



REVISED

NOTICE OF PUBLIC MEETING
CITY OF ALBANY
CITY COUNCIL
Council Chambers
333 Broadalbin Street SW
Wednesday, May 13, 2009
7:15 p.m.

OUR MISSION IS

*"Providing quality public services
for a better Albany community."*

OUR VISION IS

*"A vital and diversified community
that promotes a high quality of life,
great neighborhoods, balanced
economic growth, and quality public
services."*

AGENDA

1. CALL TO ORDER
 2. PLEDGE OF ALLEGIANCE TO THE FLAG
 3. ROLL CALL
 4. PROCLAMATION
 - a. Public Works Week. [Page 1]
Action: _____
 5. SCHEDULED BUSINESS
 - a. Communication
 - 1) Accepting report from the Human Relations Commission. [Pages 2-9]
Action: _____
 - b. Business from the Public
 - c. Adoption of Resolutions
 - 1) Authorizing an increase in revenues and expenditures in the Grants Fund for the establishment of Kinder Park. [Pages 10-12]
Action: _____ RES. NO. _____
 - 2) Allowing nonelected individuals to serve as guest Councilors when an elected Councilor is absent. [Pages 13-14]
Action: _____ RES. NO. _____
 - d. Adoption of Consent Calendar
 - 1) Approval of Minutes
 - a) March 25, 2009, City Council Meeting. [Pages 15-19]
 - b) April 8, 2009, City Council Meeting. [Pages 20-23]
 - c) April 13, 2009, City Council Work Session. [Pages 24-25]
 - d) April 20, 2009, City Council Work Session. [Pages 26-29]
 - e) April 22, 2009, City Council Meeting. [Pages 30-33]
 - 2) Authorizing the City of Albany to apply for a U.S. Department of Energy for an Energy Efficiency and Conservation Block Grant. [Pages 34-35] RES. NO. _____
 - 3) Authorizing the Albany Police Department to apply for Byrne Memorial Justice Assistance Grant funds under Federal Application Number 2009-F8597-OR-SB. [Pages 36-38] RES. NO. _____
 - 4) Accepting an easement from Keller Development Company, Inc. [Pages 39-42] RES. NO. _____
 - 5) Approving annual liquor licenses. [Page 43]
 - 6) Authorizing the Fire Department to apply for funds not to exceed \$100,000 through the U.S. Department of Homeland Security Assistance to Firefighters Grant to purchase a new brush/attack firefighting vehicle. [Pages 44-45] RES. NO. _____
- Action: _____

e. Award of Bids

1) WTP-09-02, Vine Street Chemical Building Seismic Upgrades and Operator Room Remodel. [Pages 46-49]

Action: _____

2) WL-09-02, Fourth Avenue Area Water Line. [Pages 50-52]

Action: _____

f. Report

1) ST-07-03, 53rd Avenue Roadway and Bridge Improvements. [Pages 53-54]

Action: _____

6. BUSINESS FROM THE COUNCIL

7. RECESS TO EXECUTIVE SESSION TO DISCUSS NEGOTIATIONS FOR REAL PROPERTY TRANSACTIONS IN ACCORDANCE WITH ORS 192.660 (2)(e)

8. RECONVENE

9. NEXT MEETING DATE: Regular Session May 27, 2009

10. ADJOURNMENT

City of Albany Web site: www.cityofalbany.net

The location of the meeting/hearing is accessible to the disabled. If you need special accommodations to attend or participate, please notify the Human Resources Department in advance by calling (541) 917-7500.

PROCLAMATION

PUBLIC WORKS WEEK

May 17 to May 23, 2009

Whereas, public works services provided in our community are an integral part of our citizens' everyday lives; and

Whereas, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as drinking water source, distribution and treatment, wastewater collection and treatment, storm water management, street maintenance, facilities maintenance, environmental and water quality services, engineering services, public transit, and airport; and

Whereas, the health, safety, and comfort of this community greatly depends on these facilities and services; and

Whereas, the efficiency of the qualified and dedicated Public Works Department staff is dependent on the citizens' support and understanding of the work they perform.

Now, therefore, I, Sharon Konopa, Mayor of the City of Albany, do hereby proclaim the week of May 17 to May 23, 2009, as

PUBLIC WORKS WEEK

in the City of Albany, and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Albany to be affixed this 13th day of May 2009.

Sharon Konopa, Mayor

Albany Human Relations Commission

Report to the City Council

2008

Human Relations Commission
4/1/2009

Honorable Mayor and Members
Albany City Council
City of Albany

6 April 2009

Dear Council Members

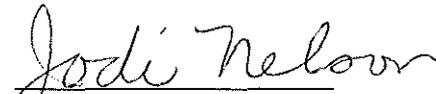
Please find the attached Report of the Human Relations Commission for calendar years 2007 and 2008. It includes a summary of our deliberations, findings and recommendations for the period of our first meeting on 23 September 2007 to 31 December 2008.

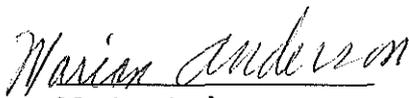
A Report for calendar year 2007 was not presented to you because much of 2007 was devoted to the formation and organization of the Commission and, as a result, there was little of note to report at its conclusion.

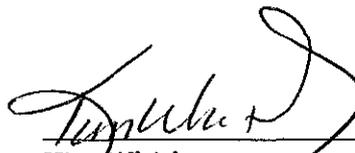
The Report is divided into two sections: a chronological summary of the Commissions deliberations, including attendance information; and, a section identifying the issues we considered, relevant findings regarding these issues, and recommendations for the Council's consideration and action.

Respectfully submitted this 15th day of April 2009,

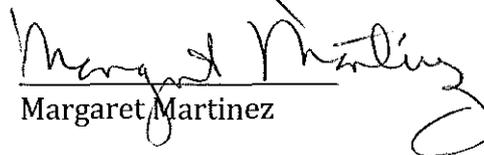

C. Jeffery Evans


Jodi Nelson


Marian Anderson


Kim Whitley


Nancy Greenman


Margaret Martinez

The Commission held its first meeting on 23 September 2007. We concentrated on getting to know one another, specifically our reasons for serving on the Commission and the things we hoped, as individuals, to accomplish. In addition, we began the organizational process, identifying our meeting schedule and discussed how to elect officers.

On 23 October 2007, the Commission elected C. Jeffery Evans as Chairman and, Blanca Ruckert, as Vice-Chairman. After some discussion, we decided to gather information about how diversity issues were addressed by the City. From January 2008 through May 2008, senior staff from each department presented the diversity challenges and priorities affecting their area of responsibility.

On January 2008, the Commission sponsored a commemoration of Martin Luther King's birthday. This was an early morning breakfast for city employees and other guests invited by commissioners, held at City Hall. It featured a presentation by Dr. Larry Roper, the Vice-Provost of Student Affairs at Oregon State University.

Issues

Through its first sixteen months, the Commission encountered issues common to new organizations. Among these were attendance and retention of members, identification of a purpose to fit within its statutory mandate, and organizational structure. In addition, the Commission identified and considered a number of substantive issues which, we believe, merit further consideration and action.

Organizational Issues

Mission

The Commission was created by the Albany City Council through the adoption of Ordinances 5665 and 5671 and codified as AMC Section 2.25.010 – 2.25.050. Its mandate was defined broadly except where the Council specifically prohibited investigatory activities relating to specific allegations of civil or human rights violations. This spelled out what the Commission could not do more than what it could. As was to be expected, the Commission has been confronted with establishing a purpose to fit within a broad mandate. We responded by trying to understand the human relations environment and identify our role within it.

Commissioner Attendance and Retention

For the most part, Commissioner attendance was consistent. Most absences were attributable to a small number of members. However, beginning in April 2008, attendance became an issue when one meeting was held without a quorum and two others with a bare majority of members present (Table). In June 2007, at the request of the Commission, I approached the three commissioners with the greatest number of

absences to express the Commission's concern that the ability of the Commission to function was seriously impaired by their absence.

Date	Present	Absent	Comments
September 2007	7	0	
October 2007	7	0	
November 2007	5	2	
December 2007	5	2	
January 2008	6	1	
February 2008	5	2	
March 2008	0	0	No Meeting, spring vacation
April 2008	3	4	No Quorum
May 2008	4	3	
June 2008	4	3	
July 2008	5	2	
August 2008	6	0	One vacant position
September 2008	5	1	
October 2008	6	1	
November 2008	0	0	Cancelled, no quorum
December 2008	0	0	Cancelled, inclement weather

As a result, Commissioner Anna Anderson concluded that her attendance would likely not improve sufficiently and tendered her resignation. In August 2008, Kim Whitley was appointed to fill her unexpired term.

Also in August, Commissioner Delia Guillen, resigned from the Commission. She had recently moved to an area of Linn County outside of the City limits and was ineligible for membership. John Hartman was appointed to fill her unexpired term in October 2008.

At the end of December, Commissioners Rick Hammel and John Hartman concluded their terms on the Commission. Commissioner Hammel did not seek reappointment and Commissioner Hartman was not reappointed.

The Commission began January 2009 with four of its original membership.

Organization and Structure

In December 2007, the Commission discussed the need for more formal rules of organization such as the adoption of By-Laws. After consulting with City Attorney, Jim Delapoer, the Commission decided that consideration of this matter was premature and postponed further discussion to an undetermined future time.

Substantive Issues

City Personnel and Provision of Services

- 1 Human Resources Director, David Shaw, advised the Commission that the City's goal of diversity in hiring has been met. Staff demographic characteristics approximate the demographic characteristics (ethnically and racially) of the community. There are a few challenges that the City will have to face in the future.
- 2 Some technical jobs have historical gender-biases that limit the availability of potential employees to fill future vacancies. This is particularly true of Police Officers and Building officials where the overwhelming numbers of individuals entering those professions are male. Making these departments more gender-representative is problematic as a result.
- 3 In most fields there are a small number of exceptionally-qualified candidates from underrepresented groups (women, minorities, persons with disabilities, etc.). These individuals are recruited by a large number of private and public sector employers. In many cases, Albany has difficulty competing with other, larger organizations with substantial resources (salary and benefits) with which to attract those candidates.
- 4 Even in good financial times, Albany's recruiting budget is small in comparison to other governmental agencies. This limits the City's ability to conduct nation-wide recruiting efforts.
- 5 Foreign language skills among City employees are limited at a time when demographic shifts are placing culture-specific demands on the provision of city services. Language skills among city employees are limited for the most part, to Spanish. Although one employee is learning American Sign Language, the State's language relay service or independent interpreters must be relied upon to serve non-Hispanic populations. However, Albany has growing Russian-Ukrainian, Indian, Pakistani, and Asian communities who will not be served adequately under the current service delivery scenario.
- 6 The vast majority of Americans, particularly those new to the labor market do not see government service as a particularly appealing career choice.
- 7 As baby-boomers begin to retire, the number of highly-qualified candidates for senior-level and management positions is limited. Recruitment of personnel to serve in these positions requires substantially more time and, in some instances, lowering minimum skill requirements for these positions.

- 8 The number of retirements expected to occur within City government during the next few years will present a rare opportunity to diversify the management and senior-level team at a time where the number of qualified candidates is small and competition for their services, very high.

Police Profiling

There is a perception among groups of residents, particularly those with Latino or Hispanic origins, that Albany Police officers practice racial profiling when deciding which vehicles or pedestrians to stop for evaluation. Police Chief Ed Boyd and City Manager, Wes Hare, have indicated that they were aware of only one such case that was reported to them for investigation. Members of the Commission familiar with that ethnic community believed that this was due to the fact that in their home countries, Police agencies are heavily corrupt and not nearly as professional as we have come to expect in the United States. This creates an environment of distrust that prevents many Hispanics from coming forward and filing profiling-related complaints.

One other complication is that alleged profiling practices being attributed to the Albany Police Department may actually be committed by other police agencies such as Linn County and the Oregon State Police. Assessing the extent to which APD officers are practicing ethnic profiling will require an investigatory effort that this Commission is not logistically capable of conducting: we have insufficient staffing to conduct such an investigation. More importantly, such an investigation is not, currently, within our mandate.

However, we are compelled to state for the record that we have no evidence that the Albany Police Department practices ethnic profiling when its patrol officers conduct vehicle and pedestrian contacts. During its deliberations a variety of theories, opinions, and speculations came forward regarding how patrol officers select drivers for stops. This in itself provides fertile ground in which misunderstandings regarding vehicle and pedestrian stops is allowed to flourish. In addition, the absence of demographic data regarding contacts prevents the City from countering this negative perception.

