



NOTICE OF PUBLIC MEETING

CITY OF ALBANY
CITY COUNCIL WORK SESSION
Municipal Court Room
Monday, March 10, 2008
4:00 p.m.

AGENDA

- 4:00 p.m. **CALL TO ORDER**
- 4:00 p.m. **ROLL CALL**
- 4:00 p.m. **BUSINESS FROM THE PUBLIC**
- 4:05 p.m. **WATER ISSUES OF MUTUAL INTEREST** – Linda Modrell
Action Requested: Information; discussion.
- 4:20 p.m. **OVERVIEW OF REGIONAL WATERSHED COUNCILS** – Chris Bailey
Action Requested: Information only.
- 4:35 p.m. **SAFETY IMPROVEMENTS TO PACIFIC BOULEVARD** – Ron Irish
Action Requested: Information; discussion.
- 5:00 p.m. **BOYS & GIRLS CLUB LAND TRANSFER** – Ed Hodney
Action Requested: Information, discussion for decision at March 12, 2008, Council meeting.
- 5:10 p.m. **REQUEST TO RECLASSIFY POSITION IN PARKS MAINTENANCE** – Ed Hodney
Action Requested: Information; discussion for decision at March 12, 2008, Council meeting.
- 5:15 p.m. **OVERVIEW OF WILLAMETTE BASIN TMDL REQUIREMENTS** – Herb Hoffer
Action Requested: Information; discussion.
- 5:45 p.m. **STRATEGIC PLAN UPDATE TIMELINE** – Ed Hodney
Action Requested: Information; discussion.
- 5:55 p.m. **COMMUNITY ATTITUDE SURVEY DISCUSSION** – Marilyn Smith
Action Requested: Review questionnaire; recommend final version for distribution.
- 6:10 p.m. **COUNCILOR COMMENTS**
- 6:20 p.m. **CITY MANAGER PRO TEM REPORT**
- 6:30 p.m. **ADJOURNMENT**

City of Albany Web site: www.cityofalbany.net

The location of the meeting/hearing is accessible to the disabled. If special accommodations to attend or participate in the meeting/hearing are needed, advance notice is requested by notifying the Human Resources Director at 917-7500.



TO: Albany City Council

VIA: Wes Hare, City Manager
Diane Taniguchi-Dennis, P.E., Public Works Director *DSTD*

FROM: Mike Wolski, Assistant PW Director/Operations Manager
Chris Bailey, Water Quality Control Supervisor

DATE: March 5, 2008, for the March 10, 2008, City Council Work Session

SUBJECT: Overview of Regional Watershed Councils

RELATES TO STRATEGIC PLAN THEME: • An Effective Government
• A Safe City

Action Requested:

None. Information only.

Discussion:

A network of watershed councils represents most of the major river basins throughout Oregon. In our area, there are active councils for the Calapooia River, South Santiam River, and North Santiam River watersheds. Staff attends each watershed council meeting monthly and provides input on watershed council activities relative to the interests of the City.

Watershed councils are not governmental bodies. They are volunteer groups that consist of stakeholders representing a wide array of interests within their watershed. Stakeholders usually include landowners, farmers, timber companies, recreationists, businesses, communities, and government representatives. The watershed councils help their stakeholders improve the state of the watershed by supporting and implementing projects designed to address specific watershed concerns such as poor water quality, loss of aquatic habitat, or lack of functional riparian zones.

Watershed councils primarily receive funding from the Oregon Watershed Enhancement Board (OWEB), which in turn is funded largely from lottery proceeds. This funding supports diverse activities ranging from small blackberry removal projects to complex studies of river function and process.

The work of local watershed councils is important to the City of Albany for several reasons. First, they are the most knowledgeable about the conditions in the watershed and the potential for negative impacts on water quality that could affect the City's drinking water supply. Second, the councils may be an important partner in creating thermal trading credit opportunities. They can describe strategic riparian areas that are in need of revegetation. If the City partners with the council on an approved project, Albany can receive thermal credits to apply toward our heat load allocation. Our relationship with the watershed councils will be of increasing importance as the City works to ensure adequate, high quality drinking water supplies, and to comply with state requirements under the Willamette Basin TMDL program.

Budget Impact:

Albany provides \$2,500 in watershed council support funding to each council annually.

CGB:kw
Attachment



TO: Albany City Council

VIA: Wes Hare, City Manager
Diane Taniguchi-Dennis, P.E., Public Works Director *DSTD*
Mark W. Shepard, P.E., Assistant Public Works Director / City Engineer

FROM: Ronald G. Irish, Transportation Systems Analyst *RC*

DATE: March 3, 2008, for the March 10, 2008, City Council Work Session

SUBJECT: Safety Improvements to Pacific Boulevard

RELATES TO STRATEGIC PLAN THEME: • A Safe City

Action Requested:

Staff recommends Council review the safety design options identified by Oregon Department of Transportation (ODOT) for the Main Street and Sherman Street intersections with Pacific Boulevard. ODOT has requested that Council approve its preferred design option by motion.

Discussion:

Jerry Wolcott, ODOT's Project Leader, has requested that Council review the plan developed by ODOT and city staff for the Pacific Boulevard Safety Project. ODOT representatives previously discussed the scope of the issue with Council at a February 26, 2007, Council Work Session. The goal of the project is to reduce the high crash rate that is currently occurring on Pacific Boulevard between Geary Street and the Union Pacific Railroad (UPRR) Overpass. The Pacific Boulevard/Geary Street intersection is the No. 1 SPIS (Safety Priority Index System) site in Oregon. The project has a funding earmark of \$1.2 million and is scheduled to go out to bid in May of 2009.

There are two factors contributing to the high crash rate. One factor involves the merging of traffic from Pacific Boulevard between Geary and the UPRR Overpass. The second factor contributing to the high crash rate is crossing movements on local side streets. Property owners and businesses along the corridor were invited to an open house hosted by ODOT and city staff on February 7, 2008.

