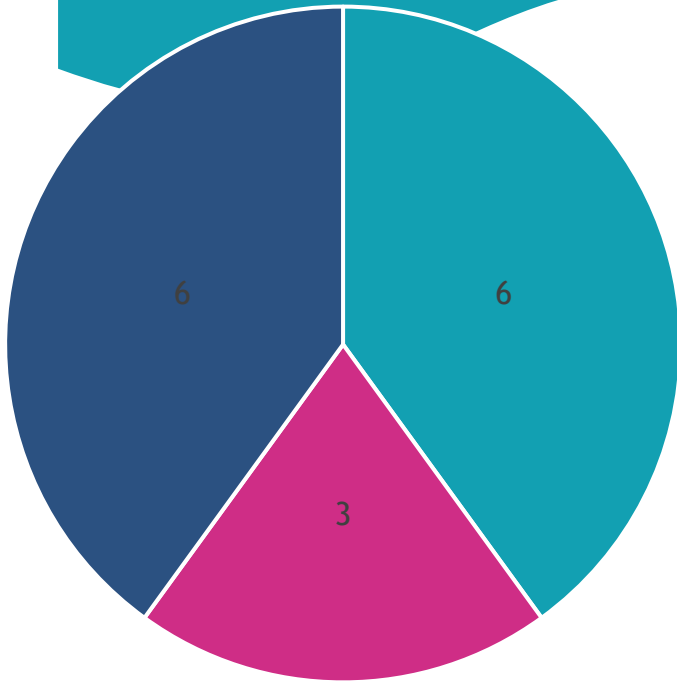
At the end of 2024 -
18 Employees will have 20 or
more years service



19% of our current workforce is
over 55

PERS Eligibility

of Employees



■ Now ■ 2024 ■ 2025-2026

Full Retirement

6 Employees are currently eligible to retire

3 Employees are eligible later in 2024

6 Employees are eligible between Jan 2025
& Dec 2026

Early Retirement

11 Employees are currently eligible for early retirement

Why should we extend and expand Workback?

Successes

- The external recruitment of a highly experienced Police Captain
- Successful Career Cycle Planning (CCP) allowing the temporary retention of 2 Sergeants which resulted in the promotion of 2 internal candidates

Missed Opportunities

- Lead Maintenance Worker Water - highly skilled and specialist position. Openly recruiting for 18 months. Upon Retirement the employee took employment with another Public Employer

Benefits

- No Employee PERS contribution pick up - 6%
- Encourages the employee to have proactive discussions regarding their plans and transitions to retirement
- Allows better CCP and time to mentor and transfer institutional knowledge

If we don't retain and use the skills and knowledge someone else will!

Recommendation

There continues to be no automatic right to Workback

Work back continues to be applied only in situations where there is a specific need

Workback policy is extended by 5 years

Policy is extended City Wide



Administrative Policy

Originating Department: Office of the City Manager and Human Resources

Policy Title: PERS Retiree Workback

Effective Date: TBD

Policy Statement: The purpose of this policy is to assist the City in addressing an anticipated increase in retirements by helping the City retain and attract experienced employees and candidates. This policy is further intended to help the City address the unfunded liability in the PERS system by redirecting PERS contributions as described in SB 1049 (2019) and HB 2296 (2023).

Eligibility: The policy applies to all employees of the City of Sherwood as well as any other PERS Retiree who is receiving a service retirement benefit under Tier One/Tier Two or the Oregon Public Service Retirement Plan (OPSRP), or who has elected to retire without a PERS service retirement benefit may be employed by the City subject to the provisions outlined below.

