



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
September 6, 2016

EXECUTIVE SESSION

1. **CALL TO ORDER:** Mayor Krisanna Clark called the meeting to order at 5:35 pm.
2. **COUNCIL PRESENT:** Mayor Krisanna Clark, Council President Jennifer Harris, Councilors Linda Henderson, Renee Brouse, Dan King, and Jennifer Kuiper. Councilor Sally Robinson arrived at 5:44 pm.
3. **STAFF PRESENT:** City Manager Joe Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper and Public Works Director Craig Sheldon. **Media Present:** Ray Pitz with the Sherwood Gazette.
4. **TOPICS:**
 - A. ORS 192.660(2)(f), Exempt Public Records
5. **ADJOURN:**

Mayor Clark adjourned the executive session at 5:52 pm.

WORK SESSION

1. **CALL TO ORDER:** Mayor Krisanna Clark called the meeting to order at 6:00 pm.
2. **COUNCIL PRESENT:** Mayor Krisanna Clark, Council President Jennifer Harris, Councilors Linda Henderson, Jennifer Kuiper, Sally Robinson, Renee Brouse and Dan King.
3. **STAFF PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Police Chief Jeff Groth, Police Captain Mark Daniel, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy. **Others Present:** Pride Disposal Representatives, Mike Leichner, Cindy Leichner and Kristin Leichner.
4. **TOPICS:**
 - A. **Pride Disposal 2015 Rate Review**

City Manager Gall stated rates were discussed in November 2015 and Chris Bell our consultant was present to provide additional information. He said the Council previously requested options and 3 have been prepared. He provide a handout, Solid Waste and Recycling Collection Rate Options (see record, Exhibit A) and said it would be posted to the City website for public review. He also provided a handout of residential rate history dating back to 1983 (see record, Exhibit B). He stated Mr. Bell would be referring to the City of Tigard Municipal Code (see record, Exhibit C) and suggested the City look at this code when we update our code. He said Sherwood's code was written in 1989.

Chris Bell stated when the Council last met in November they looked at the 2014 numbers and in January the matter was tabled and shortly after that we received 2015 financial information which is submitted annually to the City usually in March. He provided background and said rates have not been adjusted on a regular basis and the last adjustment was a minor adjustment. Mr. Bell recapped the presentation and said Sherwood has approximately 5200 residential customers, 60 commercial cart customers, 135 container customers and 22 regular drop box customers. He said these number were as of December 2015. Mr. Bell explained the various cart types. He stated rates have been adjusted 4 times since 2001. He explained rates and rates with CPI. Discussion followed regarding the number of residents and the size of containers utilized.

Mr. Bell said when looking at the 2015 rates they try to project for 2016 based on assumptions, he referred to the presentation, 2016 Assumptions for Collection Rates and explained. He referred to costs for City Services of \$30,868 and said previously this was covered in the rates and currently the City is writing a monthly check to Pride for these services. Discussion followed. He was asked regarding the Recycling Processing Increase and Waste Disposal Increase percentages and what this increase is. He replied this amounts to \$12,820 per year. Mr. Bell referred to Minimum Levels of Service per ORS 459 and said the City's current code states weekly collection of solid waste. He said ORS 459 indicates collection can be done every other week. He said Metro is currently pushing for weekly collections. He said yard debris collection is every other week and the City currently has weekly collection. He said weekly to bi-weekly changed in 2011. He spoke of a Metro study and their desire for weekly collection. Kristin Leichner clarified that Metro's minimum service standards say that weekly recycling is required and we have in Sherwood an approved alternative program with every other week collection. She said they could at any time decide to change and revoke this and force a weekly pickup. She said glass recycling is also an approved alternative program because it is monthly and pickup is every other week. Kristin explained how the study was conducted.

City Manager Gall commented regarding an upcoming change in the Oregon recycling program with recyclable returns going from .05 per unit to .10 and asked if Pride expects people to recycle less and take the returnable items to the store for a returned deposit. Cindy Leichner replied there is still a lot of glass that does not have a refund, wine, liquor etc. and said they will probably find more people removing recyclable materials from bins. Discussion followed.

Councilor Henderson asked what if Metro decided to remove the alternative programs. Kristin Leichner replied in areas that have weekly collection, which they get about a 60% set-out every week, they would then have to drive by more homes, but they are picking up a comparable amount of carts so there is more drive time and a slightly higher pick-up per driver. Mike Leichner added that their efficiency is based on production and if they get a pickup every 15 feet they are very productive, but if going every 30 feet it will take longer and isn't as productive. He said this is why the every other week pickup with 90-95%

participation is more efficient and this is also why there is a cost difference. Brief discussion occurred regarding a "credit" and the change occurring in 2011.

Mr. Bell referred to Rate Alternative and addressed the 6% alternative and said this is based on the 2015 numbers and are projected for 2016. He said the 32 gallon cart rate would increase by \$1.42 per month and the new rate would be \$25.07. He said the current services would be maintained. He said we would look at an annual CPI adjustment similar to the City of Tigard. He said if this went into effect in 2017, 2018 would be the first year you would look at the CPI level. He said the estimated return on revenue with the 6% increase would be 7.4%.