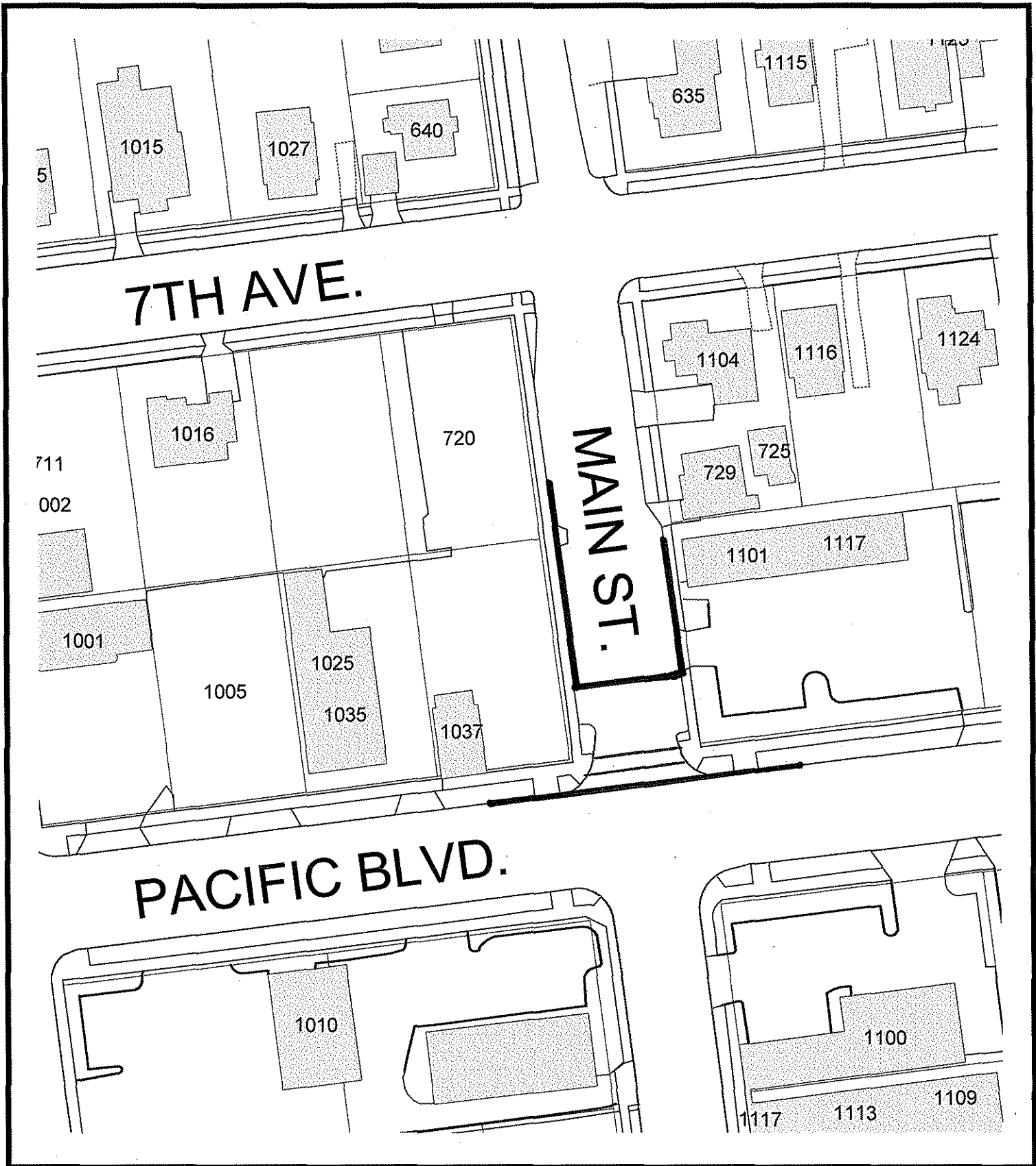
The merging issue will be addressed with striping changes on Pacific Boulevard. All of those changes will occur on ODOT right-of-way and will not have an impact on the operation of side streets under City jurisdiction. Addressing the issue of the crashes involving crossing traffic will require changes to the local street system that restrict crossing movements at problem intersections. These changes need to be approved by Council.

The current proposal is to make changes to both Main Street and Sherman Street on the north side of Pacific Boulevard. Main Street would be closed on the north side of Pacific Boulevard. The portion of Main Street between Seventh Avenue and Pacific Boulevard would become a dead-end street with access coming from Seventh Avenue. Crossing movements at Sherman Street would be restricted through installation of a "pork chop" on the north side of Pacific Boulevard, restricting movements at the intersection to right-in and right-out. A more detailed description of the overall project and proposed changes has been prepared by ODOT and is included as an attachment to this memo.

Budget Impact:

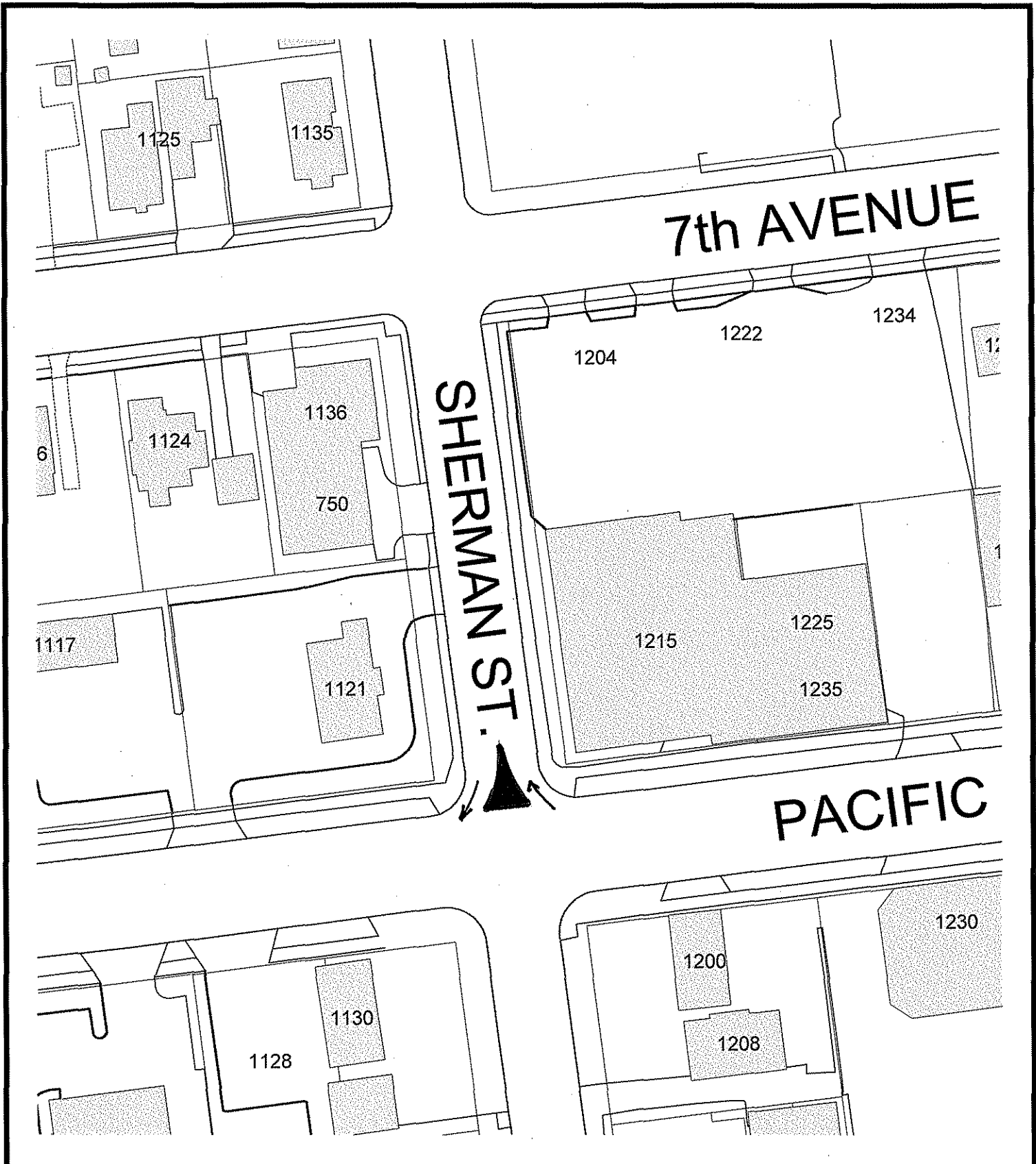
None.

