



MINUTES
City Council Meeting
Monday, March 2, 2020 City Hall- Council Chambers, 39250
Pioneer Blvd., Sandy, Oregon 97055 6:00 PM

COUNCIL PRESENT: Stan Pulliam, Mayor, Jeremy Pietzold, Council President, Laurie Smallwood, Councilor, Jan Lee, Councilor, Carl Exner, Councilor, and Bethany Shultz, Councilor

COUNCIL ABSENT: John Hamblin, Councilor

STAFF PRESENT: Jordan Wheeler, City Manager, Angie Welty, HR Manager, Tyler Deems, Finance Director, Jeff Aprati, City Recorder, Ernie Roberts, Police Chief, and Andi Howell, Transit Director

MEDIA PRESENT:

1. CITY COUNCIL EXECUTIVE SESSION - 6:00 PM

The Sandy City Council met in executive session pursuant to ORS 192.660(2)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations.

2. CITY COUNCIL WORK SESSION - 6:30 PM

2.1. SAM RFP Update

11 - 14

RFP details can be found on the [Sandy Transit webpage](#).

Andi Howell, Transit Director, presented an update on the transit RFP process currently underway. Bid details and cost figures should be available by April 6; the successful firm would take over the transit contract by May 25 due to the six-month temporary employee deadline.

The City has been able to stabilize the transit staffing situation after taking over from the former contractor, and has hired several new drivers. Collaboration between SAM and Mt Hood Express will be important going forward, with operational efficiency and staffing optimization being high priorities.

Staff discussed several possible organizational models, including the option of

the City employing a fleet mechanic to service City vehicles and oversee equipment. The City could also consider the idea of maintaining direct management of drivers long-term, depending on budgetary estimates. Opportunities may exist to offset costs by contracting services for other regional entities.

[Work session charts](#)

3. CITY COUNCIL REGULAR MEETING - 7:00 PM

4. Pledge of Allegiance

5. Roll Call

6. Changes to the Agenda

7. Public Comment

Kathleen Walker expressed a desire to support agenda item 10.1 without creating ex parte contact issues. The **City Attorney** asked those testifying to contain their comments to the UBG issue itself as much as possible, rather than issues germane to the appeal on 3/16.

8. PROCLAMATIONS

8.1. Proclamation - League of Women Voters Month

Staff Report - 0235

Mayor Pulliam read the proclamation declaring League of Women Voters Month

9. Consent Agenda

9.1. City Council Minutes

Moved by Bethany Shultz, seconded by Jan Lee

Approve the consent agenda.

CARRIED.

10. Ordinances

10.1. Ordinance 2020-03: An Ordinance Adopting an Urban Growth Boundary Expansion Analysis and Comprehensive Plan Amendment for the City of Sandy

Staff Report - 0237

Mayor Pulliam opened the quasi-judicial hearing. Council members did not declare any abstentions, conflicts of interest, or ex parte contacts. No challenges to the hearing body were issued. The Mayor read the required hearing statements.

Staff Report

Kelly O'Neill, Development Services Director, introduced the staff report. The Planning Commission's previous approval of this matter was unanimous. The staff report included supplemental documents from the applicant, as well as written and verbal testimony. Staff and the Planning Commission agreed the application met all applicable land use goals and relevant statutes. Mr. O'Neill presented slides, which are attached to these minutes.

Councilor Lee asked about possible overlap with Old Barlow Road. Staff replied that Gunderson Road would likely cross the historic trail, as do many other streets in Sandy. Nothing in City plans or ordinances places requirements or conditions on crossing the old road.

Applicant's Presentation

The applicant's engineer delivered a presentation (slides attached). The applicant has been aware from the beginning that adding an access road is a priority for the city. They looked at pursuing a state goal exception, but County staff were not amenable to the idea. A neighborhood meeting was held, at which interest in avoiding traffic impacts was expressed. They also heard interest in having a park, which is now included in the proposal.

Testimony in Favor:

Erin Finley: She is in favor of the UGB expansion. Safety for the neighborhood is her top priority. Having only one access for traffic and a large increase in residents would create a scary situation.