Mr. Bell addressed a 4% rate alternative and said the increase would be .95 per month and the new rate would be \$24.60 for weekly pickup and current service levels would be maintained. He said the annual CPI adjustment would occur in 2018 and the estimated return on revenue for 2017 is 5.8%.

Mr. Bell addressed a 2% rate alternative and said rates would increase by .47 per month and yard debris collection frequency would be decreased to every other week. The Annual CPI adjustment would start in 2018 and the estimated rate of return would be 4.2%.

Mr. Bell referred to Rate Comparison of Neighboring Jurisdictions with the 2%, 4% and 6% increases.

City Manager Gall referred to the Rates of City of Forest Grove and asked why they are so much lower in the 35 gallon cart but their 3 yard container and drop box were much higher in comparison to other cities. Mr. Bell replied there is a slide subsidy for the residential rate and the commercial customers are subsidizing residential customers.

General discussion occurred regarding Pride' need for the increase and what those funds would be used for. Mike Leichner replied for unexpected changes, similar to the City having funds in the general fund for a broken water main. He said funds are used for increases in fuel costs, recycling market fluctuation, health insurance costs, etc. Discussion followed.

Councilor Kuiper referred to the 4% increase and maintaining the current levels of service. Discussion followed.

Councilor Robinson commented regarding previous discussions regarding their trucks and the need to switch over to natural gas. She asked with the 2-4-6% increases, what happens to your schedule of replacing the older trucks with the natural gas trucks. Mike Leichner commented regarding the cost to maintain versus replacement and said it costs \$340,000 to replace a truck. Discussion followed. Councilor Robinson asked if Pride knew what margin a bank would look to to ensure Pride had sufficient reserves. Mike stated historically they have been within 8-12% and the banks have been comfortable with that, but would not be if it was much lower. Discussion followed.

General discussion followed.

City Manager Gall asked City Attorney Soper with the passage of a recent charter amendment regarding fees, are these fees subject to that, or can the Council enact a 4% increase.

City Attorney Soper asked the Council if they wanted to discuss this in an open session or in an executive session. Mayor Clark suggested covering any other general questions in open session and then convening to an executive session.

Councilor Kuiper asked regarding fees subsidizing other fees and the rate of return. Kristin Lechner replied rates are structured on a cost of service for each type of service and are designed to reach that rate of return in each department; residential, commercial and drop box independently and it is not designed for there to be any subsidies. Kristin said this is why there may be a larger rate increase in one area versus another to accomplish bringing them all up to the appropriate rate of return.

Councilor Brouse asked if the City did move forward with a 2% increase what kind of feedback have we received from customers, she asked if this has been tested. City Manager Gall replied none has been done and suggested if the Council wanted to go that route to seek feedback from customers before they enact the 2%. He said the City could work with Pride or do a survey.

Councilor Henderson referred to the Tigard Code exhibit. Discussion followed.

5. ADJOURN:

Mayor Clark adjourned the work session at 6:45 pm and convened to an Executive Session.

EXECUTIVE SESSION

1. **CALL TO ORDER:** Mayor Krisanna Clark called the meeting to order at 6:47 pm.
2. **COUNCIL PRESENT:** Mayor Krisanna Clark, Council President Jennifer Harris, Councilors Linda Henderson, Jennifer Kuiper, Sally Robinson, Renee Brouse and Dan King.
3. **STAFF PRESENT:** City Manager Joseph Gall and City Attorney Josh Soper. **Media Present:** Ray Pitz with the Sherwood Gazette.

4. TOPICS:

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

5. ADJOURN:

Mayor Clark adjourned the executive session at 7:00 pm.

REGULAR SESSION

1. **CALL TO ORDER:** Mayor Clark called the meeting to order at 7:08 pm.
2. **COUNCIL PRESENT:** Mayor Krisanna Clark, Council President Jennifer Harris, Councilors Linda Henderson, Jennifer Kuiper, Sally Robinson, Renee Brouse and Dan King.

- 3. STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Police Captain Mark Daniel, Community Development Director Julia Hajduk, Public Works Director Craig Sheldon, Senior Planner Michelle Miller, Library Manager Adrienne Doman Calkins, Human Resources Analyst Kelley Whitaker, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.

Mayor Clark addressed the next agenda item and asked for a motion.

4. APPROVAL OF AGENDA:

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

Mayor Clark addressed the next item on the agenda and asked for a motion.

5. CONSENT AGENDA:

- A. Approval of August 16, 2016 City Council Meeting Minutes**
- B. Resolution 2016-053 Adopting protocol and an evaluation document containing criteria for the review and evaluation of the City Manager's job performance and describing process for obtaining staff assessment of Manager's performance**
- C. Resolution 2016-054 Authorizing the City Manager to renew the franchise agreement for cable services with Comcast of Oregon II, Inc.**

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

Mayor Clark addressed the next item on the agenda.

6. PRESENTATIONS:

A. Proclamation, Constitution Week September 17-23, 2016

Mayor Clark read the proclamation and stated the anniversary of the signing of the Constitution provides a historic opportunity for all Americans to realize the achievements of all the framers of the Constitution and the rights, privileges and responsibilities it affords. She proclaimed the week of September 17-23, 2016 as Constitution Week in the City of Sherwood and urged all citizens to celebrate and to reflect during this week the many benefits of our Federal Constitution and American leadership.