Attachment
RGI:prj



PACIFIC AND MAIN

	Conceptual Plan			
	Engineering		The City of Albany's Infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.	
	roni nil	Mar 3, 2008		



PACIFIC AND SHERMAN

Conceptual Plan



Engineering

roni nil

Mar 3, 2008

0 100 Feet

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Oregon

Theodore R. Kulongoski, Governor

Department of Transportation

Region 2 Area 4

3700 SW Philomath Blvd

Corvallis, OR 97333-1147

Office (541) 757-4104

FAX (541) 757-4220

PUBLIC INFORMATION SHEET

February 26, 2008

Safety Improvements for Pacific Blvd (Hwy 99E)

What's the problem?

There are a high number of traffic crashes in Albany along Pacific Blvd. The safety problems stem from two main areas:

- Geary street, where four lanes merge into three. It is the number one SPIS (Safety Priority Index System) site in the State of Oregon.
- Madison, Main, and Sherman, where crashes happen as cars cross over Pacific Blvd.

Who is responsible to fix this?

ODOT is responsible for the safety of the highway (Pacific Blvd). The City of Albany is responsible for the safety of the city streets. Therefore, ODOT and the City are working together to come up with a solution.

What has happened so far?

- City staff and ODOT worked collaboratively to come up with draft design concepts. These concepts included:
 - Re-striping Pacific Blvd. to allow both sides of incoming traffic at the Geary Street intersection to have a through lane.
 - On Madison, Main, and Sherman:
 - One way roads leading away from Pacific Blvd.
 - Dead ending one side of the street at Pacific Blvd.
 - Curb bulb-outs to prevent movements onto Pacific Blvd., with two-way traffic maintained on each street.
 - Right in / Right out, and Left in / Left out traffic control features, with 'pork chops' designed for passenger cars.
 - Signs and Striping only
 - [Note that all of the options above are listed in order of most effective to least effective in terms of preventing crossover-type crashes]
- The draft design concepts were presented to the Albany City Council, property and business owners in the area, and the local media. This was followed up with an open house on February 7, 2008.
- After extensive input from citizens and area businesses, the best design options were chosen. These options will reduce the number of crashes, while minimizing the impact to area businesses. These revised designs were crafted and approved by the Project Development Team (PDT). City staff played an important role on the PDT.

What are the revised designs?

Changes within ODOT Right of Way:

Geary Street-SPRR:

- Lanes will be re-stripped from Geary Street to the SPRR railroad overpass. The re-stripping will allow one lane from each side of merging traffic (Pacific Blvd. and Santiam) to continue all the way to the bridge.
- The sign bridge at Geary will also be updated.
- This change will improve traffic flow, and reduce the number of crashes from the merging movements at Geary.

Gull-Wings

The new striping will force changes to the 'gull wings', the off and on ramps from the highway to 9th street. The new design will change the off ramp to a right turn. However, it will still allow truck and car movements. The on ramp will remain open, but will be modified to a stop sign-controlled right turn. Leaving the ramp open is in response to concerns raised by the Albany Police Department.

Hill Street signals

The striping change will encourage more cars and trucks to use the signal at Hill. Therefore, the signal timing will be changed to allow better traffic flow through the intersections at Pacific Blvd and 9th Street. There may also be signal heads added to improve traffic flow at 9th street.

Changes within City of Albany Right of Way:

Madison Street

The increase in car and truck movements from Jackson to Hill Street will come to an abrupt stop with the current stop sign configuration at 7th and Madison. So the new design swaps the stop signs to the opposite corners of the intersection. This will allow free-flowing traffic from the public-safety/industrial area to the Hill Street intersection.

No other traffic control changes will take place on Madison. There are enough breaks in traffic from the signal upstream to provide some opportunities for safe crossing of Pacific.

Hill Street

Hill Street will see an increase in car and truck traffic. The new design accommodates this by modifying the curbs in the intersections of 7th & Hill and Pacific Blvd & Hill. The new curbs will have a more generous turning radius.

Also, an additional south bound lane will be added on Hill between 7th and Pacific Blvd to increase flow through the intersection. This would be done through striping changes only, not a widening of the road. The additional lane will allow smoother traffic flow for those who are heading to 9th Street to make a left turn. Coupling that with the new signals heads on 9th Street will increase flow on the street, and through the intersections.

Main Street

This intersection has the most cross over wrecks on Pacific Blvd. So only the most effective solutions were discussed. Here, a dead end on the north side of Pacific Blvd. is the most viable solution. This will eliminate nearly all of the crossing crashes at this intersection. A dead end will also allow two way traffic to continue between 9th and Pacific, which was a concern raised by area businesses.

A dead end on Main Street will encourage people traveling south to use the intersections at Hill and Sherman Street. The Hill intersection is controlled by a signal, and so is a safer alternative. But the increased crossover traffic at Sherman may move the safety problem from Main to Sherman, if no other changes are made.

Sherman Street

While Sherman does not see as many wrecks as Main, the closure of Main will divert some motorists to Sherman who are intent on crossing over to 9th Street. While at first glance this looks like it may require a solution like a dead end at Main Street, that option raised a great deal of concern from affected businesses, and the PDT.

The design here is to modify Sherman on the north side of Pacific to a Right in /Right Out, with a "pork chop" traffic control device. This will eliminate most opportunities for a cross over-type crash. It also still allows movements into and out of Sherman, and leaves the busy intersection on the south side of Sherman and Pacific Blvd. alone.

What else was considered?