Makoto Lane: He is in favor of the UGB expansion, and stated that there may be other places we need expansion as well. He stated the City hasn't reviewed our Comp Plan and UGB in a comprehensive manner in a long time. He stated the developer is using loopholes in the code to extort the City, and the developer did not apply for a goal exception with County. He stated the developer is extorting the City with threats of lawsuits. He encouraged the

City to look at other places we might need expansions unless we want to go through this again.

Gigi Duncan: Safety is her top priority. Many small children live in the neighborhood. They do not have a nearby park, so children play in the street. The UGB does need to expand because we need more housing, but putting so much traffic onto Dubarko is not realistic or safe. Sandy needs another traffic outlet other than the little streets, which were never designed to handle this volume of cars. Highway 211, in contrast, is a road that can handle the extra traffic.

Testimony in Opposition: none

Questions from the Audience:

Kathleen Walker: Who is paying for the road? Staff responded the City does not have clarity on that yet. Ms. Walker stated she would prefer that the developer pay. She asked about the parkland dedication policy. At the Planning Commission meeting, it was pointed out that the land in question does not meet parkland requirements in the code, and the applicant declined to seek a variance. The City Attorney said the parkland dedication issue is germane to the appeal discussion on the 16th, so it should not be considered in this decision. Ms. Walker stated that the land is wet and not ideal parkland.

Makoto Lane: Who will pay for the intersection? This is an especially important question with our taxes and fees going up.

Staff Recap

Kelly O'Neill, Development Services Director: He agreed that safety is a large concern. Staff has been pushing for a second access from the beginning for that reason. He clarified that the City did study the entire UGB in the last 5 years, but the 2011 Transportation System Plan did not properly evaluate the alignment of Gunderson Road. HB 2003 requires a housing needs update in 2024. It is true the applicant never applied for a goal exception, but County staff gave the idea a lukewarm reception. Regarding the issue of who should pay, he added that any other future developments will also benefit from this improvement, not just this developer.

Applicant Rebuttal: none

Councilor Pietzold moved to close the hearing; second by **Councilor**

Smallwood. The motion carried.

Council Discussion

Councilor Exner question about impact on the UGB balance, regarding commercial versus single family. Staff responded there would be a zero net effect.

The Council thanked attendees for their comments.

Moved by Carl Exner, seconded by Jeremy Pietzold

Approve first reading of Ordinance 2020-03.

CARRIED.

Moved by Laurie Smallwood, seconded by Bethany Shultz

Approve second reading of Ordinance 2020-03.

CARRIED.

[7107 20200302 UGB Amendment CC Hearing Presentation](#)
[CC Hearing Presentation for March 2, 2020 - UGB Expansion](#)

11. New Business

11.1. Scope of Review for the March 16 Appeal of Bailey Meadows Subdivision

The **City Attorney** stated the code allows an appeal either on the record or de novo. Historically Sandy has held de novo hearings to lessen confusion and ease management.

Michael Robinson, Applicant Attorney: Appreciates the difficulty of on the record appeals. He stated the Planning Commission held two public hearings, with substantial opportunity to give evidence. The applicant has the burden of proof, and more testimony means more burden for them. He complimented staff's efforts regarding records management, and stated this development is needed by the City. State law says there need to be clear and objective standards for decisions, but Sandy's hearing scope of review decision criteria are not clear.

Kathleen Walker: The requirement for clear and objective criteria is nothing new. Sandy's code has always been clear and served us well. The idea that

the Council's decision on scope of review is subjective is just not true. There was clearly already confusion regarding park dedication at the Planning Commission level, and a hearing on the record could create barriers to testifying about these issues.

Gigi Duncan: These matters are difficult to follow and confusing for the public, with substantial legalese. Safety needs are not subjective. This process needs flexibility for residents to come and testify, especially as people have recently learned more about subjects they didn't understand sufficiently enough to testify before.

Makoto Lane: Stated the applicant clearly doesn't want any more testimony. The public should have a voice, and the Council shouldn't take it away.

Richard Shelton: Asked about testimony that was oral rather than written at the Planning Commission, and whether it would be considered on the record. Staff stated that oral testimony would have been captured in the Commission's minutes and in the meeting recording.

Councilor Shultz wants to hear testimony again and hear directly from the people.

Councilor Lee agreed we need to hear from people on this important decision.