Guidelines - Scope:

1. PERS Retirees may be employed in a regular, temporary, seasonal or on-call employment assignment.
2. The terms and conditions of the employment of a PERS retiree must be approved by the City Manager after consulting with Human Resources prior to the employment of the retiree. The City Manager shall determine whether it is in the public interest to employ the PERS Retiree because of the person's knowledge, skills and abilities.
3. The employment assignment of a PERS Retiree may be to a classification which they previously held in career status or to another classification provided the Retiree is qualified for the classification. PERS Retirees who have never worked for the City previously, must participate in a competitive recruitment process.
4. Oregon statutes may impose certain restrictions on the employment of a person receiving PERS and/or OPSRP retirement benefits. The employee is responsible for complying with any statutory and taxation requirements. The City of Sherwood is not responsible for the impact upon the retirement benefits of a PERS or OPSRP Retiree resulting from their employment with the City.
5. PERS Retirees may continue their employment, subject to any statutory limitations, for as long as the City determines their services are needed or until the sunset date of SB 1049. PERS Retirees are at-will employees whose length of employment is at the sole discretion of the City.
6. PERS Retirees may be appointed into their position or classification they most recently held provided the break in service is no longer than thirty (30) Days. If the break in service is longer than thirty (30) days then the City Manager may determine whether it is in the public interest to still employ the PERS Retiree in their most recently held position or classification, but that decision is solely at the discretion of the City.
7. PERS Retirees who have never been employed by the City or were previously employed by the City, but are requesting consideration for employment in positions other than the position or classification they most recently held, may apply and compete for those positions through a competitive recruitment process.
8. PERS Retirees who retire from PERS and return to work at the City of Sherwood, without having to apply through a regular hiring process do not have recall, seniority, bumping rights, or any rights derived through any previous employment contract or applicable collective bargaining agreement, except as required by state and federal law or as agreed in a Memorandum of Understanding between The City and The Union.
9. PERS Retirees are entitled to receive health insurance in accordance with state and federal law.

2/6/2024
Date

City Council
Gov. Body

WS
Agenda Item

H
Exhibit #

Periodic Review:

This policy shall sunset on December 31, 2029 or be reviewed by the City Council, should provisions extend by SB 1049 as needed, and updated as necessary. The City Council may modify or revoke this policy at its discretion.

Review and Authorization:

City Manager

Date

Revision #	City Manager Signature	Date	Nature of Revision
1		01.19.24	Extended to all City Employees
2			
3			

Approved Minutes



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
February 6, 2024

WORK SESSION

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 5:45 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Keith Mays, Dan Standke, Taylor Giles, and Renee Brouse. Councilor Doug Scott was absent.
3. **STAFF PRESENT:** City Manager Pro Tem Craig Sheldon, Assistant City Manager Kristen Switzer, IT Director Brad Crawford, Finance Director David Bodway, Economic Development Manager Bruce Coleman, City Attorney Ryan Adams, Community Development Director Eric Rutledge, Police Chief Ty Hanlon, HR Director Lydia McEvoy, Senior Planner Joy Chang, Records Technician Katie Corgan, and City Recorder Sylvia Murphy.
4. **TOPICS:**

A. Annexation Policy & Agreements

Community Development Director Eric Rutledge presented the "Draft Annexation Policy" PowerPoint presentation (see record, Exhibit A) and explained that the creation of an annexation policy was a Council deliverable under Economic Development. He stated that annexation policies would help manage the city's growth goals as it related to infrastructure, school capacity, and long-term community needs. He explained that the proposed annexation policy would apply to all unincorporated areas within Sherwood's UGB, mainly the Brookman Addition, TEA, and Sherwood West, along with several other small infill areas. He stated that City Council would be the approval body for annexations, and appeals would be heard by the Land Use Board of Appeals. He stated that annexation agreements were fairly common in other jurisdictions. He explained that annexation agreements helped guide the annexation process and ensured that public facilities were met along with any stipulated master plans. He outlined that the Sherwood Municipal Code would state that applicants must develop an annexation agreement and include that annexation agreement with their annexation application. He explained that the agreement would primarily be negotiated between city staff and the applicant prior to being presented to Council. He noted that Council had the authority to modify the agreement if there were elements they did not like. Mr. Rutledge outlined that annexation agreements would require applicants to identify transportation facilities that were required to serve the development at full build out of the site; certify that water, sanitary, and storm sewer capacity was available or would be available within 18 months of annexation; and would require that applicants guarantee any needed public improvements to serve the site or limit the development. He added that the policy would also allow the city to waive the annexation agreement if the site was determined to be small enough. He explained that once this policy was passed by Council, any property that was not currently within the city would be subject to the ordinance. He provided an overview of the approval criteria and explained that annexation must be