Unfortunately, gathering data about stops introduces other potential problems. For example, a number of surnames prevalent in Hispanic culture, such as Garcia and Monteloene, are also prevalent in Italian culture. In these cases, assigning an ethnic origin for data collection purposes would require a field officer to inquire about an individual's ethnic origin. In addition, collecting and processing data relating to vehicle and pedestrian contacts is labor-intensive and would require a commitment of resources beyond what the Police Department currently receives. Yet this, we believe, is the only way to address the perception that Albany's patrol officers use race and ethnicity in determining who to stop.

The Commission formed a working group to assist Chief Boyd interface with the Hispanic community and determine whether the problem exists and, if it does, assess the severity of the problem, and take all necessary remedial actions.

Mental Health

The Commission heard a great deal from the community about issues related to mental illnesses and those who suffer from them. Former Albany Mayor Dan Bedore, Linn County Mental Health Director, Frank Moore, GAPS Superintendent, Maria Delapoer, Albany Police Office, Ken Frandrem, and five non-affiliated individuals, attended these deliberations and offered their respective perceptions.

Unfortunately, the scope and magnitude of this problem is immense and, perhaps, beyond the capacity of this Commission to address responsibly.

Assessment and Recommendations

Organizational Issues

The issues experienced by the Commission during its first 16 months is representative of a new, unknown, organization with a mission and scope that is still in the formative stages. The success of this Commission will be largely dependent on the quality and commitment of its members. We recommend, therefore, that in filling vacancies, the Council consider only those candidates who will be committed to the underlying goals that led to the Commission's establishment: improvement in the quality of life for all residents within the community. Of critical concern will be finding a continuous supply of individuals who will attend meetings and become actively involved in fulfilling our mission.

City Personnel and Provision of Services

The City needs to evaluate its current recruitment practices with an eye to improving delivery of services to residents of all backgrounds.

The City needs to fill vacant staff positions with qualified candidates from underrepresented groups. Rather than attempt to mirror the demographic profile of the City as it exists today, the City should cast an eye to the future, respond to current demographic shifts, and mirror the demographic profile with a twenty-year time horizon.

The City should increase its recruitment budget thus enabling it to compete with other potential employers and recruit the most highly qualified candidates available.

To respond to anticipated retirements and fill those positions with qualified candidates, the City should increase its employee training and development budget to facilitate the development of existing employees and prepare them to fill senior-level and management positions.

To improve its ability to fill vacancies with qualified candidates committed to government service, the City should allocate funds to the recruitment of college-level students to fill experience-related internships. This, we believe, will improve the City's ability to recruit and evaluate candidates for future employee vacancies.

To improve service provision to non-English speakers the City should designate employees for foreign language skills development as dictated by anticipated changes in the City's demographic profile and offer appropriate compensation enhancements for those employees who develop proficiency in one or more foreign languages.

Police Profiling

The Police Department should implement a campaign to educate the public about its policies and practices regarding random stops of vehicles and pedestrians.

The City of Albany should conduct a long term study to determine the extent to which its officers practice ethnic profiling when stopping vehicles and pedestrians. In addition, the City should provide the Police Department with the funds required to process the data gathered by patrol officers.



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Ed Hodney, Director of Parks and Recreation *EH*
DATE: May 6, 2009, for the May 13, 2009 City Council Meeting
SUBJECT: Resolution—Increases in Revenues and Expenditures in the Grants Fund for the Establishment of Kinder Park

RELATES TO STRATEGIC PLAN THEME: • Great Neighborhoods

RELATES TO: • Master Plans

Action Requested:

Consider approval of a Resolution authorizing an increase in revenues and expenditures in the Grants Fund.

Discussion:

Construction of the new Kinder Park was previously authorized on October 8, 2008 by the City Council for a contract amount of \$680, 651.52. The approved budget of \$848,000 for the park (Grant Fund 203-35-5053) is adequate to cover all expenses related to the acquisition, engineering, design and contracted construction expenses. To date, change orders for the contract amount to \$59,000 or 8.7% of the original contract amount approved by the Council. Administratively approved change orders include additional site surveying and engineering, an upgrade to three-phase electrical service (future needs), a path extension to the south line of the property, and additional irrigation values.

However, the budget is not adequate to pay for the all of the work to be self-performed by the Parks and Recreation Department. These items include the purchase and installation of the playground equipment, trees, landscaping, site furniture, picnic shelters, and other miscellaneous items. City permit fees and project inspection were also not included in the construction contract.

It is necessary to increase both revenues and expenditures in the Grants Fund/Oak Street Park/Kinder Park Program (203-35-5053) by \$150,000 to complete this project. These additional resources will pay for the following items:

• Appraisal and survey expenses to satisfy State grant requirements	\$ 7,900
• Pacific Power service	8,176
• Site furniture, shelters, playground equipment	77,000
• City plan reviews	17,500
• SDCs/access fees	16,134
• Trees and landscape materials	<u>20,000</u>
	\$146,710

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Revenues will come from the Parks and Recreation Fund/Parks SDC Program (202-35-1500). This authorization will not affect the FY 2008-09 budget of \$4,020,000 for this program. The transfer will come from unspent funds in account 202-35-1500-91203 (To Grants Fund).

Budget Impact:

FY 2008-09 revenues and expenditures each will increase by \$150,000 in the Grants Fund/Oak Street Park-Kinder Park Program (203-35-5053).

Attachment: Resolution

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING AN INCREASE IN REVENUES AND EXPENDITURES IN THE GRANTS FUND.

WHEREAS, the City is constructing improvements to the new Kinder Park; and

WHEREAS, the project was included in the FY 2008-09 Grants Fund budget in the amount of \$848,000; and

WHEREAS, the amount budgeted is not adequate to complete the projects; and

WHEREAS, there are sufficient, unspent funds budgeted in the FY2008-09 Parks and Recreation Fund to cover an additional \$150,000 required to complete the Kinder Park project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Albany authorizes an increase in Grants Fund revenues in the amount of \$150,000 and an increase of \$150,000 in expenditures for the current fiscal year; and

BE IT FURTHER RESOLVED that the transfer will be applied to the following account numbers.

	<u>Fund/Program/Object Number</u>	<u>Debit</u>	<u>Credit</u>
Parks and Recreation Fund	202-35-1500-91203		\$150,000
	202-35-1500-99012	\$150,000	
Grants Fund	203-35-5053-72018		\$150,000
	203-35-5053-49039	\$150,000	

DATED AND EFFECTIVE THIS 13th DAY OF MAY 2009.

Mayor

ATTEST:

City Clerk



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Marilyn Smith, Management Assistant/Public Information Officer *mms*
DATE: May 7, 2009, for the May 13, 2009, City Council Meeting
SUBJECT: Guest Councilor Designation

RELATES TO STRATEGIC PLAN THEME: • Effective Government

Action Requested:

Adoption of attached resolution.

Discussion:

Councilor Collins has asked the Council to consider designating other residents as “guest Councilors” to sit with the Council and participate in discussions on matters before it when a Councilor is absent. Councilor Collins became familiar with such a practice when he worked for the City of Salem.

The attached resolution is based on the Salem City Council rule that outlines the practice in that city with a few modifications. Some elements of the Salem rule are already addressed in our City Charter.

The intent of the practice is to provide ongoing and equal representation for each ward of the city when a duly elected Councilor is unable to attend a meeting. The guest Councilor would not have a vote and could not attend executive sessions.

Budget Impact:

None.

MMS:de
Attachment

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RESOLUTION NO. _____

A RESOLUTION ALLOWING NONELECTED INDIVIDUALS TO SERVE AS GUEST COUNCILORS WHEN AN ELECTED COUNCILOR IS ABSENT

WHEREAS, six individuals serve nearly 48,000 Albany residents as elected members of the Albany City Council; and

WHEREAS, members of the City Council must occasionally miss scheduled meetings due to illness, vacations, or other reasons; and

WHEREAS, the residents of each City Council ward deserve to be represented and have a voice at Council work sessions and regular meetings;

NOW, THEREFORE, BE IT RESOLVED that members of the City Council may designate another resident of their ward as a "guest Councilor" to fill their seat at a work session or regular meeting in the event of his or her absence; and

BE IT FURTHER RESOLVED that a person designated as a Guest Councilor:

- Must be an elector and a resident of the ward of the Councilor whose seat is being filled;
- Can serve as Guest Councilor only once each year;
- May not make or second any motion or vote on any matter coming before the Council; and
- May not attend Executive Sessions of the Council; and

BE IT FURTHER RESOLVED THAT:

- City employees and their spouses and members of their immediate families may not serve as Guest Councilors.
- A Councilor shall make such designation by giving notice of the name and address of the designee to the Presiding Officer and the City Manager.
- If approved by consensus of the Council, the designee shall serve at the next Council work session or regular meeting when the designating Councilor is absent.
- Upon designation, the City Manager shall have the agenda packet delivered to the person for the Council work session or meeting at which the person will serve.
- At any meeting where a Guest Councilor is filling the seat of a Councilor, the Chair shall, at the beginning of the meeting, introduce the person to the other Councilors and to the public.
- No more than two Guest Councilors may attend any one meeting of the Council.

DATED AND EFFECTIVE THIS 13TH DAY OF MAY 2009.

Mayor

ATTEST:

City Clerk

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, March 25, 2009
7:15 p.m.

MINUTES

CALL TO ORDER

Mayor Konopa was absent.

Council President Ralph Reid, Jr. called the meeting to order at 7:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Council President Reid led the pledge of allegiance to the flag.

ROLL CALL

Council members present: Jeff Christman, Ralph Reid, Jr., Floyd Collins, Dick Olsen, Bill Coburn, and
Bessie Johnson
Council member absent: Mayor Konopa

SPECIAL PRESENTATION

Recognizing Assistant Finance Director John Stahl's Oregon Municipal Financial Officer Association (OMFOA) Lifetime Achievement Award.

Finance Director Stewart Taylor explained to the Council that the award is not given on an annual basis, but when the organization feels someone is deserving of it. He explained John Stahl's career long involvement in the OMFOA and his contributions to that organization and the City of Albany.

PROCLAMATION

Child Abuse Prevention and Awareness Month.

Reid read the proclamation declaring April 2009 Child Abuse Prevention and Awareness Month.

SCHEDULED BUSINESS

Quasi-Judicial Public Hearing

VC-01-09, vacating a portion of Willamette Avenue NE, east of Davidson Street.

Reid explained that the applicant for the vacation of the public right-of-way is the City of Albany Public Works Department.

Reid opened the quasi-judicial public hearing at 7:26 p.m.

Reid asked if any member of the City Council wished to abstain. No one did.

Reid asked if any members of the City Council wished to declare a conflict of interest, or report any significant *ex parte* contact or a site visit. No one did.

Reid explained that those wishing to testify should be aware that they must raise an issue with enough detail to afford the Council and all parties an opportunity to respond to the issue if they later want to raise that issue on appeal to the Land Use Board of Appeals. Testimony and evidence must be directed towards the approval standards staff will describe or other criteria in the plan or development code which they believe apply to the decision. If additional documents or evidence are provided by any party, the City Council may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension to the 120-day limit. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with enough detail to allow the local government or its designee to respond to the issue precludes an action for damages in Circuit Court.

Staff Report

Infrastructure Analyst Mike Leopard said the property being vacated is generally located in the area of the Water Reclamation Facility and is currently being used only as access to the treatment facility. The City owns all property adjacent to the area. The main reason staff is requesting a vacation is to allow for more efficient use of City property and it would also allow for better security.

There were no questions from the Council.

Testimony

No one wished to speak.

Reid closed the quasi-judicial public hearing at 7:30 p.m.

Deputy City Attorney Matt Jarvis read for the first time in title only "AN ORDINANCE VACATING THAT PORTION OF WILLAMETTE AVENUE NE EAST OF DAVIDSON STREET, IN ALBANY, OREGON; AND ADOPTING FINDINGS AND DECLARING AN EMERGENCY."

MOTION: Councilor Johnson moved to have the ordinance read a second time in title only. Councilor Coburn seconded the motion and it passed 6-0.

Jarvis read the ordinance a second time in title only.

MOTION: Johnson moved to adopt the ordinance. Councilor Christman seconded the motion and it passed 6-0, and was designated Ordinance No. 5714.

Business from the Public

Michael Quinn, 4455 Sunset Ridge Drive, North Albany, asked to revisit the discussion at the previous meeting regarding System Development Charges. During that discussion, his concern was for in-fills and affordable housing. He said there is still a need for bigger subdivision projects, but he would encourage the Council to spend more time on affordable housing. He said that he had a meeting four or five years ago with then City Manager Steve Bryant and Public Works Director Diane Taniguichi-Dennis regarding affordable housing. He would like a task force created to pick up from that discussion ways to provide affordable housing in Albany. He said his research has shown that there can be two methodologies on new construction and affordable housing. He suggested the Council contact other cities to get examples of this.