Councilor Exner stated the Council needs to be able to listen to the public and understand their input. He does not want to cut people off, as there may be other important issues to bring up.

Councilor Smallwood agreed.

Councilor Pietzold underlined the need to consider the City Attorney's advice, and de novo hearings are our past practice.

Mayor Pulliam agreed.

Moved by Jeremy Pietzold, seconded by Laurie Smallwood

Motion to hold a de novo appeal hearing on March 16.

CARRIED.

11.2. Intergovernmental Agreement with the City of Lake Oswego for After-Hours

Police Records Services

Staff Report - 0231

Ernie Roberts, Police Chief, stated that the Clackamas County Sheriff's Office will no longer be able to provide after-hours police records services for local cities. However, the City of Lake Oswego has agreed to step in and provide the service instead.

Councilor Pietzold asked why the County made this decision. **Chief Roberts** declined to speculate on the reason.

Councilor Exner asked how long Lake Oswego would be able to maintain this service. **Chief Roberts** stated they are confident in their ability to do so on an ongoing basis. He has a very positive working relationship with Lake Oswego.

Councilor Smallwood asked what level of service Sandy can expect compared to the previous arrangement with the County. **Chief Roberts** expects the service level to remain the same. She asked what the County previously charged for the service. The answer given was zero.

Councilor Pietzold asked about the termination date of the new agreement. It was noted this is an initial trial period to ensure the arrangement will be workable.

Moved by Carl Exner, seconded by Jan Lee

Approve the intergovernmental agreement with the City of Lake Oswego.

CARRIED.

11.3. Planning Commission Term Adjustment

Staff Report - 0234

Staff noted that a review is currently underway of boards and commissions to ensure that member terms are accurate and consistent. A review of records found that the administrative records for Planning Commission seats 4, 5, and 6 had incorrect term start and end dates. Because of this, the Council assigned an incorrect term end date when it appointed Christopher Mayton to Seat 6. Staff recommended the Council reappoint Mr. Mayton to the remainder of Seat 6's proper term, ending on 12/31/20.

Mayor Pulliam inquired about the process for removal of members from commissions. The City Attorney stated that removal of a Planning Commission member requires a show-cause hearing. **Mayor Pulliam** asked what would constitute sufficient cause for removal. Staff answered actions such as being disruptive at meetings or repeatedly not attending. Questions were raised regarding the proper process for a removing oneself from a meeting in the case of bias or conflicts of interest.

The Council emphasized its desire to ensure all board and commission seats are advertised as vacant at the expiration of their terms, and that incumbent members who wish to continue serving will reapply along with any other interested parties and go through the interview process.

Moved by Jeremy Pietzold, seconded by Carl Exner

Appoint Christopher Mayton to the remainder of Planning Commission Seat #6's term, expiring on December 31, 2020.

CARRIED.

12. Report from the City Manager

The City Manager noted that the special district polling group met recently. The group recommends including Eagle Creek, and expanding the proposal to include all recreation programming. The eastern boundary of the district will be Alder Creek. The group emphasized the need to include clear and frank language in the poll about what would happen if the proposal is rejected by voters. It will also be important to ensure that residents are not confused about which building on the campus would be developed into a community center.

The City has received a proposed scope and fee for the 362nd Drive project, which is within the anticipated range.

The City is proactively distributing information regarding COVID-19, including options for employees to work from home if possible and necessary. This is also an opportunity for the City to review continuity of operations plans, ensuring we have identified essential personnel, cross-trained staff, and confirmed continuity plans with contractors.

13. Committee /Council Reports

Councilor Shultz: The Arts Commission had a great forum over the weekend, seeking public input on art for the City. She hopes to hear good results from the parks master plan open house. She noted there has been some public confusion regarding funding

of the City versus the School District, Fire District, etc. and how different bonds would function. She suggested some explanation be included in the next city newsletter.

Councilor Exner: The Arts Commission now has two vacancies, and interviews will be scheduled soon.

Councilor Lee: The ad hoc Resiliency Action Plan committee has begun its work, which will help position the City for priority funding for transportation. The committee will begin as mostly staff oriented. If the Council wants more public involvement in the future, it could be made into a formal advisory committee at a later date.

