

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, May 27, 2009
7:15 p.m.

MINUTES

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

Councilors present: Councilors Jeff Christman, Bill Coburn, Bessie Johnson, and Dick Olsen

Councilors absent: Councilors Ralph Reid Jr. and Floyd Collins

ARTS AWARDS

Recreation Coordinator Joy Gilliland said there were approximately 50 submissions at this fourth annual teen art show. Gilliland said this year included some of the best work yet and the seven member Art's Commission had a difficult time picking a winner.

Gilliland announced the winners of the Art Show:

- Third Place: Ryan Prouty for "Freight"; awarded \$50.
- Second Place: Kasey Bowman for "Flaws of Humanity"; awarded \$75.
- First Place: Jim Chewa for "Tiger In Me"; awarded \$100.

Gilliland announced the People's Choice Award winner, Kasey Bowman, for "Flaws of Humanity."

Next year's show will be in May and will be located at City Hall or at the new Library.

SPECIAL PRESENTATION

Planner II Anne Catlin said the theme for the 2009 Albany Preservation Awards is "This Place Matters!" Catlin first acknowledged participants in the residential rehabilitation grant program for 2008.

Catlin gave a PowerPoint presentation (see agenda file).

Konopa handed out the awards to the winners of the 2009 Albany Preservation Awards:

- Skip Throop and Nancy Dunn
- Jeff and Christian McCaulou
- Glenna Burnap
- Jeff Cosby
- Derryl and Jennifer James
- William Martinez
- Tim Vaughan
- Brass Ring volunteers

The Brass Ring volunteers were recognized.

Catlin asked the Landmarks Advisory Commission to stand and be recognized for their hard work.

Catlin explained that a scavenger hunt was published in the *Albany-Democrat Herald*. All participants who answered the questions correctly were entered into a drawing.

Konopa drew three winners:

- Lori and Hannah Melton won a new tote bag from the Albany Visitors Association.
- Mrs. Spires won a book about Oregon architecture by Roz Keeney.
- Beverly Haven won a historic Albany necklace.

The Council thanked Catlin for her work with historic neighborhoods.

PROCLAMATION

Neurofibromatosis Month

Konopa read the proclamation recognizing May as Neurofibromatosis Month (see agenda file).

SCHEDULED BUSINESS

Business from the Public

Corey Barton, 823 Walnut Street, read a letter regarding zoning language changes to address Bailey's, a neighborhood bar (see agenda file).

Councilor Dick Olsen asked staff to outline procedures for requesting a zone change. Community Development Director Greg Byrne said the application comes to the Community Development Department for review. There is a fee involved. The Planning Commission and staff make a recommendation to the Council, and the Council makes the decision, since the changes would involve an ordinance and a change to the Albany Development Code (ADC). Olsen asked, would staff accept a petition and if so, what should the petition contain? Byrne said yes, it would be accepted. A petition should request a change in conformance with the Comprehensive Plan.

Amanda Engel, 825 Walnut Street, wished to speak. She is here as a resident in the district where Bailey's is located. She said it is a problem that is not just impacting one resident, but rather the whole neighborhood. She said she has "drunk" people walking past her bedroom window, carrying on loud conversations and laughing. The Police have to be present much more now. She has had to call the Police to have them come out several times. Once she was walking to the corner to pick up her newspaper and as she was walking, six cops pulled into the entrance of Bailey's. The Police Officer pumped his shotgun. She said it creates a very insecure feeling to have this happen so close to her home. She does not feel safe or comfortable having a bar so close to her house. She said, please take this into consideration for future zoning decisions.

Adoption of Consent Calendar

- 1) Approval of minutes
 - a) April 6, 2009, City Council work session
 - b) April 27, 2009, City Council work session
- 2) Approving a survey to gather resident satisfaction information about the City of Albany.
- 3) Approving liquor licenses for:
 - a) Bamboo Diner, Inc., 210 First Avenue W
 - b) Rosie Family Mexican Restaurant, 1727 Hill Street SE
 - c) Annual liquor license renewals
- 4) Approving an application for the 2009 Bulletproof Vest Partnership Grant that reimburses jurisdictions up to 50 percent of replacement expenses for bulletproof vests. RES. NO. 5776
- 5) Accepting Oregon Department of Transportation Funds in the amount of \$4,000 to purchase two MPH Bee III radar measurement devices. RES. NO. 5777
- 6) Accepting an easement from Charles H. Howarth. RES. NO. 5778
- 7) Accepting a right-of-way dedication from the City of Albany. RES. NO. 5779
- 8) Accepting State Grant Agreements 25616 and 25708, Rural and Small Urban Area (FTA Section 5311), 2009 American Recovery and Reinvestment Act (ARRA) Capital. RES. NO. 5780

MOTION: Councilor Bill Coburn moved to adopt the Consent Calendar as presented. Councilor Bessie Johnson seconded the motion and it passed 4-0.

Note: item 8), State Grant Agreements 25616, is incorrect. The correct number is 25615.

Report

Strategic Plan for FY 2010 through FY 2014

Color copies of the Strategic Plan (SP) were on the dais (see agenda file).

City Manager Wes Hare commended Management Systems Director Bob Woods for his supervision of the SP update. The SP was initially adopted in 2004 and was a great first step towards articulating the City Council's long-term goals. Hare said, it is rewarding to be able to identify items from the original plan that have actually been completed.

Hare said, the updated SP addresses the document's weaknesses and improves the goals, by incorporating ICMA measurements to enhance the quality of data and comparisons to other jurisdictions. There is also a performance measurement element in our Budget which has been incorporated into this draft SP.