Councilor Collins said he had talked to Mr. Quinn and thought some of the ideas might work. He would like that discussion to take place with a task force and then make some simple amendments to the ordinance. He would support creating a task force.

MOTION: Councilor Olsen moved to ask the Mayor to create a task force to review System Development Charges for in-fill and affordable housing. Collins seconded the motion.

Christman suggested the Council or staff come up with some way to focus the task force. Quinn said many years ago they had met with a similar agenda and they are ready to hit the ground running.

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

Johnson's suggestion

Discussion of Periwinkle Path at Ermine & Westwood Place.

This item was moved from its original position at the end of the agenda to accommodate the citizens in the audience.

Johnson provided a petition with the neighbors' signatures on it asking to close the Periwinkle Pathway at Ermine Street and Westwood Place (in agenda file). There has been difficulty with teenagers trespassing, vandalism, and being foul mouthed.

Mary Peterson, 2589 Westwood Place, said that the loitering teenagers are getting bolder and bolder and are in groups of 10-20 kids. It can be intimidating. Her children need to walk through the groups of kids on their way to school. They litter and they smoke. They also roam around the neighborhood.

Ron Dansyear, 2503 Westwood Place, provided an article from 1993. At that time the high school said they would take care of the kids. Now, they say they are short staffed, and the neighbors should call the police. The kids are becoming more aggressive and more belligerent. He has seen the pathway used as a restroom and for illegal sales. Vehicles have been broken into and they've started fires. They seem to have the appearance of a new gang. The neighborhood wants the walkway closed. The use of the walkway by the kids is around 98 percent.

Olsen asked, does the City own the pathway? City Manager Wes Hare said yes. Olsen commented that if the street went through, this would not be an issue.

There followed questions regarding location and fencing, types of students, and access to neighboring properties. Dansyear said the neighborhood has the support of the Community Resource Unit in the Police Department and they are grateful for that, but the Police are too short staffed to continue to patrol the area.

Joe Gutt, 2515 Westwood Place, said the pathway has been a problem for over 20 years. He gave several examples of problems throughout the years. He said the neighborhood has tried everything to discourage these kids. Nothing seems to work. They need the pathway closed.

Collins asked Fire Chief Bradner, if there was a fire in the area, would the Department have access to the neighborhood? Bradner wasn't sure. He would have to investigate. Collins said he is supportive of the neighbors and would ask the City Manager to have staff bring back a report. He wants to protect the neighborhood.

Hare said the school should be part of the discussion. He would be willing to convene the parties.

Johnson thinks the Council should give an answer to the neighbors within a week or two. She believes it is a volatile situation. Hare said staff can prepare a report for the next Regular City Council meeting.

Olsen would like to hear what the Police Chief has to say as well.

Action on this item was postponed to the Wednesday, April 8, 2009, City Council meeting.

Adoption of Ordinance

Amending Ordinance No. 5709, changing the election date for revisions to the City Charter.

Deputy City Attorney Matt Jarvis read for the first time in title only "AN ORDINANCE AMENDING ORDINANCE NO. 5709, CHANGING THE ELECTION DATE FOR REVISION TO THE CITY CHARTER."

MOTION: Collins moved to have the ordinance read a second time in title only. Christman seconded the motion and it passed 6-0.

Jarvis read the ordinance a second time in title only.

Motion: Coburn moved to adopt the ordinance. Christman seconded the motion and it passed 6-0, and was designated Ordinance No. 5715.

Adoption of Resolutions

Providing for additional revenue and offsetting expenses in the Central Services Fund.

MOTION: Collins moved to adopt the resolution providing for additional revenue and offsetting expenses in the Central Service Fund. Johnson seconded the motion and it passed 6-0, and was designated Resolution No. 5756.

Sale of City-owned property at 1390 Waverly Drive SE.

Accepting the conveyance of City-owned real property to Albany Medical Solutions, LLC.

MOTION: Coburn moved to adopt the resolution accepting the conveyance of City-owned real property to Albany Medical Solutions, LLC. Collins seconded the motion and it passed 6-0, and was designated Resolution No. 5757.

Accepting a 12-foot wide easement for underground fiber optic lines from Albany Medical Solutions, LLC.

MOTION: Coburn moved to adopt the resolution accepting a 12-foot wide easement for underground fiber optic lines from Albany Medical Solutions, LLC. Christman seconded the motion and it passed 6-0, and was designated Resolution No. 5758.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) February 9, 2009, City Council Work Session
 - b) March 9, 2009, City Council Work Session
- 2) Accepting a grant from the Linn County Cultural Coalition for general operating support of the 2009 Mondays @ Monteith Concert Series. RES. NO. 5759
- 3) Authorizing the Parks & Recreation Department to apply for a Local Government Grant from the Oregon Parks & Recreation Department for the restoration and renovation of Teloh-Calapooia Park. RES. NO. 5760

- 4) Authorizing acceptance of an easement from River View Place Apartments Limited Partnership. RES. NO. 5761
- 5) Accepting the 2009-2010 Oregon State University Intergovernmental Agreement for funding the OSU/LBCC dual enrollment pass program and the OSU student, staff, and faculty pass program on the Linn-Benton Loop Transit System and on Albany Transit System, and Linn-Benton Loop operating budget. RES. NO. 5762
- 6) Accepting a storm drainage easement from Keller Development Company, Inc. RES. NO. 5763

MOTION: Johnson moved to adopt the Consent Calendar as presented. Christman seconded the motion and it passed 6-0.

Report

Temporary safeguards for dangerous building.

Building Official Melanie Adams reported that in late January Building Department staff was advised of possible structural damage to a building at 223 2nd Avenue SE in the historic downtown area. Upon inspection by the staff and a structural engineer, it was determined that the building's basement walls were showing signs of failure and that the public and the occupants of the building were at risk. Further excavation and analysis suggested that the buildings on either side of this structure were also at risk for structural failure. The Building Department issued a Notice and Order to the property owner declaring the building dangerous and requiring immediate action to remedy the conditions. When they issued the Order the engineer advised them that they had a couple of months to get the repairs done without subjecting the building's occupants and the public to increased risk. After many conversations with the building owner, it became apparent that the structure would not be repaired in the near future unless those repairs were initiated by the City. With the approval of the City Manager and the support of the City Attorney the Department began constructing safeguards to the building. The City Attorney has initiated legal proceedings to obtain a court order to repair the building.

Collins asked, would the City then place a lien on the building? Jarvis said yes, but currently there is a trust deed on the property. That trust deed would be satisfied before the City's lien. They need Council direction to file an action in Linn County. The Council was agreeable.

BUSINESS FROM THE COUNCIL

Johnson's discussion of Periwinkle Path at Ermine & Westwood Place item was moved up in the agenda to after Business from the Public to accommodate audience members.

RECESS TO AN EMERGENCY EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION OR LITIGATION LIKELY TO BE FILED IN ACCORDANCE WITH ORS 192.660 (2)(h) AND ORS 196.640 (3)

The Regular Session was recessed into an Emergency Executive Session at 8:30 p.m. because if the City Council did not meet, it would impact the City in a negative economic way with a potential loss of hundreds of thousands of dollars.

RECONVENE

The Regular Session was reconvened at 8:55 p.m.

Public Works Director Diane Taniguchi-Dennis provided data (in the agenda file) with comparisons regarding leaf pickup and a solid waste ordinance. Leaf pick up is treated in the city of Corvallis as a solid waste pickup.

Assistant Public Works Director Mark Shepard provided a map with a summary of potential projects for the federal stimulus money. Overlays have been approved by the Oregon Department of Transportation (ODOT). The City does need to upgrade curb ramps. He explained that ODOT has to bid the projects, not the City of Albany. The Park & Ride project and the REA building have been approved. They are still trying to get 53rd Avenue approved.

Hare said he has reviewed budgets from staff for the General Fund. Even though the target ending balance was \$3 million, it doesn't look good. The City is trying to avoid cuts. He warned the Council that there has not been an increase in revenues to cover the increase in costs and the City continues to fall behind. There followed discussion regarding possibilities for future budgets. Hare suggested having early budget meetings in the 2009-2010 budget year. Taylor explained the complexity of the budget.

Reid asked if the Council was supportive of him continuing on the National League of Cities Steering Transportation Committee. It was the consensus of the Council that Reid continue representing Albany on the national committee.

Albany City Council Regular Session
Wednesday, March 25, 2009

NEXT MEETING DATE

The City Council is scheduled for a Joint Work Session with the Linn County Commissioners on Monday, March 30, 2009, at 4:00 p.m., at the Main Library. The next regular scheduled City Council Work Session is on Monday, April 6, 2009, at 4:00 p.m., in the Municipal Court Room, at City Hall. The next Regular Session is scheduled for Wednesday, April 8, 2009, at 7:15 p.m., in the Council Chambers, at City Hall.

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:29 p.m.

Respectfully submitted by,

Reviewed by,

Betty Langwell, MMC
City Clerk

Stewart Taylor
Finance Director

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.

Albany City Council Regular Session
Wednesday, April 8, 2009

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

CITY OF ALBANY
 CITY COUNCIL (WORK SESSION)
 Council Chambers
 Monday, April 13, 2009
 4:00 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 4:00 p.m.

ROLL CALL

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

Councilors absent: None.

RECESS TO EXECUTIVE SESSION TO DISCUSS CURRENT LITIGATION OR LITIGATION LIKELY TO BE FILED IN ACCORDANCE WITH ORS 192.660 (2)(h)

The meeting recessed to an Executive Session at 4:01 p.m.

RECONVENE

The work session reconvened at 4:37 p.m.

BUSINESS FROM THE PUBLIC

There was no business from the public.

TRANSPORTATION SYSTEM PLAN PRIORITIES

Civil Engineer III Jeni Richardson introduced Debbie Galardi of Galardi Consulting.

Richardson passed out updated Transportation Plan Project Information in an orange binder (see agenda file). There was a list of changes in the inside pocket and Richardson asked the Councilors to return old binders to her so they can be recycled.

Staff is working on the draft Transportation System Plan (TSP) document and it will be ready for Council review soon. It will include abbreviated versions of all the technical memos, the project list and maps, and a brief section that identifies existing and potential new fund sources. The detailed financial plan will not be part of the TSP.

Richardson reviewed the summary of Councilor's project priorities in the tables and maps distributed with the agenda. Richardson described how this priority discussion will supercede staff's priority suggestions from October 6, 2008.

The Council began reviewing the roadway or intersection projects where further discussion or direction was necessary (marked by an asterisk) on the TSP Project Priorities document (Attachment A) and made the following determinations:

Project	Priority and Funding
I35	Mid-term with full Transportation System Development Charges (TSDC) fee funding.
L40	Leave urban upgrade project as is. Add note to description to "consider rural design standard with setback sidewalks."
New Project	Add a new stand-alone pedestrian project on Gibson Hill Road with short-term priority. Design may be a 'throw away' asphalt construction. Use SDC Eligibility for Pedestrian facilities (recalculate eligibility but wait until all priorities are discussed).
L59	Short-term with TSDC funding. CARA funding?
L7	Medium priority.
114, I28	Both long-term with some TSDC funding.
111	Medium priority so City can initiate development.
L58, 132, L30	Schedule all in same year as short-term priorities with TSDC funding.
16, 17, L2	Schedule all as long-term priorities.

Albany City Council Work Session
Monday, April 13, 2009

Two meetings were scheduled: Monday, April 27, from 4:00 p.m. to 6:00 p.m. to continue working on priorities; and May 7, from 5:00 p.m. to 9:00 p.m. to discuss methodology and/or TSP document review.

COUNCILOR COMMENTS

Councilor Bill Coburn will not be at the April 15, 2009, CARA Advisory Board meeting.

CITY MANAGER REPORT

The City Manager was not in attendance.

ADJOURNMENT

There being no other business, the Work Session adjourned at 6:14 p.m.

Respectfully submitted,

Mary A. Dibble, MMC
Deputy City Clerk

Reviewed by,

Stewart Taylor
Finance Director

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CITY OF ALBANY
CITY COUNCIL (WORK SESSION)
Municipal Court Room
Monday, April 20, 2009
4:00 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 4:01 p.m.

ROLL CALL

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

Councilors absent: None.

BUSINESS FROM THE PUBLIC

There was no business from the public.

CENSUS 2010 UPDATE

This item was moved to later on the agenda.

