



**MINUTES**  
**City Council Meeting**  
**Monday, December 17, 2018 City Hall- Council Chambers,**  
**39250 Pioneer Blvd., Sandy, Oregon 97055 7:00 PM**

**COUNCIL PRESENT:** Jeremy Pietzold, Council President, John Hamblin, Councilor, Jan Lee, Councilor, and Carl Exner, Councilor, Scott Horsfall, Councilor, Bill King, Mayor

**COUNCIL ABSENT:**

**STAFF PRESENT:** Karey Milne, Recorder Clerk, Kim Yamashita, City Manager, Andi Howell, Transit Director, Ernie Roberts, Police Chief, Greg Brewster, Assistant IT Director, Tanya Richardson, Community Services Director, Tyler Deems, Finance Director, and Mike Walker, Public Works Director

**MEDIA PRESENT:**

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Changes to the Agenda**
- 4. Public Comment**  
Khryss Jones, Sandy Area Chamber of Commerce, thanked Mayor King for his time as Mayor.
- 5. Ordinances**
  - 5.1. Ordinance Removing Section 9.12.020 of the Sandy Municipal Code**

Staff Report - 0083

Chief, Ernie Roberts, In January of 2018, Oregon Revised Statute went into effect changing the legal age to purchase or attempt to purchase tobacco products or inhalant delivery systems (vaping systems) by anyone under the age of 21. Sandy Municipal Code section 9.12.20, which allows the purchase of anyone 18 and older, is now obsolete and in conflict with the Oregon Revised Statute and needs to be removed from SMC Title 9. This is primarily a housekeeping issue, but does require council approval. Staff Recommends

council to remove section 9.12.20 from the Sandy Municipal Code.

Moved by Carl Exner, seconded by Jeremy Pietzold

*Motion to approve the first reading by title only of Ordinance 2018-38, and Ordinance removing section 9.12.20 of Title 9 of the SMC to follow Oregon Revised Statute for enforcement.*

CARRIED.

Moved by Jeremy Pietzold, seconded by Scott Horsfall

*Motion to approve the second reading by title only of Ordinance 2018-38, and Ordinance removing section 9.12.20 of Title 9 of the SMC to follow Oregon Revised Statute for enforcement.*

CARRIED.

5.2. Ordinance 2018-22 - Public Services Fee

Staff Report - 0084

City Manager, Kim Yamashita, Prior to City Manager Seth Atkinson leaving the City of Sandy, there were several discussions about a fee to off set the purchase or operations of the pool. I believe this was in 2015, and there was a study done by the Oregon Trail School District. Support for a fee was high, but given the time lag between the study and the initiation of a fee I felt it prudent to do more out reach. Also, since that study, other financial needs have been identified and impacted the budget and have shown a need for revenue streams beyond what we currently have available. Specifically we need revenue to off set the police budget, particularly in light of the cancellation of the Estacada contract. We also need revenue beyond the general fund to help off set the operational costs of the pool. Lastly, there is little revenue available for parks, not purchasing of land, but of the maintenance of existing parks and for replacement of capital equipment in our older parks that do not qualify for System Development Charges (SDC) use. In 2017 and 2018 additional research and out reach with citizens were conducted. Those interviewed were very supportive of all three projects. We asked that they indicate comfort level with a monthly fee and we were pleased to find that a vast majority were comfortable supporting \$5 - \$8 dollar monthly fee to be dispersed to these three programs. The attached ordinance was reviewed by our City Attorney. The recommendation from staff is for a fee of \$7 dollars per month per utility account. There is an appeal process and exclusions for ADU's/hardship.

City Manager, Kim Yamashita, reviewed the concerns with the Parks, the Sandy Community Campus and the Police Department and why they could use the funds.

Council had several questions and concerns for staff, City Manager and Staff answered their questions.

Council has mixed feelings on whether to approve the fee.

Council made a decision to hold a first reading of Ordinance 2018-22 and to push the second reading out until January 22nd, 2019 in order to get some more input from the community.

Public Comment - None

Moved by Carl Exner, seconded by Jan Lee

*Motion to Approve the first Reading of Ordinance 2018-22 an Ordinance amending Title 3 of the Sandy Municipal Code by adding section 3.34 establishing a fee on all utility bills for the purposes of off setting the cost of certain public services, specifically police and the community center/pool.*

CARRIED.