determined to be in the best interest of the city; applicants must demonstrate that adequate public facilities and services could be provided to the site; public facilities and services must be provided in an orderly, efficient, and timely manner; Metro and State annexation regulations would continue to apply; and clear and objective standards did not apply to annexations. Community Development Director Rutledge stated that HB 1573 would still apply, but the city's policy would help give the city more control over what properties were coming into the city and the annexation policy would be added to the SZCDC. Discussion regarding the city's previous ability to control annexations occurred. Mr. Rutledge explained that the annexation policy would require that applicants provide the city with a traffic impact analysis for staff to review prior to processing the annexation application. He referred to the approval criteria and reported that he had forwarded the draft policy to Metro for comment and explained that if the policy moved forward, the city would also send notice to DLCD for their comments. He referred to zoning and explained that the zoning map would automatically apply once the annexation was approved, unless the applicant received approval of a concurrent zone change and stated that Council was the approval body for such decisions. Community Development Director Rutledge asked Council if the annexation policy should apply within all growth areas of the city's UGB. He stated that he recommended that the annexation policy apply to all growth areas of the city's UGB and explained how having an annexation policy in place could help developers who may be interested in Sherwood. Council President Young referred to Council's ability to waive the annexation agreement requirement and asked if that was equitable. Councilor Mays replied that as long as there was a staff report recommending the waiving of the annexation agreement based on staff's findings, then it was a justifiable argument for the waiving of the annexation agreement. Councilor Giles asked if implementing this policy could slow down development and Mr. Rutledge replied that it was a possibility. Community Development Director Rutledge clarified that implementing an annexation agreement policy would result in more processing and upfront costs. He continued that depending on the developer, having an annexation agreement in place could discourage some developers from being interested in Sherwood. He stated that both he and Economic Development Manager Bruce Coleman would be available to meet with developers early on in the process to help guide prospective developers through the city's annexation policy. He commented that if the city was able to address those difficulties early on in the process, it would be better for the city in the long term. Mr. Rutledge outlined that the Planning Department would likely lead the process and the Engineering Department would be conducting the review of the applications. Mayor Rosener asked Council if they would like staff to move forward with the annexation policy and Council signaled their agreement.

Record note: Prior to the meeting, Community Development Director Eric Rutledge provided Council with the draft Annexation Policy (see record, Exhibit B).

B. Annual Housing Report

Community Development Director Rutledge presented the "Annual Housing Report" PowerPoint presentation (see record, Exhibit C) and stated that developing an annual report on housing was a Council deliverable under Council Pillar 3: Livability and Workability. He recapped previous work session discussion regarding the 2022 Housing Report and explained that Council had asked that a definitions section be added, a section be added explaining the barriers to housing production, and a vacant land inventory map be added to the Annual Housing Report. He referred to the 2023 Annual Housing Report (see record, Exhibit D) and recapped that the 2023 Land Use Applications included a partition of a property on Sunset Boulevard and a zone change in Sherwood Plaza. He outlined that 87% of the residential units permitted in 2023 were single-family detached, 10% were multi-family, and 3% were ADU. He stated that there were 53 residential units constructed in 2023, 98% of which were single-family detached. Mr. Rutledge summarized the five-year history of residential units permitted and residential units constructed and reported that the 2022 and 2023 figures were similar. Discussion regarding interest rate increases occurred and Mr. Rutledge commented

that it would likely be several more years before the impact from interest rate changes could be determined. He outlined that the barriers to housing production included: infrastructure timing and cost; high land costs, especially within the Portland Metro region; high construction materials costs; high construction labor costs; limited skilled labor; and physically constrained land. He stated that the city would send the report to the DLCD and would publish the report on the city's website and explained that the Annual Housing Report could be used as an informational resource for local policy making, advocacy at the state and regional level, and could be used to pursue funding opportunities.