Councilor Smallwood: The Parks and Trails Advisory Board will meet on March 11th, which will include a discussion on position terms. The recent parks planning open house was very successful, with 30-40 attendees.

Councilor Pietzold: Reminder of Tillamook County's recent cyber attack - they were without computer systems for three weeks and had to pay a ransom. Cyber-security is vitally important for the City, as small government agencies are considered attractive targets. OBAC is meeting soon to discuss installing more fiber infrastructure. Sandy's Economic Development Committee is meeting on Wednesday. SandyNet is an invaluable resource for the community that enables remote working in the case of a crisis like an epidemic.

Mayor Pulliam: Appreciates Councilor Lee working with him on C-4. Estacada's recent regional cities meeting was a success - they are accomplishing a great deal in their community with very ambitious plans. He is asking our state representatives for capital improvement funds, making sure we are at the table with a specific request and that they understand our needs. The request is \$1 million for work on the 362nd Bell St extension project. His daughter enjoyed the recent acting workshop at the Community Center. The City is in contention (with Astoria) for a grant from the Blazers and Moda for park enhancements at Tupper Park. Thanked staff for publishing information regarding the coronavirus. In the case of hearing recusals due to conflicts of interest, officials should not sit with hearing stakeholders in the audience. He is disappointed with a Planning Commissioner's recent actions in this regard.

14. Staff updates

14.1. [Monthly Reports](#)

15. Adjourn

16. CITY COUNCIL EXECUTIVE SESSION – Following Regular Meeting Adjournment

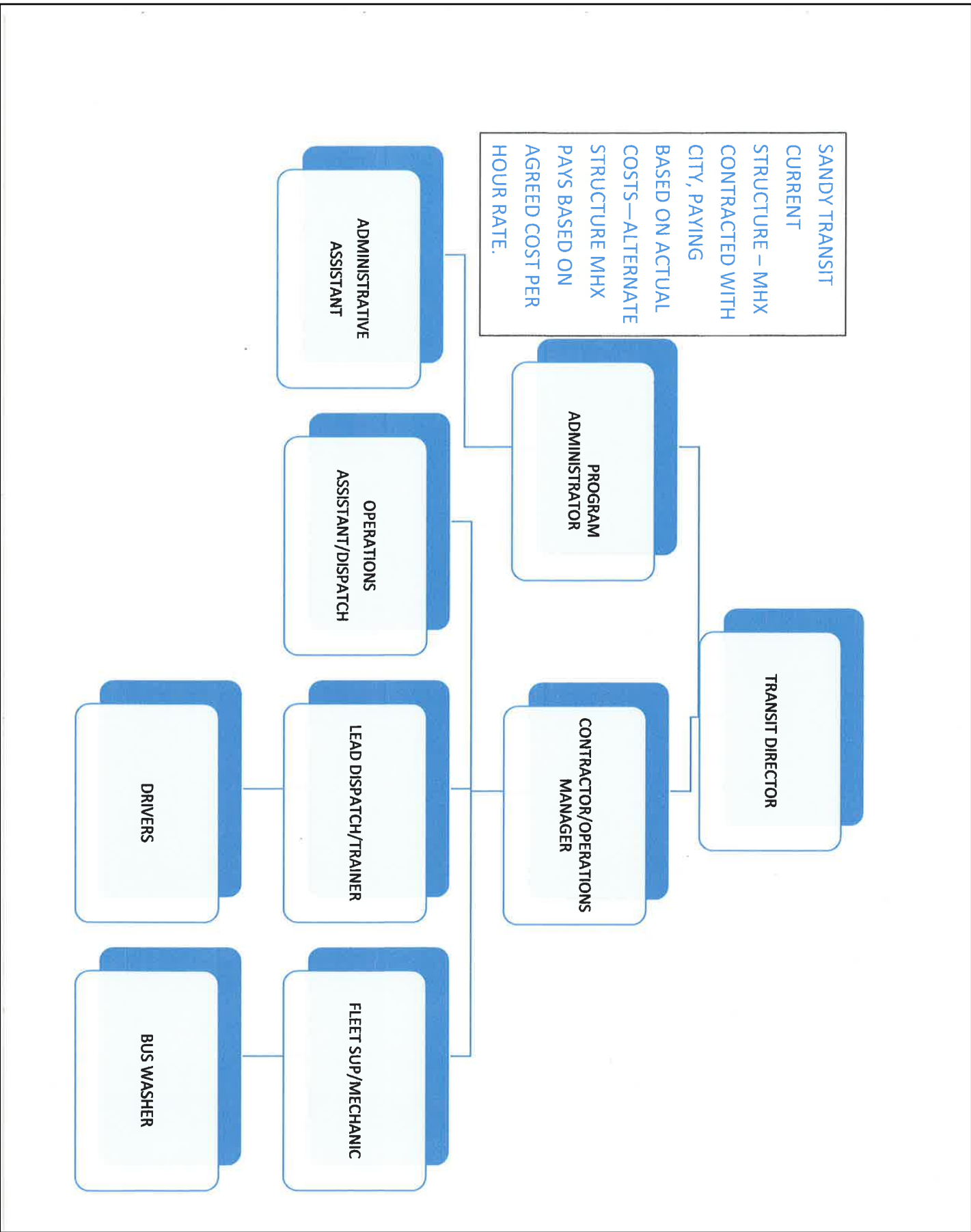
The Sandy City Council met in executive session pursuant to ORS 192.660(2)(f) to consider information or records that are exempt by law from public inspection.