Hare said, one area we are trying to address, "accountability", is a result of a seminar attended by Councilors Johnson and Christman. This is a different way of goal setting, showing long-term vision for our community.

Hare said it is important that the SP reflects reality. We have seen changes in Albany as well as on the national level in terms of financial viability. As the Council reviews the SP, they may notice that some of the goals listed under Community Development, for example, will be difficult to achieve in a time when their staff is facing reduced hours and/or layoffs. There is simply not enough revenue. The city of Salem has laid off half of their building department staff already. In fact, reductions to building staff seem to be consistent throughout the state.

Woods praised Graphics & Web Specialist Matt Harrington for improving the format of the SP document.

Woods said staff looked at specific goals and tried to be realistic about what can be done in times of economic stress. Every objective has a measure. In several areas the Council may wish we could do more, but the SP is reflective of the limited resources available. There are some areas over which we have no control, so instead we tried to focus on areas where we do have some control.

Hare added that there were some elements of previous SP's that were more akin to a "wish list", with no reference to how we could get there or if we even wanted to. This plan on the other hand, identifies what we want to, and what we think we can, achieve. When revisions are complete, the SP should be a reflection of the things that the Council feels, as elected representatives, are the most important to the community.

Christman said he really likes how this document is structured. It includes time frames and measurable numbers, which are necessary to indicate what we are accomplishing. He suggested creating a list of priorities to facilitate the Council in making decisions to redirect resources based on circumstances. Then if there are areas the Council feels are not a priority, staff can make those changes. Discussion followed.

Woods said, some measures are ICMA benchmarking measures. These benchmarks are commonly referred to among agencies now.

Hare said, key staff are in the second week of Green Belt-Six Sigma training, which teaches employees to do a better job of gathering data, understanding it, and using it appropriately. Woods said, measurements drive behavior.

Hare said, the next step is a work session to receive the Council's changes and comments. The SP will also become more integrated into the Budget document.

BUSINESS FROM THE COUNCIL

Councilor Jeff Christman asked for an explanation of why six police cars responded to the call at Bailey's. Staff will find out and get back to Christman.

Olsen asked for a staff report on the situation at Bailey's. Community Development Director Greg Byrne said that invitations went out just yesterday for a neighborhood meeting on June 1, 2009, at 6:30 p.m., in the Willamette Room at City Hall. The goal of the meeting is to come up with some short-term solutions. If staff believes the situation warrants long-term changes, they will make recommendations to the Council. Olsen said he would be unable to attend that meeting.

City Attorney Jim Delapoer said if the outcome of the meeting might be a zone change, then the Council should refrain from participating in order to avoid ex parte communication. He cautioned the Council from attending small meetings where both sides of an issue are not present, where there is no staff report, etc. The Council's communication with staff is not ex parte, but conversations at neighborhood meetings that pertain to specific zoning topics, could be.

Delapoer said, generally the property owner initiates a zone change, but the Council could initiate one. In this case there was a change in the operating characteristics of the establishment, not the zoning; in fact, this property has been occupied by a bar in the past.

Coburn asked staff to explain to the attendees of the neighborhood meeting the reason why the Council cannot attend. They need to understand why the Council cannot participate at this juncture.

Christman said, if we do make changes we need to be very careful; there are other establishments in town with full liquor licenses that serve food, also located in neighborhoods. Our decisions could have unintended consequences for other establishments in town.

Olsen asked, what can the Council do if this establishment becomes a nuisance? Hare said, if they are violating the law, there is recourse with OLCC and the police. But for periodic complaints of too much noise that we hear about after the fact, it is difficult for us to do anything.

Delapoer noted other types of incompatible use complaints the City receives, including noisy basketball courts, softball lights in fields shining in windows, etc. There are many different scenarios, so the Council should proceed cautiously.

Coburn asked for an update on fees the City pays for accepting payments from its customers by credit card. Taylor has contacted Linn County and will be meeting with representatives next week to see how they avoid the fees. He has also contacted other cities, and Albany's merchant service provider through Wells Fargo.

Coburn asked for an update on the SVC lawsuit. Delapoer said that the lawsuit is in the early part of discovery proceedings. Pending motions will be heard in July and the trial will likely be set in about a year. This is actually fairly aggressive progress for a case of this type.

Johnson will be gone June 7-14.

Johnson received a call about cats. Hare ended up taking the call and offered suggestions, though with the information he received there did not appear to be a violation of an ordinance.

Hare gave an update about the acquisition of a building for the future police station. Hare said Police Chief Ed Boyd toured the facility with the project manager who was involved with Lebanon's new police station. Overall, the project manager was confident the facility could be converted to a police station. The cost of remodeling varies from \$125- \$150 a square foot, and new construction in our area costs from \$225 - \$250 a square foot (not including property purchase). Hare said Boyd also looked at ingress and egress. The Oregon Department of Transportation said there is no possibility of a light on Pacific Boulevard, however there may be other options for expanding the entrance. Hare said Boyd would like direction from the Council about whether or not he should continue researching the facility or not.

Christman asked what the funding options are. Finance Director Stewart Taylor said he has investigated the market and received quotes from underwriters. The market is supporting a 5.4% rate right now. Taylor and Boyd have informally discussed funding sources, though there is not a readily identifiable funding source yet.

CONSENSUS: The consensus of the Council was to direct Boyd to continue evaluating the relocation of the Police Station.

NEXT MEETING DATE: Work Session – Monday, June 8, 2009, at 4:00 p.m., in the Municipal Court Room
 Regular Session – Wednesday, June 10, 2009, at 7:15 p.m., in the Council Chambers

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:39 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC
Deputy City Clerk

Stewart Taylor
Finance Director