C. Donation Leave Policy

HR Director Lydia McEvoy presented the "Leave Donation Policy" PowerPoint presentation (see record, Exhibit E) and provided background on the program. She explained that Council had previously approved a temporary policy via Resolution 2018-077, which ran from September 2018-September 2019, and the policy applied to all represented and non-represented probationary and regular status city employees who were eligible to earn PTO and Sick leave. She provided an overview of the new proposed policy on page 3 of the presentation and explained that the policy was: voluntary; eligibility was stricter than the temporary 2018 policy and noted that the updated policy endeavored to mirror FMLA and Paid Leave Oregon guidelines more closely; six months service eligibility timelines for Medical Emergency and 30-day eligibility timelines for death of a spouse, child, or parent. She explained that currently, staff was not permitted to use their sick leave for the first 90 days of employment, and PTO could not be used for the first six months of employment. She explained that the city wanted to provide more flexibility for extreme scenarios that some new employees may experience. She reported that the new policy stipulated that donated leave could only come from PTO banks; employees asking to utilize the program must have exhausted all other Paid Leave alternatives prior to using donated leave; and leave could only be donated on an hour-for-hour basis and had no regard to dollar value. Ms. McEvoy explained that due to IRS stipulations, all donated leave would be placed in a pool administered by the HR Department and the leave could then be allocated out to an individual or individuals. Finally, all requests needed to be approved by the HR Department, Department Director, and City Manager. She asked for Council feedback on the proposed policy and Councilor Standke asked if there were restrictions around when or who could donate their time. Director McEvoy replied that an employee wishing to donate must have a minimum leave bank, the leave could only be taken from the employee's PTO bank, and the minimum donation length was one hour. She noted that the policy used the definitions provided in the Family Medical Leave Act. Councilor Giles asked if it was common to have the 30-day waiting period to be eligible to use this type of program and City Attorney Ryan Adams replied that the City Manager would have the authority to waive the 30-day waiting period. Ms. McEvoy added that that stipulation could be added to the policy and recommended that staff intervene as little as possible in order to minimize risk. Council President Young asked if those donating leave needed to maintain a minimum balance and Ms. McEvoy replied that it was the donating employee's decision to donate as much or as little leave as they wanted with the knowledge that once donated, the hours could not be rescinded. Council President Young asked regarding the stipulation that those asking to receive donated leave could not have more than 40 hours of unused PTO. Ms. McEvoy explained that the stipulation was to provide a buffer period for employees realizing they would need to utilize the program. She reported that the proposed policy had been reviewed by CIS and explained that it would be fairly rare for an employee needing to utilize the program. City Manager Pro Tem Sheldon explained that if approved by Council, this policy would be added to the new employee handbook and could be updated as needed.

Record note: Prior to the meeting, HR Manager Lydia McEvoy provided Council with the draft Leave Donation Policy (see record, Exhibit F).