B. Proclamation, WCCLS 40th Anniversary

Mayor Clark read the proclamation and noted WCCLS was established in 1976 with the passage of the first countywide tax measure to support free public library service for all county residents, binding together the existing public libraries and expanding service in new geographic areas. She stated the Sherwood Public Library is an original member of WCCLS, and voters continue to support this cooperative effort, most recently with approval of increased levy funding in November 2015. She proclaimed the Sherwood

City Council encourages residents of all ages to visit WCCLS libraries, to explore their reading horizons and to celebrate the freedom to read.

C. Employee Spotlight

City Manager Gall asked Human Resources Analyst Kelley Whitaker to come forward and be recognized as an exemplary employee. He recognized Ms. Whitaker for her efforts as a Human Resources Analyst and for her role as Chair of the City's Relay for Life team this year. He noted she took the lead in coordinating the team and the City raised the most money as a team in the Sherwood Relay for Life. He said this has been the most successful year and credited Ms. Whitaker for her efforts and enthusiasm.

Mayor Clark addressed the next agenda item.

7. CITIZEN COMMENTS:

Kim Young, Sherwood resident came forward provided an update of the upcoming activities at the Sherwood Family YMCA. She stated the YMCA Family Triathlon raised \$2500 for their campaign. She said the Harvest Festival is October 22. She stated there will be some new small group training opportunities beginning September 12.

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

8. NEW BUSINESS:

A. Resolution 2016-055 Setting Forth Sherwood's Commitment to put Healthy Options within Reach of all Residents

City Manager Gall introduced Karli Thorstenson, HEAL Cities Campaign Manager with Oregon Public Health Institute and asked her to come forward and explain the program. He reminded the Council that a year ago a number of City Councilors asked him to explore becoming a Healthy Eating and Active Living (HEAL) City and Council made it a goal at their annual retreat. He said this resolution would add the City of Sherwood to 33 other cities in Oregon as official HEAL cities. He noted Sherwood already meets a number of policies to be eligible to become a HEAL City and this resolution will commit us to do more in the future. He noted there are four levels and Sherwood would enter as level 2 which is "active".

Ms. Thorstenson came forward and provided the Council with a handout (see record, Exhibit D). She stated the HEAL City Campaign is based out of the Oregon Public Health Institute (OPHI) which is a nonprofit that works to create vibrant and healthy communities. She said the campaign is a joint effort between OPHI and the League of Oregon Cities and is funded by Kaiser Permanente. She noted Oregon is one of five states across the nation that is part of the national HEAL campaign and there are now 35 HEAL cities in Oregon. She said the campaign helps city officials and staff adopt and implement healthy eating and active living policies. She said there are over 40 policies to choose from and they offer small grants for implementation. She stated in 2014-15 they distributed \$35,000 to five cities, she provided examples of the funded projects. She discussed the four levels of the campaign and stated level 1 is "eager", level 2 is "active", level 3 is "fit" and level 4 is "fabulous". She stated that Sherwood already has several HEAL policies in place and will join at level 2. She discussed how to move Sherwood forward.

Mayor Clark said she supports this program and is encouraged to hear about the grant opportunities to bring the HEAL policies forward.

Councilor Brouse said she is part of an organization that received a HEAL grant for a diabetes prevention program and said she is in support of the resolution. With no other comments received the following motion was stated.

MOTION: FROM MAYOR CLARK TO APPROVE RESOLUTION 2016-055, SECONDED BY COUNCILOR BROUSE. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Clark addressed the next agenda item.

9. PUBLIC HEARING:

A. Ordinance 2016-012 Amending multiple sections of the Zoning and Community Development Code including Divisions I, II, and III as it relates to the regulation of Recreational Marijuana Facilities

Senior Planner Michelle Miller approached the Council and stated this is the second reading of the ordinance. She said the first reading on August 16 also contained information from the Planning Commission recommendation and other exhibits concerning the recommendation. She noted the packet contains the City Council information, the proposed ordinance as well as the proposed code amendments on behalf of the Planning Commission. She said because this is the second reading she asked Council if they would like to have the entire presentation presented again or a brief overview. Michelle provided a brief overview (see record, Exhibit E). She stated the proposed amendments included adding definitions for license types all through different zoning restrictions concerning time, place and manner regulations and also a type II process which is a staff level decision with notice requirements. She noted the decision to allow recreational marijuana facilities in Sherwood is now up to the voters in November and until the voters decide, there is a moratorium on recreational facilities in Sherwood. She said these proposed amendments will only take effect if the voters decide not to ban recreational marijuana facilities. She stated the Oregon Liquor Control Commission (OLCC) is regulating recreational marijuana facilities for Oregon and said there are 5 license types from the producer to the sale of marijuana. She provided an overview of the 7 different commercial and industrial zones as well as the 5 different license types and where recreational facilities will be permitted or not permitted as proposed. She said most citizens who provided feedback were concerned about the producer's license and staff addressed these concerns and proposed that producers be allowed only in the general and light industrial and only indoor growing would be allowed. She said there are odor mitigation requirements and they must be at least 100 feet from a residential zone. She stated citizens were also concerned about retail operators and said special rules were created and proposed to limit zoning to general commercial, light industrial and general industrial zones with no walk-up, drive-thru or mobile delivery permitted. She noted that retail facilities may not be within 1,000 feet of a school, another facility or medical marijuana facility or public park or plaza. She said additionally retail sales need to be at least 100 feet from a residential zone and cannot be larger than 3,000 square feet. She commented that processors, wholesalers and lab and testing facilities will not be allowed in Old Town, must be 100 feet away from residential zones and no outdoor storage of marijuana is allowed. She referred to the maps in the presentation regarding eligible sites for the different license types. She stated the Planning Commission recommends adoption of the ordinance with an effective date pending the November 8, 2016 election results certification.