DOWNTOWN PARKING STUDY

Janet Steele, Director of the Albany Chamber of Commerce (ACC), said the parking lot next to ACC is owned by the Masonic Lodge. She said that ACC staff does not park in it. The Masons are interested in generating revenue from the lot and have approached the City and several businesses in that area about leasing it. The City had a 20 year agreement with the Masons that expired in 2004. This is the only lot on that end of 1st Avenue. Steele said, if the City could find a way to keep the lot open for the public she would appreciate it. Occupancy of the lot varies from full to sparse.

Councilor Jeff Christman arrived at 4:03 p.m.

Community Development Director Greg Byrne said the parking study was conducted in part to support the Central Albany Revitalization Area (CARA). Byrne introduced Planner I Evan Fransted, who handled the study from beginning to end. Byrne said staff will describe how they gathered data but will not be making recommendations tonight. Staff will also ask if the Council would like them to continue the parking study work.

Fransted said the parking district was divided into eight zones and three different occupancy rates. The survey results were divided into public employees and the general public.

Fransted gave a Power Point presentation (see agenda file).

Councilor Bill Coburn asked, did you solicit comments from business owners and residents? Fransted said the survey gave the opportunity for participants to elaborate. The Power Point showed just the top six answers; the survey results actually included many more comments.

Councilor Bessie Johnson does not think there is a parking issue downtown. She agrees that often there is no available parking directly in front of the courthouse, but there is usually parking as little as a half-block away.

Byrne said this study sets a good baseline so it can be compared with future surveys. Currently, Albany's downtown is not too healthy.

Councilor Floyd Collins said it would be important to include the building occupancy rates rather than building footprints. For example, as the urban renewal district becomes more successful the upper floors will be occupied and require parking also.

It was also noted that from the *Democrat-Herald* and south, old residential homes are being converted to office-professional and are just outside of the parking boundary. It could drive demand for increased parking if there is pressure from outside the parking boundary.

Councilor Dick Olsen asked, if only ten percent of City employees returned their surveys, could that indicate they do not think there is a parking problem? Fransted said, it could be because it was emailed and employees may not have felt their responses would be anonymous.

Fransted said staff will be presenting the survey results to the Albany Downtown Association and the CARA Advisory Board.

Regarding the Mason's lot next to the ACC, Collins said public parking may not be an issue right now but when the Carousel opens it could be. Public Information Officer/Management Assistant Marilyn Smith said the City's agreement with the Masons was to pave the lot in exchange for its use for 20 years. The agreement is now expired.

CENSUS 2010 UPDATE

Ping Khaw-Sutherland, from Portland, is a Partnership Specialist for the Census 2010 project.

Khaw-Sutherland explained that the census takes place every ten years and is required by the constitution. Over the last 219 years the format has changed quite a bit. Census staff thinks folks don't participate because of the lengthy form, so it has been reduced to a short flyer which should take just five minutes to complete. Also, some fear the Census staff will share the information with other government agencies such as the CIA or FBI.

Khaw-Sutherland said it is important to complete this survey because \$300 billion is distributed each year based on population. It works out to about \$1,000 per person per year, which is why it is crucial to have an exact count. The data is then used for the next ten years. The Census is partnering with cities and counties to get the word out by forming Complete Count Committees (CCC). The Census would appreciate the City making a proclamation in support of Census 2010; and for cities to work with counties on an informational campaign in their communities and to identify pockets of residents and unique ways to reach them. For example, Marion County and the city of Salem are working together.

Census forms will be mailed in March 2010 and will be due April 1. Ten percent of folks will get the long form but the rest will get the short form.

Collins said this census is especially critical for Albany as we pass the 50,000 population threshold.

REQUEST FOR TURN RESTRICTION, NINTH AND SHERMAN

Transportation System Analyst Ron Irish said the request for a turn-movement restriction on Sherman Street is from the owner of the vacant lot at Oak Street and Ninth Avenue. The property is commercially zoned and while the City has received a land use application, these traffic issues would present themselves regardless of what business builds there.

Irish described the current access routes on Sherman Street, Oak Street, and 9th Avenue. The Oregon Department of Transportation (ODOT) has determined the number of weaving movements necessary is unsafe and therefore they would deny the land use application.

Matthew Conser, 1010 Airport Road, and Jerry Basinger, Architect and Site Planner, wished to speak. Basinger said he worked diligently with ODOT and the City towards a solution. They passed out two maps, titled Sherman Street-Traffic Upgrades (see agenda file).

Basinger said the need for change is driven by an existing problem. He said their engineers have worked on a traffic report and reduced data to a two minute video clip. Basinger ran the video clip which simulated traffic patterns in the subject area (see agenda file).

Conser described his communication with the owners of the Union 76 gas station and Dutch Bros, and the owner of the third building, Winston Spivey. He said the parking lot needs striping to minimize traffic conflict.

Collins disclosed, for the record, that when he was the City's Public Works Director he worked with Mike Newman to process the application for the Dutch Bros site, and he has also worked some with the Conser's. He has not worked on the project being discussed today.

Conser said Spivey reported that he has witnessed drivers using all three lanes to access Pings Restaurant. This is an overall safety issue for Albany. However, the conflict for Spivey would remain even with this change.

City Attorney Jim Delapoer told the Council it was inappropriate to discuss the land use applicant specifically (Lowe's), as that would create an ex parte communication. Discussion should not identify any specific project.

Mike Newman, owner of Union 76, wished to speak. He has owned businesses and raised his family in Albany. In 1980 he opened a Shell station at the corner Pacific Boulevard and Sherman Street, and seven years later took over the Arco station next door. For 28 years, he fought Costco, Safeway, and Fred Meyer. They can't give up the Sherman Street driveway, because it is an exit to the business. He sold that gas station to his son-in-law. He said he has employed 1,500 kids over the years and for many, it was their very first job. That is what the City would be giving up. When Dutch Bros set up it had three driveways between 9th Avenue and Sherman Street. ODOT took two away and now the City wants to take the Sherman Street driveway. He said, I already lost two driveways, so I feel I have sacrificed enough. He said, this is not my fault; Pacific Boulevard and 9th Avenue is ODOT's design. They did ask for property owner's input, but he was never contacted about a meeting he was able to attend. He said, Mr. Conser contacted me and was cordial; he offered to paint a few arrows, but I have survived 30 years without arrows and I can survive longer as long as the City doesn't take my driveway away. With the plan, Winston Spivey's property would still have exits. Newman said, the applicant claimed drivers do not use private property to cut through, but that is not true. He gave examples. He said if the Council approves this plan, it will cut his business; they deal in volume. They survived Costco and Safeway. He has a 30 year history of providing jobs for young folks in this city, and can do it for another 30 years, if the City does not cripple his business.

Collins asked Mr. Newman what the owner of Dutch Bros thinks about the turn restriction. Newman said the owner is totally against it because it will destroy his business.

James Ferguson, owner of the 76 station, wished to speak. He said, first of all, ODOT created this mess. Their proposed pork chop would create weave movements to get to Main Street, so they are creating and allowing weave movements. He said, as far as gas stations go, they pride themselves on service, but a lot comes down to convenience for the customers. The station would no longer be convenient and people would buy where the location is convenient and has easy access. He said someone commented that if a driver mistakenly turned on Sherman Street they might turn around at Dutch Bros, but the gas station has considerable truck traffic that turns there because Sherman Street is the first street to have signage. If truckers miss Geary Street, they go to Sherman Street. Trucks also transport goods to the Heritage Mall and Walgreens. The Arco station has been there 40 years, with fuel tank deliveries at least once a day, and the only convenient way to exit is on 9th Avenue. Ferguson said, recently there was a rookie truck driver who tried to take a left and got stuck for 20 minutes. After dropping the fuel the trucks want to return to Portland. With three lanes there will be weaving no matter what. He gave several examples of businesses on Pacific Boulevard. He suggested installing a barrier between the first and second lane, or the second and third lane, from Sherman Street to Oak Street, but he was told that that is not an option. He said it works the way it is, and he would like to see it stay that way.

Conser said, we are not proposing to close anyone's access. He emphasized that when it comes to ODOT, the answer is always generally "no." He too, has to learn to live with ODOT. Conser has lived in Albany since he was in fourth grade. He said, we are not asking, nor would we condone, ODOT removing the access. The restriction would be to the southbound movement only. There would be a "no outlet" sign perpendicular to Pacific Boulevard, and another when turning onto Sherman Street.

Irish said they are still looking at traffic studies for the large development. This particular issue, weaving, seems to be crucial. There does not seem to be an easy solution. The alternative to the proposed turn restriction is putting Oak Street through, or waiting for something else to happen. ODOT's concern is the volume of traffic because of the size of the development.

Christman asked, why is this coming to us at this stage? Staff is asking for decisions on traffic, the Local Improvement District (LID), and the development application independent of each other – but they should be dealt with at the same time. He commented that he had concerns about the Smartcentre development but it came to the Council too late, so he is glad the Council has a chance to review this project. But, the review should come during the development, not before it.

Byrne said this project presents a dilemma. Usually a project would go to the Planning Commission, not the Council. But the Albany Municipal Code (AMC) requires Council action for street closures, and this decision is critical to commercial development for any store there. He agreed that it is frustrating to keep up artificial barriers with these decisions, in regards to what we legally can and cannot discuss. Byrne said, the only other option is to call up the development application rather than leave it to the current process which includes a review by staff and the Planning Commission. However, Byrne does not recommend taking it away from the Planning Commission. Staff felt it was prudent to bring this to the Council now, given the other issues that need discussion.

Coburn agreed that this process feels fragmented. He agreed that there seemed to be a disconnection between the Council and the Planning Commission on the Smartcentre project. Coburn sees this project following the same path.

Olsen asked, how far is it from Sherman Street to the creek? Irish said about 700 feet. Olsen asked, isn't that stretch long enough to access the development? Irish said, not if ODOT has to approve the access. ODOT is not allowing curb cuts inbound along that stretch. The properties are contesting ODOT's decision. The traffic issues surrounding the land use application are not settled.

James Conser, 3439 Eagle View Drive, said the application was made with Conser's name as the property owners. They have a pending transaction with a potential customer. Conser and the potential customer are dealing with ODOT about access to the site. He stressed that this is an existing traffic problem regardless of what happens with development at the site.

Collins said, when we consider the TSP and hold the 9th Avenue and Oak Street public hearing, we can discuss the turn restriction. Irish added that if Oak Street goes through, the restricted turn movement would not be necessary. Discussion followed.

Delapoer suggested the Council call this decision up from the Planning Commission. It would be an appropriate action because the decision involves transportation, an LID, and a street closure, which are Council decisions anyway. The Planning Commission does not have street closure or LID authority.

Byrne pointed out that the City is at the end of our legal timeline for the application.

Olsen thinks it is a good idea to attack the parts separately and also to have the Council consider all the pieces at the same time. He doesn't want to sacrifice a long-standing business to pacify ODOT with a closure or semi-closure of Sherman Street. Councilor Ralph Reid agreed with Olsen and said if the Council can look at the whole land use application, they could come up with a solution.

Staff clarified that the agreed-upon schedule is running out of time, so the Council needs to make a decision or the applicant needs to agree to extend it beyond 120 days.

Delapoer cautioned the Council to not have exparte contact. He said the hearing notices should include a note that there was discussion at this work session and provide instructions for accessing the minutes of this meeting.

Delapoer said another alternative the Council could select is to let the land use application run its course through the Planning Commission, and then, if the Council needs to make decisions for tentative approval requirements, they could evaluate them at that time.

Newman asked to speak again. He asked the Council to please consider what this turn restriction will do their family business. There are other answers to this, like making Oak Street go through; but that is too expensive, so the property owners are sacrificing their business. There are other answers, but they would cost Conser money.

Collins thinks the Council should make the ultimate decision and look at the whole project. It is a commercial site in Albany's core.

MOTION: Coburn moved to call up the land use hearing on the Lowe's application after staff makes their recommendation on the application. Christman seconded the motion and it passed 6-0.

ROBERT'S RULES OF ORDER REFRESHER

In consideration of the time, this item was postponed to a future meeting.

COUNCILOR COMMENTS

Konopa passed out an email from Mike Pieti regarding the closing of Weyerhaeuser's trucking site in Albany (see agenda file). Employees were notified about the loss of medical benefits after three months, because it was assumed the federal government will use stimulus package funds to pick up the premiums after three months. However it would still cost laid-off employees \$300 month. Pieti suggested the Council write a letter to Weyerhaeuser requesting an extension of medical benefits for nine months. Konopa felt this is an opportunity for the Council to demonstrate their concern for the public during this economic crisis.