- Modify the signals at Geary to stage the release of traffic
 - This option would increase traffic west of the intersection to the point where it would overtax the capacity of the highway. It would also reduce the opportunities for cars to enter Pacific Blvd from area businesses.
- Make the striping change for six months, then see if the safety problem is fixed.
 - This option would not change the cross-over crashes at the trouble intersections. While it may temporarily increase the chances for a break in traffic, traffic growth will quickly fill up those holes.
- Use paint and signs to reduce cross-over crashes
 - This option is the least effective design.
- Add signals at Sherman and/or Main
 - Signals placed that close together on OR99E will not meet ODOT safety standards.
- Any changes made will encourage people to bypass city streets and use private accesses.
 - Doing nothing is not an option. The safety of the highway and city streets is our responsibility.

- Most crashes are at Main Street. Why change the others, too?
 - Preventing traffic from crossing at Main Street will encourage people to use other streets. An easy option is Sherman. If left uncontrolled, the problem will just move east one block.

Will access to area businesses be changed?

No accesses will be changed as a result of this project.

When will the construction take place?

The bid let date, originally scheduled for May of 2009, will likely be pushed back by about four months. This will move construction back by about the same amount of time.

Who to contact with a question?

If you have any questions or concerns, please feel free to contact ODOT's Project Leader, Jerry Wolcott, at 541-757-4164, or email at jerry.o.wolcott@odot.state.or.us



TO: Albany City Council

VIA: Wes Hare, City Manager

FROM: Ed Hodney, Director of Parks and Recreation

DATE: March 5, 2008, for the March 10, 2008 City Council Work Session

SUBJECT: Acceptance of Property Gift from Boys and Girls Club of Albany for a Park Site on Oak Street Park

RELATES TO STRATEGIC PLAN THEME: ● Great Neighborhoods

RELATES TO: ● Master plans.

Action Requested:

Receive a report and direct staff to prepare a Resolution of the Albany City Council authorizing the City Manager to accept a deed of gift real property from the Boys and Girls Club of Albany.

Discussion:

At its meeting of December 10, 2007, the City Council approved Resolution No. 5529, authorizing the City Manager to enter into an Agreement for Conveyance of Real Property with the Boys and Girls Club of Albany. The agreement addresses the desire of both parties to jointly develop a public park on land to be donated by the Club.

All the conditions of the agreement have been met, and the Club is now prepared to execute a deed of gift, subject to the City Council's acceptance. Once the property has been conveyed, City staff will work to secure the previously awarded grant funds of \$480,000 from the Oregon Parks and Recreation Department. This will require the City Council's acceptance of the grant award sometime in April. Design of the park will commence this spring with a series of public meetings with neighbors and other interested parties. Construction of all improvements will be completed by the end of 2008, including a planned resurfacing of Oak Street by Public Works.

The park is to be named Kinder Park as required by the Club's major donor for this project.

If the City Council so directs, the staff will place the proposed Resolution on the agenda for the regular meeting of March 12th.

Budget Impact:

The total value of the park project is \$1. 298 million. This includes the \$480,000 State grant, \$150,000 from Parks SDC revenues (included in the FY 2007-08 adopted budget), \$188,000 cash from BGCA and the estimated value of the land. The estimated annual maintenance cost to the City is \$30,000. Additionally, the Club has already spent considerable resources on site fill and grading, the installation of water service and irrigation and the installation of electrical service. BGCA will be responsible for operating costs that exceed the City's responsibilities, as outlined in the Agreement for Conveyance.

The FY 2007-08 budget did not anticipate the full amount of the State grant nor the receipt of a cash donation from BGCA. Staff will ask the City Council to consider a supplemental budget

Albany City Council

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March 5, 2008

resolution at a future date to account for increases in both revenues and expenditures related to this project.

Attachment: Proposed Resolution to accept gift of property
Resolution No. 5529
Agreement of Conveyance of Real Property

RESOLUTION NO. _____

A RESOLUTION ACCEPTING A GIFT OF APPROXIMATELY 11.97 ACRES OF PROPERTY FROM THE ALBANY BOYS AND GIRLS CLUB FOR PARK PURPOSES.

WHEREAS, the City of Albany has determined the need to acquire land for a neighborhood park in central Albany in accordance with the adopted 2006-2010 Parks and Recreation Master Plan; and

WHEREAS, a gift of approximately 11.97 acres has been offered for park purposes by the Boys and Girls Club of Albany ("the Club"), said property being located on Oak Street, south of 9th Avenue; and

WHEREAS, the Albany City Council approved Resolution No. 5529 on December 10, 2007, authorizing the City Manager to enter into an Agreement for Conveyance of Real Property and indicating the City Council's intent to accept a gift of the 11.8 acre tract of land from the Club; and

WHEREAS, the conditions of the Agreement for Conveyance have been met and the Club is now prepared to execute a gift deed;

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council hereby authorizes the City Manager to accept a deed of gift for the property described.

DATED AND EFFECTIVE THIS 12th DAY OF MARCH, 2008.

Mayor

ATTEST:

City Clerk

A RESOLUTION APPROVING AN AGREEMENT FOR THE CONVEYANCE OF REAL PROPERTY BETWEEN THE CITY OF ALBANY, OREGON AND THE BOYS AND GIRLS CLUB OF ALBANY AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT AND RELATED DOCUMENTS.

WHEREAS, the Boys and Girls Club of Albany (hereafter, the "Club") owns certain real property in the City of Albany, Oregon, which is desirable for use as a public park; and

WHEREAS, the Club has offered to convey said real property as a donation to the City of Albany, Oregon (hereafter, the "City") for development and operation as a public park; and

WHEREAS, the City desires to accept this offer and intends to develop a park to benefit the entire community, as well as the members of the Club; and

WHEREAS, an Agreement for Conveyance of Real Property has been drafted, which memorializes the terms and conditions to which the parties have agreed;

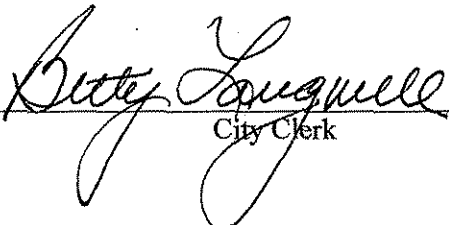
NOW THEREFORE BE IT RESOLVED by the Albany City Council that the Agreement for Conveyance is approved and that the City Manager is hereby authorized to sign the Agreement and related documents.

DATED THIS 10th DAY OF DECEMBER 2007.