Councilor Robinson stated she did not attend the August 16 City Council meeting and asked where in the staff report is the analysis and findings that were made to support the Planning Commission recommendation as identified in the ordinance on page 271 of the packet. Ms. Miller stated the ordinance refers to the Planning Commission recommendation where the findings are made and are included in that. Councilor Robinson asked where in the staff report is this located. Ms. Miller said the staff report is an overview of what is being presented and includes as an attachment the Planning Commission recommendation.

City Attorney Josh Soper said his understanding is that it was attached to the first reading staff report and that has been the policy in the past. Councilor Robinson said her preference is that when a Council member is absent from the first reading that information needs to be included in the packet and noted that she did not have the first reading packet available to her. She said she does not like to adopt an ordinance where it says something is incorporated that is not in the packet. She referred to page 272 where it states, "the City Council adopts the findings of fact contained in the Planning Commission recommendation as documented in attached Exhibit 1", and asked where the finding of facts are that are being referred to and being adopted in the ordinance. She noted that if she can't find it the public probably can't find it. Ms. Miller replied that it is in the Planning Commission recommendation attachment which makes those findings. Councilor Robinson said she is being asked to adopt something that is not in the packet and not attached as Exhibit 1 as stated. Mayor Clark stated that it was attached at the first reading. Councilor Robinson said it is actually not in Exhibit 1 and may have been Attachment 1 to a staff report but if you go back from August 8, Attachment 1 is several pages and she is not sure where the findings of fact are. She referred to the applicable statewide planning goals included and the goals are listed and under the goals are findings and asked if that is the finding of fact. Ms. Miller replied yes.

Community Development Director Julia Hajduk clarified that when staff does land use reviews they envision the entire packet as the record and that would be the August 16 packet of materials. She said they do not carry everything forward from meeting to meeting. She noted that staff could have made a better reference to the August 16 meeting in terms of attachments and will keep that in mind in the future.

Mayor Clark said in the future it may be helpful to have a notation in the second reading which notes that the information was attached in the previous packet.

Councilor Robinson stated the ordinance should be revised to refer to the correct exhibit because there are no findings of fact in Exhibit 1. Mr. Soper asked if she was referring to Section 1 Findings on page 272. Councilor Robinson said yes. Mr. Soper said that is saying that Council is adopting the findings of fact and those findings support that the SZCDC shall be amended as documented in Exhibit 1 and Exhibit 1 is the amendments to the code and said it may be confusing as written. He said there was an Attachment 1 to the staff report which was the findings of fact. He stated the Ordinance as written does not need to be revised. Councilor Robinson said being a Lawyer when you say findings of fact and you have "Whereas", those are findings of fact and you incorporate those to ordain and make your conclusions. She read, "the findings of fact contained in the Planning Commission recommendation" is not attached. Mr. Soper said the previous practice was to attach everything to the ordinance and the downside is you end up with very large ordinances so the transition was made a few years ago not to attach everything to the ordinance, just the code changes. Councilor Robinson said she is complaining that staff is referencing something in this ordinance that is not attached and if it said instead "as attachment 1 to the staff report" then it would be accurate. She said if staff does not want to change the staff report on the second reading they need to attach the exhibits.

Mayor Clark asked if Councilor Robinson wanted to propose a change in the wording so that it is more reflective of the attachment that was shown previously. Councilor Robinson said after "recommendation" the language can be inserted "identified in Attachment 1 to staff report of August 16".

Mr. Soper stated the newly proposed language as: "**Section 1. Findings** After full and due consideration of the application, the Planning Commission recommendation identified in Attachment 1 to the staff report of August 16, 2016, the record, findings, and evidence presented at the public hearings, the City Council adopts the findings of fact contained in the Planning Commission recommendation, finding that the text of the SZCDC shall be amended as documented in attached Exhibit 1."

MOTION: FROM MAYOR CLARK TO AMEND THE STATEMENT AS STATED BY JOSH SOPER, SECONDED BY COUNCILOR HENDERSON. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Clark opened the public hearing. With no one coming forward Mayor Clark closed the public hearing. With no further questions from Council the following motion was received.

MOTION: FROM COUNCILOR BROUSE TO READ CAPTION AND ADOPT ORDINANCE 2016-012 AMENDING MULTIPLE SECTIONS OF THE ZONING AND COMMUNITY DEVELOPMENT CODE INCLUDING DIVISIONS I, II, AND III AS IT RELATES TO THE REGULATION OF RECREATIONAL MARIJUANA FACILITIES, AS AMENDED. SECONDED BY COUNCILOR HENDERSON. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Clark addressed the next item on the agenda.