Johnson supports writing a letter.

Collins feels it is appropriate to send letter expressing disappointment that they are closing in Albany and requesting that they treat their employees fairly; but it is inappropriate to comment on specific severance packages. It is a private business.

Olsen pointed out that Albany endorsed tax breaks for Weyerhaeuser.

Reid said, considering that even the City has enacted a hiring freeze, it is not right to tell someone else how to run their business.

Coburn does not think this falls under the responsibilities of the Council. This is a union issue and getting involved would set a dangerous precedent. Unfortunately this won't be the last company to fail in this economy.

Konopa will send the letter but it will not be representative of the Council.

Konopa thinks that property owners affected by the turn restriction request, specifically the Newman's, should have been notified about the work session today. They were in attendance, but not because of legal notification. Even if not legally required to do so, she thinks they should have been notified of the discussion. Collins agreed.

CITY MANAGER PRO TEM REPORT

Finance Director Stewart Taylor had nothing to report.

ADJOURNMENT

There being no other business, the Work Session adjourned at 6:20 p.m.

Respectfully submitted,

Mary A. Dibble, MMC
Deputy City Clerk

Reviewed by,

Stewart Taylor
Finance Director

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, April 22, 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, Bill Coburn, and Bessie Johnson

PROCLAMATIONS

Older Americans Month.

Konopa read a proclamation declaring the month of May 2009 as "Older Americans Month" in Albany.

Global Love Day.

Konopa read a proclamation declaring May 1, 2009 as "Global Love Day" in Albany.

SPECIAL PRESENTATION

Pacific Power Blue Sky Program.

Parks & Facilities Maintenance Manager Craig Carnagey said that Pacific Power recently contacted the City about their Blue Sky Renewable Energy Program. Staff was interested and suggested they present their program to the Council. Staff has been researching several strategies to reduce the City's environmental foot print including energy conservation, waste reduction, and increased recycling. Many of the strategies should save the City money.

Doris Johnston, Regional Community Manager for Pacific Power, explained the Blue Sky Community Challenge saying that it encourages entire communities to achieve a desired Blue Sky participation level (6.39% benchmark for Albany), and earn the distinction of a Green Power Community from the Environmental Protection Agency (EPA). If adopted, Albany would join twenty other communities across the country who have received this recognition, including ten in Oregon.

Kathleen Nickerson, Blue Sky Block Outreach Coordinator provided a Power Point (in agenda file) presentation about the Blue Sky Program and their Business Partner Program (BPP). The BPP recognizes businesses, organizations, and city governments that commit to a Blue Sky renewable energy purchase that meets or exceeds minimum purchase requirements related to their electricity usage. The BPP currently has hundreds of partners who are voluntarily purchasing renewable energy, and in turn, are receiving recognitions and other benefits from Pacific Power. The BPP also provides opportunities to join the EPA's Green Power Partnership.

MOTION: Councilor Collins moved to direct the City Manager to have the City participate in the Pacific Power Blue Sky Program. Councilor Olsen seconded the motion.

Councilor Coburn was concerned about the cost and would like to see this come forward as part of the Fiscal Year 2009-2010 Proposed Budget.

Acting City Manager Stewart Taylor said federal stimulus projects have been identified that may be able to offset the cost of participation in the program.

Collins said he sees the City's participation as a community leadership issue.

VOTE: A vote was taken on the motion and it passed 5-1, with Coburn voting no.

SCHEDULED BUSINESS

Communication

Accepting a letter of resignation from Blanca Ruckert from the Human Relations Commission.

MOTION: Councilor Reid moved to accept the letter of resignation from Blanca Ruckert from the Human Relations Commission and thank her for her participation. Councilor Johnson seconded the motion and it passed 6-0.

Business from the Public

No one wished to speak.

Adoption of Resolutions

ST-09-03, Oak Street Local Improvement District, accepting the Engineer's Report and Financial Investigation Report and setting a public hearing.

City Attorney Jim Delapoer said staff has requested that this item be pulled from the agenda as they are waiting for additional information from the Oregon Department of Transportation (ODOT). The item will be back on the agenda at the May 13, 2009, City Council meeting.

Forgoing a water rate increase for calendar year 2009.

Public Works Director Diane Taniguchi-Dennis said this resolution formalizes the previous City Council action.

MOTION: Collins moved to adopt the resolution forgoing a water rate increase for calendar year 2009. Reid seconded the motion and it passed 6-0, and was designated Resolution No. 5765.

Regarding the expenditure of federal stimulus money.

Delapoer explained that this resolution was sent to Mr. Dorgan and Mr. Holden, who testified at the April 8, 2009, City Council meeting and they have told him that the revisions are satisfactory to them and meet their original objectives. Delapoer also reviewed the proposed resolution with the City Manager and he is comfortable giving direction to staff to look for quality and price advantages in local, regional, or national purchasing decisions as required by the resolution.

MOTION: Olsen moved to adopt the resolution regarding the expenditure of federal stimulus money. Johnson seconded the motion.

Johnson thanked the City Attorney for rewording the resolution in such a way as to protect the Council from being unduly bound to a course of action which would not be legal under the current public contracting laws and regulations.

VOTE: A vote was taken on the motion and it passed 6-0, and was designated Resolution No. 5766.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) March 23, 2009, City Council Work Session.
 - b) March 30, 2009, Joint Work Session with Linn County Commissioners.
- 2) Accepting a grant from the Bill & Melinda Gates Foundation. RES. NO. 5767
- 3) Authorizing the Police Department to apply for donations from the Target Corporation.
- 4) Applying for a \$30,000 grant from the Fiscal Year 2009 Homeland Security Grant Program for Public Information Officer/Joint Information Center training. RES. NO. 5768

Konopa pulled item 1a) for discussion.

MOTION: Councilor Christman moved to adopt the Consent Calendar with item 1a) removed for discussion. Reid seconded the motion and it passed 6-0.

Konopa asked for a spelling error and phrase to be corrected in the March 23, 2009, City Council Work Session minutes. On page 6, 6th paragraph from the top, "Konopa *said* Senator Merkley was invited to the Corvallis Town Hall. The President of LBCC also attended. Konopa *abdicated* for wetlands projects and will be meeting with Wyden and Defazio in the near future." was changed to "Konopa met with Senator Merkley and was invited to the Corvallis Town Hall. The President of LBCC also attended. Konopa advocated for wetlands projects and will be meeting with"

MOTION: Johnson moved to adopt item 1a) of the Consent Calendar with corrections. Reid seconded the motion and it passed 6-0.

Award of Bids

WC-08-02, Albany and Lebanon Canal Gate Rehabilitation.

Taniguchi-Dennis said the original low bidder had an anomaly in their bid and an error, and therefore they are considered non-responsive. ORS 279.370 requires that bidders disclose to the City of Albany certain first-tier subcontractors within two working hours of the date and time of when the bids are due. Failure to submit a signed form, even if there are no subcontractors specified for the job, results in the bid being considered non-responsive. MKB Contractors of Kirkland, Washington, failed to submit a First-Tier Subcontractors Disclosure Form with their bid. State law does not allow for exceptions to this requirement. They also had an error in their bid that resulted in their low price. When staff contacted them, they indicated that they had made an error of approximately \$200,000.

Konopa asked if the city of Lebanon participates with money? Taniguchi-Dennis said the city of Lebanon annually pays \$8,000 a year for capital projects as part of a previous canal agreement. The Lebanon gates need to be upgraded. They are on the verge of failing.

MOTION: Collins moved to award the contract in the amount of \$767,600 to Triad Mechanical of Portland, Oregon. Reid seconded the motion and it passed 6-0.

ST-09-06-A, ADA Ramp Updates and Sidewalk Infill.

Taniguchi-Dennis explained that the lowest bidder failed to submit a Bid Bond with their bid. A Bid Bond is required to accompany each bid. Therefore, the bid from Dale Woodin Concrete, Inc. (the lowest bidder), is considered non-responsive. When staff contacted Dale Woodin Concrete, Inc. to inform them that they were non-responsive, they indicated they had made a bidding error which resulted in the extremely low bid. The contractor said they did not plan to protest the finding that they were non-responsive.

MOTION: Johnson moved to award the contract in the amount of \$170,300 to the low bidder, D&D Concrete and Utilities of Tualatin, Oregon. Coburn seconded the motion and it passed 6-0.

Coburn asked if there was any cause for concern as the bid was 33% below the Engineer's Estimate? Taniguchi-Dennis said they have used the company before and believe it is a good bid given the current competitive construction environment. The Engineers Estimate tends to represent the average bid.

Report

Receiving Code Enforcement Team Third Quarter Report for Fiscal Year 2008-2009.

Management Assistant/Public Information Officer Marilyn Smith reported that staff has made good progress on project number 1 in the report. The neighbor has reported a lot has been removed from the premises on number 8 in the report. She added that the Clean-Up Day is being well received in the community.

Collins mentioned that number 14 continues to have problems.

Johnson asked for an update on number 10 and Smith replied that the property owner has been cited for contempt of court.

BUSINESS FROM THE COUNCIL

Johnson commented that the City of Albany telephone tree is cumbersome. She doesn't believe it is user friendly. Management Systems Director Bob Woods said the phone tree issues are being reviewed by Information Technology Director Jorge Salinas.

Olsen said that the Information Technology Department has told him they are ordering new portable mics.

Konopa said she spoke at the LBCC meetings held by Oregon's representatives.

Delapoer said the discussion of Robert Rules of Order will come to the Council on June 8.

NEXT MEETING DATE

The next City Council Work Session is scheduled for April 27, 2009, at 4:00 p.m., in the Municipal Court Room, of City Hall. The next City Council Regular Session is scheduled for Wednesday, May 13, 2009, at 7:15 p.m., in the Council Chambers, of City Hall.

Albany City Council Regular Session
Wednesday, April 22, 2009

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:10 p.m.

Respectfully submitted by,

Reviewed by,

Betty Langwell, MMC
City Clerk

Stewart Taylor
Finance Director



Albany City Council

Wes Hare, City Manager

FROM: Ed Hodney, Director of Parks and Recreation
Craig Carnagey, Parks and Facilities Manager

DATE: May 6, 2009 for the May 13, 2009 City Council Meeting

SUBJECT: Authorization to apply for Energy Efficiency and Conservation Block Grants

RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Authorize the City of Albany to apply to the U.S. Department of Energy (DOE) for an Energy Efficiency and Conservation Block Grant (EECBG).

Discussion:

The American Recovery and Reinvestment Act of 2009, Public Law 111-5, appropriates funding for the DOE to award formula-based grants to local governments. The City of Albany has been allocated \$201,500.

The purpose of the EECBG Program is to assist eligible entities in creating and implementing strategies to reduce total energy use in facilities. The City of Albany has identified three projects that meet this stated purpose. They are:

City Hall – Retro-Commissioning of HVAC and Control Systems – to provide more accurate equipment operations, temperature control and scheduling resulting in reduced energy consumption. Project estimate: \$44,500

Albany Senior Center – Roof Top HVAC replacement- The building has a mixture of commercial and residential units that are nearing the end of their lifespan. This project would replace these units with an energy efficient system sized to heat and cool the building. Project estimate: \$100,000

City Hall – Server Virtualization Project – This would design and implement a virtual server environment to replace 10-12 stationary servers, reducing overall building energy consumption. Project estimate: \$45,000

Remaining monies will be used for monitoring and completing the extensive reporting required for this grant.

The application deadline is June 25, 2009. If awarded, grant funding would be available immediately.

Budget Impact:

If awarded, the FY 2009-2010 Facilities Maintenance budget would need to be amended.

Attachment: Resolution

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY OF ALBANY TO APPLY FOR A U.S. DEPARTMENT OF ENERGY (DOE) FOR AN ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) AND DELEGATING AUTHORITY TO THE CITY MANAGER TO SIGN THE APPLICATION.

WHEREAS, the American Recovery and Reinvestment Act of 2009 appropriates funding for the DOE to issue/award formula-based grants to local governments; and

WHEREAS, the City of Albany has been allocated \$201,500 from the EECBG program; and

WHEREAS, the purpose of the EECBG Program is to assist eligible entities in creating and implementing strategies to reduce total energy use in facilities; and

WHEREAS, the City of Albany has identified three projects as high-priorities that meet the stated purpose; and

WHEREAS, matching funds are not required.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Albany approves the submission of an application to the U.S. Department of Energy (DOE) for an Energy Efficiency and Conservation Block Grant (EECBG), and the City Manager to sign the application.

DATED AND EFFECTIVE THIS 13th DAY OF MAY, 2009.