City Council President

ATTEST:



City Clerk

AGREEMENT FOR CONVEYANCE OF REAL PROPERTY

This Agreement is made and entered into this 11th day of December, 2007, by and between the **CITY OF ALBANY, OREGON, a municipal corporation**, (hereinafter referred to as "Albany") and the **BOYS and GIRLS CLUB OF ALBANY, an Oregon nonprofit corporation** (hereinafter referred to as "Club").

WHEREAS, the Club owns certain real property in the City of Albany, Linn County, Oregon, which is suitable for use by Albany as a park; and

WHEREAS, Albany desires to accept the Club's property on Oak Street for the creation of a public use park; and

WHEREAS, it is the intent of this Agreement to memorialize the terms under which the parties have agreed to the aforesaid purchase and sale:

AGREEMENT

Now, therefore, in consideration of the mutual promises contained herein, it is agreed as follows:

1. ***Conveyance of Oak Street Park Project Property.*** Upon approval of the City Council of Albany, Albany agrees to accept, and the Club agrees to convey that certain real property located in the City of Albany, Oregon, and more particularly described in Exhibit "1," attached hereto and by this reference incorporated herein.
2. ***Consideration for Conveyance.*** The Oak Street Park Project Property (hereinafter "Property") is being conveyed without additional consideration as a donation from the Club to Albany.
3. ***Covenants of Title.*** The Club agrees to convey Property by deed free of any encumbrances, except for rights of the public and governmental bodies as shown in Easements, Reservations and Restrictions of record and except the reserved mineral rights of Southern Pacific Transportation Company, if any, and except reserving to the Club the right of reversion in the event that the property is not available to the public for park use for a total of six (6) consecutive months. Upon occurrence of that event, title to the property shall immediately revert to the Club without any compensation to the City. The foregoing right of reversion shall be void and of no effect after December 31, 2037.

4. ***Additional Agreements.***

- 4.1 In addition to accepting conveyance of the Property described in paragraph 1 above, Albany agrees to develop the property as a public use park, to make the improvements described in the Site Plan (SP-15-00) approved by the City of Albany on March 28, 2001, not later than October 31, 2008, and to operate the property in accordance with the conditions of that approval.
- 4.2 Albany further agrees to enter into an Operating Agreement with the Club for the routine maintenance and operation of the Property. The Operating Agreement shall be negotiated with a good faith effort on an annual basis and shall govern items such as operation of the park, schedules of use, desired capital improvements, maintenance in excess of that which is the obligation of the City and any other operational matter. It is anticipated that the Boys & Girls Club will be a principal user of the facility and will be treated by the City as a priority customer in the scheduling of ball-field usage. At a minimum, Albany agrees to provide for basic utilities (water, sewer and garbage), mowing and cleaning of the property. The Club agrees to provide for operating costs above the basic costs as provided in the Operating Agreement.
- 4.3 Albany and the Club further agree that major capital improvements, in addition to those which are the City's responsibility under Section 4.1 above, will be negotiated on an individual basis.
- 4.4 Albany agrees to negotiate in good faith with J. Conser & Sons concerning reciprocal overflow parking as described in Albany Planning Commission Staff Report CP-02-05 and ZC-02-05 dated February 13, 2006.
- 4.5 Albany agrees to name the park Kinder Park.

5. ***Conditions.*** It is expressly agreed that each party's obligations hereunder shall be conditioned upon the occurrence of the following:

- 5.1 The City Council of the City of Albany and the Board of Directors of the Club must approve the terms of this Agreement.
- 5.2 The Club must transfer the Property free of any encumbrance excepting those described in Section 3 of this Agreement.

6. ***Closing.*** The transfer of the Property shall occur as soon as practical after execution of this Agreement but not later than January 31, 2008. The City shall pay for

closing costs, title insurance, and recording costs. The Club and Albany will each pay its own attorney fees related to this transaction.

7. ***Binding Effect/Assignment Restricted.*** This Agreement is binding upon all parties and shall inure to the benefit of the Club, Albany, and their respective heirs, legal representatives, successors, and assigns.

8. ***Attorney Fees.*** In the event action is instituted to enforce any term of this Agreement, the prevailing party shall recover from the losing party reasonable attorney fees incurred in such action as set by the trial court and, in the event of appeal, as set by the appellate courts.

9. ***Notices.*** All notices and communications in connection with this Agreement shall be given in writing and shall be transmitted by certified or registered mail, return receipt requested, to the appropriate party as the address first set forth below. Any notices so transmitted shall be deemed effective on the date it is placed in the United States mail, postage prepaid. Either party may, by written notice, designate a different address for purposes of this Agreement.

To Albany: City of Albany
333 Broadalbin Street
P.O. Box 490
Albany, OR 97321

To Buyer: Boys & Girls Club of Albany
PO Box 691
Albany, OR 97321

10. ***Entire Agreement.*** This Agreement sets forth the entire understanding of the parties with respect to the conveyance of the Property. This Agreement supersedes any and all prior negotiations, discussions, agreements, and understandings between the parties. This Agreement may not be modified or amended except by a written agreement executed by both parties.

11. ***Applicable Law.*** This Agreement shall be construed, applied, and enforced in accordance with the laws of the State of Oregon.

12. ***Disclaimer.*** The property described in this instrument may not be within a Fire Protection District Protecting Structures. The property is subject to land use laws and regulations which, in farm or forest zones, may not authorize construction or siting of a residence ***AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES.*** Before signing or accepting this instrument, the person acquiring fee title to the property

should check with the appropriate city or county planning department to verify approved uses and existence of fire protection for structures.

13. **Representation.** This Agreement is the subject of a negotiated transaction wherein both sides have had input into the terms hereof. As a consequence, the customary rule of contractual construction which resolves ambiguities against the drafter shall not apply. Albany has been represented in this transaction by the law firm of Long, Delapoer, Healy, McCann & Noonan, P.C., Attorneys at Law. Club has been represented in this transaction by the law firm of Evashevski, Elliott, Cihak, & Hediger, P.C., Attorneys at Law. Each party acknowledges that they have relied strictly on the advice and representations provided to them by their respective attorneys.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seal the date and year first above written.

CITY OF ALBANY, OREGON

By Wes Hare
Wes Hare, City Manager

BOYS & GIRLS CLUB OF ALBANY, AN OREGON
NON-PROFIT CORPORATION

By William H. O'Bryan
William O'Bryan, President



TO: Albany City Council

VIA: Wes Hare, City Manager
Ed Hodney, Director of Parks and Recreation

FROM: Craig Carnagey, Parks and Facilities Manager *etc*

DATE: March 5, 2008 for the March 10th, 2008 City Council Work Session

SUBJECT: Reclassification of Park Maintenance II position in Parks and Recreation Department

RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

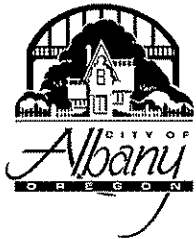
Staff requests Council review of the proposed request to reclassify one currently vacant Park Maintenance II position to a Park Maintenance III effective March 14, 2008. This item is scheduled for the March 12, 2008, council agenda for formal approval.