10. CITY MANAGER REPORT:

City Manager Gall reported that Sherwood Citizens University has approximately 25 applicants for the fall series and the deadline is September 23. He stated the first class is October 6 and will meet on Thursdays from 6 pm to 9 pm for 6 weeks. He reminded that the Citizens University was Councilor Kuiper's vision.

Councilor Kuiper thanked Mr. Gall for his efforts and said it is incumbent for all citizens to understand how a city functions and there are similar programs across the country. Mayor Clark thanked Councilor Kuiper for her vision and noted the importance of providing the citizen's with this opportunity.

Mayor Clark addressed the next item on the agenda.

11. COUNCIL ANNOUNCEMENTS:

Mayor Clark announced she will be attending the Greater Portland Inc. Economic Summit on Thursday. She said the Spaghetti Factory is hosting a Youth Football fundraiser on Thursday. She said she is attending the St. Paul School ribbon cutting on Thursday. She stated the Southwest Corridor Steering Committee and the Washington County Mayors are both meeting on Friday. She is also attending the R1Act1 Transportation Board on Monday and the State Committee on Transportation on September 19.

Council President Harris announced the Art Walk is on September 15. She said the Center for the Arts Gala is scheduled for April 15, 2017. She stated the fall class schedule is available for the Center for the Arts. She said there is a Conflict Resolution class at the Library on September 10. She announced the new story time schedule which includes a new class for 1 year olds.

Councilor King said Sherwood Main Street will meet a week from Thursday.

Council President Harris also announced there are two Library Advisory Board positions open and said they meet every other month.

Councilor Kuiper provided an update on Woodhaven Park and announced that on Thursday the road will be closed from 6 am – 7 pm. She announced the upcoming neighborhood meetings and said one is on September 7 for a hotel proposed by developers at the intersection of Meinecke and Hwy 99. She said on September 12 at 6:30 pm at the Center for the Arts there is a meeting regarding a development at the corner of Edy Road and Hwy 99 for a senior living center and a hotel.

Councilor Brouse said she attended a meeting regarding STEM teaching and said they are attempting to secure grants. She attended a meeting for Sherwood Advocating for Older Adults which meets monthly. She said she has joined the board of Just Compassion. She said September 24 is Peace Day and the Rotary is participating and she listed the events. She stated October 1 is Neighbor to Neighbor Day. She provided an update on the upcoming Chamber activities which include a mixer on September 20, Allstate ribbon cutting on September 22, a night mixer on September 29, the Onion Festival October 8 and a voters forum October 5. She said the Chamber Golf Tournament raised over \$10,000 to support local businesses.

Councilor Henderson announced the Police Advisory Board will meet Thursday September 15. She said the Chamber Golf tournament had over 60 participants. She reminded drivers to watch school zones. She said she attended the High School football game and commended the band for their performance. She announced Sweet Story will be closing and thanked them for their years of contributions in Sherwood.

Councilor Henderson asked Mr. Soper if there is an agenda item that the Council is discussing, can a member “call the question” before discussion. Mr. Soper said he recalls that calling for the question should take place after every Council member has at least had an opportunity to speak on that item and said he will double check. Councilor Henderson clarified that there can be a motion and a second but there needs to be discussion before calling for a vote. Mr. Soper said every Councilor should have the opportunity to speak if they desire. Councilor Henderson asked if the Council voted on an item without discussion then that would potentially be a violation of Council Rules. Mr. Soper said that is correct.

With no further announcements, Mayor Clark adjourned the regular meeting and reconvened to a work session.

12. ADJOURN:

Meeting adjourned at 8:08 pm.

WORK SESSION

1. **CALL TO ORDER:** Mayor Krisanna Clark called the meeting to order at 8:17 pm.
2. **COUNCIL PRESENT:** Mayor Krisanna Clark, Council President Jennifer Harris, Councilors Linda Henderson, Jennifer Kuiper, Sally Robinson, Renee Brouse and Dan King.
3. **STAFF PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Police Chief Jeff Groth, Police Captain Mark Daniel, Community Development Director Julia Hajduk, Public Works Director Craig Sheldon, and City Recorder Sylvia Murphy.
4. **TOPICS:**

A. Washington County Sheriff Proposal

City Manager Gall informed the Council that Tom Pessemier would be presenting information and in Tom's role as Assistant City Manager he also oversees human resources. He said Police Chief Jeff Groth would also be participating and providing information. He said representatives from Washington County Sheriff's Office were also present to speak about the various proposals they have provided. Mr. Gall reminded that this meeting is a work session allowing the opportunity for the City Council to be educated and informed and public testimony is not received. Mayor Clark reminded that decisions are not made in work sessions.

Tom stated the presentation has a lot of information and a fraction of the information they considered. He said staff tried to layout information to inform the Council and help with a possible future decision. Tom referred to the presentation (see record, Exhibit F) and said it would be posted on the City's website for public access.

Tom introduced County representatives, Chief Deputy John Koch and Jon Shaver. He said data will be presented and staff will be asking the Council what the next steps should be to move forward.