Mayor

ATTEST:

City Clerk



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: *Edward Boyd*
Edward Boyd, Chief of Police
DATE: April 24, 2009 for the May 13, 2009 Council Meeting
SUBJECT: Apply for Justice Assistance Grant Funding
RELATES TO STRATEGIC PLAN THEME: • A Safe City
• An Effective Government

Action Requested:

Approve a resolution to authorize the Albany Police Department to apply for grant funding under the recently-approved Federal Stimulus Package (Recovery and Reinvestment Act of 2009) for law enforcement activities.

Discussion:

The recently approved Federal Recovery and Reinvestment Act of 2009 contains potential opportunities for the City of Albany Police Department to receive funds. Under the Byrne Justice Assistance Grant (JAG) program, we are eligible to receive \$30,000 for our law enforcement programs.

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds support all components of the criminal justice system. JAG-funded projects are intended to improve the effectiveness and efficiency of criminal justice systems, processes, and procedures.

JAG funds may be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, and contractual support, information systems for criminal justice, and criminal justice-related research and evaluation activities that will improve or enhance:

- Law enforcement programs.
- Prosecution and court programs.
- Prevention and education programs.
- Corrections and community corrections programs.
- Drug treatment and enforcement programs.
- Planning, evaluation, and technology improvement programs.
- Crime victim and witness programs (other than compensation).

Grants received under the JAG program are formula based and the allocation for each unit of government is predetermined under that formula. The Linn County allocation; which includes the Linn County Sheriff's Office, the City of Albany Police Department, City of Lebanon Police Department and City of Sweet Home Police Departments; is \$120,654.00 to be shared between the four agencies.

The Albany Police Department is planning to use our portion of the funding to make further improvements to our radio and communications system. We currently operate on two radio channels. The main channel is a repeated channel that works off a repeater in the north side of Albany at Gibson Hill. The second channel is a simplex channel that is not repeated. It can be used for on-scene personnel to communicate; however, other officers who are away from the scene will either not hear radio transmissions or they are very weak. We use channel two when we have to repair channel one or when working two active scenes at once. During a recent

April 24, 2009

incident, we were engaged in a foot pursuit where Dispatch had to rebroadcast all the information from the primary units on scene to responding cover units on two different channels.

Providing a repeater for channel two on Knox Butte (on the east side of Albany) would provide two distinct advantages. The first is that we would have two fully repeated channels and could work two scenes at the same time and all units would be able to hear no matter where they are located in the city. The second advantage would be improved radio coverage for incidents, such as pursuits, that take us to the city limits or outside. The additional repeater widens our radio coverage area and allows for additional communication options when needed.

Budget Impact:

With the Byrne JAG grant, the police radio system can be improved with no additional City General Fund monies.

egb

RESOLUTION NO. _____

A RESOLUTION IN SUPPORT OF APPLYING FOR FEDERAL STIMULUS PACKAGE (RECOVERY AND REINVESTMENT ACT OF 2009) FOR BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS UNDER FEDERAL APPLICATION NUMBER 2009-F8597-OR-SB.

WHEREAS, the recent Federal Recovery and Reinvestment Act of 2009 makes funds available through the Federal Stimulus Package for Byrne Memorial Justice Assistance Grant (JAG) programs; and

WHEREAS, the City of Albany Police Department was invited to apply for their portion (\$30,000) of the formula-based regional allocation (\$120,600); and

WHEREAS, the JAG grant will fund improvements to the City of Albany police radio and communications system; and

WHEREAS, grant acceptance will require no local matching funds; and

WHEREAS, Oregon Local Budget Law provides that expenditures in the year of receipt of grants, gifts, bequests, or devices transferred to the local government in trust for a specific purpose may be made after enactment of a resolution or ordinance authorizing the expenditure (ORS 294.326(3)).

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council does hereby state that improving police radiocommunication coverage is a priority for officer and community safety; and

BE IT FURTHER RESOLVED that the Albany City Council authorizes the Albany Police Department to apply for Federal Stimulus Package (Recovery and Reinvestment Act of 2009) Byrne Memorial Justice Assistance Grant (JAG) funds, under Federal Application Number 2009-F8597-OR-SB.

BE IT FURTHER RESOLVED that the \$30,000 will be appropriated in the Fiscal Year 2009-2010 budget.

DATED AND EFFECTIVE THIS 13TH DAY OF MAY 2009.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantors

Purpose

KELLER DEVELOPMENT COMPANY, INC.

A temporary access easement over properties that will be platted as the proposed Clairewood Subdivision.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 13TH DAY OF MAY 2009.

Mayor

ATTEST:

City Clerk

TEMPORARY ACCESS EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 4 day of May, 2009, by and between Keller Development Company, Inc., hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, an easement and right-of-way, including the right to enter upon the real property hereinafter described, and to maintain and repair public utilities for the purpose of conveying public utilities services over, across, through, and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said public utilities and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public utilities.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:

A temporary access easement over the following parcels in their entirety:

That parcel conveyed to Keller Development Company, by deed recorded in the Benton County Deed Records M403356-06, shown on Benton County Assessor's Map 10S04W35AB, Tax Lot 00201, and as shown on the attached Exhibit A;

Those parcels conveyed to Keller Development Company, by deed recorded in the Benton County Deed Records M421128-07, shown on Benton County Assessor's Map 10S04W35AB, Tax Lots 00500 and 00600, and as shown on the attached Exhibit A.

2. The temporary access easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes. This temporary access easement shall expire upon the filing of the final plat of the Clairewood Subdivision.
3. The easement granted is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above-described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the City shall return the site to original or better condition.

IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

GRANTOR: Keller Development Company, Inc.

Rodney J Keller
Rodney J Keller
Rodney J Keller
President

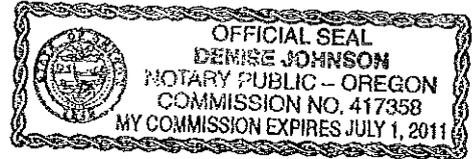
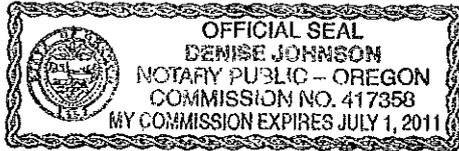
Barbara S Keller
Barbara S. Keller
Barbara S Keller, Secretary
Secretary

STATE OF OREGON
County of Linn

STATE OF OREGON
County of Linn

The instrument was acknowledged before me this 4 day of May, 2009, by Rodney J, Keller, as President of Keller Development Company, Inc.

The instrument was acknowledged before me this 4 day of May, 2009, by Barbara S. Keller, as Secretary of Keller Development Company, Inc.



[Signature]
Notary Public for Oregon
My Commission Expires: July 1, 2011

[Signature]
Notary Public for Oregon
My Commission Expires: July 1, 2011

CITY OF ALBANY:

STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number _____, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day of _____ 2009.

City Manager

ATTEST:

City Clerk

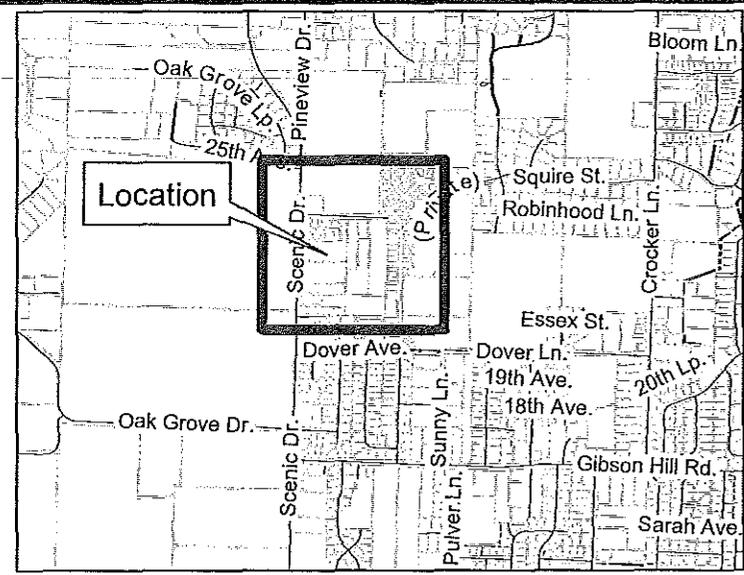


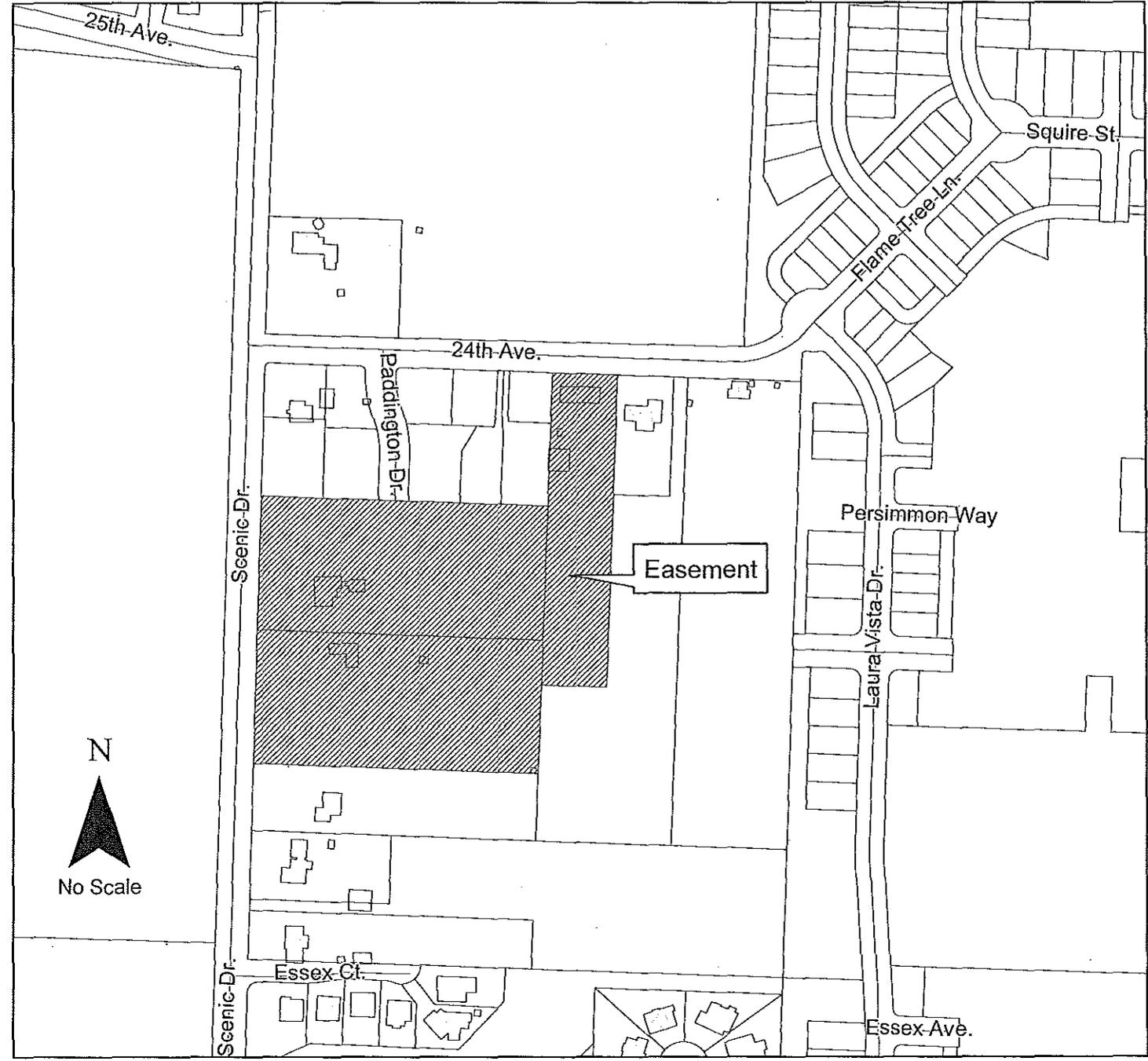
EXHIBIT A

10SO4W35AB00201
 10SO4W35AB00500
 10SO4W35AB00600

A temporary access easement over the described parcels.



Geographic Information Services





TO: Albany City Council
VIA: Stewart Taylor, Finance Director *ST*
FROM: Linda Booth, Parks & Recreation Clerk III
DATE: May 6, 2009, for the May 13, 2009 City Council Meeting
SUBJECT: Annual Liquor License Renewals

RELATES TO STRATEGIC PLAN THEME: • A Safe City

Action Requested:

Council approval for these annual liquor license renewals

Discussion:

Following is a list of businesses that have submitted an application for liquor license renewal. These businesses have paid their fees.