Discussion:

The FY 2007-08 Parks and Recreation Fund budget anticipates filling a currently vacant Park Maintenance II position (1.0 FTE, Park Maintenance program). Additional duties and responsibilities have been placed on this position which the Human Resources Department determined to require a reclassification. This position will now be responsible for performing technical and program coordination work in forestry and horticulture. It is recommended that the current Park Maintenance II position be elevated to a Park Maintenance level III. This will also allow us to attract more qualified candidates with experience directly related to the department's objectives for this position.

Budget Impact:

There is no budget impact this fiscal year. The existing position has been vacant since October 2007. The savings from this position vacancy over the past five months will offset any costs to fill the position through the remainder of this fiscal year. The annualized cost of this reclassification is estimated at \$2,196 for FY 2008-2009.



TO: Albany City Council

VIA: Wes Hare, City Manager
Diane Taniguchi-Dennis, P.E., Public Works Director *DSTD*

FROM: Mike Wolski, Assistant PW Director/Operations Manager
Herb Hoffer, Environmental Services Manager

DATE: March 6, 2008, for the March 10, 2008, City Council Work Session

SUBJECT: Overview of Willamette Basin TMDL Requirements

RELATES TO STRATEGIC PLAN THEME: ● An Effective Government
● A Safe City

Action Requested:

None. Information only.

Discussion:

The state Department of Environmental Quality (DEQ) issued an order requiring cities and other agencies to develop plans to reduce specified pollutants discharged to the Willamette River. This staff report provides information on the requirements and the City's required plan, due to DEQ by March 31, 2008.

2006 Willamette Basin Total Maximum Daily Load (TMDL)

In September 2006, DEQ issued the Willamette River Basin TMDL Order. The TMDL is a regulatory mechanism required under the Federal Clean Water Act for streams that do not meet water quality standards. For the Willamette River, current levels of bacteria, temperature, and mercury have been identified as problems for water quality. This TMDL is the beginning of a long-term plan to reduce levels of these pollutants in the river, and DEQ will examine progress every five years as necessary.

Every agency facing TMDL requirements is labeled a Designated Management Agency (DMA), and these include cities, counties, state agencies, and federal agencies. The City of Albany is a DMA and is required to take steps to reduce these pollutant loads within our jurisdiction. Because the TMDL is basin-wide, it applies not only to pollutants directly entering the Willamette River but also to those entering tributaries to the Willamette such as the Calapooia River and the small creeks within Albany. The City is required to address both point and nonpoint sources of the three pollutants within our jurisdiction. Point sources typically discharge wastewater from a single source such as a pipe. Nonpoint sources are more diffuse, cannot be traced back to a single source, and include sources such as urban stormwater runoff.

The City has one main point source – the wastewater treatment plant (WWTP). DEQ will establish limits called wasteload allocations on bacteria and temperature in the renewed NPDES permit that is currently being negotiated. Point source mercury will be addressed in the subsequent permit (after 2011) once DEQ has analyzed more data on mercury in the basin. Staff expects to be issued the same limit for bacteria as has been permitted in the past. The temperature requirement is new and Albany has filed a legal challenge with DEQ regarding the proposed temperature wasteload allocation for the Albany WWTP.

Nonpoint sources of bacteria include stormwater runoff contaminated with waste from wildlife and pets, failing private sanitary systems (septic tanks), and sanitary lines illegally connected to City stormwater infrastructure. A large portion of nonpoint source mercury originates from atmospheric deposition directly on water, or on land that later runs off as erosion. Control of construction erosion is specifically required in the TMDL. Some mercury may also be contained in pollution on urban roads that washes into streams as stormwater. Nonpoint source heat loads are the result of several factors but the TMDL specifically addresses stream warming caused by loss of riparian shade. The TMDL requires management strategies for each of these pollutants.

TMDL Required Actions

The TMDL requires all DMAs to submit an Implementation Plan by March 31, 2008. To comply with the required submittal date, staff has developed a draft TMDL Implementation Plan, and key management strategies are summarized in an attachment to this report. The Implementation Plan must:

- Describe management strategies to achieve wasteload allocations or percent reductions for the pollutants, including a timeline, milestone schedule, and resource estimates.
- Describe a performance monitoring plan and a commitment to report progress on the status of our management strategies annually.
- Include a provision to review and revise our management strategies after five years.

DEQ has exempted mercury from the overall timeline while they establish requirements for sampling and for a mercury reduction manual. The plan to reduce our mercury discharge will be due at a later date to be determined by progress on development of guidance material with DEQ.

Albany is specifically mentioned in the TMDL document with relation to stormwater. Albany does not have a municipal stormwater permit from DEQ. However, because of the City's size, DEQ is requiring Albany to address the six stormwater control measures that form the backbone of a Stormwater Management Plan. Attached to this report is an excerpt from Chapter 14 of DEQ's TMDL order listing the six required control measures. While we are not required to write a Stormwater Management Plan, addressing the six control measures will require a significant commitment of staff time and resources over the next five years. Staff will be returning to Council with revisions to the stormwater ordinance (AMC Chapter 12) that address these requirements.

Development and implementation of Albany's TMDL Plan requires cooperation within various City departments and with other DMAs in our region. Public Works staff is working closely with Community Development staff on our response to statewide planning goals that may address some TMDL requirements. Staff is also in frequent contact with Linn and Benton Counties, the Linn Soil and Water Conservation District, and the Oregon Department of Agriculture regarding watershed issues related to the TMDL. An increased level of regional cooperation will be important to successfully implement the TMDL requirements.

Budget Impact:

- Additional mercury sampling at the WWTP, estimated up to \$14,000 annually.
- Additional outreach and education on stormwater and mercury, estimated \$10,000 annually.
- Future addition of staff to assist in stormwater monitoring including construction erosion compliance, possibly in FY 2010.