## 6. Resolutions

### 6.1. Staff Report Resolution 2018-39 - Transit Asset Management Plan

Staff Report - 0082

Transit Director, Andi Howell, In 2016, the Federal Transit Administration (FTA) published a rule, 49 CFR Part 625, to require public transit providers that receive Federal transit assistance to undertake certain transit asset management activities. The final rule defines the term state of good repair and establishes minimum Federal requirements for transit asset management. This applies to all recipients of Federal financial assistance under 49 U.S.C. Chapter 53 who own, operate, or manage public transportation capital assets. The TAM rule specifies that an asset is in a state of good repair if it is in a condition sufficient for it to operate at a full level of performance. The rule also provides state of good repair standards. As explained on the Oregon Department of Transportation (ODOT) webpage: "Transit Asset Management is a business

model that uses the condition of assets to guide the optimal prioritization of funding at transit agencies in order to keep our transit networks in a state of good repair. Tier II agencies (100 or fewer vehicles; see FTA's Tier Checklist for details) must participate in a group TAM Plan sponsored by ODOT Rail and Public Transit Division (RPTD)." Sandy, owning fewer than 100 vehicles, is included in the group TAM Plan. Sandy will report the condition of our transit assets, including facilities and vehicles to ODOT Rail and Public Transit Division (RPTD). Recommendation: Approve the Transit Asset Management Plan resolution allowing Sandy Transit to participate in a group TAM Plan sponsored by ODOT Rail and Public Transit Division (RPTD).

Transit Director Andi Howell reviewed information on a few pages from her staff report, what she has already been doing and how she agrees with this plan.

Council had some questions and statements.

Moved by Jeremy Pietzold, seconded by Carl Exner

*Motion to approve the Transit Asset Management Plan resolution allowing Sandy Transit to participate in a group TAM Plan sponsored by ODOT Rail and Public Transit Division (RPTD).*

CARRIED.

## 7. New Business

### 7.1. Declaration of Council Seat Vacancy

Staff Report - 0085

City Manager, Kim Yamashita, Ms. Jean Cubic was appointed to City Council seat #6 on May 29, 2018. Since that appointment her participation has decreased and unexcused absences have increased. Further she is not communicating with the Mayor or Staff. Mayor King has made numerous attempts to contact her by phone and email. I have made several attempts to contact her by phone and by email. Her phone is currently answered with the following message "not accepting calls at this time". A letter was sent to Ms. Cubic on November 27, 2018, to her home of record. The letter is attached. You will find that the letter provides her the opportunity to attend the meeting schedule for 12-17-18 to offer explanation for her absences and/or to offer a resignation should she desire to do so. As of 12/5/18 the date this staff report

was crafted, I have had no communication with Ms. Cubic. Council should also be aware that even if Ms. Cubic is in attendance at tonight meeting, and offers explanations for her absences and lack of communication, you may still vote to declare the seat vacant.

Moved by John Hamblin, seconded by Jeremy Pietzold

*Make a Motion to declare seat #6 vacant and direct staff to move to bring applicants before council for a new appointment.*

CARRIED.

## 7.2. Sandy Transit Vehicle Replacement

Staff Report - 0078

Transit Director, Andi Howell, Sandy Area Metro (SAM) operates 4 35' Low-Floor Heavy-Duty Diesel vehicles. Currently, SAM operates 3 35' Low-Floor Gilligs and 1 35' Eldorado National EZ Rider II in rotation on our main route, SAM Gresham. One Category A vehicle has met its useful life (12 years or 500,000 miles), one vehicle will have met its useful life upon delivery of new replacement vehicles. Sandy has successfully obtained funding from Federal grant sources for replacement of both vehicles. Staff performed an analysis of alternative vehicles for the replacement including an all-day demonstration of an electric vehicle. At this time, the technology in electric transit vehicles is not sufficient for Sandy routes which include steep grades and long run times. Also analyzed was the return to the smaller cutaway type vehicles. That type of vehicle, though less expensive, must be replaced more frequently (useful life 10 years or 350,000 miles), resulting in minimal costs savings and reduced sustainability. It has been our experience that Gillig buses perform well, replacement parts are located and shipped quickly and the company stands behind their product. The vehicles are well finished (interior & exterior). The seating layout (no seats over wheel wells) allows for 31 ambulatory seats and two wheelchair securement positions. The seating choice allows for a securement mechanism that is quick, safe and easily stowed out of the passengers' way. The securement area, when both are deployed, has ample room for ingress/egress of other passengers. Sandy currently has a quote from Gillig, based on the specifications of our 2017 35' Low-Floor Heavy-Duty Gillig, for \$438,493 per bus. Sandy Transit has procured grant funding in the amount of \$440,000 (394,812 in grant awards and \$45,188 in the local match) and \$440,000 (\$374,000 in grant awards and \$66,000 in the local match). Vehicle to be replaced: 2008 Gillig Low-Floor: mileage as of November 30, 2018:

577,129. Vehicle to be replaced: 2010 El Dorado National EZ Rider II Low-Floor: mileage as of November 30, 2018: 416,192 Funding for these vehicles will be available in the Sandy Transit FY20 budget. FY20 is the expected delivery time frame as these vehicles require 12 to 18 months for delivery.

Council had a few questions and statements.

Moved by Jan Lee, seconded by Scott Horsfall

*Motion to allow Transit Staff to procure 2 35' Low-Floor Heavy-Duty Diesel Gilligs from the Washington State Contract.*

CARRIED.

### 7.3. Waste Water Treatment and Water Plant Operations - Contract

Staff Report - 0086

City Manager, Kim Yamashita, Staff was asked to explore our options for the operation of our Waste Water Treatment Plant and Water Plant operations. While the city has had a long time relationship with Jacobs (AKA CH2M), staff and council discussed the benefits of moving in a new direction. Working with Ashley Driscoll from the Law Firm of Barry Elsner and Hammond, we have advertised for firms that are capable of providing services that meet our needs. Only one company sent a letter of interest. That company is Veolia North America. Veolia Environmental is a French transnational company with activities in four main service and utility areas traditionally managed by public authorities. Those being, water management, waste management, transport and energy services. Veolia North America serves the United States and Canada. They initially sent a proposal during our open contracting solicitation process and are willing to honor that proposal now. Ms. Driscoll, Mike Walker and I have worked with the company to craft a contract that is substantially like the one we have with our current provider. We appreciate the efforts made by Jacobs on our behalf and want to thank them for their service to our community. We would ask council to vote to terminate our agreement with Jacobs at this time.

Council had a few comments

Moved by John Hamblin, seconded by Scott Horsfall

*Motion to terminate the agreement with Jacobs and issue a 90 day notice of intent to terminate and to authorize the City Manager to sign the contract with*

*Veolia North America.*

CARRIED.

**8. Consent Agenda**

- 8.1. City Council Minutes  
Election Results from Clackamas County

**9. Report from the City Manager**

Our City Attorney BEH, this year rather than sending a gift, they have made a donation in our name to the Oregon Energy Fund in the City's name. The Arts Commission has voted for Adam Triplett to hold the seat of Chair and Marsha Morrow as Co-Chair, they are working on their bi-laws, mission statement and a few other items and they they will move on to the art!

**10. Committee Reports**

None

**11. Council Reports**

Councilor Horsefall, would like to thank the council and residents for allowing him to serve on council. Thanked all for service and dedication.


Councilor Exner, Thank you to Bill for his 8 years of service. Thank you to Kim.

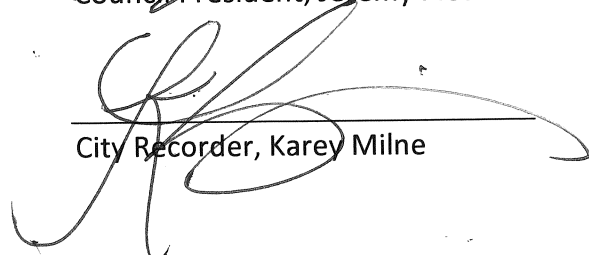
Mayor King, to the Sandy residents for their faith and trust in him for the past eight years, it has been an honor and a privilege, to staff, your hard work has made life much easier for him and he couldn't more proud of them all, thank you, especially to Kim, to Council, your diverse outlook and passion for the City has helped more than he can say, he is honored to have served with each and everyone of them, thank you for your support and friendship. To his wife who has supported him through all the meetings, conferences, ribbon cuttings, etc and leaving her alone to deal with family functions and all the time away from her, she is his rock and he loves her. He looks forward to what the new year brings and wishes the best to the City Council for all the challenges you will be facing, he knows as a group they will be successful. God Bless you all, Merry Christmas and Happy New Year.

**12. Staff updates**

- 12.1. Monthly Reports

**13. Adjourn**

  
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Council President, Jeremy Pietzold

  
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City Recorder, Karey Milne