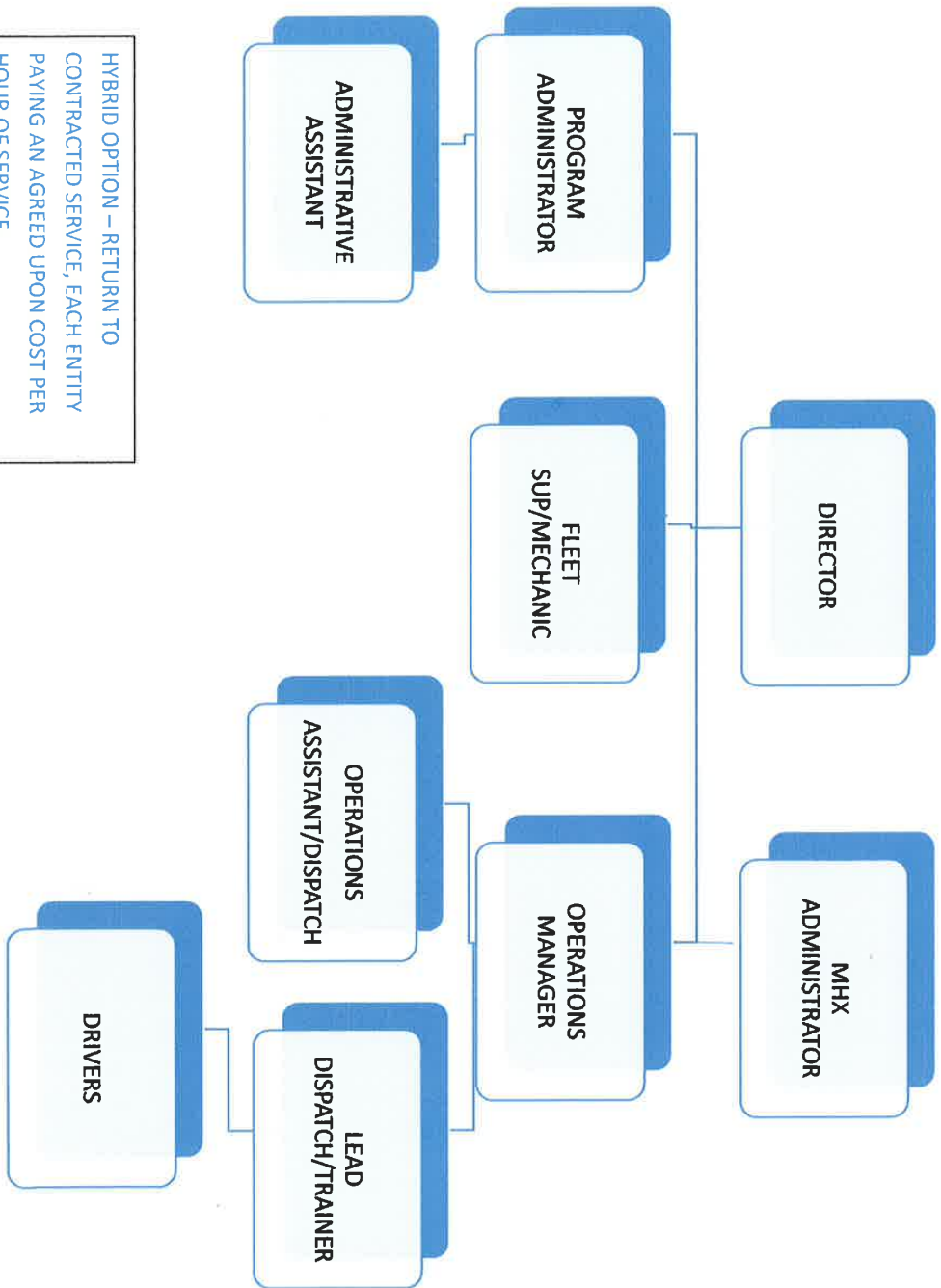


Mayor, Stan Pulliam

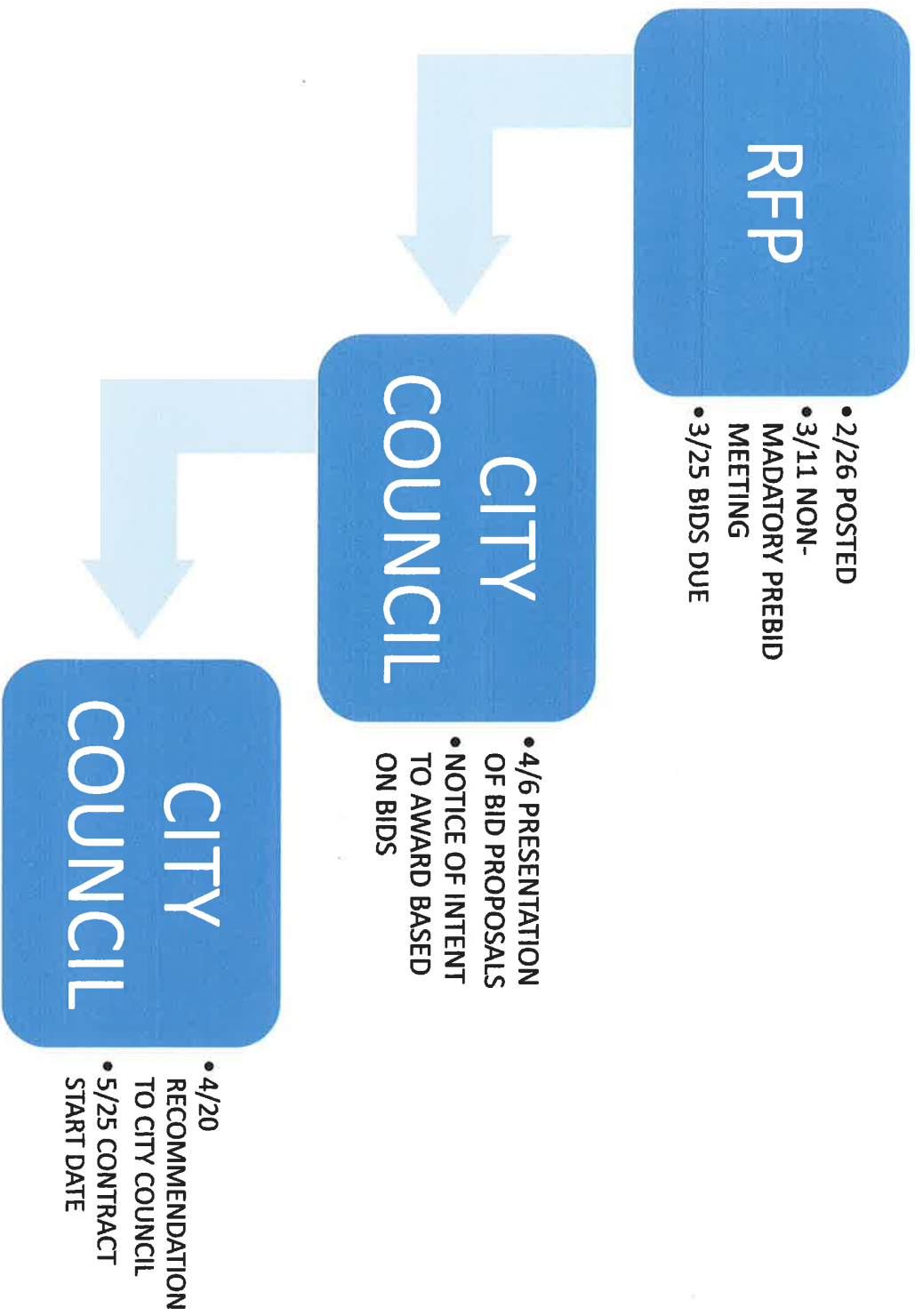


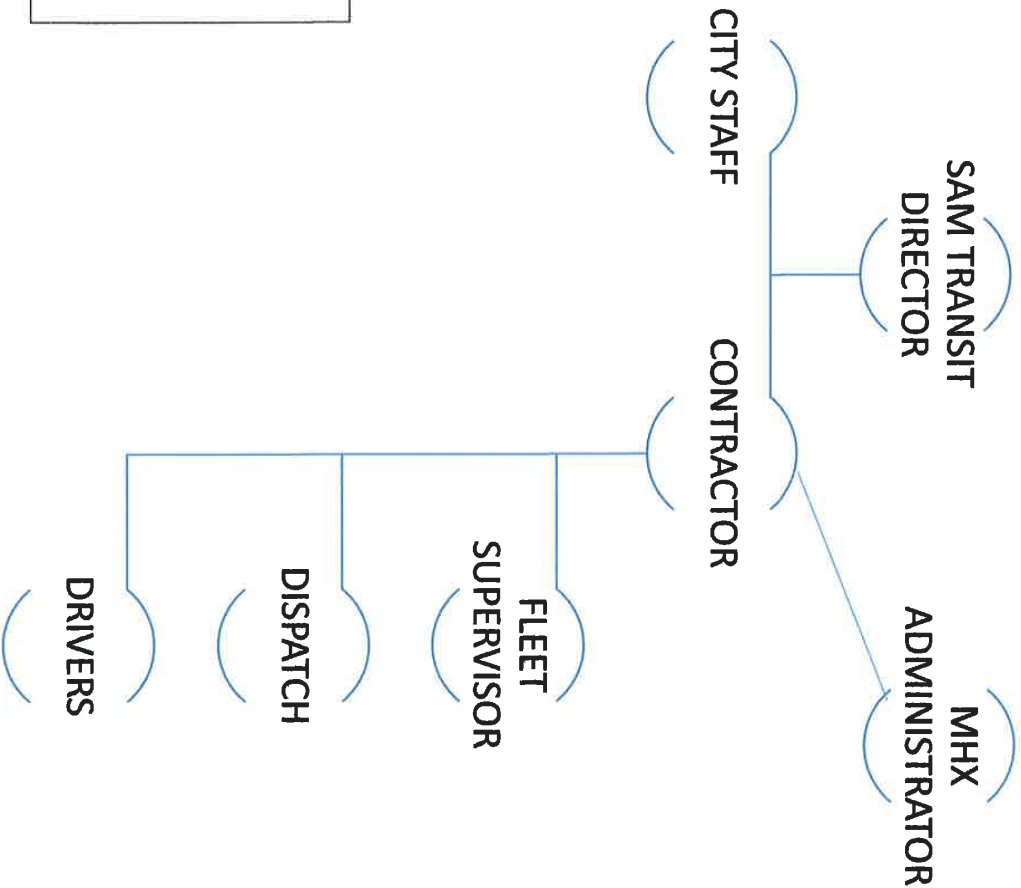
City Recorder, Jeff Aprati





HYBRID OPTION – RETURN TO CONTRACTED SERVICE, EACH ENTITY PAYING AN AGREED UPON COST PER HOUR OF SERVICE.
 ADD FLEET MECHANIC TO CITY EMPLOYEES TO OVERSEE CITY EQUIPMENT, COST SHARED PER AGENCY.





SANDY TRANSIT
 HISTORICAL
 ORGANIZATION
 CHART