HH:kw
Attachment

Management Strategies in the TMDL Implementation Plan for 2008-2013 (tasks we are committing to perform in order to address each pollutant)

Temperature

- Point Source = WWTP Effluent
 - Determine domestic vs. industrial temperature contribution to WWTP influent
 - Reduce temperature of effluent through treatment wetlands
 - Study water reuse opportunities
 - Research thermal credit trading opportunities
- Nonpoint Source = Ambient stream heating
 - Develop riparian tree planting program

Mercury

- Point Source = WWTP Effluent
 - Create a clear picture of effluent mercury concentrations through clean sampling methods
 - Comply with DEQ requirements for additional mercury sampling
 - Comply with DEQ requirements for Mercury Reduction Manual implementation
 - Continue dental office mercury BMP program
- Nonpoint Source
 - Implement “Mercury in Schools” program (removes sources of mercury in schools such as chemistry supplies, fluorescent bulbs, thermometers, etc)
 - Develop a local household hazardous waste collection partnership

Bacteria

- Point Source
 - Complete WWTP upgrade to eliminate wet-weather overflows
 - Address wastewater collections needs such as upgrades to lift stations, implementation of an Inflow & Infiltration reduction program, etc.
- Nonpoint Source
 - Conduct survey of septic properties and update GIS information on septic
 - Connect failing septic systems within 300’ of sanitary sewer
 - Educate property owners with private systems on maintenance
 - Prevent animal waste from reaching waterways

Mercury & Bacteria

- Nonpoint Source = 6 Stormwater Control Measures
 - 1. Improve municipal “Good Housekeeping” practices
 - 2. Continue/improve public education and outreach
 - 3. Continue public notice and participation
 - 4. Develop an Illicit Discharge Detection and Elimination (IDDE) program
 - 5. Address construction site stormwater runoff
 - 6. Address post-construction site stormwater management

Temperature, Mercury & Bacteria

- Nonpoint Source
 - Include water quality protection strategies in Comprehensive Plan and ADC
 - Educate the public on water quality

**Excerpt from the September 2006 Willamette Basin TMDL
Chapter 14 – Water Quality Management Plan**

PART 2: TMDL - SPECIFIC IMPLEMENTATION REQUIREMENTS

This part of the WQMP describes TMDL implementation requirements that are unique to this TMDL. It covers expectations related to storm water management (to address mercury and bacteria), basin-specific measures for implementing the temperature TMDL, and specific actions that ODEQ and selected point sources will carry out as part of the "path forward" to the development of a final mercury TMDL in 2011.

ODEQ expects DMAs to demonstrate they are addressing these measures through their TMDL Implementation Plans or other mechanisms as described below, or through an alternative approach if agreed to by ODEQ. ODEQ encourages DMAs to work cooperatively to address these requirements when such an approach would be advantageous.

Storm Water Management to Control Bacteria and Mercury

Storm water discharges from both point source and nonpoint source discharges can be a significant source of bacteria and mercury found in surface waters. Storm water can also be a source of other 303(d) listed pollutants as well as nonlisted pollutants. For these reasons, ODEQ has established the following requirements for storm water management in the Willamette Basin. These measures will help address the bacteria and mercury load reductions required by this TMDL as well as provide additional pollution prevention benefits.

The requirements differ depending on whether or not a municipality is covered (or will be covered) by a Municipal Separate Storm Sewer System (MS4) NPDES permit...

DMAs Not Covered by a MS4 Permit

Because of the potential for storm water runoff to be a significant source of TMDL pollutants, ODEQ will require DMAs with a population greater than 10,000 that are not covered under a MS4 permit to address each of the storm water control measures described below. Based upon the 2003 population data in the Oregon Blue Book, this requirement applies to the following DMAs: **Albany, Dallas, Newberg and Woodburn.**

The TMDL implementation plan for these DMAs shall include information as to the extent of the problem related to storm water and the actions that will be taken to implement these control measures to address it. The TMDL implementation plan, which must be submitted to ODEQ within 18 months following issuance of the TMDL, must include a timeline that demonstrates how these measures will be implemented within five years unless otherwise agreed to by the Department. Failure to adequately address these control measures may result in ODEQ requiring the DMA to apply for a MS4 permit as authorized by the federal Phase II storm water regulations.

Municipal Storm Water Requirements for Non-MS4 Communities identified as Designated Management Agencies (DMA):

- The TMDL Implementation Plans must include best management practices that control stormwater and minimize soil erosion to reduce runoff of mercury and bacteria.
- The DMA's TMDL Implementation Plan is due to ODEQ 18 months following the issuance of the TMDL.

URBAN/RESIDENTIAL STORM WATER CONTROL MEASURES

1. **Pollution Prevention in Municipal Operations**
 - a. The DMA must develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations; and
 - b. Using training materials that are available from ODEQ, USEPA, or other organizations, the DMA's program must include employee training to prevent and reduce storm water pollution from activities including, but not limited to, park and open space maintenance, fleet and building maintenance, new municipal facility construction and related land

disturbances, design and construction of street and storm drain systems, and storm water system maintenance.

2. Public Education and Outreach on Storm Water Impacts

The DMA must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.

3. Public Involvement/Participation

The DMA must at a minimum, comply with State, Tribal, and local public notice requirements when implementing a public involvement/participation program.

4. Illicit Discharge Detection and Elimination

The DMA must:

- a. Develop, implement and enforce a program to detect and eliminate illicit discharges [as defined in 40 CFR §122.26(b)(2)] into the DMA's system;
- b. Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the United States and/or the State of Oregon that receive discharges from those outfalls;
- c. To the extent allowable under State or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into the DMA's storm sewer system and implement appropriate enforcement procedures and actions. Possible sanctions include non-monetary penalties (such as stop work orders), fines, bonding requirements, and/or permit denials for non-compliance.
- d. Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to the DMA's system;
- e. Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste; and
- f. Address the following categories of non-storm water discharges or flows (illicit discharges) if the DMA identifies them as substantial contributors of pollutants to the DMA's system: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR §35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, de-chlorinated swimming pool discharges, and street wash water. Discharges or flows from fire fighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as substantial sources of pollutants to waters of the United States and the State of Oregon.
- g. The DMA must develop a process to respond to and document complaints relating to illicit discharges.

5. Construction Site Storm Water Runoff Control

The DMA must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the DMA's system from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in the DMA's program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The DMA's program must include the development and implementation of, at a minimum:

- a. An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State or local law;
- b. Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;
- c. Requirements for construction site operators to prevent or control waste that may cause adverse impacts to water quality such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site;

- d. Procedures for site plan review that incorporate measures to prevent or control potential water quality impacts;
 - e. Procedures for receipt and consideration of information submitted by the public; and
 - f. Procedures for site inspection and enforcement of control measures.
6. 6. Post-Construction Storm Water Management in New Development and Redevelopment
The DMA must:
- a. Develop, implement, and enforce a program to ensure reduction of pollutants in storm water runoff from new development and redevelopment projects that disturb one acre or more, or less than one acre if they are part of a larger common plan of development or sale, and discharge into the DMA's system. The DMA's program must ensure that controls are in place that would prevent or minimize water quality impacts.
 - b. Develop and implement strategies that include a combination of structural or non-structural BMPs appropriate for the DMA's community, and
 - i. Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law;
 - ii. Ensure adequate long-term operation and maintenance of BMPs; and
 - iii. Ensure adequate enforcement of ordinance or alternative regulatory program.