BAILEY'S ON ELM	831 ELM ST SW
BI-MART #606	2272 SANTIAM HWY
DARI MART STORE #21	1005 W QUEEN AVE
DARI MART STORE #22	105 CLOVER RIDGE RD
DARI MART STORE #23	1670 HILL ST SE
DEPOT RESTAURANT	822 S LYON ST
ELMER'S BREAKFAST LUNCH DINNER	2802 SANTIAM HWY
FOX DEN EATERY	2224 SANTIAM HWY SE
SMOKEHOUSE CAFÉ	1167 WAVERLY DR SE
THE FOX DEN EATERY	249 PACIFIC BLVD SE
IN & OUT MARKET	1737 SALEM AVE SE
IZZY'S PIZZA BAR CLASSIC BUFFET	2115 PACIFIC BLVD SW
JACK'S TRUCK STOP	4196 SANTIAM HWY SE
LINGER LONGER TAVERN	145 MAIN ST SE
MA'S DAIRY FARM	3411 S PACIFIC BLVD
MEXICO LINDO II	637 HICKORY ST #130
PING'S GARDEN	1206 9 TH AVE SE
PIZZA KING OF ALBANY	231 LYONS ST
RITE AID #5365	1235 WAVERLY DR SE
RIVERVIEW MONGOLIAN GRILL	2125 PACIFIC BLVD
STOP & GO MARKET	628 ELLSWORTH SW
TAQUERIA ALONZO	250 BROADALBIN SW #107

Budget Impact:

Revenue of \$770

lb



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: John R. Bradner, Fire Chief *JB*
DATE: May 7, 2009, for the May 13, 2009, City Council Meeting
SUBJECT: 2009 Assistance to Firefighters Grant

RELATES TO STRATEGIC PLAN THEME: ● A Safe City

Action Requested:

Approval from the City Council by resolution to apply for the 2009 U.S. Department of Homeland Security Assistance to Firefighters Grant not to exceed \$100,000 to purchase a new brush/attack firefighting response vehicle.

Discussion:

The Fire Department currently has two brush/attack firefighting response vehicles. One is a 1997 Ford F350 that was purchased new by Albany Rural Fire District for the City of Albany, and the other is a 1990 Ford F350 that was purchased used from the Oregon Department of Forestry in 1996. The older vehicle is quickly approaching its 20-year life expectancy as an emergency response vehicle and the maintenance costs are increasing each year.

Conventional funding through the City's Equipment Replacement Fund is not a viable option for the full cost of replacing this vehicle at this time. Equipment replacement for Fire Department vehicles is significantly underfunded and the need to replace more critical emergency response vehicles takes precedence.

The 2009 U.S. Department of Homeland Security Assistance to Firefighters Grant Program allows funding for firefighting equipment acquisition, which encompasses emergency response vehicles. The application period for the grant ends May 20, 2009.

Budget Impact:

A ten percent match (up to \$10,000) is required and would be paid from the City's Equipment Replacement Fund for emergency response vehicles.

JB:ljh
Attachment

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE FIRE DEPARTMENT TO APPLY FOR FUNDS NOT TO EXCEED \$100,000 THROUGH THE U.S. DEPARTMENT OF HOMELAND SECURITY ASSISTANCE TO FIREFIGHTERS GRANT TO PURCHASE A NEW BRUSH/ATTACK FIREFIGHTING VEHICLE.

WHEREAS, the Fire Department currently has two brush/attack firefighting vehicles; and

WHEREAS, one is a 1990 Ford F350 which is nearing its 20-year life expectancy as an emergency response vehicle and requiring increased maintenance costs; and

WHEREAS, the City of Albany Equipment Replacement Fund is not a viable option at this time for the full cost of replacing the 1990 Ford F350; and

WHEREAS, the U.S. Department of Homeland Security is providing funds through the Assistance to Firefighters Grant program for firefighting equipment acquisition, which encompasses emergency response vehicles; and

WHEREAS, the application period for this grant ends May 20, 2009.

NOW, THEREFORE, BE IT RESOLVED the Albany City Council authorizes the Fire Department to apply for up to \$100,000 from the Assistance to Firefighters Grant through the U.S. Department of Homeland Security to purchase a new brush/attack firefighting vehicle.

DATED AND EFFECTIVE THIS 13TH DAY OF MAY, 2009.

Mayor

ATTEST:

City Clerk



TO: Albany City Council

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

FROM: Mark W. Shepard, P.E., Assistant Public Works Director / City Engineer *MWS*
Staci Belcastro, P.E., Civil Engineer III *SB*

DATE: May 6, 2009, for the May 13, 2009, City Council Meeting

SUBJECT: WTP-09-02, Vine Street Chemical Building Seismic Upgrades and Operator Room Remodel

RELATES TO STRATEGIC PLAN THEME: • A Safe City

Action Requested:

Staff recommends that Council award this contract in the amount of \$215,040 to Baldwin General Contracting, Inc. of Albany, Oregon.

Discussion

On Tuesday, May 5, 2009, bids were opened for WTP-09-02, Vine Street Chemical Building Seismic Upgrades and Operator Room Remodel. There were 8 bids submitted for this project, ranging from \$215,040 to \$274,735. The Engineer's estimate was \$260,000. A bid summary is included as Attachment 1.

Project Description

This project includes a seismic upgrade to the Chemical Building located at the Vine Street Water Treatment Plant (WTP). In addition to the seismic upgrade, work includes remodeling a storage room in the Chemical Building in order to create a new lab and operator room. This work is necessary in order to move operators out of the Control Building. A map of the Vine Street Treatment Plant buildings is included as Attachment A.

Background – FEMA Grant

Improvements to the Chemical building is the first step in completing seismic upgrades to the Vine WTP. The seismic upgrade project was initiated when the City received a grant in the amount of \$914,821.50 from Oregon Emergency Management (OEM) and the Federal Emergency Management Agency (FEMA) in August 2007. The grant requires a City match of \$304,940.50, which was budgeted through the CIP process in the Water System Capital Projects Funds.

Revised Project Scope

The original project scope was revised and funds re-allocated at the September 24, 2008, City Council Meeting when it was determined there would not be adequate funds to complete a full seismic retrofit to the WTP. Staff worked with OEM and FEMA to develop a revised project scope that could be completed without the need for additional funds and would still meet the intent of the original project defined in the grant application. The purpose of the original project was to be able to make water within 96 hours of an earthquake and to protect WTP staff. The revised project scope discussed at the September 24, 2008, Council Meeting and approved by OEM and FEMA is as follows:

1. Eliminate improvements to the Control Building, Old Filter Building, and Soda Ash Building from the project scope because these facilities cannot be upgraded to meet the life safety objective. These buildings could be considered for other grants in the future.

2. Construct an operator's control room in the Chemical Building because this building can be upgraded to meet the life safety objective.
3. Move the Environmental Services work group and Instrumentation and Control staff that are housed at the Vine Street Plant to a new modular office space to be created at the Public Works Operations Facility.
4. Emergency backup equipment will be purchased to provide a setup for temporary emergency disinfection in the event that the Soda Ash building is destroyed in an earthquake. The equipment would include a metering pump and additional totes to hold sodium hypochlorite in an emergency.
5. Funds that were identified to retrofit the Soda Ash Building would be used to fund the construction of the new WTP operator's office space, purchase emergency disinfection equipment, and to relocate the Environmental work group.

The remaining improvements described in the revised project scope will be completed during the fall/winter 2009/2010.

Summary of Total Estimated Project Costs

Based on the project bid and anticipated related costs, a summary of the total estimated project cost is shown in the table below. The amounts have been rounded to the nearest \$100.

Project Components	Estimated Cost
I. Costs	
a. Consultant Design Engineering	\$ 52,000
b. Consultant Construction Engineering	\$ 15,000
c. City Engineering	\$ 10,000
<i>Engineering Subtotal</i>	\$ 77,000
II. Construction Costs	
a. Construction Contract	\$ 215,000
b. Contingency (10%)	\$ 21,500
<i>Construction Subtotal</i>	\$ 236,500
III. Other Costs	
a. Building Permit	\$ 7,000
b. Electrical	\$ 12,000
a. Testing	\$ 12,000
<i>Subtotal</i>	\$ 31,000
<i>Total Estimated Project Cost</i>	\$ 344,500
<i>Estimated Budget Remodel Chemical Building Remodel (September 24, 2008 Council Meeting)</i>	\$ 350,000
<i>Estimated Budget Seismic Upgrade Chemical Building (September 24, 2008 Council Meeting)</i>	\$ 112,900
<i>Under/(Over) Project Budget</i>	\$ 118,400

This project will be funded from Vine Street Water Treatment Plant Seismic Upgrades (615-50-2205) and the Water System Capital Projects (605-50-2308).

SLB:kw
Attachments

ATTACHMENT 1

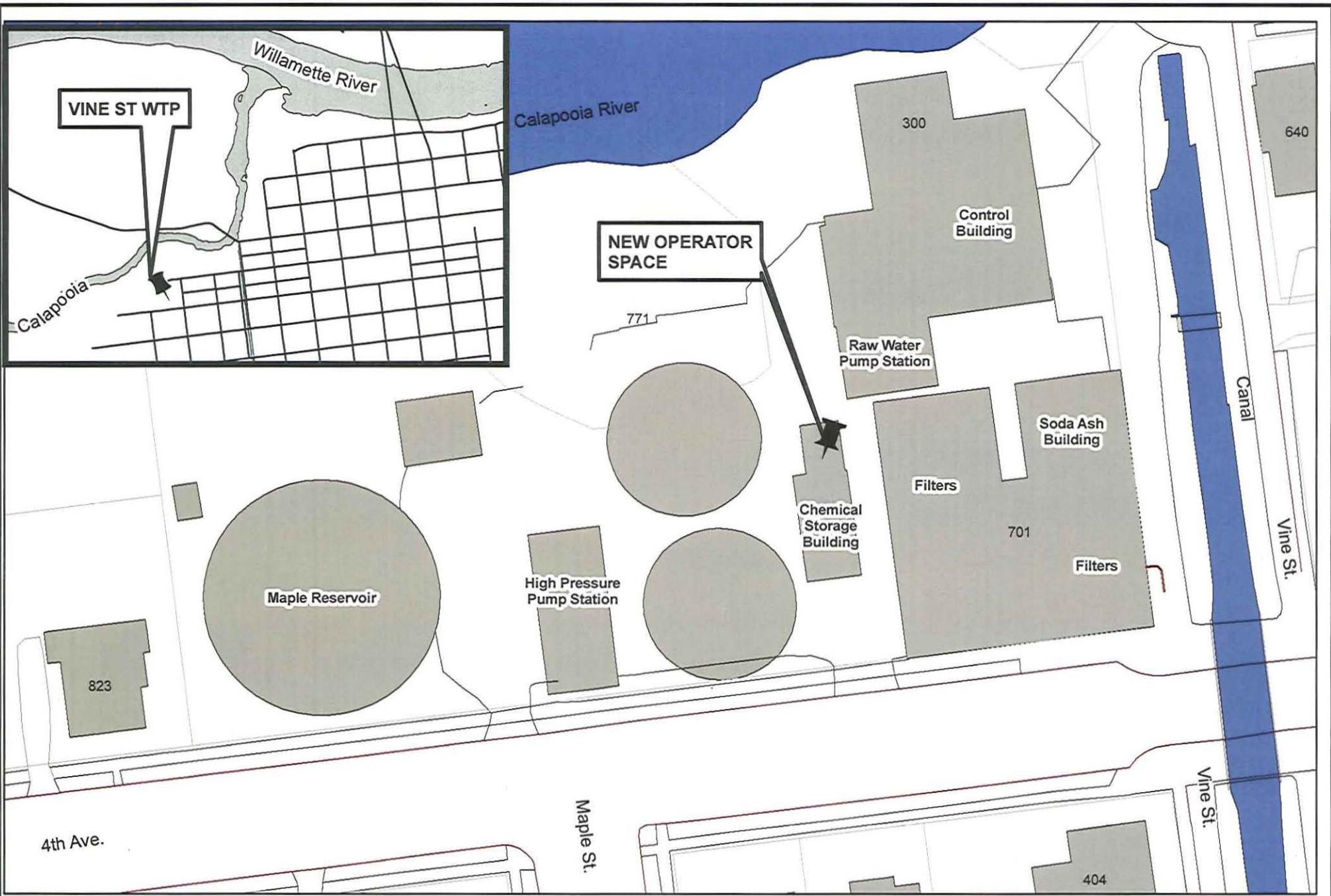


**CITY OF ALBANY, OREGON
Public Works Department
Construction Contract Bids**

Project: WTP-09-02, Vine Street Chemical Building
Seismic Upgrades and Operator Room Remodel

Bid Opening: May 5, 2009, 2:15 p.m.

