

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, April 8, 2009
7:15 p.m.

MINUTES

CALL TO ORDER

Mayor Konopa called the meeting to order at 7:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Konopa led the pledge of allegiance to the flag.

ROLL CALL

Councilors present: Jeff Christman, Ralph Reid, Jr., Floyd Collins, Dick Olsen (7:25), Bill Coburn, and Bessie Johnson

SPECIAL PRESENTATION & PROCLAMATION

Accepting Tree City USA Award and recognizing Arbor Week 2009.

Konopa welcomed members of the audience and said she was proud of the City being tree active and progressive. Albany has an ordinance to preserve trees and is dedicated to keeping a strong urban forest. She said the City is also proud of having a proactive group of citizens advocating for Albany's trees.

Konopa read the proclamation proclaiming the week of April 5-11, 2009, as Arbor Week.

State Urban Forester Paul Ries recognized Albany for the 15th year with a Tree City USA Award.

City of Albany Urban Forester Craig Carnagey provided a Power Point presentation highlighting the Urban Forestry Program (in agenda file), and explaining the services they provide. He reviewed the highlights of Arbor Week and recognized the following participants:

VOLUNTEER PARTICIPANTS

Bodie Dickerson- Chair of FOMAT, Friend of Mature Albany Trees
Mike Doolittle - Logs To Lumber

BUSINESS PARTICIPANTS

Tom's Garden Center
Buena Vista Arbor Care
Albany Cabinet
Timber Taxi - Rick Wells
Starker Forest Products - Cameron Muir
Weyerhaeuser Corp - Randy Raggon
Kenagy Family Farm - Darryl and Peter Kenagy
West Albany High School- Jeff Hawkins
South Albany High School - Chava Neuhaus
Oregon State University - Joe Majeski, Landscape Manager

URBAN FORESTRY PROGRAM PARTICIPANTS

Parks and Recreation - Joy Gilliland, Stefanie Coons, Tari Hayes, Wade Burrese, Lew Hines, Francisco Santiago and staff
Public Works: Engineering Staff, Street Maintenance (Ken Riggle), Environmental Services (Heather Slocum)
Community Development - Don Donovan, Janet Morris, and staff
City Manager's Office - Marilyn Smith, Matt Harrington

Representatives from South Albany High School presented appreciation photos from the "Logs to Lumber" event emphasizing Mike Doolittle's contribution.

Mark Azevedo explained the Heritage Groves program and identified historical Oregon White Oak trees around Albany.

SCHEDULED BUSINESS

Business from the Public

Al Dorgan, 2404 Moraga Avenue, representing the Steelworkers Association, provided a resolution regarding the spending of Federal Economic Renewal Grants in the City of Albany (in agenda file). He said

they are asking the City Council to support American families by buying materials, goods, and services for projects from companies that are produced within the United States, thus employing the very workers who pay the taxes for the economic recovery plan spending approved by Congress.

Councilor Johnson asked, what kind of response have you gotten from other cities? Dorgan said that most other cities have signed on.

Councilor Coburn asked, are there any potential impacts for costs and legal issues? City Manager Wes Hare said he supports buying home products, but there is a practical issue as the City doesn't always know how much of a product is made in the USA. It is a very interrelated world.

City Attorney Jim Delapoe recommended that the Council not pass the resolution as presented. He can not recommend a policy limiting what the Council can do. General statements as those in this resolution create potential liability issues. His job is to maximize this Council and future Councils flexibility. He suggested the Council give the City Manager direction to create a new resolution that would protect the Council's rights and still support the concept of purchasing American products. If the resolution passes as presented, he is concerned with the inevitable violations that may be unavoidable. There also may be a conflict with state law and the City's own purchasing ordinances. He would like the Council to deal with the intent of their request but not put the City at risk.

There followed discussion regarding the use of the stimulus funds and how to best protect the City.

DIRECTION: The Council directed the City Attorney to work with members of the Steelworkers Association to create a resolution supporting their concerns regarding "buying American" as well as protecting the Council from any policy or legal conflicts. The resolution will be brought to the April 22, 2009, City Council meeting.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) March 11, 2009, City Council Meeting.
- 2) Approving an extended property tax abatement agreement between the City of Millersburg, a cosponsor of the South Santiam Enterprise Zone, and MEI, Inc. RES. NO. 5764

MOTION: Councilor Reid moved to adopt the Consent Calendar as presented. Councilor Collins seconded the motion and it passed 6-0.

Award of Contract

SS-07-04, North Albany Lift Station Project.

Coburn recused himself from discussion and voting because of a conflict of interest as his company is a subcontractor to C&M Construction and left the dais.