D. Workback Program

HR Director Lydia McEvoy presented the "PERS Workback Policy Extension" PowerPoint presentation (see record, Exhibit G) and provided background. She stated that the PERS Workback policy was first approved by Council in August 2022, and the policy was intended to help the city address a potential increase in retirements, fill skills gaps, and assist with the unfunded liability in the PERS system in the Police Department. She reported that SB 1049 had been extended and would now be sunset in 2035. She explained that a PERS retiree was eligible to work for any private employer in Oregon or any public or private employer outside of Oregon without limitation. She commented that skills built inside the public sector could be lost if eligible employees went to the private sector. She explained that the Workback program would allow an employee who had served their time in PERS to retire and receive their benefits and then return to work for a PERS-eligible employer. Mayor Rosener stated that the Workback program would be a benefit to the employee and the city because the city would not need to pay the 6% employer contribution. Councilor Mays commented that he was only in favor of using this program in extreme situations as he felt there was not a big enough benefit. Ms. McEvoy replied that the Workback program provided both a recruitment benefit and a retention benefit. She reported that at the end of 2024, 18 employees would have 20+ years of service and commented that this presented a risk to the level of skills and experience that the city could lose if those employees retired. She reported that 19% of the city's workforce was over 55 years of age, 15 employees would be eligible to retire between now and December 2026, and 11 employees were currently eligible for early retirement. She outlined the benefits of the PERS Workback program within the Sherwood Police Department and explained that the program allowed for successful Career Cycle Planning (CCP) as well as the successful external recruitment of a highly experienced Police Captain. She stated that she proposed opening the program for citywide use. She explained that because the PERS Workback program was not offered citywide, the city had lost a highly skilled specialist employee who upon retirement began working for another public employer and Sherwood had been openly recruiting to fill the position for 18 months. Director McEvoy recapped the benefits of the program and explained that the city would not have to pay the 6% PERS contribution pickup, the program would encourage employees to proactively discuss their retirement plans, and it provided better CCP and time to mentor and transfer institutional knowledge. She stated that she recommended the citywide Workback program remain discretionary, it would only apply for situations where there was a specific need, and the policy would be extended for five years. Councilor Standke asked if someone coming back under the Workback program would be hired back at the base salary or their previous wages. Ms. McEvoy replied that that would likely depend on the situation and role the person was fulfilling. Councilor Giles asked if the city would be able to stipulate that someone utilizing the program would only be needed for a certain number of hours or timeframe. Ms. McEvoy replied that was an option because the program was discretionary, allowing the city to be able to negotiate terms that were beneficial to the city and discussion occurred. Councilor Standke asked if those coming back under the program were at-will employees and Ms. McEvoy replied that was correct. Mayor Rosener asked if Council wished to bring forward a resolution for a citywide PERS Workback program at a future Council meeting and Council indicated their approval. City Manager Pro Tem Sheldon stated that the PERS Workback program and the Leave Donation Policy would be brought to the next Council meeting.

Record note: Prior to the meeting, HR Director Lydia McEvoy provided Council with the draft PERS Retiree Workback policy (see record, Exhibit G).

5. ADJOURN:

Mayor Rosener adjourned the work session at 6:46 pm and convened a regular session.

REGULAR SESSION

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 7:00 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Keith Mays, Dan Standke, Taylor Giles, and Renee Brouse. Councilor Doug Scott was absent.
3. **STAFF PRESENT:** City Manager Pro Tem Craig Sheldon, Assistant City Manager Kristen Switzer, IT Director Brad Crawford, Finance Director David Bodway, City Attorney Ryan Adams, Community Development Director Eric Rutledge, Police Captain Dan O'Loughlin, HR Director Lydia McEvoy, City Engineer Jason Waters, and City Recorder Sylvia Murphy.

4. **APPROVAL OF AGENDA:**

MOTION: FROM COUNCILOR BROUSE TO APPROVE THE AGENDA. SECONDED BY COUNCILOR MAYS. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

Mayor Rosener addressed the next agenda item.

5. **CONSENT AGENDA:**

- A. **Approval of January 16, 2024 City Council Meeting Minutes**
- B. **Resolution 2024-004, Authorizing an Interfund Loan from the Community Investment Fund to the Sanitary Fund**

MOTION: FROM COUNCIL PRESIDENT YOUNG TO APPROVE THE CONSENT AGENDA. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

Mayor Rosener addressed the next agenda item.

6. **CITIZEN COMMENT:**

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

7. **NEW BUSINESS:**

- A. **Resolution 2024-005 Declaring support for the Washington County Justice System; a commitment to partner with the state and county in securing funding and build support; requesting the state fully fund court system**

Mayor Rosener explained that the purpose of the resolution was to provide a statement of support for the county and a message to Salem explaining that municipalities were in dire need of a well-funded justice system within Washington County. He reported that Washington County prosecuted more cases than Multnomah County but had 45% less judicial staff. He explained that Washington County was asking the state for more funding for more judicial officers as well as more facilities. Councilor Mays asked who built county courthouses and Mayor Rosener replied that county courthouses were built by the county and the state, and counties needed to apply for funding from the state to help cover construction costs. Councilor Standke asked what else the city was doing to help show support for the county. Mayor Rosener explained that this resolution would be forwarded to the county and the state's consideration at the short legislative

session. With no further discussion the following motion was made.