Source: Oregon Department of Environmental Quality, *Willamette Basin TMDL (September 2006)*. Pages 14-21 – 14-23.

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March 3, 2008

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Dear Albany Resident:

The Albany City Council wants your opinion. During the few months, we will be preparing the City's capital improvement plan and annual operating budget. To help the City Council do the best possible job of meeting community needs and desires, **we need feedback** from citizens like you.

You are one of 2,500 randomly-chosen registered voters in Albany to receive this community attitude survey. I encourage you to complete the survey and return it so that the City Council can get a true picture of how Albany residents think. There is no substitute for the information you provide.

Your answers will be completely confidential. Your name will never be placed on the questionnaire or any other record of your answers.

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Results will help the City Council prioritize City programs and services and determine the best ways to allocate City resources. Please complete the enclosed survey and return it promptly in the enclosed stamped envelope. A summary of the findings will be available this spring.

Citizen participation is essential to the effective operation of City government. In addition to responding to this survey, please contact your City Councilor or me whenever you have questions or concerns.

Thank you for participating.

Sincerely,

Dan Bedore

Mayor

Enclosure

1. How would you rate Albany as a place to live? (CIRCLE ONE NUMBER)

Poor											Excellent	Don't Know
1	2	3	4	5	6	7	8	9	10		11	

2. If you were to name one thing about living in Albany that you particularly enjoy, what would it be?

3. If you could change one thing about living in Albany, what would it be?

4. Do you believe POPULATION growth and development in Albany during the past 5 years has been 1()

Too fast

- 2() Too slow
- 3() Just about right
- 4() Don't know

5. Do you believe your ECONOMIC OPPORTUNITY in Albany during the past 5 years has:

- 1() Gotten better
- 2() Gotten worse
- 3() Stayed the same
- 4() Don't know

6. Generally speaking, how satisfied are you with the overall level of services provided by the City of Albany government?

Very Dissatisfied											Very Satisfied	Don't Know
1	2	3	4	5	6	7	8	9	10		11	

7. Should the City of Albany take an active role helping local businesses create and retain jobs?

- 1() Yes
- 2() No
- 3() Don't know

8. Should the City of Albany take an active role helping outside companies come to Albany in order to increase economic opportunities?

- 1() Yes
- 2() No
- 3() Don't know

In order to provide more jobs in Albany, should the City: (CHECK ONE BOX FOR EACH QUESTION)

	Yes	No	Don't Know
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9. Provide problem-solving assistance to businesses for siting, permit, and development issues?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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10. Provide tax incentives to businesses creating new jobs?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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11.

12. Provide financial support to businesses in targeted areas, such as Downtown?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comment [m1]: Councilor Konopa suggests adding the word "housing" before development

Comment [m2]: Mayor Bedore: "Development is more than housing"

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Comment [m3]: Councilor Konopa suggests replacing "economic opportunity" with "household income."

Comment [m4]: Mayor Bedore prefers the broader term as written.

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Comment [m5]: Councilor Konopa suggests replacing this word with "out of state"

Comment [m6]: Mayor Bedore recommends dropping the word "outside." The remaining phrasing refers to any company or business.

Comment [m7]: Councilor Konopa suggests replacing this phrase with "jobs and growth."

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Comment [m8]: Councilor Konopa suggests deleting this question.

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Comment [m9]: Mayor Bedore asks not to limit the discussion to downtown.

Comment [m10]: Councilor Konopa suggests rewriting this to say "for businesses in the downtown area in order to renovate their buildings."

13. Provide assistance with road, sewer, and utility costs to new and expanding businesses? *Continue to following page →*

Comment [m11]: Councilor Konopa suggest rewording this to say "tax incentive funding to provide roads, sewer and utilities"

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14. Please check all of the following sources that you regularly use to keep informed on city government activities:

- 1() Albany Democrat-Herald
- 2() City of Albany Parks & Recreation Activity Guide
- 3() City Bridges newsletter
- 4() Local radio
- 5() City of Albany Website
- 6() City Council meeting video recordings
- 7() None
- 8() Other: _____
- 9() Don't know (SPECIFY)

15. Which three Albany streets do you think are in the greatest need of repair?

16. Over the next several years, the Albany City Council may ask voters to consider funding measures to repair and improve Albany streets. How likely would you be to support increased funding for street improvements?

- 1() Not very likely
- 2() Somewhat likely
- 3() Very likely
- 4() Don't know

How likely would you be to support each of the following funding sources for street improvements: (CHECK ONE BOX FOR EACH FUNDING SOURCE)

	Not Very Likely	Some-what Likely	Very Likely	Don't Know
17. A city-wide motor vehicle fuel tax	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. A region-wide (Linn and Benton counties) motor vehicle fuel tax	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. A monthly fee on each household and business	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. A property tax increase	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. Other funding source: _____ (SPECIFY)				

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22. Have you ever applied for a City of Albany job?

- 1() Yes
- 2() No – SKIP TO Q23
- 3() Don't know – SKIP TO Q23

Continue to following page →

23. Was the application process easy or difficult?

Easy										Difficult		Don't Know
1	2	3	4	5	6	7	8	9	10	11		

Comment [m12]: Councilor Konopa suggested doing this portion of the survey online.

24. Do you have internet access?

- 1() Yes
- 2() No – SKIP TO Q25
- 3() Don't know – SKIP TO Q25

25. What type of internet access do you have?

- 1() Broadband
- 2() Cable
- 3() Dial-up
- 4() Other: _____
- 5() Don't know (SPECIFY)

The following information is being gathered for demographic purposes only and will not be associated with your name in any way. Please mark your response to each question.

26. How long have you lived in Albany?

- 1() Less than 2 years
- 2() 2-10 years
- 3() 11-20 years
- 4() More than 20 years

27. Please indicate your age group:

- 1() Under 25
- 2() 25-44
- 3() 45-64
- 4() 65 and over

Comment [m13]: This question is redundant since surveys are being sent only to registered voters.

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<#>Are you a registered voter?¶
- 1() Yes¶
- 2() No

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28. Please indicate your gender:

- 1() Male
- 2() Female
- 3() Transgender
- 4() Other

Comment [m14]: Councilor Christman suggests eliminating these two gender choices. These were added at the request of the Human Relations Commission.

29. If there are any other comments you wish to make or any ideas you have for issues you want the city to work on, please let us know in the following space:

THANK YOU FOR YOUR TIME AND RESPONSE!

**Please return in enclosed envelope to:
Advanced Marketing Research, Inc.
P.O. Box 5244 Eugene, OR 97405**