Tom provided background information and said in March 2016 Matrix Consultant Group finished the Police Department staffing study and in May of 2016 a majority of the Council directed staff to look at recommendation #6 of the staffing study. He said staff contact Washington County Sheriff's Office with a request and they provided three options for consideration. He said staff then took that information and the Matrix information and developed tonight's presentation.

Tom explained recommendation #6, *"As a Sherwood Police Department patrol staffing alternative contact the Washington County Sheriff to collectively explore WCSO patrol coverage of Sherwood during the 1 am to 6 am timeframe. This could result in a reallocation of Night Shift (Graveyard) officer and sergeant staff to other Sherwood Police Department assignments and thus mitigate the need for additional staff resources as recommended in this report."* He said in Matrix's staffing study this was one of many recommendations and this was the one staff was asked to tease out and see if there was something to the recommendation. Tom referred to page 6 of the presentation and said WCSO provided three different proposals. He asked John Koch to review the proposals.

John Koch stated the City contacted WCSO to look at providing service for a specific set of time. He reviewed page 7 of the exhibit and said they first looked at 2.1 FTE (full time employee) and said the City currently has two officers covering graveyard hours and this is what they were looking at. He said in

looking at the 2.1 they initially did not know how they would do a partial contract for certain hours and they looked at their deputies having to respond from the Beaverton office on Murray Road and they were accounting for some travel time in this proposal. He said when they looked into it further they realized they could station a deputy or two out of the Sherwood Police Department and this would alleviate some of the travel time. He said this then led them to the 1.75 FTE and 0.875 FTE.

Mr. Koch said starting with the 1 FTE for the hours of 1 am to 6 am, this comes out to 0.875 FTE and said this number comes from looking at the amount of hours, 5 hours, multiplied 7 days a week, this comes to 35 hours that the shift would cover. He said if we had 2 FTE's during that timeframe that would be the 1.75 figure. He said the numbers are based on averages as are all their contracts, amortizing out equipment, fuel etc. He said this data is in the other graphs. He reviewed salary and benefits. He explained shift differential and said this can be confusing as for most it's a difference in shifts, IE day shift and night shift. He said for the County contract services this means a guaranteed deputy. He explained a deputy will be gone for training, on vacation or can call in sick and the shift differential guarantees a deputy. He said for this particular contract they felt this was essential for either the 1 or 2 FTE's. He said this again is based on averages. He responded to a question regarding overtime and said with a shift differential there is no overtime cost, it is a guaranteed shift minimum. He referred to materials and services and explained the breakdown. He said the deputy comes with equipment, IE, a vehicle, fuel, a Taser, a computer, anything that is needed to perform the job. He said if there were needed updates to the equipment the cost is included in this figure. He referred to indirect costs and said in this example, during the night time hours, the deputy would also be doing business and security checks, patrolling neighborhoods, etc. He said this is all of what the deputy is focusing on. He said the indirect cost comes into all the other pieces and is broken-down on averages. It includes his time of overseeing the deputy, includes a percentage of the County Attorney's time and in the event there is a lawsuit, County Counsel would cover the employee, and it includes a percentage for human resource services.

He said this reviews their contracted services, and with the 1.75 figure, this being 2 FTE's during the timeframe of 1 am to 6 am and 7 days a week, the cost is \$292,172 and the 0.875 which is 1 FTE is \$146,160.

Tom referred to the 0.875 (1 FTE) and asked Chief Deputy Koch to explain police backup to this one position as there has been discussion of officer safety and coverage.

Mr. Koch said the 0.875 is a unique contract for them and said as they reviewed the position, they determined the most efficient way to deploy the deputy would be out of the Sherwood Police Department. He explained when the officer comes on duty, they would work the rural areas around the City and then during the 1 am to 6 am period they would come into the City and provide coverage. He said at the end of the 6 am shift the officer would return to servicing the County areas and still be working out of the Sherwood PD. He said as far as officer safety and backup they always have 24 hours a day backup of staffing for their south operations, which incorporates the City of Sherwood and the surrounding rural areas and urban areas around Bull Mountain. He said their recommendation, if the 0.875 was an option for the City, would be to have the deputy when coming on shift to work off the Sheriffs operating radio net. He said this gives them 24 hours a day supervision of the deputy and it allows the other deputies working in the county to monitor the activities. He explained how the county deputies worked their zones to provide backup.

Councilor Robinson referred to receiving backup from surrounding jurisdictions and asked if those jurisdictions charge the City for the support. Sherwood Police Chief Groth replied, no, they don't charge and we don't charge them as we have a Mutual Aid Agreement with other agencies. Mr. Koch added that the mutual aid to support the deputy would not have a charge associated.

Tom referred to the 0.875 position and said there will be additional workload that will occur during the day shift, as this person will not be able to follow up on calls and other duties and there will be duties that get passed onto either the day or night shifts.