MOTION: Johnson moved to award a Guaranteed Maximum Price (GMP) contract to C&M Construction, Sherwood, Oregon, in an amount of \$3,210,354 for the North Albany Lift Station Project, in accordance with the provisions of the Construction Manager/General Contractor (CM/GC) project delivery approach, approved by Council on June 25, 2008. Reid seconded the motion and it passed 5-0.

Personnel Request

Reclassifying Facilities Mechanic I position.

Public Works Director Diane Taniguchi-Dennis said that currently this is a vacant position. There is a need for a Maintenance position to be certified with a Limited Maintenance Electrical (LME) license. She said they will have to recruit for this position.

Reid asked, does it eliminate a mechanical position? Taniguchi-Dennis said yes, but duties will overlap.

MOTION: Reid moved to approve the reclassification of the current vacant position of Facilities Mechanic I to a Facilities Maintenance Electrician. Collins seconded the motion and it passed 6-0.

Report

Request to temporarily close Periwinkle Path at Ermine Street SE and Westwood Place SE (near South Albany High School).

Hare said that he heard from the neighbors regarding loitering in the walkway near South Albany High School. He is sympathetic with the neighborhood, but there was a legitimate reason for the path to be there.

He recommends doing a temporary closure of some kind to see how it works, then decide on a permanent solution. He does not recommend vacating the pathway.

Johnson disagreed and said that very few people use the pathway. If it is closed temporarily, the vandals will come back when it re-opens. Since first bringing this up she has heard more from the neighbors about breaking up a fight. She believes it is getting dangerous. It is just a place for the kids to congregate. She doesn't want to make it easy for them or see it escalate to someone getting hurt. She understands how upsetting this situation is to the neighborhood. She asked the Council to vote in favor of closing the pathway.

Hare explained that a temporary closure would mean to put up a fence.

Councilor Olsen would like to ask the Greater Albany Public School (GAPS) district to have a closed campus at South Albany High School.

Police Chief Ed Boyd said the School Resource Officers (SROs) have been to the area at least 15 times in the last two months. They have cited 10 juveniles for smoking in the area. The Police Department has assigned multiple overtime slots for the SROs to go over there in the early morning hours and after school to deal with issues. They have had 22 calls for service there in the last 15 months. He introduced Officer Ken Fandrem and said he has been working with the neighbors. Boyd mentioned that loitering is not illegal. They are increasing their presence in the area.

Olsen doesn't think the temporary fix will work.

Collins said he would like to see it closed for a year and an effort made to reinforce the west boundary line.

MOTION: Collins moved to authorize the City to temporarily close, until September 2010, the Periwinkle Path at the end of Ermine Street SE, between Westwood Place SE and 36th Avenue SE (near South Albany High School), remove the City installed west fence, verify that a neighborhood fence is installed down to and including the open field, and bring an evaluation of the success of the closure to the Council in the summer of 2010. Coburn seconded the motion.

Joe Gutt, 2515 Westwood Place, said this is an on-going problem. He doesn't think the Councilors would like to live under these circumstances. It is not a problem when school is out. He commended the Police for stepping up patrols.

Johnson asked, wouldn't the City be better served if the Police were somewhere else?

Fandrem said this is an area that is easy for the students to access. He has found drug paraphernalia in the area. The juveniles do not confine themselves only to the pathway. They pass through the entire neighborhood.

Jack Sparks, 2527 Westwood Place SE, said that South Albany High School has an open campus and he believes that contributes to the problem. If the students do not have a class or study hall, they have to leave campus. They cannot stay on campus.

Olsen believes that the Council should talk to the school district.

Collins asked about the fence on the south side of the property.

Ron Dansyear, 2503 Westwood Place SE, said there is a 6-foot fence that runs from 36th Avenue. He said the neighborhood will take care of the fencing in that area. Collins said he likes to see the cooperative effort.

Councilor Christman said it seems that everyone agrees that this is an issue and temporary closing is worth a try.

MOTION: Christman called for the question. Coburn seconded the motion. Konopa explained that Christman has called for the question and it has been seconded. The motion is neither debatable nor amendable and requires a 2/3 vote to pass. A vote was taken on the motion and it passed 6-0.

VOTE: A vote was taken on the main motion and it passed 6-0.

Collins suggested there be a discussion with the school district to consider a closed campus.

DIRECTION: The Council directed the City Manager to contact the school district to ask for their reasons for having an open campus and report back to the Council.

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BUSINESS FROM THE COUNCIL

Coburn mentioned that he would like employees to consider buying materials as close to a project as possible in order to consider its carbon foot print.

NEXT MEETING DATE

The next City Council Work Session is scheduled for Monday, April 20, 2009. The next Regular Session is scheduled for Wednesday, April 22, 2009

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:32 p.m.

Respectfully submitted by,

Reviewed by,

Betty Langwell, MMC
City Clerk

Stewart Taylor
Finance Director