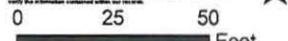
Engineer's Estimate	Baldwin General Contracting	Colamette Construction	MPP Piping Inc.	First Cascade Corp	Triad Mechanical	Ti Tech LLC	Woodburn Const.	Rodriguez Corp.
\$260,000	\$215,040	\$218,013	\$228,115	\$245,777	\$247,826	\$252,450	\$257,359	\$274,735



WTP-09-02, Chemical Building Seismic Upgrade and Operator Room Remodel

 The City of Albany's information, reports, and other documents have been published over many decades, using different standards for quality control, organization, and content. All the information presented here is the information that is currently available to the public. While the information provided is generally believed to be accurate, we cannot guarantee its accuracy or that it is the most current. Please verify the information provided. For more information, please contact the City of Albany at 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917-7676.

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SITE MAP
Attachment A
 City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917-7676



TO: Albany City Council

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

FROM: Mark W. Shepard, P.E., City Engineer *MWS*
Chris Cerklewski, P.E., Civil Engineer III *CLC*

DATE: May 6, 2009, for the May 13, 2009, City Council Meeting

SUBJECT: Award of Bid for WL-09-02, 4th Avenue Area Water Line

RELATES TO STRATEGIC PLAN THEME: A Safe City

Action Requested:

Staff requests that Council award this contract in the amount of \$293,058 to the low bidder, Tetra Tech Construction Services Inc. of Cornelius, Oregon.

Discussion:

On Tuesday, April 28, 2009, bids were opened for WL-09-02, 4th Avenue Area Water Line. There were 14 bids submitted for this project, ranging from \$293,058 to \$483,831.72. The Engineer's estimate was \$397,600. A bid summary is attached as Attachment 1.

Project Description

This project includes construction of approximately 2,000 linear feet of 8-inch and 1,150 linear feet of 12-inch ductile iron water line. The 12-inch water line is adjacent to commercial property on 4th Avenue. The construction of the new water lines will replace existing 3-inch, 4-inch, and 6-inch water lines that frequently require maintenance to repair leaks. In addition to the new water line construction, this project will include construction of new water services and fire hydrants. These new water mains will significantly improve the available fire flows in the project area. Attachment 2 is a project vicinity map.

Summary of Total Estimated Project Costs

Based on the project bid and anticipated related costs, a summary of the total estimated project cost is shown in the table below. The amounts have been rounded to the nearest \$100.

Project Components	Estimated Cost
I. Costs	
a. Engineering	\$26,300
b. Construction Management	\$20,000
<i>Engineering Subtotal</i>	\$46,300
II. Construction Costs	
a. Construction Contract	\$293,100
b. Contingency (10%)	\$29,300
c. Other Construction Costs	\$10,000
<i>Construction Subtotal</i>	\$332,400
<i>Total Estimated Project Cost</i>	\$378,700
<i>Project Budget</i>	\$473,000
<i>Under/(Over) Project Budget</i>	\$94,300

Budget Impact:

This project will be funded from Water System Capital Projects (615-50-2308).

CLC:kw
Attachment



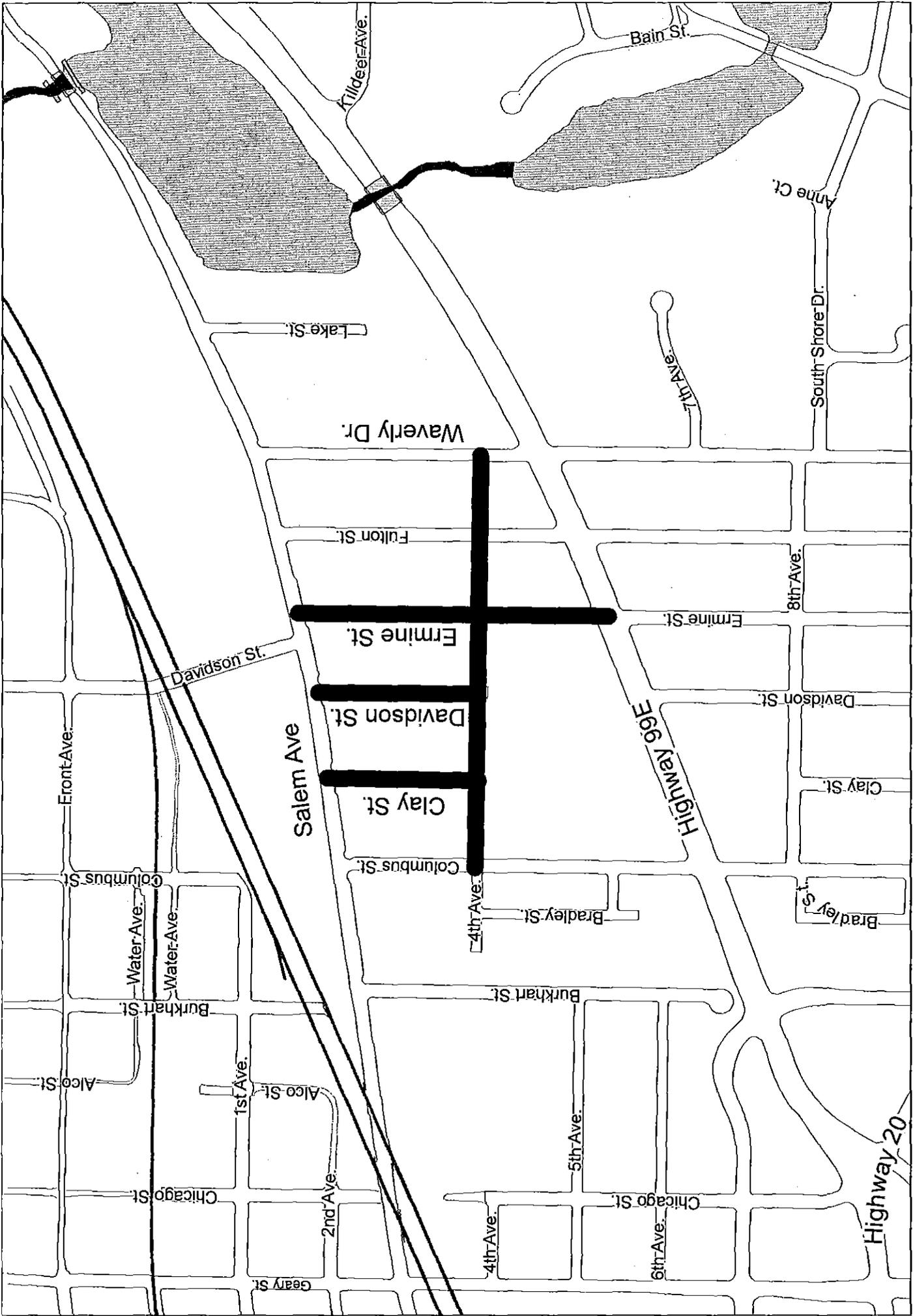
CITY OF ALBANY, OREGON
Public Works Department
Construction Contract Bids

Project: WL-09-02, 4th Avenue Area Water Line

Bid Opening: Tuesday, April 28, 2009

Engineer's Estimate	Tetra Tech Construction Services Inc.	Pacific Excavation	Werbin West Contracting	R & D Construction	Camrock Excavation Inc.	Tundra Services Inc.
\$397,600	\$293,058	\$328,420	\$330,920	\$335,763.45	\$340,270.00	\$353,841.20

Canby Excavating	Emery & sons Construction	Edge Sand & Gravel	R & R General Contractors	Excel Excavation	Gelco Construction	Carter & Company	Sullivan Construction
\$362,000	\$366,265	\$381,028	\$395,455	\$412,495	\$418,660	\$469,362	\$483,831.72



ATTACHMENT 2: WL-09-02, 4TH AVENUE AREA WATER LINE





TO: Albany City Council

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

FROM: Mark W. Shepard, P.E., Assistant Public Works Director / City Engineer *MWS*

DATE: May 6, 2009, for the May 13, 2009, City Council Meeting

SUBJECT: ST-07-03, 53rd Avenue Roadway and Bridge Improvements

RELATES TO STRATEGIC PLAN THEME: ● Great Neighborhoods
● Effective Government

Action Requested:

Staff is seeking direction from Council on whether to move forward with finalizing the design of ST-07-03, 53rd Avenue Roadway and Bridge Improvements and completing some additional work that would be required for the project to be eligible for federal funding.

Discussion:

Design and Permitting Completion

In November of 2008, the City received word from Gatorade that they were not going to locate their planned plant in Albany in accordance with the Development Agreement they had entered into. At the time of this notice, the design for the roadway and bridge was more than 95 percent complete. Staff believes that it would be a good investment to complete the design, obtain the required permits, and acquire some of the right-of-way needed for the project. The design work for the project can be completed within the existing contract budget that the City has with OBEC Consulting Engineers. There will be some additional costs associated with obtaining a wetland permit. This is due to a change in the wetland permit process that was made by the Oregon Division of State Lands in March of 2009. These new requirements will necessitate additional work that is not covered as part of our current agreement. This additional work is estimated to cost \$4,000.

Right-of-way Acquisition

The City must acquire right-of-way from four property owners on the southeast end of the project in order to construct the improvements. The City had completed appraisals and had entered into negotiations with the property owners for this right-of-way before Gatorade notified the City they did not plan to move forward. Completing acquisition of this property would assist in making the project ready for bidding should funding become available for the project. In addition, purchase of the right-of-way will remove uncertainty that these property owners have about the status of their property. It is estimated that acquisition of this property would cost approximately \$100,000.

The larger areas of property required for right-of-way from Mr. Epping and Wilt/Plemmons will be acquired at the time that the project moves forward with identified funding. Staff believes that past negotiations and discussions with these two property owners will allow the right-of-way to be acquired quickly from these property owners should funding become available.

Federal Funding Eligibility

In order to be eligible for federal funding, projects must meet significant regulatory and permitting requirements outlined by the federal government. Many of these requirements are above and beyond requirements that local or state funded projects are required to meet. Staff

believes that it would be a good investment to perform the additional work required to make this project eligible for federal funding. This will provide an additional avenue for potential alternative funding for this project.

The recent American Reinvestment and Recovery Act (ARRA) is an example of potential federal funding for this project. The 53rd Avenue project was not a candidate for the first round of ARRA funding since it was not ready to go as a federal project and could not have been made eligible for federal funds within the schedule requirements of the ARRA funds. However, there is a possibility that there will be more ARRA funds available in the future if other communities in Oregon or other states are not able to use their allotment of ARRA funds within the required time line. There is also a possibility that this project could be included in some other federal funding process.

Staff has worked with OBEC Consulting Engineers to identify what it would take to make the 53rd Avenue project eligible for federal funds. OBEC has experience working on federally-funded projects, and was able to scope the additional work that would be required. The estimated cost to make this project eligible for federal funding is \$50,000.

Staff Recommendation

Staff recommends that Council authorize completing the project design, permitting, and small property right-of-way acquisition. Staff further recommends that the investment be made to make this project eligible for federal funding. Completing the design, permitting, right-of-way acquisition, and federal requirements will make this project ready to proceed when funding becomes available. Having the project ready to move forward to construction is likely to make the SVC property more attractive to potential industrial customers and make the property more marketable. It would be in the public's interest to have this industrial-zoned land developed, and it would be in SVC's interest to be able to sell the property for its highest and best price.

Budget Impact:

The following table identifies the costs associated with several options of moving forward with the design and permitting of this project. The budget impact varies depending on what direction Council provides.

<i>Item</i>	<i>Estimated Value</i>
Complete the Design and Permitting to Make Project Bid Ready	\$59,000
Acquire Right-of-way from Small Property Holders	\$100,000
Complete Steps to Make the Project Eligible for Federal Funding	\$50,000
Total	\$209,000
Current Balance of 53 rd Ave. Capital Funds	\$737,100
Remaining Balance	\$528,100

There is currently a balance of \$737,100 in the 53rd Ave. Bridge/Roadway Capital Fund (402-50-2013). These funds represent the balance of funds that were deposited in this fund from the City's Transportation System Development Charges Fund and from Linn County for the design of the project. The Linn County funds were received as part of an Intergovernmental Agreement in which the City took over jurisdiction of portions of Ellingson Road, Lochner Road, and Columbus Street. As can be seen in the table, there are adequate funds to complete this work.

MWS:kw