MOTION: FROM COUNCILOR MAYS TO APPROVE RESOLUTION 2024-005 DECLARING SUPPORT FOR THE WASHINGTON COUNTY JUSTICE SYSTEM; A COMMITMENT TO PARTNER WITH THE STATE AND COUNTY IN SECURING FUNDING AND BUILD SUPPORT; REQUESTING THE STATE FULLY FUND COURT SYSTEM. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

Mayor Rosener addressed the next agenda item.

8. CITY MANAGER REPORT:

City Manager Pro Tem Craig Sheldon reported that a Budget Committee meeting would be held on February 7th where they would discuss the five-year forecast and funding for the construction of the Highway 99W pedestrian bridge. He reported that a pre-construction meeting for the pedestrian bridge would be held on February 15th. He spoke on the recent Council goal setting work session and reported that staff had begun drafting measurables and timelines, which would be presented in a March work session.

Mayor Rosener addressed the next agenda item.

9. COUNCIL ANNOUNCEMENTS:

Councilor Standke reported that he attended the most recent Planning Commission meeting where they discussed unbundled parking and commercial parking lots as a part of the state's Creating Climate-Friendly and Equitable Communities program. He reported that CASH Oregon offered free tax filing for Oregon residents who made under \$64,000 annually and urged residents to visit their website.

Councilor Mays reported that he had volunteered at the Sherwood Lunar New Year Festival and spoke on the event.

Councilor Giles reported that he attended the most recent Library Advisory Board meeting where they reviewed usage reports. He reported that SHELF had added an additional member to the board. He urged those interested in donating to SHELF to reach out for more information.

Councilor Brouse reported that the Senior Advisory Board would meet on February 14th where they would continue their work on making Sherwood an age-friendly city. She reported that she would attend the Water Consortium meeting. She reported she attended the Housing Advisory Committee meeting and spoke on affordable housing in Washington County.

Council President Young reported she attended the most recent CDBG meeting where they heard presentations from two applicants. She reported that she attended the most recent Commission on Transportation meeting where they heard a presentation on the STIP (State Transportation Improvement Program). She reported that she and several other Councilors attended the WEA legislative session. She reported on her attendance at the Sherwood Lunar New Year Festival.

Councilor Mays reported that a large section of SW Roy Rogers Road would be closed February 16th-18th for construction.

Mayor Rosener reported he attended the WEA legislative session. He reported he would moderate an

upcoming Metro Mayors' Consortium event. He reported that he was featured on KOIN's Mayor Monday segment. He reported that the police awards ceremony was held recently, and Police Captain O'Loughlin spoke on the event. Mayor Rosener reported that the legislative short session had begun on February 5th and spoke on state legislative sessions. He reported he would visit Washington D.C. in March to advocate for federal funding for Sherwood.

Council President Young reported she attended the police awards ceremony and spoke on the event.

Councilor Giles commented that he would like a larger venue for Sherwood's next Lunar New Year Festival event so more people could attend.

10. ADJOURN:

Mayor Rosener adjourned the regular session at 7:30 pm and convened an executive session.

EXECUTIVE SESSION

- 1. CALL TO ORDER:** The meeting was called to order at 8:06 pm.
- 2. COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Keith Mays, Dan Standke, Taylor Giles, and Renee Brouse. Councilor Doug Scott was absent.
- 3. STAFF PRESENT:** City Attorney Ryan Adams, City Manager Pro Tem Craig Sheldon, Assistant City Manager Kristen Switzer, Finance Director David Bodway, and HR Director Lydia McEvoy.
- 4. TOPICS:**
 - A. ORS 192.660(2)(d), Labor Negotiator Consultations and ORS 192.660(2)(i), Performance Evaluation**

5. ADJOURN:

The executive session was adjourned at 8:36 pm.

Attest:


Sylvia Murphy, MMC, City Recorder


Kim Young, Council President