He said staff has taken the proposals and have done data analysis. He said we are talking about a partial shift of 5 hours and you can't compare apples to apples on a cost basis because the schedule we currently have, 3-10 hour shifts, has been changed. He said he did a lot of analysis to try to compare the different shifts and what the impacts of adding the sheriff into the schedule would do. He said he then looked back at the Matrix information and worked on scenarios in order to be able to compare different options to see if this made sense. He referenced page 8 of the exhibit and explained the data of the City's current situation and said after speaking with Chief Groth and Captain Hanlon it was determined that June 2016 was the best month to look at to obtain averages. He said the data includes Sergeants, Motor and SRO in the calculations. He referred to page 9 of the exhibit, which included data on Calls for Service and said officers per 1000 calls for services are not good metrics to be using for analyzing whether or not you have sufficient staffing. He said this used to be the method, but since has been determined that other factors, such as priority calls, length of calls and other factors need to come into account. He said calls for service can be used for comparative purposes as we are comparing the same types of shifts across different alternatives. He said he used the calls for service data, but it is not perfect. He explained he took the number of calls for services and divided it by the number of officers and this gives a ratio to compare how many calls for services you get. He referred to page 10 of the exhibit and explained the color coded chart and the data. He said because the City is operating with 3-10 hour shifts we have six extra hours within a 24 hour day, and this is overlap. He referred to the chart hours of 1300-1600 and said day shift and swing shift are overlapping. He said as well as 8-11 pm the night shift and swing shift overlap, therefore the chart shows more people on a shift.

Tom explained he took this information and compared it to the Matrix Active Study time. He said when Matrix did their analysis they looked at "proactive time", and defined this as any time that was not active. He said he wanted to see if the calls for service model would actually make sense. He referred to page 11 of the exhibit and explained the data and referred to page 12 with both charts side by side. He said he then created a spreadsheet where information could be moved around, IE officers, percentages, changing shifts. He said after looking at this information and the alternatives, Chief Groth came up with a schedule that made sense to him and followed the data. Tom referred to page 13, Alternative Patrol Schedule and said as they proceed, this is what will be used but knowing other possible patrols schedules exist.

He explained this scenario eliminates the night shift, having the Sherriff come in for 5 hours and this is what Matrix recommended, and then services would be added back in to try and make it work. He said it became clear that we would have to add another officer and Sergeant back into the day and swing shift in order to come reasonably close to where we were. He said this includes the Sergeant and Motor Officer analysis as it did before and has other features, it restores a common training day on Wednesday, he referred to the chart on page 13. He said this also allows the employees to have one supervisor and said we previously had only 3 Sergeants and there is now an additional Sergeant and this allows things to

move along nicely in comparison to now where there is not a lot of understanding of who your supervisor is. He said this has two 10-hour shifts, a day and swing shift, and the 5 hour Sheriff patrol at night. He said if you add up the numbers this is actually 25 hours, resulting in an overlap that falls between 1-2 am.

Councilor Robinson said you have 1 officer and 1 Sergeant and asked if this excludes an SRO. Tom said when we ran the analysis and when we looked at it before it included the SRO, and when we ran the analysis we did not include the SRO in the data.

Chief Groth said what the Council is looking at (referring to page 13) is an option for a patrol deployment and the Sergeant and the traffic officer is a part of that mix and the SRO's and Detectives are not, he said this is why they do not appear on this spreadsheet, this is patrol only. Chief Groth explained when working with Tom on providing options, he put together this one option using the resources that were freed up between 1-6 am, and shifting them into other areas. He said a lot of different variations could be done, and he provided an example. He stated there would be usefulness and explained officers would have time to complete reports.

Tom said the data and analysis we were looking at was really patrol and we wanted to make sure the officers on the streets were being compared as this is a priority. He said we will speak of the other positions when we get to the financials, and how those services can be added back in. Tom referred to the alternative schedule (page 15) and said these are the same notes put into a table format and said he applied a .72 factor and this is why whole numbers don't appear, he said this was from the Matrix study as people take PTO, are out sick, etc., and are available only 72% of the time which is standard in the industry. He said this also correlates to the shift differential. He said this information is the result of the analysis and said what surprised him was when we took the overlaps away he expected to see big differences and this was not the result and it actually showed up pretty good. He referred to the chart having a lot less green, less red and a bit more yellow. He said what occurred with this schedule was a balancing of everything and it looks like it performs well, he referred to page 16 comparing the charts. He said this information is just data and not real world and it appears from a data perspective to be options that provide patrol service that works well.

Tom referred to cost and said there are two parts to this, the patrol and making sure that we can develop a schedule that works with the added partial schedule, and there are cost implications. He referred to page 17, and said in the scenarios the night shift was eliminated and this was part of the Matrix recommendation. He reviewed the information on the chart (page 17) and said with the elimination of the night shift there is a savings of \$577,194. He said obviously we just can't eliminate the night shift and referred to page 18, Net Staffing Changes. He said they ran a few different scenarios and one is the highest service scenario. He referred to Councilor Robinson's questions and said this information shows what we are adding back. He reviewed the information on the chart and said we currently have 25.5 FTE's and the change adds the .0875 FTE from the Sheriff's office. He said the chart indicates the current, minus the night shift and option 1 which is mislabeled and is adding those pieces back. He said in the additions column, we are showing adding 1 Admin Assistant/Community Service personnel back into the schedule and 1 Sergeant which was shown in the data analysis, and 1 police officer. He said we are also showing 2 special assignments, the SRO or Detective and this is a total of 5 that you're adding back in. He said it is costly to do this and it would require a budget change.

Councilor Robinson referred to the Admin. Assistant/Community Service and asked do we need a full time position. Tom said he doesn't know that anything has been decided and this was us running through

different scenarios and what could be the highest amount of service we could possibly get. He said there are many different decisions that will be made and staff wanted to provide different options to the Council. He said the Community Service position was in the Matrix study and this is one thing we considered.

Chief Groth stated both positions were mentioned as recommendations by Matrix.

Tom referred to page 19 and the costs to add the positions, \$575,899. Tom referred to page 20 and said this shows adding the Sheriff's Officer, taking away the night shift, adding back the additions just discussed, depending on which proposal provided by the Sheriff's Office, you can see the different numbers.

Tom referred to page 21 and Neutral Cost Scenario and said rather than trying to maximize the amount of services we get, we tried to get the bottom line number closer to where our budget authority is. He said this shows 25.5 current FTE's, with a change of 24.5 FTE plus 0.875 from the Sheriff's office. He said currently there are 3 vacant positions, and said if we were to do this we would still be reallocating those officers that we have, we just would not be filling a position that is currently open. He said there are many different ways to run the allocations of what you're adding back and in this particular case we are adding 1 special assignment back in and this is the highlighted number 3 on the chart. Tom referred to page 22 and the cost of this scenario of \$450,629. He referred to page 23 showing the costs being closer to our current budget and said if we went with 1.75 FTE we would need to find \$165,607 and with the 0.875 FTE we would need \$19,595. Tom offered to answer questions.

Councilor Henderson asked what WCCCA costs us and asked what is the City's current shift differential for graveyard. Chief Groth replied and referred to Chief Deputy Koch explanation, it's that percentage of time that you don't have a full time employee. He said Tom covered it in his data, but we don't generally use the term "shift differential" for that, we use that term for something else. He said any full time employee, you would get 0.875 out of that employee. He said this is a rule that goes across the board in any organization or department, assuming the person has time off, sick time, training, etc. He said the shift differential of 27% means they are calculating 73% of 1 FTE. He said as Tom stated this is very consistent with what Matrix published when they ran our numbers. He said we were at 28%. Further explanations were provided by Tom, Deputy Chief Koch, and Chief Groth.

Councilor Henderson referred to salary and benefits and asked, if there was a Sherwood officer in the 0.875 FTE what would that number be, she referred to page 7 and said here it states \$95,407. She confirmed this was coverage for 5 hours a night. Tom added it's also 7 days a week. Tom said our standard for 1 FTE is somewhere between \$113,000 and \$120,000. He said our salary and benefits for 0.875 would be about \$105,000. Discussion followed.

Councilor Henderson asked the Sheriff's office when did they conduct their last salary survey. Mr. Koch replied it is done periodically and is based on averages. He said he could not say specifically when, but they evaluate their contracts periodically to ensure the averages are the averages of their deputies. Mr. Koch stated they just went through a contract negotiation with their association and confirmed this included salary and benefits compensation packages.

Mayor Clark referred to page 7 and said for the 1.75, which is for 2 Sheriff Officers, the cost is \$292,172 and said on page 17, is the cost to the City \$577,194. Tom replied no and said this is if you were going to

eliminate the entire night shift. He explained the chart. Chief Groth stated for the \$577,194 we are talking about 5 people, including a Sergeant.

Councilor Henderson stated we have 2 officers on per night. Chief Groth replied, it depends on the night and said the averages are noted in the chart on page 8. Chief Groth stated we have a 2 car minimum and will always have 2 patrol cars on 24/7.

Councilor Henderson stated the Sheriff's proposal of 0.875 is 1 officer, 1 car from 1-6 am, with no 2 car standard. Mr. Koch replied that's correct. She said they would call for other resources if necessary and Mr. Koch replied correct. Discussion followed regarding an officer leaving the City to transport an arrest to Washington County jail. Mr. Koch said during certain hours of the night we have transport units that currently service the City. Chief Groth stated the police department currently utilizes the transport officer.

Tom stated a lot of time has been spent to see if there is a possibility of something working. He said the Council may not be able to provide an answer tonight and asked if they wanted to continue to study Matrix' recommendation #6.

Council conceded to have another work session to answer more questions. Tom asked if the Council wanted other scenarios considered from either a financial perspective or staffing perspective. He asked if Council wanted more analysis from an outside consultant and said we have done what we can with the tools we have. He asked if the Council wanted an additional public involvement process.

Mayor Clark thanked the Sheriff's office.

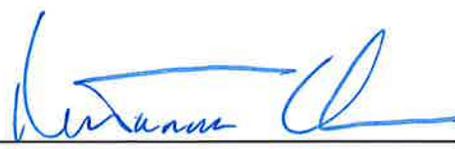
City Manager Gall mentioned scheduling the work session on the agenda forecast and asked the Council to look at the schedule to ensure enough time is allocated and said he would prefer to hold the work session before the regular meeting. He said the Council has a fairly busy schedule in September, October and November.

5. ADJOURN:

Mayor Clark adjourned the work session at 9:20 pm.

Attest:


Sylvia Murphy, MMC, City Recorder


Krisanna Clark, Mayor